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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermmentskennisgewing word ter algemene inligting gepubliseer:—

No. 1060.]

[14 Mei 1952.]

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:—

No. 28 van 1952:	Wysigingswet op Adverteer langs en Toebou van Paaie, 1952	2
No. 30 van 1952:	Wet op Na-doodse Ondersoeke en Verwydering van Menslike Weefsels, 1952	4

BLADSY

OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 1060.]

[14th May, 1952]

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

No. 28 of 1952:	Advertising on Roads and Ribbon Development Amendment Act, 1952	..	..	..
No. 30 of 1952:	Post Mortem Examinations and Removal of Human Tissues Act, 1952	..	..	..

PAG

No. 28, 1952.]

WET**Tot wysiging van die Wet op Adverteer langs en Toeboou van Paaie, 1940.***(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 3 Mei 1952.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Wysiging van artikel 1 van Wet 21 van 1940, soos gewysig deur artikel 11 van Wet 22 van 1944.

1. Artikel een van die Wet op Adverteer langs en Toeboou van Paaie, 1940 (hieronder die Hoofwet genoem), word hiermee gewysig deur die woordoms krywing van „Minister” deur die volgende woordoms krywing te vervang:

„Minister”, die Minister van Vervoer;”.

Wysiging van artikel 11 van Wet 21 van 1940, soos gewysig deur artikel 12 van Wet 22 van 1944.

2. Artikel elf van die Hoofwet word hiermee gewysig deur aan die end daarvan die volgende sub-artikels by te voeg:

„(8) Ondanks strydige bepalings in die Registrasie van Aktes Wet, 1937, of ’n ander wet, kan die Registrateur van Aktes, met skriftelike goedkeuring—

(a) van die betrokke beherende gesag; en

(b) in die geval van grond geleë in die Provinsie Kaap die Goeie Hoop, met betrekking waartoe die Administrateur van daardie Provinsie nie die beherende gesag is nie, ook van bedoelde Administrateur,

enige voorwaarde ingevolge sub-artikel (7) in ’n transport-akte ingevoeg of op ’n titelbewys aangeteken, rojeer.

(9) Die rojering van ’n voorwaarde kragtens sub-artikel (8) kan geskied op skriftelike aansoek van die geregistreerde eienaar van die betrokke grond, vergesel van die ingevolge bedoelde sub-artikel vereiste goedkeuring of goedkeurings en bewys dat die verbandhouer, as daar is, van die voorgename rojering in kennis gestel is.”.

Wysiging van artikel 14 van Wet 21 van 1940.

3. Artikel veertien van die Hoofwet word hiermee gewysig deur aan die end van paragraaf (a) van sub-artikel (1) die woorde „en die gelde wat in verband met so ’n aansoek aan die betrokke beherende gesag betaalbaar is, en die tyd en wyse waarop sodanige gelde betaal moet word” by te voeg.

Kort titel.

4. Hierdie Wet heet die Wysigingswet op Adverteer langs en Toeboou van Paaie, 1952.

No. 28, 1952.]

ACT

To amend the Advertising on Roads and Ribbon Development Act, 1940.

*(Afrikaans text signed by the Governor-General.)
(Assented to 3rd May, 1952.)*

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

1. Section *one* of the Advertising on Roads and Ribbon Development Act, 1940 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "Minister" of the following definition:

Amendment of section 1 of Act 21 of 1940, as amended by section 11 of Act 22 of 1944.

"'Minister' means the Minister of Transport;".

2. Section *eleven* of the principal Act is hereby amended by the addition at the end thereof of the following sub-sections:

Amendment of section 11 of Act 21 of 1940, as amended by section 12 of Act 22 of 1944.

"(8) Notwithstanding any provision to the contrary in the Deeds Registries Act, 1937, or any other law, the Registrar of Deeds may, with the approval in writing—

(a) of the controlling authority concerned; and

(b) in the case of land situated in the Province of the Cape of Good Hope, in relation to which the Administrator of that Province is not the controlling authority, also of that Administrator,

cancel any condition which has in terms of sub-section (7) been inserted in a deed of transfer or endorsed upon a title deed.

(9) The cancellation of any condition in terms of sub-section (8) may be effected on a written application by the registered owner of the land in question accompanied by the approval or approvals required under the said sub-section and proof that the bondholder, if any, has been advised of the proposed cancellation."

3. Section *fourteen* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (1) for the words following the word "submitted" of the words "and the fees which shall be payable to the controlling authority concerned in connection with any such application, and the time at which and the manner in which any such fee shall be paid."

Amendment of section 14 of Act 21 of 1940.

4. This Act shall be called the Advertising on Roads and Ribbon Development Amendment Act, 1952.

No. 30, 1952.]

WET

Om voorsiening te maak vir die na-doodse ondersoek van sekere menslike liggame, vir die verwydering van menslike liggame van weefsels vir geneeskundige of wetenskaplike doeleindes, en vir die bewaring en gebruik van sulke weefsels.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 8 Mei 1952.)

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

Woordbepaling.

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

- „gemagtigde inrigting” ’n inrigting wat deur die Minister gemagtig is om weefsels vir geneeskundige of wetenskaplike doeleindes te ontvang, te verkry, te bewaar, te gebruik of uit te gee;
- „geneesheer” iemand wat ingevolge die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928) as ’n geneesheer geregistreer is;
- „Minister” die Minister van Gesondheid;
- „regulasie” ’n kragtens artikel sewe uitgevaardigde regulasie;
- „weefsel” enige menslike weefsel, vleis, orgaan, been of liggaamsvloeistof.

Na-doodse
ondersoeke en
verwydering van
weefsels van
lyke van sekere
persone.

2. (1) Die magistraat in wie se distrik iemand oorlede is, of die geneesheer in bevel van ’n hospitaal of inrigting waarin iemand oorlede is, en wat skriftelik deur die Minister daartoe gemagtig is, kan ondanks die bepalinge van enige ander wet, op die skriftelike aansoek van ’n geneesheer, daardie geneesheer of ’n ander geneesheer skriftelik magtig—

- (a) om, behoudens die voorwaardes wat by regulasie voorgeskryf mag word, ’n na-doodse ondersoek op die lyk van so iemand voor die begrawing daarvan, uit te voer; of
- (b) om, behoudens die voorwaardes wat aldus voorgeskryf mag word, enige vermelde weefsels van die lyk van so iemand voor die begrawing daarvan, te verwyder.

(2) Geen magtiging word kragtens sub-artikel (1) toegestaan nie tensy die betrokke magistraat of geneesheer oortuig is dat—

- (a) die lyk dié van ’n persoon is—
 - (i) wat of in die aanwesigheid van minstens twee getuies voor sy dood of in sy laaste testament, sy lyk vir geneeskundige of wetenskaplike doeleindes bemaak het; of
 - (ii) wie se langselewende eggenoot of naaste beskikbare volwasse bloedverwant of, indien geen sodanige bloedverwant beskikbaar is nie, ’n *bona fide* vriend van die oorledene, skriftelik tot die toestaan van die magtiging toestem;
- (b) die lyk nie of nie meer nodig is nie vir die doel van ’n ondersoek ooreenkomstig—
 - (i) artikel *sewen-en-tagtig* van die „Wet op de Kriminele Procedure en Bewyslevering, 1917” (Wet No. 31 van 1917);
 - (ii) artikel *twee* van die „Wet op Lijkschouwingen, 1919” (Wet No. 12 van 1919);
 - (iii) artikel *vier-en-dertig* van die Volksgezondheidswet, 1919” (Wet No. 36 van 1919);
 - (iv) artikel *vier-en-twintig* van die „Wet op de Registratie van Geboorten, Huweliken en Sterfgevallen, 1923” (Wet No. 17 van 1923);
 - (v) artikel *vyf-en-vyftig* van die Silikosewet, 1946 (Wet No. 47 van 1946);
- (c) in die geval van ’n lyk waarop die bepalinge van artikel *vyf* van die „Anatomie Wet, 1911” (Wet No. 32 van 1911) van toepassing is, die kragtens daardie Wet aangestelde ontleedkundige inspekteur, skriftelik tot die toestaan van die magtiging toestem; en

No. 30, 1952.]

ACT

To provide for the *post-mortem* examination of certain human bodies, for the removal from human bodies of tissue for therapeutic or scientific purposes, and for the preservation and use of such tissue.

(Afrikaans text signed by the Governor-General.)
(Assented to 8th May, 1952.)

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

1. In this Act, unless the context otherwise indicates— Definitions.

- “authorized institution” means an institution authorized by the Minister to receive, acquire, preserve, use or issue any tissue for therapeutic or scientific purposes;
- “medical practitioner” means a person registered as a medical practitioner under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928);
- “Minister” means the Minister of Health;
- “regulation” means a regulation made under section seven;
- “tissue” means any human tissue, flesh, organ, bone or body fluid.

2. (1) The magistrate in whose district any person has died or the medical practitioner in charge of a hospital or institution in which any person has died and who has been authorized thereto in writing by the Minister may, notwithstanding anything to the contrary in any law contained, upon the written application of a medical practitioner, authorize that medical practitioner or another medical practitioner in writing—

Post-mortem examinations of and removal of tissue from bodies of certain deceased persons.

- (a) to perform, subject to such conditions as may be prescribed by regulation, a *post-mortem* examination of the body of such person before its burial; or
- (b) to remove, subject to such conditions as may be so prescribed, any specified tissue from the body of such person before its burial.

(2) No authority shall be granted under sub-section (1) unless the magistrate or medical practitioner concerned is satisfied that—

- (a) the body is that of a person—
 - (i) who either in the presence of at least two witnesses before his death or in his last will has left his body for therapeutic or scientific purposes; or
 - (ii) whose surviving spouse or nearest available adult relative or, if no such relative is available, any *bona fide* friend of the deceased consents in writing to the grant of such authority;
- (b) the body is not or is no longer required for the purpose of an examination in accordance with—
 - (i) section *eighty-seven* of the Criminal Procedure and Evidence Act, 1917 (Act No. 31 of 1917);
 - (ii) section *two* of the Inquests Act, 1919 (Act No. 12 of 1919);
 - (iii) section *thirty-four* of the Public Health Act, 1919 (Act No. 36 of 1919);
 - (iv) section *twenty-four* of the Births, Marriages and Deaths Registration Act, 1923 (Act No. 17 of 1923); or
 - (v) section *fifty-five* of the Silicosis Act, 1946 (Act No. 47 of 1946);
- (c) in the case of a body to which the provisions of section *five* of the Anatomy Act, 1911 (Act No. 32 of 1911), apply, the inspector of anatomy appointed under that Act, consents in writing to the grant of such authority; and

- (d) die na-doodse ondersoek van die lyk nodig is vir die nadere bepaling van die oorsaak van die dood of vir enige vermelde wetenskaplike doel of, na gelang van die geval, die vermelde weefsels nodig is vir enige geneeskundige of wetenskaplike doel.

Verwydering
van weefsels
van lewende
persone.

3. Indien minstens twee geneeshere skriftelik sertifiseer dat na hulle oordeel die verwydering van vermelde weefsels van die liggaam van 'n lewende volwasse persoon daardie persoon op geen wyse sal benadeel nie, en indien bedoelde persoon skriftelik daartoe toestem, kan enige geneesheer (behalwe 'n geneesheer wat voormelde sertifikaat onderteken het), indien daardie vermelde weefsels nodig is vir enige geneeskundige of wetenskaplike doel, die aldus vermelde weefsels van die liggaam van daardie persoon verwyder: Met dien verstande dat vir die verwydering vir so 'n doel van die liggaam van 'n persoon wat daartoe toestem van bloed, vel of ander weefsel wat deur natuurlike herstellingsprosesse vervangbaar is, so 'n sertifikaat of skriftelike toestemming soos voormeld nie nodig is nie.

Verkryging,
bewaring, gebruik
en uitgifte van
weefsels deur
gemagtigde
inrigtings.

4. (1) 'n Gemagtigde inrigting kan enige weefsels wat wettiglik van—

- (a) die lyk van 'n oorledene ingevolge die bepalings van hierdie Wet; of
(b) die liggaam van 'n lewende persoon,
verwyder is, ontvang, verkry, bewaar of gebruik.

(2) 'n Gemagtigde inrigting kan te eniger tyd enige weefsels wat hy in sy besit het, aan 'n geneesheer vir geneeskundige of wetenskaplike doeleindes uitgee.

Voorbehoude.

5. Geen bepalings van hierdie Wet maak—

- (a) die voorbereiding van die lyk van 'n oorledene vir balseming, ditsy sodanige voorbereiding insnydings vir die onttrekking van bloed en die vervanging daarvan deur 'n bederfweringsmiddel insluit al dan nie, of die herstel van enige verminking of mutilasie van die lyk van 'n oorledene voor die begrawing daarvan, onwettig nie; of
(b) die verwydering van die liggaam van iemand, met sy toestemming of die van 'n persoon wat regtens namens hom toestemming kan verleen, van weefsels in die belang van die gesondheid van so iemand en die bewaring en gebruik van sodanige weefsels vir geneeskundige of wetenskaplike doeleindes, onwettig nie.

Regulasies.

6. (1) Die Minister kan regulasies uitvaardig betreffende—

- (a) die vorm waarin 'n aansoek of magtiging ingevolge artikel twee gedoen of toegestaan moet word;
(b) die voorwaardes waarop 'n na-doodse ondersoek uitgevoer of weefsels van die liggaam van 'n lewende persoon of die lyk van 'n oorledene ingevolge hierdie Wet verwyder mag word;
(c) die voorlegging van verslae aan 'n vermelde gesag deur 'n geneesheer wat 'n na-doodse ondersoek uitgevoer of weefsels van die liggaam van 'n lewende persoon of die lyk van 'n oorledene ingevolge hierdie Wet verwyder het, en die tydperk waarbinne sulke verslae voorgelê moet word;
(d) die bewaring, gebruik of uitgifte van of die beskikking oor weefsels wat van die liggaam van 'n lewende persoon of die lyk van 'n oorledene verwyder is; en
(e) in die algemeen, enige aangeleentheid wat hy nodig of dienstig ag om voor te skryf vir die bereiking van die doeleindes van hierdie Wet.

(2) Enige kragtens sub-artikel (1) uitgevaardigde regulasies word binne veertien dae na afkondiging daarvan in beide Huise van die Parlement ter Tafel gelê indien die Parlement dan in gewone sitting is, of indien die Parlement nie dan in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting, en bly op genoemde Tafels vir minstens agt-en-twintig agtereenvolgende dae, en indien die Parlement gepronogeer word voordat die nodige agt-en-twintig dae verloop het, word sodanige regulasies weer soos voormeld binne veertien dae na die aanvang van sy eersvolgende gewone sitting ter Tafel gelê.

(3) Indien beide Huise van die Parlement by besluit wat gedurende dieselfde sitting geneem word (naamlik 'n sitting waarin sulke regulasies ooreenkomstig sub-artikel (2) in beide Huise van die Parlement ter Tafel gelê is) sulke regulasies of 'n bepaling daarvan afkeur, vervall die regskrag van sulke regulasies of so 'n bepaling daarvan vir sover hulle aldus afge-

- (d) the *post-mortem* examination of the body is necessary for the purpose of determining more precisely the cause of death or for any specified scientific purpose, or, as the case may be, the specified tissue is required for any therapeutic or scientific purpose.

3. If at least two medical practitioners certify in writing that in their opinion the removal of any specified tissue from the body of a living adult person will not prejudice that person in any way, and if that person consents thereto in writing, any medical practitioner (other than a medical practitioner who signed the certificate aforesaid) may, if that specified tissue is required for any therapeutic or scientific purpose, remove from the body of that person the tissue so specified: Provided that for the removal for any such purpose from the body of any person who consents thereto of blood, skin or other tissue which is replaceable by natural processes of repair, no such certificate or written consent as aforesaid shall be required.

Removal of tissue from living persons.

4. (1) An authorized institution may receive, acquire, preserve or use any tissue which has been lawfully removed from—

Acquisition, preservation, use and issue of tissue by authorized institutions.

- (a) the body of a deceased person under the provisions of this Act; or
(b) the body of a living person.

(2) An authorized institution may at any time issue any tissue in its possession to a medical practitioner for any therapeutic or scientific purpose.

5. Nothing in this Act contained shall render unlawful—

Savings.

- (a) the preparation of the body of a deceased person for the purpose of embalming, whether or not such preparation involves the making of incisions for the purpose of drawing off blood and its replacement by any preservative, or the restoration of any disfigurement or mutilation of the body of a deceased person prior to its burial; or
(b) the removal from the body of any person with his consent or that of any other person who may in law consent on his behalf, of tissue in the interests of the health of such person and the preservation and use of such tissue for therapeutic or scientific purposes.

6. (1) The Minister may make regulations as to—

Regulations.

- (a) the form in which any application shall be made or authority shall be given under section two;
(b) the conditions subject to which a *post-mortem* examination may be performed or tissue may be removed from the body of a living or a deceased person under this Act;
(c) the submission of reports to any specified authority by a medical practitioner who has performed a *post-mortem* examination or has removed any tissue from the body of a living or a deceased person under this Act, and the period within which such reports shall be submitted;
(d) the preservation, use, issue or disposal of any tissue removed from the body of a living or deceased person; and
(e) generally, any matter which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Any regulations made under sub-section (1) shall be laid on the Tables of both Houses of Parliament within fourteen days after promulgation 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, and shall remain on the said Tables for at least twenty-eight consecutive days, and if Parliament is prorogued before the necessary twenty-eight days have elapsed, such regulations shall again be laid on the said Tables as aforesaid within fourteen days after the commencement of its next ensuing ordinary session.

(3) If both Houses of Parliament by resolution passed in the same session (being a session during which such regulations have been laid on the Tables of both Houses of Parliament in terms of sub-section (2)) disapprove of any such regulations or of any provision thereof, such regulations or such provision thereof shall thereafter cease to be of force and effect to the

keur word, dog sonder afbreuk te doen aan die geldigheid van enigiets wat ingevolge sulke regulasies of so 'n bepaling daarvan tot op die datum waarop die regsrag van sulke regulasies of so 'n bepaling daarvan aldus verval het, gedoen is, of aan enige reg, voorreg, verpligting of aanspreeklikheid wat op bedoelde datum reeds ingevolge sulke regulasies of so 'n bepaling daarvan verkry, opgeloopt of aangegaan is.

Strafbepalings.

7. Iemand wat—

- (a) anders dan ooreenkomstig een of ander wetsbepaling of sonder die skriftelike magtiging van 'n magistraat of geneesheer ingevolge artikel twee, 'n na-doodse ondersoek op die lyk van 'n oorledene uitvoer of weefsels daarvan verwyder; of
- (b) een of ander bepaling van 'n regulasie oortree of in gebreke bly om daaraan te voldoen; of
- (c) 'n geneesheer in bevel van 'n hospitaal of inrigting is en gemagtig is om die in sub-artikel (1) van artikel twee bedoelde magtiging te verleen, en sodanige magtiging op 'n ander wyse dan ooreenkomstig die bepalinge van sub-artikel (2) van bedoelde artikel verleen,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Kort titel.

8. Hierdie Wet heet die Wet op Na-doodse Ondersoeke en Verwydering van Menslike Weefsels, 1952.

extent to which they are so disapproved, but without prejudice to the validity of anything done in terms of such regulations or of such provision thereof up to the date upon which they so ceased to be of force and effect, or to any right, privilege, obligation or liability acquired, accrued or incurred as at the said date under and by virtue of such regulations or such provision thereof.

7. Any person who—

Penalties.

- (a) performs a *post-mortem* examination of the body of a deceased person or removes any tissue therefrom otherwise than in accordance with any law or without the written authority of a magistrate or medical practitioner under section *two*; or
- (b) contravenes or fails to comply with any provision of any regulation, or
- (c) being a medical practitioner in charge of a hospital or institution and being authorized in terms of sub-section (1) of section *two* to grant the authority therein referred to, grants such authority otherwise than in accordance with the provisions of sub-section (2) of that section,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

8. This Act shall be called the Post Mortem Examinations and Removal of Human Tissues Act, 1952. Short title.