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# Government Gazette

## Staatskoerant

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KAAPSTAD, 18 JUNIE 1951.**

**PRYS 6d. [No. 4634.]**

### OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 1498.] [18th June, 1951.]

It is hereby 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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### KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermmentskennisgewing word ter algemen inligting gepubliseer:—

No. 1498.] [18 Junie 1951.]

Hierby word bekendgemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette wat hierby ter algemene inligting gepubliseer word:

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No. 45, 1951.]

# ACT

## To amend the Marketing Act, 1937, and the Marketing Amendment Act, 1946.

(Afrikaans text signed by the Governor-General.)  
(Assented to 15th June, 1951.)

**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 1 of Act 26 of 1937, as amended by section 1 of Act 19 of 1938, section 1 of Act 12 of 1941, and section 1 of Act 50 of 1946.

1. Section *one* of the Marketing Act, 1937 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion after the definition of "by-product" in sub-section (1) of the following definition:  
" 'class', in relation to any product, includes any kind or variety of such product;";
- (b) by the deletion in the definition of "Minister" in that sub-section of all the words after the word "Agriculture";
- (c) by the substitution in the definition of "producer" in that sub-section for all the words after the word "and" of the words "for the purposes of a scheme for milk or cream intended for human consumption in the form of milk or cream, or for the manufacture of ice cream or of any other article other than dairy produce as defined in the Dairy Industry Act, 1918 (Act No. 16 of 1918), any person who produces any such product anywhere for sale in the area in respect of which the scheme is proposed or in which it applies, shall be deemed to be a producer of such product in that area";
- (d) by the deletion in that sub-section of the definition of "producers' committee";
- (e) by the insertion in paragraph (b) of the definition of "product" in that sub-section after the word "seed" of the words "sunflower seed";
- (f) by the insertion in paragraph (c) of the definition of "product" in that sub-section after the word "cheese" of the words "(including process cheese)";
- (g) by the insertion after paragraph (f) of the definition of "product" in that sub-section of the following paragraph:  
"(g) any other commodity which the Governor-General may by proclamation in the *Gazette* declare to be a product for the purpose of this Act;";
- (h) by the substitution in the proviso to paragraph (d) of sub-section (2) for the words "milk and cream intended for consumption in the fresh state" of the words "milk or cream intended for human consumption in the form of milk or cream";
- (i) by the deletion of the word "and" at the end of paragraph (e) of that sub-section and the addition at the end of that sub-section of the following paragraph:  
"(g) a product shall be deemed to be the subject of an Act specified in the Schedule to this Act, if the Governor-General has, by proclamation in the *Gazette*, conferred upon the board established under that Act the power to submit to the Minister a proposed scheme under sub-section (1) of section *seventeen* relating to that product.";

and

- (j) by the addition at the end of the section of the following sub-section:

"(3) Every proclamation issued by virtue of paragraph (g) of the definition of 'product' in sub-section (1) shall be laid upon the Tables of both Houses of Parliament within fourteen days after the date of

No. 45, 1951.]

# WET

Tot wysiging van die Bemarkingswet, 1937, en die Wysigingswet op Bemarking, 1946.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 15 Junie 1951.)

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

1. Artikel een van die Bemarkingswet, 1937 (hieronder die Hoofwet genoem), word hiermee gewysig—
  - (a) deur na die woordskrywing van „neweproduk” in sub-artikel (1) die volgende woordskrywing in te voeg:  
„,klas’, met betrekking tot ’n produk, ook ’n soort of variëteit van daardie produk;”;
  - (b) deur in die woordskrywing van „Minister” in daardie sub-artikel al die woorde na die woord „Landbou” te skrap;
  - (c) deur in die woordskrywing van „produsent” in daardie sub-artikel al die woorde na die woord „en” deur die woorde „word iemand wat melk of room bestem vir menslike verbruik in die vorm van melk of room of vir die vervaardiging van roomys of van enige ander artikel behalwe ’n suiwelproduk soos in die „Zuivelnijverheid Wet, 1918” (Wet No. 16 van 1918) omskryf, op enige plek produseer vir verkoop in ’n gebied ten opsigte waarvan ’n skema vir so ’n produk voorgestel word of van toepassing is, by die toepassing van die skema geag bedoelde produk in daardie gebied te geproduseer het” te vervang;
  - (d) deur in daardie sub-artikel die woordskrywing van „produsentekomitee” te skrap;
  - (e) deur in paragraaf (b) van die woordskrywing van „produk” in daardie sub-artikel na die woord „lusernsaad” die woord „sonneblomsaad” in te voeg;
  - (f) deur in paragraaf (c) van die woordskrywing van „produk” in daardie sub-artikel na die woord „kaas” die woorde „(met inbegrip van proseskaas)” in te voeg;
  - (g) deur na paragraaf (f) van die woordskrywing van „produk” in daardie sub-artikel die volgende paragraaf in te voeg:  
„(g) elke ander handelsartikel wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* vir die toepassing van hierdie Wet tot ’n produk verklaar;”;
  - (h) deur in die voorbehoudsbepaling van paragraaf (d) van sub-artikel (2) die woorde „melk en room wat bestem is vir verbruik terwyl dit vars is” deur die woorde „melk of room bestem vir menslike verbruik in die vorm van melk of room,” te vervang;
  - (i) deur die woord „en” aan die end van paragraaf (e) van daardie sub-artikel te skrap en aan die end van daardie sub-artikel die volgende paragraaf by te voeg:  
„(g) word ’n produk geag die onderwerp te wees van ’n Wet in die Bylae tot hierdie Wet genoem, indien die Goewerneur-generaal by proklamasie in die *Staatskoerant* aan die deur daardie Wet ingestelde raad die bevoegdheid verleen het om ingevolge sub-artikel (1) van artikel *sewentien* ’n voorgestelde skema met betrekking tot daardie produk aan die Minister voor te lê.”;
  - en
  - (j) deur aan die end van die artikel die volgende sub-artikel by te voeg:  
„(3) Elke proklamasie wat uit kragte van paragraaf (g) van die woordskrywing van „produk” in sub-artikel (1) uitgevaardig word, moet in beide Huise van die Parlement ter Tafel gelê word binne veertien dae na die datum van publikasie daarvan as die Parlement

Wysiging van artikel 1 van Wet 26 van 1937, soos gewysig deur artikel 1 van Wet 19 van 1938, artikel 1 van Wet 12 van 1941, en artikel 1 van Wet 50 van 1946.

publication thereof if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.”.

Amendment of section 2 of Act 26 of 1937, as amended by section 2 of Act 50 of 1946.

2. Section *two* of the principal Act is hereby amended—
- (a) by the deletion in sub-section (1) of the words “who shall be an officer of the Department of Agriculture”;
  - (b) by the insertion after that sub-section of the following sub-section:

“(1)*bis*. No person who is not an officer of the Department of Agriculture shall be designated as deputy chairman unless the person appointed as chairman is such an officer.”;

- (c) by the substitution in sub-section (4) for the words “the chairman” of the words “an officer of the Department of Agriculture”;
- (d) by the substitution in sub-section (5) for the words “The chairman of the marketing council” of the words “A member of the marketing council who is an officer of the Department of Agriculture”;
- (e) by the substitution in sub-section (6) for the words “other than the chairman” of the words “who are not officers of the Department of Agriculture”; and
- (f) by the substitution for the proviso to sub-section (8) of the following proviso:

“Provided that a person appointed as the deputy of the chairman or the deputy chairman shall perform only the duties of an ordinary member unless the Minister otherwise directs.”.

Amendment of section 5 of Act 26 of 1937, as amended by section 4 of Act 50 of 1946.

3. Section *five* of the principal Act is hereby amended by the substitution for sub-sections (3) and (4) of the following sub-section:

“(3) The marketing council and the Board of Trade and Industries shall at least once every year consult together in regard to the policy to be adopted in connection with the fixing of prices for agricultural products.”.

Substitution of section 7 of Act 26 of 1937, as substituted by section 5 of Act 50 of 1946.

4. The following section is hereby substituted for section *seven* of the principal Act:

“Reports on 7. The marketing council shall in respect of the schemes in operation under this Act submit to the Minister at least once in two years a report on the operation of those schemes.”.

Amendment of section 11 of Act 26 of 1937, as amended by section 7 of Act 50 of 1946.

5. Section *eleven* of the principal Act is hereby amended by the deletion in sub-section (2) of all the words after the word “year” where that word occurs for the second time.

Insertion of section 11*bis* in Act 26 of 1937.

6. The following section is hereby inserted in the principal Act after section *eleven*:

“Appoint-  
ment of  
sub-  
committees  
by con-  
sumers’  
committee.  
11*bis*. The consumers’ committee may, with the approval of the Minister, and subject to such conditions as it may determine, appoint one or more sub-committees from its members and may invest any such sub-committee with such of its powers as it may deem fit: Provided that the committee shall not be divested of any power with which it may invest any such sub-committee.”.

Amendment of section 12 of Act 26 of 1937.

7. Section *twelve* of the principal Act is hereby amended by the deletion of the words “*eight* or”, the words “producers’ committee, or the” and the words “as the case may be”.

Amendment of section 13 of Act 26 of 1937.

8. Section *thirteen* of the principal Act is hereby amended by the deletion of the words “producers’ committee or the” and the words “as the case may be”.

Substitution of section 14 of Act 26 of 1937.

9. The following section is hereby substituted for section *fourteen* of the principal Act:

“Special  
meetings  
of con-  
sumers’  
committee.  
14. At the written request of not less than three members of the consumers’ committee, the chairman of that committee shall with the approval of the Minister by notice in writing call a meeting of that committee for any purpose clearly stated in such request.”.

Amendment of section 15 of Act 26 of 1937.

10. Section *fifteen* of the principal Act is hereby amended by the deletion in sub-section (1) and in sub-section (2) of the words “producers’ committee or of the” and the words “as the case may be”.

dan in gewone sitting is, of, as die Parlement dan nie in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting."

2. Artikel twee van die Hoofwet word hiermee gewysig—

(a) deur in sub-artikel (1) die woorde „wat 'n amptenaar van die Departement van Landbou moet wees" te skrap;

(b) deur na daardie sub-artikel die volgende sub-artikel in te voeg:

„(1)*bis*. Niemand anders as 'n amptenaar van die Departement van Landbou word as ondervoorsitter aangewys nie, tensy die persoon wat as voorsitter aangestel is, so 'n amptenaar is."

(c) deur in sub-artikel (4) die woorde „behalwe die voorsitter" deur die woorde „wat nie 'n amptenaar van die Departement van Landbou is nie" te vervang;

(d) deur in sub-artikel (5) die woorde „Die voorsitter van die bemarkingsraad" deur die woorde „'n Lid van die bemarkingsraad wat 'n amptenaar van die Departement van Landbou is" te vervang;

(e) deur in sub-artikel (6) die woorde „ander lede van die bemarkingsraad, as die voorsitter" deur die woorde „lede van die bemarkingsraad wat nie amptenare van die Departement van Landbou is nie" te vervang; en

(f) deur die voorbehoudsbepaling van sub-artikel (8) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat iemand wat as plaasvervanger van die voorsitter of die ondervoorsitter aangestel word, slegs die pligte van 'n gewone lid uitvoer, tensy die Minister anders gelas."

Wysiging van artikel 2 van Wet 26 van 1937, soos gewysig deur artikel 2 van Wet 50 van 1946.

3. Artikel vyf van die Hoofwet word hiermee gewysig deur sub-artikels (3) en (4) deur die volgende sub-artikel te vervang:

„(3) Die bemarkingsraad en die Raad van Handel en Nywerheid beraadslaag minstens eenmaal elke jaar aangaande die beleid wat in verband met die vasstelling van pryse van landbouprodukte gevolg moet word."

Wysiging van artikel 5 van Wet 26 van 1937, soos gewysig deur artikel 4 van Wet 50 van 1946.

4. Artikel sewe van die Hoofwet word hiermee deur die volgende artikel vervang:

„Verslae oor skemas.

7. Die bemarkingsraad moet ten opsigte van skemas wat ingevolge hierdie Wet van krag is, minstens eenmaal in twee jaar oor die werking van daardie skemas aan die Minister 'n verslag voorle."

Vervanging van artikel 7 van Wet 26 van 1937, soos vervang deur artikel 5 van Wet 50 van 1946.

5. Artikel elf van die Hoofwet word hiermee gewysig deur in sub-artikel (2) al die woorde na die woord „voor" te skrap.

Wysiging van artikel 11 van Wet 26 van 1937, soos gewysig deur artikel 7 van Wet 50 van 1946.

6. Die volgende artikel word hiermee na artikel elf in die Hoofwet ingevoeg:

„Aanstelling van sub-komitees deur verbruikers-komitee.

11*bis*. Die verbruikerskomitee kan, met goedkeuring van die Minister en onderworpe aan die voorwaardes wat die komitee mag bepaal, een of meer sub-komitees uit sy lede aanstel, en kan na goedgekeurde van sy bevoegdhede aan so 'n sub-komitee oordra: Met dien verstande dat die komitee nie onthef word van 'n bevoegdheid wat hy aan so 'n sub-komitee mag oordra nie."

Invoeging van artikel 11*bis* in Wet 26 van 1937.

7. Artikel twaalf van die Hoofwet word hiermee gewysig deur die woorde „agt of", die woorde „produsentekomitee of die" en die woorde „na gelang van die geval" te skrap.

Wysiging van artikel 12 van Wet 26 van 1937.

8. Artikel dertien van die Hoofwet word hiermee gewysig deur die woorde „produsentekomitee of, na gelang van die geval, die" te skrap.

Wysiging van artikel 13 van Wet 26 van 1937.

9. Artikel veertien van die Hoofwet word hiermee deur die volgende artikel vervang:

„Spesiale vergaderings van verbruikers-komitee.

14. Op skriftelike versoek van minstens drie lede van die verbruikerskomitee, moet die voorsitter van daardie komitee met die Minister se goedkeuring deur middel van 'n skriftelike kennisgewing 'n vergadering van daardie komitee byeenroep vir enige doel duidelik in bedoelde versoek uiteengesit."

Vervanging van artikel 14 van Wet 26 van 1937.

10. Artikel vyftien van die Hoofwet word hiermee gewysig deur in sub-artikel (1) en in sub-artikel (2) die woorde „produsentekomitee of, na gelang van die geval, die" te skrap.

Wysiging van artikel 15 van Wet 26 van 1937.

Amendment of  
section 16 of  
Act 26 of 1937.

11. Section *sixteen* of the principal Act is hereby amended by the deletion of the words "producers' committee and the".

Amendment of  
section 17 of  
Act 26 of 1937,  
as amended by  
section 2 of  
Act 19 of 1938,  
section 2 of  
Act 12 of 1941,  
and section 8  
of Act 50 of  
1946.

12. Section *seventeen* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (1) after the word "Act" of the words "or any regulatory board" and after the word "established" where it occurs for the second time of the words "or is deemed to have been established";
- (b) by the deletion in sub-section (2) of the words "and, in the case of a proposed scheme empowering its regulatory board to perform any of the functions specified in section *twenty*, also with the consumers' committee";
- (c) by the insertion after sub-section (4) of the following sub-section:  
 "(4)*bis*. The marketing council shall, before submitting any report to the Minister under this section in respect of a proposed scheme which provides for empowering the regulatory board which is to administer that scheme to perform any of the functions specified in section *twenty*, consult the consumers' committee in regard to that scheme."; and
- (d) by the deletion of the word "and" at the end of paragraph (c) of sub-section (6) and the addition at the end of that sub-section of the following paragraph:  
 "(e) a board established under an Act specified in the Schedule to this Act, or a regulatory board, shall be deemed to have been established in respect of every product in respect of which the Governor-General has by proclamation in the *Gazette* conferred upon that board the power to submit to the Minister a proposed scheme under sub-section (1) relating to that product.".

Amendment of  
section 18 of  
Act 26 of 1937,  
as amended by  
section 3 of  
Act 19 of 1938,  
section 3 of Act 12  
of 1941, section 23  
of Act 46 of 1945,  
and section 10 of  
Act 50 of 1946.

13. Section *eighteen* of the principal Act is hereby amended—

- (a) by the addition at the end of paragraph (b) of sub-section (1) of the words "or in respect of which any regulatory board is deemed to have been established";
- (b) by the addition at the end of sub-paragraph (i) of paragraph (e) of that sub-section of the words "or, subject to the provisions of paragraph (a) of sub-section (1)*ter*, in the case of any quantity of such product sold through an agent or a person who on behalf of a local authority controls or manages any place under the jurisdiction of that local authority where produce is habitually sold in public, by such agent or person on behalf of any such producer or any such person dealing with that product in the course of trade";
- (c) by the substitution for sub-paragraph (ii) of that paragraph of the following sub-paragraph:  
 "(ii) may be in the form of a fixed amount on or of a percentage or portion of the selling price of every unit or quantity of the product purchased or sold;";
- (d) by the substitution for sub-paragraph (vii) of that paragraph of the following sub-paragraph:  
 "(vii) shall, if the scheme so provides, be payable only in respect of any unit or quantity of the product which is so exported or not be payable in respect of any unit or quantity of the product which is so exported or which is imported into the Union or is so imported from any particular country or territory";
- (e) by the substitution in sub-paragraph (ix) of that paragraph for the words "to any person other than" of the words "except to or through";
- (f) by the insertion after that paragraph of the following paragraph:  
 "(e)*bis*. provide for the establishment of one or more reserve funds into which shall be paid such amounts at the disposal of the board as may from time to time be approved by the Minister or as may after consultation with the board be determined by him after the end of any financial year under the scheme, and empower the board to deal with any moneys in any such fund in such manner as may be approved by the Minister;";

11. Artikel *sestien* van die Hoofwet word hiermee gewysig deur die woorde „produsentekomitee en die” te skrap. Wysiging van artikel 16 van Wet 26 van 1937.
12. Artikels *sewentien* van die Hoofwet word hiermee gewysig— Wysiging van artikel 17 van Wet 26 van 1937, soos gewysig deur artikel 2 van Wet 19 van 1938, artikel 2 van Wet 12 van 1941, en artikel 8 van Wet 50 van 1946.
- (a) deur in sub-artikel (1) na die woord „Wet” die woorde „of ’n beherende raad” en na die woorde „ingestel is” die woorde „of geag word ingestel te gewees het” in te voeg;
  - (b) deur in sub-artikel (2) die woorde „en, in die geval van ’n voorgestelde skema wat sy beherende raad magtig om een of meer van die in artikel *twintig* gespesifiseerde werksaamhede te verrig, ook met die verbruikerskomitee” te skrap;
  - (c) deur na sub-artikel (4) die volgende sub-artikel in te voeg:  
 „(4)*bis*. Die bemarkingsraad moet, voordat hy ingevolge hierdie artikel aan die Minister ’n verslag voorlê ten opsigte van ’n voorgestelde skema waarby voorsiening gemaak word om die beherende raad wat daardie skema moet uitvoer, te magtig om een of meer van die in artikel *twintig* vermelde werksaamhede te verrig, die verbruikerskomitee in verband met daardie skema raadpleeg”; en
  - (d) deur die woord „en” aan die end van paragraaf (c) van sub-artikel (6) te skrap en aan die end van daardie sub-artikel die volgende paragraaf by te voeg:  
 „(e) word ’n raad ingestel ingevolge ’n Wet in die Bylae tot hierdie Wet genoem, of ’n beherende raad, geag ingestel te gewees het ten opsigte van elke produk ten opsigte waarvan die Goewerneur-generaal by proklamasie in die *Staatskoerant* aan daardie raad die bevoegdheid verleen het om ingevolge sub-artikel (1) ’n voorgestelde skema met betrekking tot daardie produk aan die Minister voor te lê.”
13. Artikel *agtien* van die Hoofwet word hiermee gewysig— Wysiging van artikel 18 van Wet 26 van 1937, soos gewysig deur artikel 3 van Wet 19 van 1938, artikel 3 van Wet 12 van 1941, artikel 23 van Wet 46 van 1945, en artikel 10 van Wet 50 van 1946.
- (a) deur aan die end van paragraaf (b) van sub-artikel (1) die woorde „of ten opsigte waarvan ’n beherende raad geag word ingestel te gewees het” by te voeg;
  - (b) deur aan die end van sub-paragraaf (i) van paragraaf (e) van daardie sub-artikel die woorde „of, behoudens die bepalings van sub-artikel (1)*ter*, in die geval van ’n hoeveelheid van so ’n produk verkoop deur ’n agent of ’n persoon wat namens ’n plaaslike bestuur ’n plek binne die regsgebied van daardie plaaslike bestuur, waar produkte in die reël in die openbaar verkoop word, beheer of bestuur, deur bedoelde agent of persoon ten behoeve van so ’n produsent of so ’n persoon wat as ’n besigheid met daardie produk handel” by te voeg;
  - (c) deur sub-paragraaf (ii) van daardie paragraaf deur die volgende sub-paragraaf te vervang:  
 „(ii) in die vorm kan wees van ’n vasgestelde bedrag op of van ’n persentasie of gedeelte van die verkoopprijs van elke eenheid of hoeveelheid van die produk gekoop of verkoop;”;
  - (d) deur sub-paragraaf (vii) van daardie paragraaf deur die volgende sub-paragraaf te vervang:  
 „(vii) indien die skema sulks bepaal, alleen betaalbaar is ten opsigte van ’n eenheid of hoeveelheid van die produk wat aldus uitgevoer word of nie betaalbaar is nie ten opsigte van ’n eenheid of hoeveelheid van die produk wat aldus uitgevoer word of wat in die Unie ingevoer word of uit ’n bepaalde land of gebied in die Unie ingevoer word”;
  - (e) deur in sub-paragraaf (ix) van daardie paragraaf die woorde „aan ’n ander persoon dan” deur die woorde „behalwe aan of deur” te vervang;
  - (f) deur na daardie paragraaf die volgende paragraaf in te voeg:  
 „(e)*bis*. voorsiening maak vir die instelling van een of meer reserwefondse waarin die bedrae tot die beskikking van die raad gestort moet word wat die Minister van tyd tot tyd goedkeur, of wat hy na afloop van ’n boekjaar onder die skema en na oorlegpleging met die raad bepaal, en die raad magtig om oor gelde in so ’n fonds te beskik op die wyse wat die Minister mag goedkeur;”;

(g) by the insertion after sub-section (1) of the following sub-sections:

“(1)*bis*. A scheme relating to milk or cream intended for human consumption in the form of milk or cream, which empowers its regulatory board to prohibit a producer of such milk or cream from selling it except to or through the board or persons dealing with such milk or cream in the course of trade, may—

- (a) provide for exemption (under such circumstances and subject to such exceptions and conditions as may be specified in the scheme or determined by the board) from the operation of any such prohibition or any provision of that scheme applicable to persons to whom such prohibition applies, in the case of any class of such producers as may be specified in the scheme or determined by the board;
- (b) provide for prohibiting (under such circumstances and subject to such exceptions and conditions as may be specified in the scheme) any producer of such class from dealing in the course of trade with such milk or cream which he has acquired from any person;
- (c) in the case of any producer of such class who deals in the course of trade with any such milk or cream which he has acquired from any person—
  - (i) prescribe, subject to such conditions or exceptions as may be specified in the scheme or determined by the board, the maximum quantity of such milk or cream (or the maximum quantity thereof as determined on a basis specified in the scheme or determined by the board) which he may acquire from any person on any day or during any period specified in the scheme or determined by the board for the purpose of dealing therewith in the course of trade;
  - (ii) provide for exemption from the operation of any provision of the scheme in so far as it applies to any specified class of persons dealing with such milk or cream in the course of trade;
- (d) provide that any quantity of such milk or cream which any producer of such class has produced and in respect of which he has been so exempted, shall be deemed to have been purchased by him from the producer thereof;
- (e) include provisions applicable only to a producer of such class, either in his capacity as a producer of such milk or cream or in his capacity as a person dealing with such milk or cream in the course of trade,

and no provision included in a scheme by virtue of this sub-section shall be held to be invalid on the ground that it applies to a producer of a product a provision which in terms of this Act can be applied only to a person dealing with a product in the course of trade, or that it applies to such a person a provision which in terms of this Act can be applied only to such a producer.

(1)*ter*. If a scheme provides for the payment, by an agent or a person who on behalf of a local authority controls or manages any place under the jurisdiction of that local authority where produce is habitually sold in public, of any levy imposed under paragraph (e) of sub-section (1)—

- (a) such scheme shall also provide that the said agent or person may, in the manner prescribed in that scheme, recover any amount so paid from the person on whose behalf the product in question was sold;
- (b) the board which administers that scheme may pay to any person who on behalf of a local authority controls or manages any such place as aforesaid, for the benefit of that local authority, such commission on any amount paid by that person in respect of the levy in question, as the board may determine.”;

- (g) deur na sub-artikel (1) die volgende sub-artikels in te voeg:

„(1)bis. 'n Skema met betrekking tot melk of room bestem vir menslike verbruik in die vorm van melk of room, wat sy beherende raad magtig om 'n produsent van sodanige melk of room te belet om dit te verkoop behalwe aan of deur die raad of persone wat as 'n besigheid handel met sodanige melk of room, kan—

- (a) voorsiening maak vir vrystelling (onder die omstandighede en onderworpe aan die uitsonderings en voorwaardes in die skema uiteengesit of deur die raad bepaal) van die toepassing van so 'n verbod of enige bepaling van daardie skema wat van toepassing is op persone op wie so 'n verbod van toepassing is, in die geval van enige klas van sodanige produsente in die skema vermeld of deur die raad bepaal;
- (b) voorsiening maak om (onder die omstandighede en onderworpe aan die uitsonderings en voorwaardes in die skema uiteengesit) enige produsent van sodanige klas te belet om as 'n besigheid te handel met sodanige melk of room wat hy van enige persoon verkry het;
- (c) in die geval van enige produsent van sodanige klas wat as 'n besigheid handel met sodanige melk of room wat hy van enige persoon verkry het—
  - (i) onderworpe aan die voorwaardes of uitsonderings in die skema uiteengesit of deur die raad bepaal, die maksimum hoeveelheid van sodanige melk of room (of die maksimum hoeveelheid daarvan soos vasgestel volgens 'n grondslag in die skema uiteengesit of deur die raad bepaal) voorskryf, wat hy op enige dag of gedurende enige tydperk in die skema vermeld of deur die raad bepaal, van enige persoon mag verkry om as 'n besigheid daarmee te handel;
  - (ii) voorsiening maak vir vrystelling van die toepassing van enige bepaling van die skema vir sover dit van toepassing is op enige vermelde klas van persone wat as 'n besigheid met sodanige melk of room handel;
- (d) bepaal dat enige hoeveelheid van sodanige melk of room wat enige produsent van sodanige klas geproduseer het, en ten opsigte waarvan hy aldus vrygestel is, geag moet word deur hom van die produsent daarvan gekoop te gewees het;
- (e) bepaling insluit wat alleen op 'n produsent van sodanige klas van toepassing is, hetsy in die hoedanigheid van 'n produsent van sodanige melk of room of in die hoedanigheid van 'n persoon wat as 'n besigheid met sodanige melk of room handel,

en geen bepaling uit hoofde van hierdie sub-artikel in 'n skema ingesluit, word ongeldig verklaar nie op grond dat dit op 'n produsent van 'n produk 'n bepaling toepas wat volgens hierdie Wet toegepas kan word alleen op iemand wat as 'n besigheid met 'n produk handel, of dat dit op so iemand 'n bepaling toepas wat volgens hierdie Wet alleen op so 'n produsent toegepas kan word.

(1)ter. Indien 'n skema bepaal dat 'n heffing kragtens paragraaf (e) van sub-artikel (1) opgelê, betaal moet word deur 'n agent of 'n persoon wat namens 'n plaaslike bestuur 'n plek binne die regsgebied van daardie plaaslike bestuur waar produkte in die reël in die openbaar verkoop word, beheer of bestuur—

- (a) moet daardie skema ook bepaal dat bedoelde agent of persoon op die in die skema voorgeskrewe wyse 'n aldus betaalde bedrag kan verhaal op die persoon ten behoeve van wie die betrokke produk verkoop was;
- (b) kan die raad wat die skema uitvoer, aan iemand wat namens 'n plaaslike bestuur een of ander plek soos voormeld beheer of bestuur, ten bate van daardie plaaslike bestuur sodanige kommissie betaal op enige bedrag deur so iemand ten opsigte van bedoelde heffing betaal, as wat die raad vasstel.”;

- (h) by the substitution in paragraph (c) of sub-section (2) for the words "appointed from members of the consumers' committee" of the words "nominated by the consumers' committee from amongst its members" and for the word "appointed" where it occurs for the second time of the word "nominated";
- (i) by the insertion in sub-section (3) after the word "is" of the words "or is deemed to be";
- (j) by the insertion after sub-section (3) of the following sub-section:  
 "(3)*bis*. A scheme which relates to a product in respect of which any regulatory board is deemed to have been established, shall be administered by that board, subject to such modification of its constitution as may be prescribed in the scheme."; and
- (k) by the substitution in sub-section (7) for the words "or the conditions under which such product is produced or the purpose for which it is intended to be used" of the words "the manner in which or the conditions under which such product is produced, manufactured, processed, treated or packed, the quantity of such product sold by any person or by the members of any one household during any specified past or future period, the persons or classes of persons to whom such product is sold or the purpose for which it is intended to be used, or according to whether it has been produced in or imported into the Union, and may include under any class of such product any quantity thereof which has been so imported".

Amendment of section 18*bis* of Act 26 of 1937, as inserted by section 4 of Act 19 of 1938.

14. Section *eighteen bis* of the principal Act is hereby amended by the addition at the end thereof of the following sub-sections, the existing section becoming sub-section (1):

"(2) A regulatory board to which moneys have accrued under any regulations made in terms of the War Measures Act, 1940 (Act No. 13 of 1940), may deal with such moneys in the same manner and subject to the same conditions as a board referred to in sub-section (1) may in terms of that sub-section deal with moneys in any fund referred to therein.

(3) Whenever a scheme relating to potatoes is brought into operation under this Act, all the assets and liabilities of the Potato Board established under regulation 2 of the regulations contained in the Annexure to War Measure No. 13 of 1947 (Proclamation No. 48 of 1947) shall, with effect from the date on which that scheme comes into operation, be vested in the board established to administer that scheme, and such last-mentioned board may thereupon deal with any moneys in the fund established under regulation 13 of the said regulations in the manner described in sub-section (2) as if those moneys had accrued to such board under those regulations."

Amendment of section 18*ter* of Act 26 of 1937, as inserted by section 24 of Act 46 of 1945, and substituted by section 11 of Act 50 of 1946.

15. Section *eighteen ter* of the principal Act is hereby amended by the insertion in paragraph (c) of sub-section (2) after the word "Minister" where it occurs for the first time of the words "of Finance" and the deletion in that paragraph of the words "and Forestry".

Amendment of section 19 of Act 26 of 1937, as amended by section 5 of Act 19 of 1938, section 4 of Act 12 of 1941, and section 12 of Act 50 of 1946.

16. Section *nineteen* of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a)*ter* of sub-section (1) of the following paragraph:  
 "(a)*ter*. that no producer or person shall be so registered unless he has complied with such requirements as may be prescribed by regulation, and that the regulatory board concerned may grant any such registration for such period as it may determine or as may be specified in the scheme and may cancel the registration of any such producer or person who has contravened or failed to comply with the said requirements;";
- (b) by the substitution in paragraph (c) of sub-section (1) for the words "of a committee" of the words "of one or more committees" and the insertion in that paragraph after the word "scheme" where that word occurs for the third time of the words "or determined by the regulatory board concerned with the approval of the Minister";

- (h) deur in paragraaf (c) van sub-artikel (2) die woorde „aangestel uit lede van die verbruikerskomitee” deur die woorde „deur die verbruikerskomitee uit sy lede genomineer” en die woord „aangestel” waar dit die tweede maal voorkom deur die woord „genomineer” te vervang;
- (i) deur in sub-artikel (3) na die woord „is” die woorde „of geag word te wees” in te voeg;
- (j) deur na sub-artikel (3) die volgende sub-artikel in te voeg:  
 „(3)*bis*. ’n Skema wat betrekking het op ’n produk ten opsigte waarvan ’n beherende raad geag word ingestel te gewees het, word deur daardie raad uitgevoer, onderworpe aan sodanige wysigings in sy samestelling as wat in die skema voorgeskryf mag word.”; en
- (k) deur in sub-artikel (7) die woorde „of die toestande waaronder daardie produk geproduseer word of die doel waarvoor dit bestem is gebruik te word” deur die woorde „die wyse waarop of die toestande waaronder daardie produk geproduseer, vervaardig, verwerk, behandel of verpak word, die hoeveelheid van daardie produk gedurende ’n vermelde verlede of toekomstige tydperk verkoop deur enige persoon of deur die lede van ’n bepaalde huisgesin, die persone of klasse persone aan wie daardie produk verkoop word, of die doel waarvoor dit bestem is om gebruik te word, of na gelang dit in die Unie geproduseer of daarin ingevoer is, en kan by enige klas van so ’n produk enige aldus ingevoerde hoeveelheid daarvan insluit” te vervang.

14. Artikel *agtien bis* van die Hoofwet word hiermee gewysig deur aan die end daarvan die volgende sub-artikels by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

Wysiging van artikel 18*bis* van Wet 26 van 1937, soos ingevoeg deur artikel 4 van Wet 19 van 1938.

„(2) ’n Beherende raad waaraan ingevolge regulasies uitgevaardig kragtens die Wet op Oorlogsmaatreëls, 1940 (Wet No. 13 van 1940), geld toegeval het, kan in verband met daardie geld handel op dieselfde wyse en onderworpe aan dieselfde voorwaardes as wat ’n raad bedoel in sub-artikel (1) ingevolge daardie sub-artikel in verband met geld in ’n daarin bedoelde fonds kan handel.

(3) Wanneer ’n skema met betrekking tot aartappels kragtens hierdie Wet in werking gebring word, gaan al die bates en laste van die Aartappelraad ingestel ingevolge regulasie 2 van die regulasies uiteengesit in die Aanhangsel van Oorlogsmaatreël No. 13 van 1947 (Proklamasie No. 48 van 1947), vanaf die datum waarop daardie skema van krag word, oor op die raad ingestel om daardie skema uit te voer, en laasbedoelde raad kan daarop in verband met gelde in die fonds ooreenkomstig regulasie 13 van genoemde regulasies ingestel, op die in sub-artikel (2) beskrewe wyse handel asof daardie gelde ingevolge bedoelde regulasies aan daardie raad toegeval het.”.

15. Artikel *agtien ter* van die Hoofwet word hiermee gewysig deur in paragraaf (c) van sub-artikel (2) na die woord „Minister” waar dit die eerste maal voorkom die woorde „van Finansies” in te voeg en die woorde „en Bosbou” te skrap.

Wysiging van artikel 18*ter* van Wet 26 van 1937, soos ingevoeg deur artikel 24 van Wet 46 van 1945, en vervang deur artikel 11 van Wet 50 van 1946.

16. Artikel *negentien* van die Hoofwet word hiermee gewysig—

Wysiging van artikel 19 van Wet 26 van 1937, soos gewysig deur artikel 5 van Wet 19 van 1938, artikel 4 van Wet 12 van 1941, en artikel 12 van Wet 50 van 1946.

(a) deur paragraaf (a)*ter* van sub-artikel (1) deur die volgende paragraaf te vervang:

„(a)*ter*. dat geen produsent of persoon aldus geregistreer word nie tensy hy voldoen het aan die vereistes wat by regulasie voorgeskryf mag word, en dat die betrokke beherende raad so ’n registrasie kan verleen vir die tydperk wat daardie raad bepaal of wat in die skema vermeld word, en die registrasie van so ’n produsent of persoon wat bedoelde vereistes oortree het of in gebreke gebly het om daaraan te voldoen, kan intrek.”;

(b) deur in paragraaf (c) van sub-artikel (1) die woorde „’n komitee” deur die woorde „een of meer komitees” en die woorde „mag word” deur die woorde „of deur die betrokke beherende raad met goedkeuring van die Minister bepaal mag word” te vervang;

- (c) by the insertion after sub-section (1) of the following sub-section:

“(1)*bis*. For the purpose of any provision included in a scheme by virtue of paragraph (a) of sub-section (1), a member of a co-operative society or co-operative company who delivers any quantity of a product to that society or company in terms of its regulations shall be deemed to sell that quantity to that society or company.”;

- (d) by the addition at the end of paragraph (c) of sub-section (2) of the words “or any member of a committee established in terms of any provision included in a scheme by virtue of paragraph (c) of sub-section (1)”;

- (e) by the insertion after paragraph (g) of sub-section (2) of the following paragraphs:

“(g)*bis*. to buy any product to which such scheme relates;

(g)*ter*. to treat in such manner as it may deem fit, grade, pack, store, process, adapt for sale, insure, advertise or transport any product which it has bought;

(g)*quater*. to sell, whether in its original form or processed wholly or in part, any product which it has bought, or withhold any part of it from the market.”;

- (f) by the insertion in paragraph (p)*bis* of sub-section (2) after the word “kept” of the words “the period for which any such record shall be retained”;

- (g) by the insertion after paragraph (p)*bis* of sub-section (2) of the following paragraph:

“(p)*ter*. with the approval of the Minister to prescribe the procedure in connection with the consideration of applications for registration in pursuance of any provision made in a scheme by virtue of paragraph (a) or (a)*bis* of sub-section (1);”;

- (h) by the substitution for sub-paragraph (v) of paragraph (s) of sub-section (2) of the following sub-paragraphs:

“(v) to seize any books, documents or articles which may afford evidence of the commission of an offence under this Act or any scheme or any regulation made under this Act, or any quantity of such product in respect of which any such offence is suspected to have been committed, and to remove from the place or vehicle in question or to leave at such place or on such vehicle any books, documents or articles or any quantity of such product which has been so seized, and if he deem fit to place on any such book, document, article or product, or on the container thereof, any identification mark which he may consider necessary;

(vi) to take samples of any such product, including any quantity of such product which has been seized in terms of sub-paragraph (v), and to examine, analyse or grade such samples or cause them to be examined, analysed or graded.”.

Amendment of section 20 of Act 26 of 1937, as amended by section 4 of Act 19 of 1938, section 5 of Act 12 of 1941, and section 13 of Act 50 of 1946.

17. Section *twenty* of the principal Act is hereby amended—

- (a) by the deletion of paragraphs (a), (b) and (c) of sub-section (1);

- (b) by the insertion after paragraph (e)*ter* of that sub-section of the following paragraph:

“(e)*quater*. with the approval of the Minister to require any person who has purchased any quantity of such product from a producer, to pay to the board the purchase price of so much of that quantity as has not been delivered for disposal through a pool conducted by the board in terms of sub-section (3)*ter*, after deduction therefrom of any amounts which may in terms of the scheme or with the consent of the board have been paid to or on behalf of that producer, and to distribute the sum of the amounts so paid to the board during any period specified in the scheme, together with the proceeds derived by it from the disposal of the quantities of such product delivered for sale through the said pool during that

- (c) deur na sub-artikel (1) die volgende sub-artikel in te voeg:  
 „(1)*bis*. By die toepassing van 'n bepaling uit kragte van paragraaf (a) van sub-artikel (1) in 'n skema ingesluit, word 'n lid van 'n koöperatiewe vereniging of koöperatiewe maatskappy wat ingevolge die regulasies van daardie vereniging of maatskappy 'n hoeveelheid van 'n produk daaraan lewer, geag daardie hoeveelheid aan daardie vereniging of maatskappy te verkoop.”;
- (d) deur in paragraaf (c) van sub-artikel (2) na die woord „lede” waar daardie woord vir die tweede maal voorkom die woorde „of aan lede van 'n komitee ingestel ingevolge 'n bepaling uit kragte van paragraaf (c) van sub-artikel (1) in 'n skema ingesluit” in te voeg;
- (e) deur na paragraaf (g) van sub-artikel (2) die volgende paragraawe in te voeg:  
 „(g)*bis*. om 'n produk waarop die skema betrekking het te koop;  
 (g)*ter*. om met 'n produk wat hy gekoop het te handel soos hy goedvind, of dit te gradeer, te verpak, op te berg, te verwerk, vir verkoop geskik te maak, te verseker, te adverteer of te vervoer;  
 (g)*quater*. om 'n produk wat hy gekoop het te verkoop, hetsy in sy oorspronklike of in gedeeltelik of geheel en al verwerkte vorm, of 'n deel daarvan aan die mark te onthou.”;
- (f) deur in paragraaf (p)*bis* van sub-artikel (2) na die woord „word” waar dit die eerste maal voorkom die woorde „die tydperk waarvoor so 'n rekord behou moet word” in te voeg;
- (g) deur na paragraaf (p)*bis* van sub-artikel (2) die volgende paragraaf in te voeg:  
 „(p)*ter*. om met die Minister se goedkeuring die prosedure in verband met die oorweging van aansoeke om registrasie ingevolge enige voorsiening uit kragte van paragraaf (a) of (a)*bis* van sub-artikel (1) in 'n skema gemaak, voor te skryf.”;
- (h) deur sub-paragraaf (v) van paragraaf (s) van sub-artikel (2) deur die volgende sub-paragraawe te vervang:  
 „(v) beslag te lê op boeke, stukke of artikels wat bewys kan lewer van 'n misdryf ingevolge hierdie Wet of 'n skema of 'n kragtens hierdie Wet uitgevaardigde regulasie gepleeg, of op enige hoeveelheid van so 'n produk ten opsigte waarvan so 'n misdryf vermoedelik gepleeg is, en om boeke, stukke of artikels of enige hoeveelheid van so 'n produk waarop aldus beslag gelê is, van die betrokke plek of voertuig te verwyder of dit op bedoelde plek of voertuig te laat, en na goeë dunde op so 'n boek, stuk, artikel of produk, of die houer daarvan, enige identifikasiemerk wat hy nodig ag, aan te bring;  
 (vi) van so 'n produk, met inbegrip van enige hoeveelheid van so 'n produk waarop kragtens sub-paragraaf (v) beslag gelê is, monsters te neem, en sodanige monsters te ondersoek, te ontleed of te gradeer of te laat ondersoek, ontleed of gradeer.”.
17. Artikel *twintig* van die Hoofwet word hiermee gewysig—
- (a) deur paragraawe (a), (b) en (c) van sub-artikel (1) te skrap;
- (b) deur na paragraaf (e)*ter* van daardie sub-artikel die volgende paragraaf in te voeg:  
 „(e)*quater*. om met die Minister se goedkeuring enigiemand wat 'n hoeveelheid van daardie produk van 'n produsent gekoop het, te gelas om die koopprys van soveel van daardie hoeveelheid as wat nie vir afset deur 'n „pool”, kragtens sub-artikel (3)*ter* deur die raad bestuur, gelewer word nie, aan die raad te betaal, na aftrekking daarvan van enige bedrae wat ingevolge die skema of met toestemming van die raad aan of ten behoeve van daardie produsent betaal is, en om die som van die bedrae gedurende 'n in die skema vermelde tydperk aldus aan die raad betaal, tesame met die opbringste deur die raad verkry uit die afset van die hoeveelhede van bedoelde produk gedurende daardie tydperk vir verkoop deur genoemde „pool”
- Wysiging van artikel 20 van Wet 26 van 1937, soos gewysig deur artikel 4 van Wet 19 van 1938, artikel 5 van Wet 12 van 1941, en artikel 13 van Wet 50 van 1946.

- period, less such amounts as may be specified in the scheme or as the board may determine, amongst producers of such product on such a basis as may be prescribed in the scheme;"
- (c) by the deletion at the end of sub-paragraph (i) of paragraph (f)*bis* of that sub-section of the word "and" and the insertion after sub-paragraph (ii) of that paragraph of the following sub-paragraph:  
 "(iii) to require any price so fixed to be displayed in such manner and form and at such places or on such vehicles and by such persons or classes of persons as may be determined by the board;"
- (d) by the addition at the end of that sub-section of the following paragraph:  
 "(l) to refuse any registration which may be required in pursuance of any provision made in a scheme by virtue of paragraph (a) or (a)*bis* of sub-section (1) of section *nineteen*, or to grant any such registration on such conditions as it may determine or as may be specified in the scheme, and to cancel any such registration if the person registered has contravened or failed to comply with any condition so determined or specified.";
- (e) by the insertion after sub-section (3)*bis* of the following sub-section:  
 "(3)*ter*. A regulatory board may, if authorized thereto by the relevant scheme, and on such conditions or on such a basis as may be prescribed therein, conduct a pool for the disposal of any quantity of the product to which that scheme relates, which may in the circumstances described in such scheme be delivered for such disposal to the board or such person as it may determine, by any person who has produced or otherwise acquired that quantity, and the ownership in any quantity of such product so delivered shall upon delivery thereof vest in that board which may dispose thereof in such manner as it may deem fit, and shall distribute the proceeds derived from such disposal, less such amounts as may be specified in the scheme or as the board may determine, amongst the persons who are in terms of the scheme entitled thereto, on such basis as may be prescribed in the scheme.";
- (f) by the substitution in sub-section (5) for the words "a person dealing with that product in the course of trade" of the words "any person";
- (g) by the substitution in sub-section (6) for the expression "or (e)*ter*" of the expression "(e)*ter* or (e)*quater*"; and
- (h) by the insertion after sub-section (6) of the following sub-section:  
 "(6)*bis*. Whenever the board established under the Mealie Control Amendment Act, 1935 (Act No. 59 of 1935), has in pursuance of powers vested in it by virtue of paragraph (d) of sub-section (1), imposed a prohibition in respect of any product to which a scheme administered by it relates, such product shall not be stored in an elevator owned or controlled by the South African Railways and Harbours Administration except with the consent of that board."

Insertion of  
section 20*bis*  
in Act 26 of  
1937.

18. The following section is hereby inserted in the principal Act after section *twenty*:

"Appeal to Minister. Any person who is dissatisfied with a decision of a regulatory board in connection with any matter relating to his registration by that board in pursuance of powers vested in it by virtue of paragraph (a)*ter* of sub-section (1) of section *nineteen* or paragraph (l) of sub-section (1) of section *twenty*, may appeal to the Minister against such decision, and the Minister may, after consideration of any such appeal, and after consultation with the marketing council, confirm, set aside or vary such decision or make such order in connection therewith as he may deem fit."

Amendment of  
section 21 of  
Act 26 of 1937,  
as amended by  
section 7 of  
Act 19 of 1938,  
and section 14  
of Act 50 of  
1946.

19. Section *twenty-one* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (b) of sub-section (1) for the word "five" of the word "two" and the insertion in that paragraph after the word "boards" where it occurs for the second time of the words

- gelewer, min die bedrae in die skema vermeld of deur die raad bepaal, onder produsente van bedoelde produk te verdeel op so 'n grondslag as wat in die skema voorgeskryf mag word;"
- (c) deur aan die end van sub-paragraaf (i) van paragraaf (f) *bis* van daardie sub-artikel die woord „en” te skrap en na sub-paragraaf (ii) van daardie paragraaf die volgende sub-paragraaf in te voeg:
- „(iii) te gelas dat 'n aldus vasgestelde prys op so 'n wyse en in so 'n vorm en op sodanige plekke of voertuie en deur sodanige persone of klasse persone as wat die raad bepaal, vertoon moet word;"
- (d) deur aan die end van daardie sub-artikel die volgende paragraaf by te voeg:
- „(l) om enige registrasie wat vereis mag word ingevolge voorsiening uit kragte van paragraaf (a) of (a) *bis* van sub-artikel (1) van artikel *negentien* in 'n skema gemaak te weier, of so 'n registrasie te verleen op die voorwaardes wat die raad bepaal of wat in die skema vermeld mag word, en om so 'n registrasie in te trek indien die geregistreerde persoon 'n aldus bepaalde of vermelde voorwaarde oortree het of in gebreke gebly het om daaraan te voldoen;"
- (e) deur na sub-artikel (3) *bis* die volgende sub-artikel in te voeg:
- „(3) *ter*. 'n Beherende raad kan, indien deur die betrokke skema daartoe gemagtig, en op die voorwaardes of op 'n grondslag daarin voorgeskryf, 'n „pool” bestuur vir die afset van enige hoeveelheid van die produk waarop daardie skema betrekking het, wat, onder die omstandighede in bedoelde skema beskryf, deur iemand wat daardie hoeveelheid geproduseer of op ander wyse verkry het, vir afset gelewer word aan die raad of 'n persoon wat die raad bepaal, en die eiendomsreg op enige aldus gelewerde hoeveelheid van daardie produk gaan by lewering daarvan oor op die raad wat daarvoor kan beskik op die wyse wat hy goedvind, en die opbrings uit die afset verkry, min die bedrae in die skema vermeld of deur die raad bepaal, onder die persone wat volgens die skema daarop geregtig is, kan verdeel op so 'n grondslag as wat in die skema voorgeskryf mag word;"
- (f) deur in sub-artikel (5) die woorde „'n persoon wat as 'n besigheid met daardie produk handel” deur die woorde „enige persoon” te vervang;
- (g) deur in sub-artikel (6) die uitdrukking „of (e) *ter*” deur die uitdrukking „(e) *ter* of (e) *quater*” te vervang; en
- (h) deur na sub-artikel (6) die volgende sub-artikel in te voeg:
- „(6) *bis*. Wanneer die raad ingestel ingevolge die Mielie-Reëlings Wysigingswet, 1935 (Wet No. 59 van 1935), ingevolge 'n bevoegdheid kragtens paragraaf (d) van sub-artikel (1) aan hom verleen, 'n verbod opgelê het ten opsigte van 'n produk waarop 'n skema wat deur hom uitgevoer word, betrekking het, mag daardie produk nie in 'n graansuier wat die eiendom of onder die beheer van die Suid-Afrikaanse Spoorweg- en Hawensadministrasie is, opgeberg word nie, behalwe met toestemming van daardie raad.”

18. Die volgende artikel word hiermee na artikel *twintig* in die Hoofwet ingevoeg:

„Appel na Minister. 20 *bis*. Iemand wat ontevrede is met 'n besluit van 'n beherende raad in verband met enige aangeleentheid betreffende sy registrasie deur daardie raad ingevolge 'n bevoegdheid kragtens paragraaf (a) *ter* van sub-artikel (1) van artikel *negentien* of paragraaf (l) van sub-artikel (1) van artikel *twintig* aan bedoelde raad verleen, kan teen sodanige besluit by die Minister appel aanteken, en die Minister kan, na oorweging van so 'n appel, en na oorlegpleging met die bemarkingsraad, bedoelde besluit bekragtig, tersy stel of wysig of in verband daarmee so 'n bevel uitreik as wat hy goedvind.”

Invoeging van artikel 20 *bis* in Wet 26 van 1937.

19. Artikel *een-en-twintig* van die Hoofwet word hiermee gewysig—

- (a) deur in paragraaf (b) van sub-artikel (1) die woord „vyf” deur die woord „twee” te vervang en na die woord „is” waar dit die tweede maal voorkom die

Wysiging van artikel 21 van Wet 26 van 1937, soos gewysig deur artikel 7 van Wet 19 van 1938, en artikel 14 van Wet 50 van 1946.

"or which relates to a product which is the subject of a proclamation under sub-section (1)*bis*"; and

- (b) by the insertion after sub-section (1) of the following sub-section:

"(1)*bis*. The Governor-General may by proclamation in the *Gazette* declare that the provisions of paragraph (a) of sub-section (1) shall not apply in respect of any scheme relating to a product specified in that proclamation."

Amendment of section 23 of Act 26 of 1937, as amended by section 9 of Act 19 of 1938, section 6 of Act 12 of 1941, and section 16 of Act 50 of 1946.

20. Section *twenty-three* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (1) of the words "or any regulatory board"; and  
(b) by the insertion in sub-section (3) after the word "applies" of the words "or for the application thereof in any area other than or additional to the area in which it applies".

Amendment of section 27 of Act 26 of 1937, as substituted by section 19 of Act 50 of 1946.

21. Section *twenty-seven* of the principal Act is hereby amended by the substitution for the words "(d) to and including (k) of sub-section (1) of section *twenty*" of the words "(e) and (e)*bis* of sub-section (1) of section *eighteen*, paragraph (c) of sub-section (1) and paragraphs (a), (a)*bis*, (c), (d), (e), (n), (o), (p)*bis* and (p)*ter* of sub-section (2) of section *nineteen*, paragraphs (d) to and including (k) of sub-section (1) and sub-section (4) of section *twenty*, in respect of which the Minister's approval is required under this Act".

Amendment of section 28 of Act 26 of 1937.

22. Section *twenty-eight* of the principal Act is hereby amended by the substitution for the word "three" of the word "six" and for the words "marketing council" of the word "Minister".

Amendment of section 29 of Act 26 of 1937, as amended by section 9 of Act 12 of 1941, and substituted by section 20 of Act 50 of 1946.

23. Section *twenty-nine* of the principal Act is hereby amended by the substitution in sub-section (2) for the expression "or (p)*bis*" of the expression "(p)*bis* or (p)*ter*".

Insertion of section 31 in Act 26 of 1937.

24. The following section is hereby inserted in the principal Act after section *thirty*:

"Certain reports to be submitted to Parliament.

31. The Minister shall lay copies of every report submitted to him in terms of section *seven*, sub-section (2) of section *eleven*, sub-section (3) of section *eighteen ter* or section *twenty-eight*, and of every report relating to the fixing of prices for any product, submitted to him in terms of section *twenty-seven*, upon the Tables of both Houses of Parliament within fourteen days of receipt thereof if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within fourteen days of the commencement of its next ensuing ordinary session."

Amendment of section 33 of Act 26 of 1937, as amended by section 11 of Act 12 of 1941, and section 22 of Act 50 of 1946.

25. Section *thirty-three* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):

"(2) Whenever any power conferred on the Secretary by proclamation promulgated in terms of sub-section (1) involves the authority to issue permits, he may delegate such authority to any other person subject to such conditions as he may determine."

Amendment of section 36 of Act 26 of 1937, as amended by section 24 of Act 50 of 1946.

26. Section *thirty-six* of the principal Act is hereby amended by the insertion after the word "specified" where it occurs for the second time of the words "either generally or for a specified purpose or for a purpose other than a specified purpose".

Amendment of section 37 of Act 26 of 1937, as amended by section 12 of Act 12 of 1941, and substituted by section 25 of Act 50 of 1946.

27. Section *thirty-seven* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (2) after the word "kept" of the words "manufactured, produced, processed or treated";  
(b) by the deletion at the end of paragraph (a) of that sub-section of the word "or"; and

woorde „of wat betrekking het op 'n produk wat die onderwerp is van 'n proklamasie ingevolge sub-artikel (1)*bis*” in te voeg; en

- (b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis*. Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* verklaar dat die bepalings van paragraaf (a) van sub-artikel (1) nie ten opsigte van 'n skema met betrekking tot 'n in daardie proklamasie vermelde produk van toepassing is nie.”.

20. Artikel *drie-en-twintig* van die Hoofwet word hiermee gewysig—

- (a) deur in sub-artikel (1) die woorde „of 'n beherende raad” te skrap; en  
(b) deur in sub-artikel (3) na die woorde „van toepassing is” die woorde „of vir die toepassing daarvan in enige ander gebied in plaas van of benewens die gebied waarin dit van toepassing is” in te voeg.

Wysiging van artikel 23 van Wet 26 van 1937, soos gewysig deur artikel 9 van Wet 19 van 1938, artikel 6 van Wet 12 van 1941, en artikel 16 van Wet 50 van 1946.

21. Artikel *sewe-en-twintig* van die Hoofwet word hiermee gewysig deur die woorde „(d) tot en met (k) van sub-artikel (1) van artikel *twintig*” deur die woorde „(e) en (e)*bis* van sub-artikel (1) van artikel *agtien*, paragraaf (c) van sub-artikel (1) en paragrafe (a), (a)*bis*, (c), (d), (e), (n), (o), (p)*bis* en (p)*ter* van sub-artikel (2) van artikel *negentien*, paragrafe (d) tot en met (k) van sub-artikel (1) en sub-artikel (4) van artikel *twintig*, ten opsigte waarvan die Minister se goedkeuring ingevolge hierdie Wet vereis word” te vervang.

Wysiging van artikel 27 van Wet 26 van 1937, soos vervang deur artikel 19 van Wet 50 van 1946.

22. Artikel *agt-en-twintig* van die Hoofwet word hiermee gewysig deur die woord „drie” deur die woord „ses” en die woord „bemarkingsraad” deur die woord „Minister” te vervang.

Wysiging van artikel 28 van Wet 26 van 1937.

23. Artikel *nege-en-twintig* van die Hoofwet word hiermee gewysig deur in sub-artikel (2) die uitdrukking „of (p)*bis*” deur die uitdrukking „(p)*bis* of (p)*ter*” te vervang.

Wysiging van artikel 29 van Wet 26 van 1937, soos gewysig deur artikel 9 van Wet 12 van 1941, en vervang deur artikel 20 van Wet 50 van 1946.

24. Die volgende artikel word hiermee na artikel *dertig* in die Hoofwet ingevoeg:

„Sekere verslae aan Parlement voorgelê te word.

31. Die Minister moet afskrifte van elke verslag ingevolge artikel *sewe*, sub-artikel (2) van artikel *elf*, sub-artikel (3) van artikel *agtien ter* of artikel *agt-en-twintig* aan hom voorgelê, en van elke verslag ingevolge artikel *sewe-en-twintig* met betrekking tot die vasstelling van pryse vir enige produk aan hom voorgelê, in albei Huise van die Parlement ter Tafel lê, binne veertien dae na ontvangs daarvan as die Parlement dan in gewone sitting is, of as die Parlement dan nie in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting.”.

Invoeging van artikel 31 in Wet 26 van 1937.

25. Artikel *drie-en-dertig* van die Hoofwet word hiermee gewysig deur aan die end daarvan die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Wanneer by proklamasie kragtens sub-artikel (1) uitgevaardig, aan die Sekretaris 'n bevoegdheid verleen word waarby die mag om permitte uit te reik inbegrepe is, kan hy daardie mag op die voorwaardes wat hy bepaal aan iemand anders oordra.”.

Wysiging van artikel 33 van Wet 26 van 1937, soos gewysig deur artikel 11 van Wet 12 van 1941, en artikel 22 van Wet 50 van 1946.

26. Artikel *ses-en-dertig* van die Hoofwet word hiermee gewysig deur na die woord „vermeld” die woorde „hetsy algemeen of vir 'n bepaalde doel of vir 'n ander doel as 'n bepaalde doel” in te voeg.

Wysiging van artikel 36 van Wet 26 van 1937, soos gewysig deur artikel 24 van Wet 50 van 1946.

27. Artikel *sewe-en-dertig* van die Hoofwet word hiermee gewysig—

- (a) deur in sub-artikel (2) na die woord „gehou” op beide plekke waar dit voorkom die woorde „vervaardig, geproduseer, bewerk of behandel” in te voeg;  
(b) deur aan die end van paragraaf (a) van daardie sub-artikel die woord „of” te skrap; en

Wysiging van artikel 37 van Wet 26 van 1937, soos gewysig deur artikel 12 van Wet 12 van 1941, en vervang deur artikel 25 van Wet 50 van 1946.

(c) by the addition at the end of that sub-section of the following paragraphs:

- “(c) take samples of any such product or any material or substance used or suspected to be intended for use in the manufacture, production, processing or treatment thereof, and open any package or container which contains or is suspected to contain any quantity of any such product, material or substance;
- (d) examine all books and documents in or upon any such premises or vehicle which are believed, upon reasonable grounds, to relate to such product, material or substance and make copies of or take extracts from such books or documents;
- (e) demand from the owner or custodian of any such book or document an explanation of any entry therein;
- (f) demand from the owner or custodian of such product, material or substance any information concerning such product, material or substance;
- (g) seize any books, documents, products, materials, substances or other articles which may afford evidence of any contravention of the provisions of any regulation made under this Act;
- (h) inspect any operations carried out in or upon any such premises in connection with the manufacture, production, processing or treatment of any such product and demand from the person in charge of any such operations any information regarding such operations;
- (i) direct the owner or custodian of any such product to remove or dispose of any quantity of that product which does not comply with the requirements prescribed under this Act or the regulations issued thereunder, in the manner and within the period prescribed by regulation.”.

Amendment of section 38 of Act 26 of 1937, as substituted by section 26 of Act 50 of 1946.

28. Section *thirty-eight* of the principal Act is hereby amended—

(a) by the substitution for paragraph (c) of the following paragraph:

“(c) obstructs any person in the lawful exercise of his functions under this Act or any proclamation or regulation issued or scheme in operation thereunder, or wilfully fails or refuses to make any statement or give any explanation demanded by any such person or makes a false statement or gives a false explanation or causes a false statement to be made or a false explanation to be given to any such person, knowing such statement or explanation to be false; or”;

(b) by the insertion after paragraph (d) of the word “or” and of the following paragraph:

“(e) without the written permission of a person authorized thereto by the regulatory board concerned, removes or causes to be removed any book, document, article or product seized in terms of any provision included in a scheme by virtue of sub-paragraph (v) of paragraph (s) of sub-section (2) of section *nineteen*, from the place where it was left by such person or tampers with any such book, document, article or product or any identification mark placed thereon by such person,”;

and

(c) by the substitution in paragraph (ii) for the expression “or (d)” of the expression “(d) or (e)”.

Amendment of section 40 of Act 26 of 1937.

29. Section *forty* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) At the trial of any person charged with the commission of an offence under this Act or any scheme or any regulation made under section *forty-three*—

(a) any statement contained in any return furnished by or on behalf of the accused in terms of this Act or any such scheme or regulation, and any statement or record contained in any book or document kept by the accused or by any employee or agent of the accused, or which was at any time at any place during the occupancy of that place by the accused, shall be admissible in evidence against the accused as an admission of the facts set forth in that statement or record;

(c) deur aan die end van daardie sub-artikel die volgende paragraawe by te voeg:

- „(c) van so 'n produk, of enige materiaal of stof wat gebruik word of vermoedelik bestem is vir gebruik by die vervaardiging, produksie, verwerking of behandeling daarvan, monsters neem, en enige pakket of houer wat 'n hoeveelheid van so 'n produk, materiaal of stof bevat of vermoedelik bevat, oopmaak;
- (d) alle boeke en stukke in of op bedoelde perseel of voertuig ondersoek wat op redelike gronde vermoed word op bedoelde produk, materiaal of stof betrekking te hê, en afskrifte van of uittreksels uit sodanige boeke of stukke maak;
- (e) van die eienaar van so 'n boek of stuk of die persoon wat dit in sy bewaring het, 'n verklaring van aantekenings daarin eis;
- (f) van die eienaar van bedoelde produk, materiaal of stof, of die persoon wat dit in sy bewaring het, inligting aangaande die produk, materiaal of stof eis;
- (g) beslag lê op boeke, stukke, produkte, materiaal, stowwe of ander artikels wat bewys mag lewer van 'n oortreding van die bepalings van enige regulasie kragtens hierdie Wet uitgevaardig;
- (h) enige werksaamhede ondersoek wat in verband met die vervaardiging, produksie, verwerking of behandeling van 'n produk in of op so 'n perseel verrig word, en van die persoon met die toesig oor sodanige werksaamhede belas inligting aangaande daardie werksaamhede eis;
- (i) die eienaar van so 'n produk of die persoon wat dit in sy bewaring het, gelas om enige hoeveelheid van daardie produk wat nie aan die vereistes deur hierdie Wet of daarkragtens uitgevaardigde regulasies voorgeskryf, voldoen nie, op die wyse en binne die tydperk by regulasie voorgeskryf, te verwyder of andersins daaroor te beskik.”

28. Artikel *agt-en-dertig* van die Hoofwet word hiermee gewysig—

(a) deur paragraaf (c) deur die volgende paragraaf te vervang:

„(c) 'n persoon by die wettige verrigting van sy werksaamhede ingevolge hierdie Wet of 'n proklamasie of regulasie wat uit kragte daarvan uitgevaardig of 'n skema wat daaronder in werking is, belemmer, of opsetlik versuim of weier om 'n deur so 'n persoon verlangde verklaring te maak of uitleg te verstrek of aan so 'n persoon 'n valse verklaring maak of laat maak of 'n valse uitleg verstrek of laat verstrek met die wete dat dit vals is; of”;

(b) deur na paragraaf (d) die woord „of” en die volgende paragraaf in te voeg:

„(e) sonder skriftelike toestemming van 'n persoon deur die betrokke beherende raad daartoe gemagtig, 'n boek, stuk, artikel of produk waarop beslag gelê is uit kragte van 'n bepaling wat ingevolge sub-paragraaf (v) van paragraaf (s) van sub-artikel (2) van artikel *negentien* in 'n skema ingesluit is, van die plek waar dit deur daardie persoon gelaat is, verwyder of laat verwyder, of hom met so 'n boek, stuk, artikel of produk of 'n identifikasiemerk deur so 'n persoon daarop aangebring, bemoei,”;

en

(c) deur in paragraaf (ii) die uitdrukking „of (d)” deur die uitdrukking „(d) of (e)” te vervang.

29. Artikel *veertig* van die Hoofwet word hiermee gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) By die verhoor van iemand wat aangekla is weens 'n oortreding van hierdie Wet of 'n skema of 'n regulasie uitgevaardig kragtens artikel *drie-en-veertig*—

(a) is 'n verklaring vervat in 'n opgawe volgens hierdie Wet of so 'n skema of regulasie deur of namens die beskuldigde verstrek, en 'n verklaring of aantekening vervat in 'n boek of dokument gehou deur die beskuldigde of 'n dienaar of agent van die beskuldigde, of wat te eniger tyd op een of ander plek was onderwyl daardie plek deur die beskuldigde geokkupeer is, toelaatbaar in getuienis teen die beskuldigde as 'n erkenning van die feite in daardie verklaring of aantekening uiteengesit;

Wysiging van artikel 38 van Wet 26 van 1937, soos vervang deur artikel 26 van Wet 50 van 1946.

Wysiging van artikel 40 van Wet 26 van 1937.

- (b) any quantity of a product in or upon any place or vehicle at the time a sample of such product is taken pursuant to the provisions of this Act or any such scheme or regulation shall, unless the contrary be proved, be deemed to be of the same class or grade as that sample;
- (c) a certificate stating the result of an examination, analysis or grading carried out in pursuance of the provisions of this Act or any such scheme or regulation, and purporting to be signed by the person who carried out such examination, analysis or grading, shall be accepted as *prima facie* proof of the facts stated therein."

Amendment of section 41 of Act 26 of 1937, as substituted by section 13 of Act 12 of 1941, and amended by section 27 of Act 50 of 1946.

30. Section *forty-one* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):

"(2) Whenever any person is convicted of an offence under sub-section (5) of section *twenty*, the court convicting him shall, in addition to any other punishment imposed in respect of that offence—

- (a) if the quantity of the product in respect of which the offence was committed, is in the possession or under the control of the person convicted or has been seized in terms of any provision included in a scheme by virtue of sub-paragraph (v) of paragraph (s) of sub-section (2) of section *nineteen* declare such quantity to be forfeited to the regulatory board concerned; or
- (b) if such quantity is not in the possession or under the control of the person convicted and has not been so seized, order that person to pay to the board concerned an amount equal to the value of that quantity calculated at the price fixed by that board in terms of its scheme, according to the class or grade thereof, or if the class or grade of such quantity is not proved to the satisfaction of the court, at the price so fixed for the highest class or grade of such product, and any such order may be executed in the same manner as if it had been made in the course of civil proceedings."

Amendment of section 43 of Act 26 of 1937, as amended by section 14 of Act 12 of 1941, and section 29 of Act 50 of 1946.

31. Section *forty-three* of the principal Act is hereby amended—

- (a) by the substitution for paragraph (f) of sub-section (1) of the following paragraph:

"(f) the time and manner in which an appeal under paragraph (a)*bis* of sub-section (2) of section *nineteen*, paragraph (g) of sub-section (1) of section *twenty*, section *twenty bis* or section *thirty-seven* shall be prosecuted, the security (if any) to be lodged in connection with any such appeal (other than an appeal under paragraph (a)*bis* of sub-section (2) of section *nineteen*), the disposal of any security so lodged and the person or persons by whom an appeal under section *thirty-seven* shall be decided;"

- (b) by the insertion after paragraph (f) of that sub-section of the following paragraph:

"(g) the methods to be employed and the procedure to be followed when samples are taken under this Act or any scheme or any regulation made under this section,";

and

- (c) by the addition at the end of that sub-section of the words "and in respect of products intended to be used for a specified purpose and products not intended to be used for that purpose".

Repeal of certain provisions of Act 26 of 1937 and Act 50 of 1946.

32. (1) Sections *eight* and *nine* of the principal Act are hereby repealed.

(2) Sub-section (4) of section *forty-one bis* of the principal Act, and sub-section (2) of section *twelve* and sub-section (2) of section *thirteen* of the Marketing Amendment Act, 1946, are hereby repealed with effect from the date of commencement of the last-mentioned Act.

Short title.

33. This Act shall be called the Marketing Amendment Act, 1951.

- (b) word, tensy die teendeel bewys word, veronderstel dat 'n hoeveelheid van 'n produk wat in of op 'n plek of voertuig is wanneer 'n monster van bedoelde produk ooreenkomstig die bepalinge van hierdie Wet of so 'n skema of regulasie geneem word, van dieselfde klas of graad as daardie monster is;
- (c) word 'n sertifikaat waarin die resultaat van 'n ondersoek, ontleding of gradering ingevolge die bepalinge van hierdie Wet of so 'n skema of regulasie uitgevoer, aangeteken is, en wat deur die persoon wat die ondersoek, ontleding of gradering uitgevoer het, onderteken heet te wees, as *prima facie* bewys van die daarin vermelde feite aanvaar."

30. Artikel *een-en-veertig* van die Hoofwet word hiermee gewysig deur aan die end daarvan die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Wanneer iemand weens 'n oortreding van sub-artikel (5) van artikel *twintig* skuldig bevind word, moet die hof wat hom veroordeel, benewens enige ander straf ten opsigte van daardie oortreding opgelê—

- (a) indien die hoeveelheid van die produk ten opsigte waarvan die oortreding gepleeg is, in die besit of onder beheer van die veroordeelde persoon is, of uit kragte van 'n bepaling ingevolge sub-paragraaf (v) van paragraaf (s) van sub-artikel (2) van artikel *negentien* in 'n skema ingesluit, beslag daarop gelê is, daardie hoeveelheid aan die betrokke beherende raad verbeurd verklaar; of
- (b) indien daardie hoeveelheid nie in die besit of onder die beheer van die veroordeelde persoon is nie, en daar nie aldus beslag daarop gelê is nie, daardie persoon beveel om aan die betrokke raad 'n bedrag te betaal gelyk aan die waarde van daardie hoeveelheid bereken teen die prys deur daardie raad kragtens sy skema, volgens die klas of graad daarvan, vasgestel, of indien die klas of graad van bedoelde hoeveelheid nie tot die bevrediging van die hof bewys word nie, teen die prys aldus vasgestel vir die hoogste klas of graad van daardie produk, en so 'n bevel kan op dieselfde wyse ten uitvoer gelê word asof dit in die loop van 'n siviele geding uitgevaardig was."

Wysiging van artikel 41 van Wet 26 van 1937, soos vervang deur artikel 13 van Wet 12 van 1941, en gewysig deur artikel 27 van Wet 50 van 1946.

31. Artikel *drie-en-veertig* van die Hoofwet word hiermee gewysig—

- (a) deur paragraaf (f) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(f) die tyd en wyse waarop 'n appèl kragtens paragraaf (a) *bis* van sub-artikel (2) van artikel *negentien*, paragraaf (g) van sub-artikel (1) van artikel *twintig*, artikel *twintig bis* of artikel *sewe-en-dertig* voortgesit moet word, die sekerheid (as daar is) wat met betrekking tot so 'n appèl, behalwe 'n appèl kragtens paragraaf (a) *bis* van sub-artikel (2) van artikel *negentien*, gestel moet word, die beskikking oor aldus gestelde sekerheid, en die persoon of persone deur wie oor 'n appèl kragtens artikel *sewe-en-dertig* beslis moet word;"

- (b) deur na paragraaf (f) van daardie sub-artikel die volgende paragraaf in te voeg:

„(g) die metodes wat aangewend moet word en die prosedure wat gevolg moet word by die neem van monsters ingevolge hierdie Wet of 'n skema of 'n regulasie kragtens hierdie artikel uitgevaardig;"

en

- (c) deur aan die end van daardie sub-artikel die woorde „en ten opsigte van produkte wat bestem is om vir 'n bepaalde doel gebruik te word en produkte wat nie bestem is om vir daardie doel gebruik te word nie" by te voeg.

Wysiging van artikel 43 van Wet 26 van 1937, soos gewysig deur artikel 14 van Wet 12 van 1941, en artikel 29 van Wet 50 van 1946.

32. (1) Artikels *agt* en *nege* van die Hoofwet word hiermee herroep.

(2) Sub-artikel (4) van artikel *een-en-veertig bis* van die Hoofwet, en sub-artikel (2) van artikel *twaalf* en sub-artikel (2) van artikel *dertien* van die Wysigingswet op Bemaking, 1946, word hiermee herroep met ingang van die datum van inwerkingtreding van laasgenoemde Wet.

Herroeping van sekere bepalinge van Wet 26 van 1937 en Wet 50 van 1946.

33. Hierdie Wet heet die Wysigingswet op Bemaking, 1951. Kort titel.

No. 46, 1951.]

# ACT

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.

(English text signed by the Governor-General.)  
(Assented to 15th June, 1951.)

**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, unless inconsistent with the context—

- (i) "Minister" means the Minister of the Interior; (iii)
- (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)
- (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)

## SEPARATE REGISTRATION OF EUROPEAN AND NON-EUROPEAN 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 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.

(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.

(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 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;
- (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.

(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.

No. 46, 1951.]

# WET

Om voorsiening te maak vir die afsonderlike verteenwoordiging in die Parlement en in die provinsiale raad van die provinsie Kaap die Goeie Hoop van blankes en nie-blankes in daardie provinsie en om met daardie doel die wetsbepalings met betrekking tot die registrasie van blankes en nie-blankes as kiesers vir die Parlement en vir genoemde provinsiale raad te wysig; om die wetsbepalings 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 van Kleurlingsake in te stel en om vir daarmee in verband staande sake voorsiening te maak.

(Engelse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 15 Junie 1951.)

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

## INLEIDINGSBEPALINGS.

1. In hierdie Wet, tensy uit die samehang anders blyk, **Woordbepaling.** beteken—

- (i) „blanke” iemand wat volgens voorkoms klaarblyklik '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)
- (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)
- (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) „voorgeskrif” of „voorgeskrewe” deur 'n kragtens die Hoofwet uitgevaardigde regulasie voorgeskryf. (iii)

## AFSONDERLIKE REGISTRASIE VAN BLANKE EN NIE-BLANKE KIESERS IN DIE PROVINSIE KAAP DIE GOEIE HOOP.

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

(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 lys, wat dan volgens die bepaling van die Hoofwet geldig is, van persone bevoeg om in die provinsie Kaap die Goeie Hoop by verkiesings van lede van die Volksraad te stem.

(3) Alle nie-blankes wie se name nie in die in sub-artikel (2) vermelde lys 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 Kleurling-kieserslys.

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

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

- (a) in vier dele vir die Volksraad, een vir elke kiesafdeling soos ingevolge die bepaling van paragraaf (a) van sub-artikel (2) van artikel ses vasgestel (hieronder 'n Uniale kiesafdeling genoem);
- (b) in twee dele vir die provinsiale raad van die provinsie Kaap die Goeie Hoop, een vir elke kiesafdeling soos ingevolge die bepaling van paragraaf (b) van sub-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 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.

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.

(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.

(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.

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.

(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.

(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.

(3) (a) As soon as, after the date of commencement of this Act, there has been a delimitation of electoral divisions in the Union in terms of section *forty-one* of the South Africa Act, 1909 (hereinafter called a new Union delimitation) and 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 and after a new Union delimitation, 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.

(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.

(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.

(7) Elke persoon wat in '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 Goeie 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, 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 Goeie 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 Goeie Hoop aangestel is, 'n afsonderlike kieserslys op van blankes wie se name voorkom op die kieserslys ooreenkomstig die Hoofwet opgestel (hieronder die blanke-kieserslys genoem) vir elke afdeling in die gebied waarvoor 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 van blankes wat bevoeg is om in so 'n afdeling te stem en sluit geen name van 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, na die datum van inwerkingtreding van hierdie Wet, daar ingevolge artikel een-en-veertig van die „Zuid-Afrika Wet, 1909” 'n afbakening van kiesafdelings in die Unie was (hieronder 'n nuwe Uniale afbakening genoem) en 'n algemene verkiesing 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 Goeie Hoop verteenwoordig, en vir wie se verkiesing voorsiening gemaak word deur die „Zuid-Afrika Wet, 1909”, en sodra, na genoemde datum en na 'n nuwe Uniale afbakening, 'n algemene verkiesing van provinsiale raadslede, vir wie se verkiesing voorsiening aldus gemaak word, in die provinsie Kaap die Goeie 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 Goeie 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 „t gesamenlik 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 tree, word die bepalings van die Hoofwet met betrekking tot die registrasie van nie-blanke kiesers in die provinsie Kaap die Goeie Hoop, geag van toepassing te wees op die registrasie van genoemde kiesers in die Kaapse Kleurling-kieserslys en bly voormelde bepalings vir genoemde doel van krag.

Names of  
non-Europeans  
in the Cape  
Province 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 and until there has been a new Union delimitation, the existing voters' list shall be the voters' list for the divisions concerned for the purposes of elections for 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 and there has been a new Union delimitation, the existing voters' list shall be the voters' list for the divisions concerned, for the purpose of elections for 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) Save as provided in sub-section (1) 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 en daar 'n nuwe Uniale afbakening was, is die bestaande kieserslys die kieserslys ten opsigte van die betrokke kiesafdelings, vir doeleindes van verkiesings vir die Volksraad; en tot tyd en wyl die eerste algemene verkiesing aldus vir die provinsiale raad van die provinsie Kaap die Goeie Hoop gehou word en daar 'n nuwe Uniale afbakening was, is die bestaande kieserslys die kieserslys ten opsigte van die betrokke afdelings vir doeleindes van verkiesings vir die provinsiale raad van die provinsie Kaap die Goeie Hoop.
- (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 Goeie Hoop geregtig om in genoemde kieserslys ooreenkomstig die bepalings van artikel vier van die Hoofwet 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) Behoudens die bepalings van sub-artikel (1) het 'n algemene verkiesing vir die Volksraad 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 Goeie 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 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 Goeie Hoop soos hieronder in hierdie artikel bepaal, uit te voer.
- (2) Die kommissie moet die provinsie Kaap die Goeie 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 in 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 in die Kaapse Kleurling-kieserslys geregistreer is, en wat in elke sodanige kiesafdeling woon, naastenby 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 sy 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 aldus 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 of 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 Goeie Hoop en die Raad van Kleurlingsake te verkies om nie-blankes 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 section *forty-one* of the South Africa Act, 1909 (save and except the first delimitation after the commencement of this Act that is so required to be made), 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.

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.

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

10. (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.

(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 paragraph (ii)

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

(8) Wanneer ingevolge artikel *een-en-veertig* van die „Zuid-Afrika Wet, 1909”, ’n afbakening in die Unie gedoen moet word (behalwe die eerste afbakening na die inwerkingtreding van hierdie Wet wat aldus gedoen moet word) gaan die kommissie wat aangestel is om so ’n afbakening te onderneem terselfdertyd daartoe oor om die provinsie Kaap die Goeie Hoop ooreenkomstig die voorafgaande 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 wie se benoeming of verkiesing 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 grondige kennis uit hoofde van sy amptelike ondervinding of andersins van die redelike behoeftes en wense van die nie-blanke bevolking in die provinsie Kaap die Goeie 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 *ses-en-twintig* van die „Zuid-Afrika Wet, 1909”, behalwe dat daarbenewens verblyf vir vyf jaar binne die provinsie Kaap die Goeie 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 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 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 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 wie se verkiesing 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 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 aldus vermeerder of verminder as die verhouding waarin 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 (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 dienoreenkomstig gewysig te wees ten einde aan so ’n verandering gevolg te gee.

10. (1) Die kwalifikasies vir verkiesing as ’n volksraadslid kragtens hierdie Wet is soos bepaal in artikel *vier-en-veertig* van die „Zuid-Afrika Wet, 1909”, behalwe dat daarbenewens verblyf vir twee jaar in die provinsie Kaap die Goeie Hoop ’n nodige vereiste is.

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

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

(3) Die voormelde lede het nie die reg om by ’n verkiesing van senatore kragtens paragraaf (ii) van artikel *vyf-en-twintig*

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.

#### 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.

11. (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.

(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.

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

12. (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—

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

(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.

(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.

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

Registration of non-European voters in Natal.

13. (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.

(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.

(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.

(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).

#### THE BOARD FOR COLOURED AFFAIRS.

Establishment of Board for Coloured Affairs.

14. (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.

(2) (a) The three non-European members to be nominated, shall represent, respectively, the provinces of Natal, the Orange Free State and the Transvaal.

(b) No person shall be nominated as a member unless—

(i) he qualifies *mutatis mutandis*, in terms of paragraphs (a), (b), (c) and (d) of sub-section (1) of section *four* of the principal Act; and

(ii) has resided for a period of two years immediately prior to the date of his appointment in the province that he is nominated to represent, and continues to reside therein.

van die „Zuid-Afrika Wet, 1909”, te stem nie, maar besit andersins al die regte, bevoegdhede, voorregte en immunitete wat volksraadslede verkies kragtens die „Zuid-Afrika Wet, 1909”, besit, en is onderhewig aan al die pligte en verpligtings waaraan bedoelde volksraadslede onderhewig is.

#### VERTEENWOORDIGING VAN NIE-BLANKES IN DIE PROVINSIALE RAAD VAN DIE PROVINSIE KAAP DIE GOEIE HOOP.

11. (1) Die persone wie se name voorkom in die Kaapse Kleurling-kieserslys vir 'n provinsiale kiesafdeling, is geregtig om een lid van die provinsiale raad van die provinsie Kaap die Goeie Hoop te kies om so 'n kiesafdeling te verteenwoordig.

Verteenwoordiging van nie-blankes in die provinsiale raad van die Kaapprovinsie.

(2) Die provinsiale raadslede wat kragtens hierdie Wet verkies kan word, word verkies benewens die provinsiale raadslede vir wie se verkiesing voorsiening gemaak word deur die „Zuid-Afrika Wet, 1909”, en die Naturelle-Verteenwoordigings-Wet, 1936.

12. (1) Die kwalifikasie vir verkiesing ingevolge hierdie Wet as 'n lid van die provinsiale raad van die Kaap die Goeie Hoop is die kwalifikasie voorgeskryf in sub-artikel (2) van artikel sewentig van die „Zuid-Afrika Wet, 1909”, behalwe dat—

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

(i) daarbenewens verblyf vir twee jaar in die provinsie Kaap die Goeie Hoop 'n nodige vereiste is;

(ii) iemand wat ingevolge die Naturelle-Verteenwoordigings-Wet, 1936 (Wet No. 12 van 1936), bevoeg is om vir die verkiesing van 'n lid van die provinsiale raad te stem, nie bevoeg is om as 'n lid van voormelde provinsiale raad verkies te word nie.

(2) Die bepaling van artikel twee-en-sewentig van die „Zuid-Afrika Wet, 1909”, is *mutatis mutandis* van toepassing op alle provinsiale raadslede kragtens hierdie Wet verkies.

(3) Die voormelde provinsiale raadslede het nie die reg om by 'n verkiesing van senatore kragtens paragraaf (ii) van artikel vyf-en-twintig van die „Zuid-Afrika Wet, 1909”, te stem nie, maar besit andersins al die regte, bevoegdhede, voorregte en immunitete wat provinsiale raadslede verkies kragtens die „Zuid-Afrika Wet, 1909”, besit, en is onderhewig aan al die pligte en verpligtings waaraan bedoelde provinsiale raadslede onderhewig is.

#### REGISTRASIE VAN NIE-BLANKE KIESERS IN DIE PROVINSIE NATAL.

13. (1) 'n Nie-blanke of naturel in die provinsie Natal wat by die datum van inwerkingtreding van hierdie Wet as 'n kieser geregistreer is, bly aldus geregistreer, so lank as hy sy kwalifikasies ooreenkomstig artikels vyf en ses van die Hoofwet behou en in genoemde provinsie woonagtig bly.

Registrasie van nie-blanke kiesers in Natal.

(2) Die naam van 'n nie-blanke of naturel wat ophou om ooreenkomstig sub-artikel (1) bevoeg te wees vir registrasie, word van die kieserslys verwyder, en word daarna nie weer daarop geplaas nie.

(3) Na die datum van inwerkingtreding van hierdie Wet is geen nie-blanke of naturel in die provinsie Natal, ondanks die bepaling van artikel vyf van die Hoofwet, geregtig om as 'n kieser in genoemde provinsie geregistreer te word nie.

(4) Die voorafgaande bepaling van hierdie artikel doen geen afbreuk aan die reg van 'n nie-blanke om in die Kaapse Kleurling-kieserslys geregistreer te word nie, of van 'n naturel om in die Kaapse naturellekieserslys ingevolge die Naturelle-Verteenwoordigings-Wet, 1936 (Wet No. 12 van 1936), geregistreer te word nie.

#### DIE RAAD VAN KLEURLINGSKE.

14. (1) Daar word hiermee ingestel 'n Raad van Kleurlingsake (hieronder die Raad genoem) bestaande uit drie nie-blanke lede wat deur die Goewerneur-generaal benoem word, en agt nie-blanke lede wat verkies word.

Instelling van Raad van Kleurlingsake

(2) (a) Die drie nie-blanke lede wat benoem word, verteenwoordig onderskeidelik die provinsies Natal, Oranje-Vrystaat en Transvaal.

(b) Niemand kan as 'n lid benoem word nie, tensy—

(i) hy *mutatis mutandis* ooreenkomstig paragrafe (a), (b), (c) en (d) van sub-artikel (1) van artikel vier van die Hoofwet gekwalifiseer is; en

(ii) vir 'n tydperk van twee jaar onmiddellik voor die datum van sy aanstelling in die provinsie wat hy benoem word om te verteenwoordig, gewoon het en daar bly woon.

(3) Any person who is qualified to be registered in the Cape Coloured voters' list and has in addition resided in the province of the Cape of Good Hope for a period of two years immediately prior to the date of his election, shall be qualified to be elected as a member of the Board.

(4) The following persons shall have the right to attend meetings of the Board, and to take part in its deliberations, but shall not have the right to vote, except in the case of equality of voting, when the chairman shall have the right to exercise a casting vote—

- (a) the Commissioner for Coloured Affairs (an office to be established to fall under the direction and control of the Minister of the Interior) who shall be the Chairman of the Board;
- (b) a representative of the Department of Social Welfare;
- (c) a representative of the Department of Labour; and
- (d) a representative of the Administration of the province of the Cape of Good Hope.

Election of  
members of  
the Board.

15. (1) The persons whose names appear in the Cape Coloured voters' list for any Union electoral division, shall be entitled to elect two members of the Board as representing such electoral division.

(2) If the number of Union electoral divisions is altered as provided in sub-section (4) of section *nine*, the four Union electoral divisions existing before such alteration shall be deemed to persist as for the purpose of any election of members of the Board, unless and until any contrary provision is made by law.

Tenure of  
office of  
members of  
the Board.

16. (1) Non-European members of the Board shall hold their seat for a period of five years from the date of election or appointment as the case may be: 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 of the Board becomes vacant before the date of expiry of his tenure of office, another person shall, if the seat becoming vacant—

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

and the person so appointed or elected shall be entitled to hold the seat until the aforesaid date of expiry.

(3) The persons mentioned in sub-section (4) of section *fourteen* shall have the right to attend the meetings of the Board *ex officio* and the representatives mentioned under paragraphs (b), (c) and (d) of the said sub-section shall respectively be nominated from time to time by the head of the department concerned.

Vacation of  
seats of  
members of  
the Board.

17. If a member of the Board—

- (a) ceases to be qualified to be nominated or elected, as the case may be; or
- (b) fails for a whole ordinary session to attend the Board without the special leave of the Board; or
- (c) dies or resigns,

his office shall thereupon become vacant.

Functions of  
the Board.

18. It shall be the function of the Board—

- (a) to advise the Government of the Union at its request on all matters affecting the economic, social, educational and political interests of the non-European population of the Union;
- (b) to make recommendations to the Government of the Union in regard to any projects calculated to serve the best interests of the said population;
- (c) to act in general as an intermediary and a means of contact and consultation between the Government of the Union and the said population;
- (d) to carry out such statutory or other administrative functions as may be assigned to the Board by the Governor-General.

Constitution  
of Board.

19. The Minister may make regulations in regard to—

- (a) the sessions of the Board, including the venue of such sessions;
- (b) the procedure at sessions of the Board, including the quorum and method of voting;

(3) Iemand wat gekwalifiseer is om in die Kaapse Kleurling-kieserslys geregistreer te word en daarbenewens in die provinsie Kaap die Goeie Hoop vir 'n tydperk van twee jaar onmiddellik voor die datum van sy verkiesing gewoon het, is gekwalifiseer om as 'n lid van die Raad verkies te word.

(4) Die volgende persone het die reg om vergaderings van die Raad by te woon en aan sy beraadslagings deel te neem, maar het nie die reg om te stem nie, behalwe in die geval van 'n staking van stemme, wanneer die voorsitter die reg het om 'n beslissende stem uit te oefen—

- (a) die Kommissaris van Kleurlingsake ('n amp wat ingestel word en onder die bestuur en beheer van die Minister van Binnelandse Sake sal wees), wat die Voorsitter van die Raad sal wees;
- (b) 'n verteenwoordiger van die Departement van Volkswelsyn;
- (c) 'n verteenwoordiger van die Departement van Arbeid; en
- (d) 'n verteenwoordiger van die Administrasie van die provinsie Kaap die Goeie Hoop.

15. (1) Die persone wie se name in die Kaapse Kleurling-kieserslys vir 'n Uniale kiesafdeling verskyn, is geregtig om twee lede van die Raad te kies om so 'n kiesafdeling te verteenwoordig. Verkiesing van lede van die Raad.

(2) Indien die getal Uniale kiesafdelings verander word ingevolge die bepalings van sub-artikel (4) van artikel *nege*, word dit geag dat die vier Uniale kiesafdelings wat voor so 'n verandering bestaan het, vir die doel van 'n verkiesing van raadslede bly voortbestaan, tensy en totdat daar by wetgewing anders bepaal word.

16. (1) Nie-blanke raadslede beklee hul setels vir 'n tydperk van vyf jaar vanaf die datum van verkiesing of aanstelling, na gelang van die geval: Met dien verstande dat in die geval van 'n kandidaat wat ooreenkomstig sub-artikel (8) van artikel *ses-en-dertig* van die Hoofwet verkose verklaar is, sy ampstermyn voortduur vir 'n tydperk van vyf jaar vanaf die datum waarop stemming sou plaasgevind het indien stemming nodig gewees het. Ampstermyn van lede van die Raad.

(2) Indien die setel van 'n raadslid voor die verstrykingsdatum van sy ampstermyn oopval, dan, indien die setel wat oopval—

- (a) die van 'n benoemde lid is, word iemand anders in sy plek deur die Goewerneur-generaal aangestel;
- (b) die van 'n verkose lid is, word iemand anders in sy plek verkies,

en die aldus aangestelde of verkose persoon het die reg om die setel tot voormelde datum te beklee.

(3) Die in sub-artikel (4) van artikel *veertien* vermelde persone het die reg *ex officio* om vergaderings van die Raad by te woon, en die in paragrafe (b), (c) en (d) van genoemde sub-artikel vermelde verteenwoordigers word onderskeidelik van tyd tot tyd deur die betrokke hoof van die departement benoem.

17. Indien 'n raadslid—

- (a) ophou om gekwalifiseer te wees vir benoeming of verkiesing, na gelang van die geval; of
- (b) gedurende 'n hele gewone sitting sonder die spesiale verlof van die Raad versuim om die Raad by te woon; of

(c) sterf of bedank; val sy setel dan oop. Ontruiming van setels deur lede van die Raad.

18. Die werksaamhede van die Raad bestaan daarin— Werksaamhede van die Raad.

- (a) om op versoek die Unie-regering te adviseer in verband met alle sake rakende die ekonomiese, maatskaplike, opvoedkundige en staatkundige belange van die nie-blanke bevolking van die Unie;
- (b) om aanbevelings te doen by die Unie-regering in verband met enige beplanning wat bereken is om die beste belange van genoemde bevolking te bevorder;
- (c) om in die algemeen te dien as 'n skakel en 'n middel vir aanraking en beraadslaging tussen die Unie-regering en genoemde bevolking;
- (d) om sodanige statutêre of ander administratiewe funksies uit te voer as wat aan die Raad deur die Goewerneur-generaal toevertrou mag word.

19. Die Minister kan regulasies uitvaardig in verband met— Konstitusie van Raad.

- (a) die sittings van die Raad, met inbegrip van die plek vir bedoelde sittings;
- (b) die prosedure by sittings van die Raad, met inbegrip van die kworum en wyse van stemming;

- (c) the appointment, subject to the laws governing the public service, of such officials as may be required to assist the Board in carrying out its functions;
- (d) the transmission of the resolutions and reports of the Board;
- (e) the payment of fees and allowances to the members of the Board: Provided that in regard to members of the Board who are in the wholetime employ of the State, such regulation shall be framed in consultation with the Public Service Commission.

## ELECTIONS.

Elections of members of House of Assembly, of provincial councillors, and of members of the Board for Coloured Affairs under this Act.

20. (1) Subject to the provisions of sub-section (4) of section four and of sub-sections (3), (4) and (5) of this section, the provisions of the principal Act (including the regulations thereunder) shall, *mutatis mutandis*, apply in regard to the election of members of the House of Assembly, of the provincial council for the province of the Cape of Good Hope, and of members of the Board under this Act, and in regard to all matters incidental thereto.

(2) The first elections of members of the House of Assembly, or of provincial councillors under this Act, shall not take place until—

- (a) in consequence of the dissolution of the House of Assembly under any provision of the South Africa Act, 1909, a general election for the House of Assembly is to take place or until (as the case may be) by virtue of the expiry of the term of office of the provincial council for the province of the Cape of Good Hope in terms of section *seventy-three* of the said Act, a general election for the said provincial council is to take place; and
- (b) there has been a new Union delimitation.

(3) (a) The election of members of the House of Assembly or of provincial councillors under this Act shall take place not less than eight days before the date proclaimed for polling day in terms of paragraph (b) of sub-section (1) of section *thirty-five* of the principal Act for the purposes of a general election.

(b) For the purpose of carrying out the provisions of paragraph (a), a special proclamation shall be issued in terms *mutatis mutandis* of section *thirty-five* of the principal Act.

(4) In regard to elections of members of the Board, the provisions of the principal Act shall apply, *mutatis mutandis*, as if they were elections for members of the House of Assembly, save that—

- (i) the deposit or security required in terms of section *thirty-seven* of the principal Act, shall be the sum of fifteen pounds;
- (ii) in cases where more than two candidates are nominated in respect of any division, a voter, upon receipt of a ballot paper, shall mark the said paper on the right-hand side with a cross in the space provided opposite the name of each of the two candidates for whom he wishes to vote;
- (iii) any ballot paper on which votes are marked for more candidates than the number of candidates for which the voter is entitled to vote, shall be invalid and shall not be counted;
- (iv) when the counting of the ballot papers has been completed, the returning officer shall declare the two candidates for whom the highest number of votes have been recorded, to be duly elected. In cases where two or more candidates receive an equal number of votes and all of such candidates cannot be declared elected, the returning officer shall immediately, in the presence of all persons present at the count, settle by drawing of lots which of such candidates shall be declared elected.

(5) The Minister may make regulations to provide for the special requirements relating to the procedure to be followed at elections under the provisions of this Act, which regulations may amend or modify or differ from any regulations framed under the principal Act.

Short title.

21. This Act shall be called the Separate Representation of Voters Act, 1951.

- (c) die aanstelling, met inagneming van die wetsbepalings op die staatsdiens, van sodanige beamptes as wat nodig mag wees om die Raad behulpsaam te wees met die uitvoering van sy werksaamhede;
- (d) die oorsending van die besluite en verslae van die Raad;
- (e) die betaling van gelde en toelae aan die lede van die Raad: Met dien verstande dat, ten opsigte van lede van die Raad wat voltyds in die diens van die Staat is, so 'n regulasie in oorleg met die Staatsdienskommissie opgestel word.

#### VERKIESING.

20. (1) Behoudens die bepaling van sub-artikel (4) van artikel vier en van sub-artikels (3), (4) en (5) van hierdie artikel, is die bepaling van die Hoofwet met inbegrip van regulasies daarkragtens uitgevaardig *mutatis mutandis* van toepassing ten opsigte van die verkiesing van volksraadslede, van provinsiale raadslede vir die provinsie Kaap die Goeie Hoop, en van lede van die Raad kragtens hierdie Wet, en van alle daarmee in verband staande sake.

Verkiesing van volksraadslede, provinsiale raadslede en lede van die Raad van Kleurlingsake kragtens hierdie Wet.

(2) Die eerste verkiesing van volksraadslede of van provinsiale raadslede kragtens hierdie Wet vind nie plaas nie totdat—

- (a) ten gevolge van die ontbinding van die Volksraad kragtens 'n bepaling van die „Zuid-Afrika Wet, 1909”; 'n algemene verkiesing vir die Volksraad moet plaasvind, of totdat (na gelang van die geval) uit hoofde van die verstryking van die ampsduur van die provinsiale raad van die provinsie Kaap die Goeie Hoop ooreenkomstig artikel drie-en-sewentig van genoemde Wet, 'n algemene verkiesing vir genoemde provinsiale raad moet plaasvind; en
  - (b) daar 'n nuwe Uniale afbakening was.
- (3) (a) Die verkiesing van volksraadslede of provinsiale raadslede kragtens hierdie Wet vind plaas minstens agt dae voor die datum vir stembag vir die doeleindes van 'n algemene verkiesing geproklameer ingevolge paragraaf (b) van sub-artikel (1) van artikel vyf-en-dertig van die Hoofwet.
- (b) Ten einde die bepaling van paragraaf (a) uit te voer, word 'n spesiale proklamasie uitgereik *mutatis mutandis* ooreenkomstig artikel vyf-en-dertig van die Hoofwet.

(4) In verband met verkiesings van lede van die Raad is die bepaling van die Hoofwet *mutatis mutandis* van toepassing asof dit verkiesings vir volksraadslede was, behalwe dat—

- (i) die ingevolge artikel sewe-en-dertig van die Hoofwet vereiste deposito of sekerheid die bedrag van vyftien pond is;
- (ii) ingeval meer as twee kandidate ten opsigte van 'n kiesafdeling genomineer is, 'n kieser die stembriefie na ontvangs daarvan aan die regterkant, in die bestemde ruimte, met 'n kruisie merk teenoor die naam van elkeen van die twee kandidate vir wie hy wil stem;
- (iii) 'n stembriefie waarop stemme gegee word aan meer kandidate as die kieser geregtig is om voor te stem, ongeldig is en nie getel word nie; en
- (iv) die kiesbeampte, nadat die tel van die stemme afgehandel is, die twee kandidate wat die hoogste getal stemme behaal het, as behoorlik verkies verklaar. Ingeval twee of meer kandidate 'n gelyke getal stemme behaal het en hulle nie almal as verkies verklaar kan word nie, moet die kiesbeampte onverwyld, in die teenwoordigheid van alle persone wat by die tel van die stemme aanwesig is, die lot laat beslis wie van sodanige kandidate as verkies verklaar moet word.

(5) Die Minister kan regulasies uitvaardig om voorsiening te maak vir die besondere vereistes in verband met die prosedure wat by verkiesings ingevolge die bepaling van hierdie Wet nagekom moet word, en sodanige regulasies kan regulasies kragtens die Hoofwet uitgevaardig, verander of wysig of daarvan verskil.

21. Hierdie Wet heet die Wet op Afsonderlike Verteen- Kort titel. woording van Kiesers, 1951.