

EXTRAORDINARY



BUITENGEWONE

THE UNION OF SOUTH AFRICA

Government Gazette

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Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

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PRYS 6d. [No. 5018.

OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 451.] [4th March, 1953.

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 algemene inligting gepubliseer:—

No. 451.] [4 Maart 1953.

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

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No. 3, 1953.]

ACT

To make provision for the safety of the public and the maintenance of public order in cases of emergency and for matters incidental thereto.

(Afrikaans text signed by the Governor-General.)
(Assented to 24th February, 1953.)

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:—

Definitions.

1. In this Act—

“the Territory” means the territory of South-West Africa;
“Union” includes the Territory.

The Governor-General may declare the existence of a state of emergency in any area.

2. (1) If in the opinion of the Governor-General it at any time appears that—

- (a) any action or threatened action by any persons or body of persons in the Union or any area within the Union is of such a nature and of such an extent that the safety of the public, or the maintenance of public order is seriously threatened thereby; or
- (b) circumstances have arisen in the Union or any area within the Union which seriously threaten the safety of the public, or the maintenance of public order; and
- (c) the ordinary law of the land is inadequate to enable the Government to ensure the safety of the public, or to maintain public order,

he may, by proclamation in the *Gazette*, declare that as from a date mentioned in the proclamation, which date may be a date not more than four days earlier than the date of the proclamation, a state of emergency exists within the Union or within such area, as the case may be.

(2) No proclamation issued under sub-section (1) shall remain in force for more than twelve months: Provided that nothing in this sub-section contained shall be construed as precluding the issue of another proclamation in respect of the same area at or before the expiration of the said period of twelve months.

(3) The Governor-General may at any time and in like manner withdraw any proclamation issued under sub-section (1).

Emergency Regulations.

3. (1) The Governor-General may in any area in which the existence of a state of emergency has been declared under section two, and for as long as the proclamation declaring the existence of such emergency remains in force, by proclamation in the *Gazette*, make such regulations as appear to him to be necessary or expedient for providing for the safety of the public, or the maintenance of public order and for making adequate provision for terminating such emergency or for dealing with any circumstances which in his opinion have arisen or are likely to arise as a result of such emergency.

(2) Without prejudice to the generality of the powers conferred by this section—

(a) such regulations may provide for—

- (i) the empowering of such persons or bodies as may be specified therein to make orders, rules and by-laws for any of the purposes for which the Governor-General is by this section authorized to make regulations, and to prescribe penalties for any contravention of or failure to comply with the provisions of such orders, rules or by-laws;
- (ii) the imposition of penalties specified therein for any contravention of or failure to comply with any provisions of the regulations or any directions issued or conditions prescribed by or under the regulations, which penalties may include the confiscation of any goods, property or instruments by means of which or in connection with which the offence has been committed;

No. 3, 1953.]

WET

Om voorsiening te maak vir die veiligheid van die publiek, en die handhawing van die openbare orde in gevalle van 'n noodtoestand, en vir daarmee in verband staande aangeleenthede.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 24 Februarie 1953.)

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

1. In hierdie Wet beteken—

„die Gebied” die gebied Suidwes-Afrika;
„Unie” ook die Gebied.

Woordebepalings.

2. (1) Indien dit te eniger tyd na die mening van die Goewerneur-generaal, blyk dat—

Die Goewerneur-generaal kan die bestaan van 'n noodtoestand in enige gebied verklaar.

- (a) enige optrede of gedreigde optrede deur enige persone of liggaam van persone in die Unie of 'n gebied binne die Unie van so 'n aard en van so 'n omvang is dat die veiligheid van die publiek of die handhawing van die openbare orde daardeur ernstig bedreig word; of
- (b) omstandighede in die Unie of 'n gebied binne die Unie ontstaan het wat die veiligheid van die publiek, of die handhawing van die openbare orde ernstig bedreig; en
- (c) die gewone landswette onvoldoende is om die Regering in staat te stel om die veiligheid van die publiek te verseker of die openbare orde te handhaaf,

kan hy, by proklamasie in die *Staatskoerant*, verklaar dat daar binne die Unie of binne so 'n gebied, na gelang van die geval, vanaf 'n datum in die proklamasie genoem, wat 'n datum hoogstens vier dae vroeër dan die datum van die proklamasie kan wees, 'n noodtoestand bestaan.

(2) Geen kragtens sub-artikel (1) uitgereikte proklamasie bly vir langer dan twaalf maande van krag nie: Met dien verstande dat die bepaling van hierdie sub-artikel nie so uitgelê word dat dit die uitreiking van 'n ander proklamasie ten opsigte van dieselfde gebied by of voor verstryking van bedoelde tydperk van twaalf maande belet nie.

(3) Die Goewerneur-generaal kan te eniger tyd en op dergelyke wyse 'n kragtens sub-artikel (1) uitgereikte proklamasie intrek.

3. (1) Die Goewerneur-generaal kan in 'n gebied waarin die bestaan van 'n noodtoestand kragtens artikel twee verklaar is, en vir so lank die proklamasie wat die bestaan van so 'n noodtoestand verklaar, van krag bly, by proklamasie in die *Staatskoerant* die regulasies uitvaardig wat hy nodig of raadzaam ag om voorsiening te maak vir die veiligheid van die publiek of die handhawing van die openbare orde, en om voldoende voorsiening te maak vir die beëindiging van so 'n noodtoestand, of om te handel met omstandighede wat na sy oordeel as gevolg van so 'n noodtoestand, ontstaan het of waarskynlik sal ontstaan.

Noodregulasies.

(2) Sonder afbreuk te doen aan die algemeenheid van die bevoegdhede wat by hierdie artikel verleen word—

(a) kan bedoelde regulasies voorsiening maak vir—

- (i) die verlening aan die daarin aangewese persone of liggame van die bevoegdheid om bevels, reëls en verordenings uit te vaardig vir 'n doel waarvoor die Goewerneur-generaal by hierdie artikel gemagtig word om regulasies uit te vaardig, en om strawwe voor te skryf vir 'n oortreding van of versuim om aan die voorskrifte van bedoelde bevels, reëls of verordenings te voldoen;
- (ii) die oplegging van die daarin vermelde strawwe vir 'n oortreding van of versuim om te voldoen aan die voorskrifte van die regulasies of enige bevels uitgevaardig of voorwaardes voorgeskryf deur of kragtens die regulasies, watter strawwe die verbeurdverklaring kan insluit van goedere, eiendom of instrumente waarmee of in verband waarmee die misdadigepleeg is;

- (b) such regulations may be made with retrospective effect from the date from which it has under section *two* been declared that a state of emergency exists within the Union or the area concerned, as the case may be: Provided that no such regulation shall make punishable any act or omission which was not punishable at the time when it was committed; and
- (c) different regulations may be made for different areas in the Union and for different classes of persons in the Union.

(3) Nothing in this section contained shall authorize the making of any regulations whereby—

- (a) is imposed any liability to render compulsory military service other than that provided for in the South Africa Defence Act, 1912 (Act No. 13 of 1912); or
- (b) provision is made for the imposition of a fine exceeding five hundred pounds or imprisonment for a period exceeding five years; or
- (c) any law relating to the qualifications, nomination, election or tenure of office of members of the Senate or the House of Assembly or a provincial Council or the Legislative Assembly of the Territory, or to the holding of sessions of Parliament or a provincial Council or the said Assembly, or to the powers, privileges or immunities of Parliament or a provincial Council or the said Assembly or of the members or committees thereof, is altered or suspended; or
- (d) any action relating to a matter dealt with under the Industrial Conciliation Act, 1937 (Act No. 36 of 1937), or section *twenty-five* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), which may, at the date when such regulations are promulgated, be lawfully taken, is rendered unlawful:

Provided that—

- (i) for the purposes of section *seventy-nine* of the South Africa Defence Act, 1912 (Act No. 13 of 1912), the Territory shall be deemed to be a part of the Union;
- (ii) in regard to any matter dealt with under the Industrial Conciliation Act, 1937, the provisions of the said Act, or such portions of the said provisions as may in the opinion of the Governor-General be necessary or adequate, may be applied to the Territory by regulation with such modifications as may be required for the purposes of such application;
- (iii) no regulation may be applied to the Territory which could, in terms of paragraph (c), not be applied to the Union, exclusive of the Territory.

(4) Whenever any regulation made under sub-section (1) provides for the summary arrest and detention of any person, and any person is, in pursuance of such a regulation detained for a period of longer than thirty days, the Minister shall, within fourteen days of the expiration of such period of thirty days, 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, lay the name of such person on the Tables of both Houses of Parliament.

(5) Any regulation 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 regulation shall again be laid on the said Tables as aforesaid within fourteen days after the commencement of its next ensuing ordinary session.

- (6) (a) If such regulation is not approved in both Houses of Parliament by resolution passed in the same session (being a session during which such regulation has been laid on the Tables of both Houses of Parliament in terms of sub-section (5)) such regulation shall cease to be of force and effect—

- (i) as from the date of any resolution of either House of Parliament disapproving thereof to the extent of such disapproval, or
- (ii) as from the date on which Parliament is prorogued at the end of any session during which such regulation has been on the Tables of both Houses of Parliament for at least twenty-eight days;

whichever is the earlier date.

- (b) The provisions of paragraph (a) are without prejudice to the validity of anything done in terms of such regulation or any provision thereof up to the date upon which it 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 regulation or such provision thereof.

Powers of the Governor-General may be exercised by the Minister of Justice in urgent cases.

4. (1) Whenever owing to special circumstances it is in the opinion of the Minister of Justice urgently necessary to do so, he may, in respect of any area within the Union (other than the Territory) in respect of which no proclamation issued under this Act is in force, by notice in the *Gazette* exercise any of the powers which the Governor-General may exercise by proclamation under this Act.

(2) A notice issued under sub-section (1) shall have the same force and effect as a proclamation issued by the Governor-General under this Act and shall remain in force until a proclamation is issued in respect of the area in respect of which the notice has been issued, but in no case for more than ten days.

Application of Act to South-West Africa.

5. (1) This Act shall apply also in the Territory, including for all purposes the portion of the Territory, known as the "Rehoboth Gebiet", and defined in the First Schedule to Proclamation by the Administrator of the Territory No. 28 of 1923.

(2) The Administrator of the Territory shall, in respect of the Territory, have and exercise *mutatis mutandis* the powers conferred under section *four* on the Minister of Justice in respect of the Union (exclusive of the Territory).

(3) The provisions of sub-section (2) of section *four* shall apply also in respect of any notice issued by the Administrator of the Territory under sub-section (2) of this section.

(4) Notwithstanding anything to the contrary in any other law contained, any proclamation, regulation, notice, order, rule or by-law, issued under this Act, which relates only to the Territory, or any portion of the Territory, shall be sufficiently promulgated if published in the *Official Gazette* of the Territory.

Short title.

6. This Act shall be called the Public Safety Act, 1953.

- (b) kan bedoelde regulasies met terugwerkende krag met ingang van die datum vanaf wanneer dit kragtens artikel twee verklaar is dat 'n noodtoestand binne die Unie of die betrokke gebied, na gelang van die geval, bestaan, uitgevaardig word: Met dien verstande dat geen sodanige regulasie 'n handeling of versuim strafbaar maak wat toe dit gepleeg was nie strafbaar was nie; en
 - (c) kan verskillende regulasies vir verskillende gebiede in die Unie en verskillende kategorieë van persone in die Unie uitgevaardig word.
- (3) Die bepalings van hierdie artikel magtig nie die uitvaardiging van regulasies nie waarby—
- (a) 'n ander verpligting tot verrigting van militêre diens opgelê word dan die waarvoor die „Zuid-Afrika Verdedigings Wet, 1912” (Wet No. 13 van 1912) voorsiening maak; of
 - (b) voorsiening gemaak word vir die oplegging van 'n boete van meer dan vyfhonderd pond of gevangenisstraf vir 'n tydperk van meer dan vyf jaar; of
 - (c) 'n wetsbepaling aangaande die kwalifikasies, nominasie, verkiesing of dienstyd van lede van die Senaat of die Volksraad of 'n provinsiale raad of die Wetgewende Vergadering van die Gebied of aangaande die hou van sittings deur die Parlement of 'n provinsiale raad of gemelde Vergadering of aangaande die bevoegdhede, voorregte of vrydomme van die Parlement of 'n provinsiale raad of gemelde Vergadering of van die lede of komitees daarvan, verander of geskors word; of
 - (d) 'n handeling aangaande 'n saak wat onder die Nywerheid-versoeningswet, 1937 (Wet No. 36 van 1937), of artikel vyf-en-twintig van die „Spoorwegin en Havens Dienst Wet”, 1925 (Wet No. 23 van 1925), behandel word, wat op die datum wanneer sodanige regulasies uitgevaardig word wettiglik verrig kan word, onwettig gemaak sou word:

Met dien verstande dat—

- (i) by die toepassing van artikel *negen-en-sewentig* van die „Zuid-Afrika Verdedigings Wet 1912” (Wet No. 13 van 1912), die Gebied geag word 'n deel van die Unie te wees;
- (ii) met betrekking tot 'n saak wat onder die Nywerheid-versoeningswet, 1937, behandel word, die bepalings van genoemde Wet, of sodanige gedeeltes van genoemde bepalings as wat na die mening van die Goewerneur-generaal nodig of voldoende mag wees, op die Gebied by regulasie toegepas kan word, met sodanige wysigings as wat vir die doeleindes van sodanige toepassing nodig mag wees;
- (iii) geen regulasie op die gebied toegepas kan word nie wat ingevolge paragraaf (c) nie op die Unie, met uitsluiting van die Gebied, toegepas sou kon word nie.

(4) Wanneer 'n kragtens sub-artikel (1) uitgevaardigde regulasie voorsiening maak vir die summere arrestasie en aanhouding van enige persoon, en enige persoon word uit kragte van so 'n regulasie vir 'n tydperk van langer as dertig dae aangehou, moet die Minister binne veertien dae na verstryking van so 'n tydperk van dertig dae, 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, die naam van so 'n persoon in albei Huise van die Parlement ter Tafel lê.

(5) 'n Kragtens sub-artikel (1) uitgevaardigde regulasie 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 geprorogeer word voordat die nodige agt-en-twintig dae verloop het, word sodanige regulasie weer soos voormeld binne veertien dae na die aanvang van sy eersvolgende gewone sitting ter Tafel gelê.

- (6) (a) Indien so 'n regulasie nie deur beide Huise van die Parlement by besluit wat gedurende dieselfde sitting geneem word (naamlik 'n sitting waarin so 'n regulasie ooreenkomstig sub-artikel (5) in beide Huise van die Parlement ter Tafel gelê is) goedgekeur word nie, verval die regskrag van so 'n regulasie—

- (i) vanaf die datum van 'n besluit deur die een of die ander Huis van die Parlement wat dit afkeur, in die mate waarin dit aldus afgekeur word; of
 - (ii) vanaf die datum waarop die Parlement gepronoseer word aan die end van 'n sitting waarin so 'n regulasie in beide Huise van die Parlement vir minstens agt-en-twintig agtereenvolgende dae ter Tafel gelê het; na gelang die een of die ander die vroegste datum is.
- (b) Die bepalings van paragraaf (a) doen geen afbreuk nie aan die geldigheid van enigiets ooreenkomstig so 'n regulasie of 'n bepaling daarvan gedoen tot op die datum waarop die regspraak daarvan verval het, of aan enige reg, voorreg, verpligting of aanspreeklikheid wat op bedoelde datum reeds ingevolge so 'n regulasie of so 'n bepaling daarvan verkry, opgeloopt of aangegaan is.

4. (1) Wanneer dit na oordeel van die Minister van Justisie weens besondere omstandighede dringend nodig is sulks te doen kan hy, ten opsigte van enige gebied binne die Unie (behalwe die Gebied) ten opsigte waarvan geen kragtens hierdie Wet uitgereikte proklamasie van krag is nie, by kennisgewing in die *Staatskoerant*, enige van die bevoegdhede uitoefen wat die Goewerneur-generaal by proklamasie kragtens hierdie Wet kan uitoefen.

Bevoegdhede van die Goewerneur-generaal kan in dringende gevalle deur die Minister van Justisie uitoefen word.

(2) 'n Kragtens sub-artikel (1) uitgereikte kennisgewing het dieselfde regspraak en uitwerking as 'n kragtens hierdie Wet uitgevaardigde proklamasie van die Goewerneur-generaal en bly van krag totdat 'n proklamasie uitgereik word ten opsigte van die gebied ten opsigte waarvan die kennisgewing uitgereik is, dog in geen geval vir langer dan tien dae nie.

5. (1) Hierdie Wet is ook in die Gebied van toepassing, met inbegrip vir alle doeleindes van die deel van die Gebied wat bekend is as die „Rehoboth Gebied”, en wat in die Eerste Bylae van Proklamasie van die Administrateur van die Gebied No. 28 van 1923, bepaal word.

Toepassing van Wet op Suidwes-Afrika.

(2) Die Administrateur van die Gebied het, en oefen uit *mutatis mutandis* ten opsigte van die Gebied, die bevoegdhede kragtens artikel vier aan die Minister van Justisie toegeken ten opsigte van die Unie (met uitsluiting van die Gebied).

(3) Die bepalings van sub-artikel (2) van artikel vier is ook van toepassing ten opsigte van 'n kennisgewing wat deur die Administrateur van die Gebied kragtens sub-artikel (2) van hierdie artikel uitgereik is.

(4) Ondanks andersluidende wetsbepalings word 'n kragtens hierdie Wet uitgevaardigde proklamasie, regulasie, kennisgewing, bevel, reël of verordening, wat betrekking het slegs op die Gebied, of 'n deel van die Gebied, voldoende afgekondig, indien dit in die *Offisiële Koerant* van die Gebied gepubliseer word.

6. Hierdie Wet heet die Wet op Openbare Veiligheid, 1953. Kort titel.

No. 4, 1953.]

PRIVATE ACT

To extend the powers conferred on the South African Trustees of the Herbert Ainsworth Settlers Fund by the will of the late Herbert Ainsworth as amended by the Herbert Ainsworth Settlers Trust Private Act, 1934.

*(English text signed by the Governor-General.)
(Assented to 25th February, 1953.)*

Preamble.

WHEREAS the late Herbert Ainsworth did by Clause 7 of his last will, dated the twenty-third day of August 1919, give all his real and personal estate not otherwise disposed of to the trustees mentioned in the said will upon certain trusts:

AND WHEREAS the said Clause 7 was amended by the Herbert Ainsworth Settlers Trust Private Act, 1934, and the powers of the South African trustees as defined in the said Clause 7 were extended:

AND WHEREAS it is expedient that the powers of the South African trustees should be further extended so that in addition to the powers conferred on them by Clause 7 of the said will and in terms of the said Act, they should have power to increase the amount which may be advanced to any one person whom the trustees are allowed to assist in accordance with the provisions of the said will and the said Act from the sum of five hundred pounds to the sum of five thousand pounds:

AND WHEREAS it is expedient that the costs incurred in connection with this Act should be paid by the South African trustees out of the funds held by them:

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

Increased powers of South African trustees.

1. Notwithstanding anything to the contrary contained in the said will and the said Act the South African trustees shall have power to increase the amount which may be advanced to any one person whom the trustees are allowed to assist in accordance with the provisions of the said will and the said Act, from the sum of five hundred pounds to the sum of five thousand pounds.

Payment of costs of Act.

2. All costs, charges and expenses of and incident to the preparing, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the South African trustees out of the funds in their hands.

Short title.

3. This Act shall be called the Herbert Ainsworth Settlers Trust Private Act, Amendment (Private) Act, 1953.

No. 4, 1953.]

PRIVATE WET

Tot uitbreiding van die bevoegdheide verleen aan die Suid-Afrikaanse Trustees van die Herbert Ainsworth Setlaarsfonds deur die uiterste wil van wyle Herbert Ainsworth soos gewysig deur die „Herbert Ainsworth Setlaars Trust (Private) Wet, 1934”.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 25 Februarie 1953.)

NADEMAAL wyle Herbert Ainsworth deur middel van Aanhef. klousule 7 van sy uiterste wil, gedagteken die drie-en-twintigste dag van Augustus 1919, al sy onroerende en roerende goed waaroor nie andersins beskik is nie aan die in genoemde uiterste wil vermelde trustees onder sekere trusts toevertrou het:

EN NADEMAAL genoemde klousule 7 gewysig is deur die „Herbert Ainsworth Setlaars Trust (Private) Wet, 1934”, en die bevoegdheide van die Suid-Afrikaanse trustees soos omskryf in genoemde klousule 7 uitgebrei is:

EN NADEMAAL dit dienstig is dat die bevoegdheide van die Suid-Afrikaanse trustees verder uitgebrei moet word sodat benewens die bevoegdheide aan hulle verleen deur klousule 7 van genoemde uiterste wil en ingevolge genoemde Wet, hulle die bevoegdheid moet hê om die bedrag wat voorgeskiet mag word aan enige persoon wat die trustees veroorloof is om te help ooreenkomstig die bepalinge van genoemde uiterste wil en genoemde Wet, te verhoog van die bedrag van vyfhonderd pond tot die bedrag van vyfduisend pond:

EN NADEMAAL dit dienstig is dat die koste in verband met hierdie Wet opgeloop, betaal moet word deur die Suid-Afrikaanse trustees uit die fondse in hulle besit:

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

1. Ondanks enigiets teenstrydigs vervat in genoemde uiterste wil en genoemde Wet, het die Suid-Afrikaanse trustees die bevoegdheid om die bedrag wat voorgeskiet mag word aan enige persoon wat die trustees veroorloof is om te help ooreenkomstig die bepalinge van genoemde uiterste wil en genoemde Wet, te verhoog van die bedrag van vyfhonderd pond tot die bedrag van vyfduisend pond. Groter bevoegdheide van Suid-Afrikaanse trustees.

2. Alle koste, lone en uitgawe van en bykomstig by die opstel, verkryging en aanname van hierdie Wet of wat andersins daarmee in verband staan, word deur die Suid-Afrikaanse trustees uit die fondse in hulle besit betaal. Betaling van koste van Wet.

3. Hierdie Wet heet die Private Wysigingswet op die Herbert Ainsworth Setlaars Trust (Private) Wet, 1953. Kort titel.

No. 5, 1953.]

ACT

To apply a sum not exceeding fifty-six million pounds on account of the services of the Railways and Harbours Administration for the year ending the thirty-first day of March, 1954.

*(English text signed by the Governor-General.)
(Assented to 25th February, 1953.)*

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:—

£56,000,000 may
be issued out of
Railway and
Harbour Fund.

1. On and after the first day of April, 1953, there may be issued out of the Railway and Harbour Fund for revenue and loan services of the Railways and Harbours Administration of the Union, such sums of money, not exceeding in the aggregate the sum of fifty-six million pounds, as may from time to time be required for the railways and harbours services of the Union for the year ending the thirty-first day of March, 1954, until such time as provision is made therefor by Parliament in a Railways and Harbours Appropriation Act.

Sums issued under
this Act deemed
to be advances
in anticipation.

2. All sums issued under the provisions of this Act shall be deemed to be advances on account of grants to be made by Parliament in a Railways and Harbours Appropriation Act for the year ending the thirty-first day of March, 1954, and immediately on the commencement of such Appropriation Act, this Act shall cease to have effect and issues already made hereunder shall be deemed to be issues under that Appropriation Act, and shall be accounted for in accordance with the provisions thereof:

Provided that no services upon which expenditure has not been duly authorized under an Appropriation Act during the year ending the thirty-first day of March, 1953, or for which there is no other statutory authority, shall be deemed to be authorized under this Act.

Short title.

3. This Act shall be known as the Railways and Harbours Part Appropriation Act, 1953.

No. 5, 1953.]

WET

Tot aanwending van 'n som van hoogstens ses-en-vyftigmiljoen pond ten behoeve van die dienste van die Spoorweg- en Hawe-administrasie vir die jaar wat op die een-en-dertigste dag van Maart 1954 eindig.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 25 Februarie 1953.)

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

1. Op en na die eerste dag van April 1953 mag die somme £56,000,000 mag uit Spoorweg- en Hawefonds uitgerek word. geld, gesamentlik ten bedrae van hoogstens ses-en-vyftigmiljoen pond, wat van tyd tot tyd nodig mag wees vir die spoorweg- en hawedienste van die Unie vir die jaar wat op die een-en-dertigste dag van Maart 1954 eindig, uit die Spoorweg- en Hawefonds vir inkomste- en leningsdienste van die Spoorweg- en Hawe-administrasie van die Unie uitgerek word, totdat die Parlement deur 'n Spoorweg- en Hawebegrotingswet daarvoor voorsiening maak.

2. Alle somme kragtens die bepalings van hierdie Wet uitgerek, word beskou as voorskotte op rekening van gelde wat deur die Parlement in 'n Spoorweg- en Hawebegrotingswet bewillig sal word vir die jaar wat op die een-en-dertigste dag van Maart 1954 eindig, en onmiddellik na die inwerkingtreding van daardie Begrotingswet, tree hierdie Wet buite werking en word gelde wat kragtens hierdie Wet reeds uitgerek is, as uitreikings kragtens daardie Begrotingswet beskou en moet sodanige uitreikings ooreenkomstig die voorskrifte daarvan verantwoord word.

Somme ingevolge hierdie Wet uitgerek word as voorlopige voorskotte beskou.

Met dien verstande dat dienste waarvoor geen uitgawe gedurende die jaar wat op die een-en-dertigste dag van Maart 1953 eindig behoorlik kragtens 'n Begrotingswet gemagtig is nie of waarvoor geen ander wetlike magtiging bestaan nie, nie beskou word deur hierdie Wet gemagtig te wees nie.

3. Hierdie Wet heet die Gedeeltelike Spoorweg- en Hawe- Kort titel. begrotingswet, 1953.

No. 6, 1953.]

ACT

To provide for the alteration of the Royal Style and Titles.

(Afrikaans text signed by the Governor-General.)
(Assented to 25th February, 1953.)

Preamble.

WHEREAS the Royal Style and Titles, as amended by proclamation dated the twenty-second day of June, 1948, issued under section one of the Royal Style and Titles Act, 1948 (Act No. 17 of 1948), are at present "*Elizabeth II, Dei Gratia Magnae Britanniae, Hiberniae et terrarum transmarinarum quae in ditone sunt Britannica Regina, Fidei Defensor*" in the Latin tongue, and "Elizabeth II by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas Queen, Defender of the Faith" in the English tongue, respectively:

AND WHEREAS Her Majesty's Governments in the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, Pakistan and Ceylon have agreed that it is necessary and expedient that the Style and Titles appertaining to the Crown be altered to accord with the current constitutional position within the Commonwealth and that accordingly the Parliament of each Commonwealth country should appoint and declare the Royal Style and Titles to be used in and for its own territory:

AND WHEREAS it is fit and proper that in relation to the Union of South Africa the Style and Titles of Her Majesty in the Afrikaans tongue be also appointed and declared:

NOW THEREFORE, 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:—

Declaration of Royal Style and Titles in relation to the Union of South Africa.

1. Notwithstanding anything to the contrary in any law contained, the Style and Titles of Her Majesty the Queen, as Sovereign in and over the Union of South Africa, are hereby appointed and declared to be "*Elizabeth II, Africae Australis regnorumque suorum ceterorum Regina, consortionis populorum Princeps*," in the Latin tongue, "Elizabeth II, Queen of South Africa and of Her other Realms and Territories, Head of the Commonwealth" in the English tongue, and "Elizabeth II, Koningin van Suid-Afrika en van Haar ander Koninkryke en Gebiede, Hoof van die Statebond" in the Afrikaans tongue, respectively.

Short title and commencement.

2. This Act shall be called the Royal Style and Titles Act, 1953, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

No. 6, 1953.]

WET

**Om vir die verandering van die Koninklike Naam en Titels
voorsiening te maak.**

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 25 Februarie 1953.)

NADEMAAL die Koninklike Naam en Titels, soos gewysig Aanhef.
by proklamasie op die twee-en-twintigste dag van Junie
1948 uitgevaardig kragtens artikel een van die Wet op die
Koninklike Naam en Titels, 1948 (Wet No. 17 van 1948), tans
lui „*Elizabeth II, Dei Gratia Magnae Britanniae, Hiberniae et
terrarum transmarinarum quae in ditione sunt Britannica Regina,
Fidei Defensor*” in die Latynse taal, en „Elizabeth II by the
Grace of God of Great Britain, Ireland and the British
Dominions beyond the Seas Queen, Defender of the Faith”
in die Engelse taal, onderskeidelik:

EN **NADEMAAL** Haar Majesteit se Regerings in die Verenigde
Koninkryk van Groot-Brittanje en Noord-Ierland, Kanada,
Australië, Nu-Seeland, die Unie van Suid-Afrika, Pakistan en
Ceylon ooreengekom het dat dit nodig en raadsaam is om die
Naam en Titels wat op die Kroon betrekking het in ooreen-
stemming met die bestaande staatsregtelike posisie binne die
Statebond te verander en dat die Parlement van elke Statebonds-
land derhalwe die Koninklike Naam en Titels vir gebruik in
en vir sy eie gebied behoort vas te stel en te verklaar:

EN **NADEMAAL** dit dienstig is om met betrekking tot die Unie
van Suid-Afrika die Naam en Titels van Haar Majesteit ook in
die Afrikaanse taal vas te stel en te verklaar:

SO WORD DIT DERHALWE deur Haar Majesteit die
Koningin, die Senaat en die Volksraad van die Unie van
Suid-Afrika soos volg bepaal:—

1. Ondanks andersluidende wetsbepalings word die Naam en Verklaring van
Titels van Haar Majesteit die Koningin as Soewerein in en oor Koninklike Naam
die Unie van Suid-Afrika hierby vasgestel en verklaar onder- en Titels met
skiedelik as „*Elizabeth II, Africae Australis regnorumque suorum* betrekking tot die
ceterorum Regina, consortionis populorum Princeps,” in die Unie van Suid-
Latynse taal, „Elizabeth II, Queen of South Africa and of Her Afrika.
other Realms and Territories, Head of the Commonwealth” in
die Engelse taal, en „Elizabeth II, Koningin van Suid-Afrika en
van Haar ander Koninkryke en Gebiede, Hoof van die State-
bond” in die Afrikaanse taal.

2. Hierdie Wet heet die Wet op die Koninklike Naam en Kort titel en
Titels, 1953, en tree in werking op 'n datum deur die Goewer- inwerkingtreding.
neur-generaal by proklamasie in die *Staatskoerant* vasgestel te
word.

No. 7, 1953.]

ACT

To consolidate and amend the law relating to the execution of wills.

(English text signed by the Governor-General.)
(Assented to 25th February, 1953.)

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:—

Definitions.

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

- (i) "competent witness" means a person of the age of fourteen years or over who at the time he witnesses a will is not incompetent to give evidence in a court of law; (i)
- (ii) "Court" means a provincial or local division of the Supreme Court of South Africa or the High Court of South-West Africa or any judge thereof; (ii)
- (iii) "Master" means a Master of the Supreme Court of South Africa, the Assistant Master at Kimberley or the Master of the High Court of South-West Africa; (iii)
- (iv) "sign" includes in the case of a testator the making of a mark but does not include the making of a mark in the case of a witness, and "signature" has a corresponding meaning; (iv)
- (v) "will" includes a codicil and any other testamentary writing. (v)

Formalities required in the execution of a will.

2. (1) Subject to the provisions of section three—

- (a) no will executed on or after the first day of January, 1954, shall be valid unless—
 - (i) the will is signed at the end thereof by the testator or by some other person in his presence and by his direction; and
 - (ii) such signature is made by the testator or by such other person or is acknowledged by the testator and, if made by such other person, also by such other person, in the presence of two or more competent witnesses present at the same time; and
 - (iii) such witnesses attest and sign the will in the presence of the testator and of each other and, if the will is signed by such other person, in the presence also of such other person; and
 - (iv) if the will consists of more than one page, each page is so signed by the testator or by such other person and by such witnesses; and
 - (v) if the will is signed by the testator by the making of a mark or by some other person in the presence and by direction of the testator, a magistrate, justice of the peace, commissioner of oaths or notary public certifies at the end thereof that the testator is known to him and that he has satisfied himself that the will so signed is the will of the testator, and if the will consists of more than one page, each page is signed by the magistrate, justice of the peace, commissioner of oaths or notary public who so certifies;
- (b) no deletion, addition, alteration or interlineation made in a will executed on or after the said date and made after the execution thereof shall be valid unless—
 - (i) the deletion, addition, alteration or interlineation is identified by the signature of the testator or by the signature of some other person made in his presence and by his direction; and

No. 7, 1953.]

WET

Om die wetsbepalings betreffende die verlyding van testamente te konsolideer en te wysig.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 25 Februarie 1953.)

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

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

- (i) „bevoegde getuie” iemand wat veertien jaar of ouer is en op die tydstip wanneer hy ’n testament attesteer, nie onbevoeg is om in ’n geregshof getuienis af te lê nie; (i)
- (ii) „Hof” ’n provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika of die Hoë Hof van Suidwes-Afrika of ’n regter daarvan; (ii)
- (iii) „Meester” ’n Meester van die Hooggeregshof van Suid-Afrika, die Assistent-meester te Kimberley of die Meester van die Hoë Hof van Suidwes-Afrika; (iii)
- (iv) „onderteken” in die geval van ’n erflater, ook die maak van ’n merk, maar in die geval van ’n getuie, nie ook die maak van ’n merk nie, en het „handtekening” ’n ooreenstemmende betekenis; (iv)
- (v) „testament” ook ’n kodisil en enige ander testamentêre geskrif. (v)

2. (1) Behoudens die bepalinge van artikel drie—

Vormvereistes by die verlyding van ’n testament.

(a) is geen testament wat op of na die eerste dag van Januarie 1954 verly word, geldig nie tensy—

- (i) die testament aan die end daarvan deur die erflater of deur iemand anders in sy teenwoordigheid en in opdrag van hom onderteken word; en
- (ii) bedoelde handtekening in teenwoordigheid van twee of meer bevoegde getuies wat gelyktydig teenwoordig is deur die erflater of deur bedoelde ander persoon aangebring word of deur die erflater en, indien dit deur bedoelde ander persoon aangebring word, ook deur daardie ander persoon erken word; en
- (iii) bedoelde getuies die testament in teenwoordigheid van die erflater en van mekaar en, indien die testament deur bedoelde ander persoon onderteken word, ook in teenwoordigheid van daardie ander persoon, attesteer en onderteken; en
- (iv) indien die testament meer dan een bladsy beslaan, elke bladsy aldus deur die erflater of deur bedoelde ander persoon en deur bedoelde getuies onderteken word; en
- (v) indien die testament deur die erflater deur die maak van ’n merk of deur iemand anders in teenwoordigheid en in opdrag van die erflater onderteken word, ’n magistraat, vrederegter, kommissaris van ede of notaris aan die end daarvan sertifiseer dat die erflater aan hom bekend is en dat hy homself oortuig het dat die aldus ondertekende testament die testament van die erflater is, en indien die testament meer dan een bladsy beslaan, elke bladsy deur die magistraat, vrederegter, kommissaris van ede of notaris wat aldus sertifiseer, onderteken word;

(b) is geen skrapping, byvoeging, verandering of tussen-skrif wat in ’n testament wat op of na genoemde datum verly is, en na verlyding daarvan aangebring word, geldig nie tensy—

- (i) die skrapping, byvoeging, verandering of tussen-skrif deur die handtekening van die erflater of deur die handtekening van iemand anders in sy teenwoordigheid en in opdrag van hom aangebring, bevestig word; en

(ii) such signature is made by the testator or by such other person or is acknowledged by the testator and, if made by such other person, also by such other person, in the presence of two or more competent witnesses present at the same time; and

(iii) the deletion, addition, alteration or interlineation is further identified by the signatures of such witnesses made in the presence of the testator and of each other and, if the deletion, addition, alteration or interlineation has been identified by the signature of such other person, in the presence also of such other person; and

(iv) if the deletion, addition, alteration or interlineation is identified by the mark of the testator or the signature of some other person made in his presence and by his direction, a magistrate, justice of the peace, commissioner of oaths or notary public certifies on the will that the testator is known to him and that he has satisfied himself that the deletion, addition, alteration or interlineation has been made by or at the request of the testator.

(2) Any deletion, addition, alteration or interlineation made in a will executed after the said date shall for the purposes of sub-section (1) be presumed, unless the contrary is proved, to have been made after the will was executed.

Soldiers' wills.

3. (1) Any person while on active service with any of the land, air or naval forces of the Union or of any other country allied to or associated with the Union in any war, may make a will without complying with the formalities prescribed by section two or with any formalities whatsoever, except that it shall be made in writing.

(2) Such a will, hereinafter called a soldier's will, shall be valid if the maker thereof dies while he is, or within one year after he has ceased to be, on active service with such forces.

(3) A soldier's will, signed by the maker thereof, may on application to the Master having jurisdiction, be accepted by that Master without an order of court, provided he is satisfied by evidence on affidavit that it is a valid will in terms of sub-sections (1) and (2).

(4) Any person aggrieved by the Master's acceptance of the will may, within thirty days after the date of such acceptance, or within such further period as the Court may on good cause allow, and after service of notice upon any person affected by such acceptance, make application to the Court having jurisdiction for an order setting aside such acceptance and the Court may confirm or set aside such acceptance or make such other order as it may deem fit.

(5) If a soldier's will is not signed by the maker thereof or if a soldier's will is signed by the maker thereof but the Master has refused to accept it, the Court having jurisdiction may on application, if the Court is satisfied that the will is a valid will in terms of sub-sections (1) and (2), direct the Master to accept the will and may make such further or such other order as to it seems fit.

(6) Notice of any application under sub-section (3) or (5) shall, unless the Court otherwise directs, be served on the spouse and intestate heirs of the deceased and also on any person who may be entitled to claim under any previous will made by the deceased, if such previous will is known to exist.

Competency to make a will.

4. Every person of the age of sixteen years or more may make a will unless at the time of making the will he is mentally incapable of appreciating the nature and effect of his act, and the burden of proof that he was mentally incapable at that time shall rest on the person alleging the same.

- (ii) bedoelde handtekening in teenwoordigheid van twee of meer bevoegde getuies wat gelyktydig teenwoordig is, deur die erflater of deur bedoelde ander persoon aangebring word of deur die erflater en, indien dit deur bedoelde ander persoon aangebring word, ook deur daardie ander persoon erken word; en
- (iii) die skrapping, byvoeging, verandering of tussenskrif ook bevestig word deur die handtekeninge van bedoelde getuies in teenwoordigheid van die erflater en van mekaar aangebring en indien die skrapping, byvoeging, verandering of tussenskrif deur die handtekening van bedoelde ander persoon bevestig word, ook in teenwoordigheid van bedoelde ander persoon; en
- (iv) indien die skrapping, byvoeging, verandering of tussenskrif deur die merk van die erflater of die handtekening van iemand anders in sy teenwoordigheid en in opdrag van hom aangebring, bevestig word, 'n magistraat, vrederegter, kommissaris van ede of notaris op die testament sertifiseer dat die erflater aan hom bekend is en dat hy homself oortuig het dat die skrapping, byvoeging, verandering of tussenskrif deur of op versoek van die erflater aangebring is.

(2) 'n Skrapping, byvoeging, verandering of tussenskrif wat in 'n na bedoelde datum verlyde testament aangebring word, word, by die toepassing van sub-artikel (1), vermoed tensy die teendeel bewys word, aangebring te gewees het nadat die testament verly was.

3. (1) Enigiemand kan, terwyl hy in aktiewe diens is by enige van die land-, lug- of seemagte van die Unie of van enige ander met die Unie geallieerde of geassosieerde land in enige oorlog, 'n testament maak sonder om aan die by artikel twee voorgeskrewe vormvereistes of enige ander vormvereistes hoegenaamd, te voldoen, behalwe dat dit skriftelik gemaak moet word.

Soldate-testamente.

(2) So 'n testament, hieronder 'n soldate-testament genoem, is geldig indien die maker daarvan sterf terwyl hy by bedoelde magte in aktiewe diens is of binne een jaar nadat hy opgehou het om aldus in aktiewe diens te wees.

(3) 'n Soldate-testament wat deur die maker daarvan onderteken is, kan op aansoek by die Meester wat magsbevoegdheid het deur daardie Meester sonder 'n hofbevel aanvaar word mits hy deur getuienis by wyse van beëdigde verklaring oortuig is dat dit 'n ingevolge sub-artikels (1) en (2) geldige testament is.

(4) Iemand wat hom deur die Meester se aanvaarding van die testament veronreg voel, kan binne dertig dae na die datum van die aanvaarding, of binne so 'n verdere tydperk as wat die Hof om gegronde redes mag toestaan, en na bestelling van kennisgewing aan enigiemand wat deur die aanvaarding geraak word, by die Hof wat regsbevoegdheid het aansoek doen om 'n bevel tot die nietigverklaring van die aanvaarding, en die Hof kan die aanvaarding bekragtig of nietig verklaar of so 'n ander bevel uitvaardig as wat hy mag goedvind.

(5) Indien 'n soldate-testament nie deur die maker daarvan onderteken is nie of, indien 'n soldate-testament deur die maker daarvan onderteken is maar die Meester geweier het om dit te aanvaar, kan die Hof wat regsbevoegdheid het, die Meester op aansoek gelas, indien die Hof oortuig is dat die testament 'n ingevolge sub-artikels (1) en (2) geldige testament is, om die testament te aanvaar en enige verdere of ander bevel wat hy goedvind, uitvaardig.

(6) Kennisgewing van 'n aansoek ingevolge sub-artikel (3) of (5) word, tensy die Hof anders gelas, aan die eggenoot en intestate erfgename van die oorledene bestel en ook aan iemand wat geregtig mag wees om uit hoofde van 'n vorige testament van die oorledene 'n vordering te doen indien dit bekend is dat so 'n vorige testament bestaan.

4. Elkeen wat sestien jaar oud of ouer is, kan 'n testament maak tensy hy wanneer hy die testament maak verstandelik onbekwaam is om die aard en uitwerking van sy handeling te begryp, en die bewyslas dat hy op daardie tydstip verstandelik onbekwaam was, rus op die persoon wat dit beweer.

Bevoegdheid om 'n testament te maak.

Witnesses cannot benefit under a will.

5. A person who attests the execution of any will or who signs a will in the presence and by direction of the testator or the person who is the spouse of such person at the time of attestation or signing of the will or any person claiming under such person or his spouse, shall be incapable of taking any benefit whatsoever under that will.

Witness cannot be nominated as executor, etc.

6. If any person attests the execution of a will or signs a will in the presence and by direction of the testator under which that person or his spouse is nominated as executor, administrator, trustee or guardian, such nomination shall be null and void.

Repeal of laws.

7. The laws specified in the Schedule are hereby repealed to the extent set forth in the fourth column of the Schedule: Provided that the laws so repealed shall continue to apply in respect of any will executed before the first day of January, 1954.

Application to South-West Africa.

8. This Act shall apply also in the Territory of South-West Africa.

Short title and date of commencement.

9. This Act shall be called the Wills Act, 1953, and shall come into operation on the first day of January, 1954.

Schedule.

LAWS REPEALED.

Province or Union.	No. and Year of Law.	Title or Subject of Law.	Extent of Repeal.
Cape of Good Hope.	Ordinance No. 15 of 1845.	Execution of Wills ..	So much as is unrepealed.
Do.	Act No. 22 of 1876	Attesting Witnesses Act, 1876.	The whole, excepting section <i>two</i> insofar as it applies to powers of attorney.
Do.	Act No. 3 of 1878	Wills Attestation Amendment Act, 1878.	The whole.
Natal ..	Ordinance No. 1 of 1856.	Testamentary dispositions of Natal-born subjects of Great Britain and Ireland.	The whole.
Do.	Law No. 2 of 1868	Execution of Wills and Codicils.	The whole.
Orange Free State.	Ordinance No. 11 of 1904.	Execution of Wills and other Testamentary Instruments Ordinance, 1904.	Sections <i>one</i> to <i>five</i> inclusive and sections <i>seven</i> and <i>ten</i> insofar as the two last mentioned sections apply to wills.
South - West Africa.	Proclamation No. 23 of 1920.	Wills Proclamation, 1920	The whole.
Transvaal ..	Ordinance No. 14 of 1903.	Wills Ordinance, 1903 ..	The whole.
Union ..	Act No. 14 of 1920	Wills Ordinance, 1903 (Transvaal) Amendment Act, 1920.	The whole.

5. Iemand wat die verlyding van 'n testament attesteer of wat 'n testament in teenwoordigheid en in opdrag van die erflater onderteken of die persoon wat ten tyde van die attestasie of ondertekening van die testament die eggenote van so iemand is of 'n regsverkrygende van so iemand of sy eggenote, is onbevoeg om enige voordeel hoegenaamd uit daardie testament te ontvang. Getuies kan geen voordeel uit 'n testament ontvang nie.

6. Indien iemand die verlyding van 'n testament attesteer of 'n testament in teenwoordigheid en in opdrag van die erflater onderteken ingevolge waarvan daardie persoon of sy eggenote tot eksekuteur, administrateur, trustee of voog benoem word, is bedoelde benoeming nietig. Getuie kan nie as eksekuteur ens. benoem word nie.

7. Die in die Bylae genoemde wette word hiermee herroep vir sover in die vierde kolom van die Bylae aangedui word: Met dien verstande dat die aldus herroepe wette ten opsigte van 'n testament wat voor die eerste dag van Januarie 1954 verly is, van toepassing bly. Herroeping van wette.

8. Hierdie Wet is ook in die gebied Suidwes-Afrika van toepassing. Toepassing in Suidwes-Afrika.

9. Hierdie Wet heet die Wet op Testamente, 1953, en tree op die eerste dag van Januarie 1954 in werking. Kort titel en datum van inwerking-treding.

Bylae.

HERROEPE WETTE.

Provinsie of Unie.	No. en Jaar van Wet.	Titel of Onderwerp van Wet.	In hoeverre herroep.
Kaap die Goeie Hoop.	Ordonnansie No. 15 van 1845.	Verlyding van Testamente.	Soveel as wat nog nie herroep is nie.
Do.	Wet No. 22 van 1876.	„Attesting Witnesses Act, 1876.”	Die geheel, behalwe artikel twee vir sover dit op volmagte van toepassing is.
Do.	Wet No. 3 van 1878.	„Wills Attestation Amendment Act, 1878.”	Die geheel.
Natal ..	Ordonnansie No. 1 van 1856.	Testamentêre beskikkings van in Natal gebore onderdane van Groot-Brittanje en Ierland.	Die geheel.
Do.	Wet No. 2 van 1868.	Verlyding van Testamente en Kodisille.	Die geheel.
Oranje-Vrystaat.	Ordonnansie No. 11 van 1904.	„Execution of Wills and Other Testamentary Instruments Ordinance, 1904.”	Artikels een tot en met vyf en artikels sewe en tien vir sover laasgenoemde twee artikels op testamente van toepassing is.
Suidwes-Afrika.	Proklamasie No. 23 van 1920.	„Wills Proclamation, 1920.”	Die geheel.
Transvaal ..	Ordonnansie No. 14 van 1903.	„Wills Ordinance, 1903.”	Die geheel.
Unie	Wet No. 14 van 1920.	„Testamenten Ordonantie 1903 (Transvaal) Wijzigings Wet, 1920.”	Die geheel.

No. 8, 1953.]

ACT

To provide for increased penalties for offences committed under certain circumstances; to prohibit the offer or acceptance of financial or other assistance for any organized resistance against the laws of the Union; and to provide for matters incidental thereto.

(Afrikaans text signed by the Governor-General.)
(Assented to 26th February, 1953.)

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:—

Increased penalties for offences committed in certain circumstances.

1. Whenever any person is convicted of an offence which is proved to have been committed by way of protest or in support of any campaign against any law or in support of any campaign for the repeal or modification of any law or the variation or limitation of the application or administration of any law, the court convicting him may, notwithstanding anything to the contrary in any other law contained, sentence him to—

- (a) a fine not exceeding three hundred pounds; or
- (b) imprisonment for a period not exceeding three years; or
- (c) a whipping not exceeding ten strokes; or
- (d) both such fine and such imprisonment; or
- (e) both such fine and such a whipping; or
- (f) both such imprisonment and such a whipping.

Incitement, etc. to commit offence with certain objects.

2. Any person who—

- (a) in any manner whatsoever advises, encourages, incites, commands, aids or procures any other person or persons in general; or
- (b) uses any language or does any act or thing calculated to cause any person or persons in general,

to commit an offence by way of protest against a law or in support of any campaign against any law, or in support of any campaign for the repeal or modification of any law or the variation or limitation of the application or administration of any law, shall be guilty of an offence and liable upon conviction to—

- (i) a fine not exceeding five hundred pounds; or
- (ii) imprisonment for a period not exceeding five years; or
- (iii) a whipping not exceeding ten strokes; or
- (iv) both such fine and such imprisonment; or
- (v) both such fine and such a whipping; or
- (vi) both such imprisonment and such a whipping:

Provided that in the case of a second or subsequent conviction, it shall not be competent to impose a fine except in conjunction with a whipping or imprisonment.

Offer or acceptance of financial or other assistance for organized resistance against laws of the Union prohibited.

3. (1) Any person who solicits, accepts or receives from any person or body of persons, whether within or outside the Union, or who offers or gives to any person or body of persons any money or other article for the purpose of—

- (a) assisting any campaign (conducted by means of unlawful acts or omissions or the threat of such acts or omissions or by means which include or necessitate such acts or omissions or such threats) against any law, or against the application or administration of any law; or
- (b) enabling or assisting any person to commit any offence by way of protest against a law or in support of any campaign against any law or in support of any campaign for the repeal or modification of any law or the variation or limitation of the application or administration of any law; or

No. 8, 1953.]

WET

Om voorsiening te maak vir swaarder strawwe vir misdrywe onder sekere omstandighede gepleeg; om die aanbod of aanname van geldelike of ander steun vir enige georganiseerde verset teen die wette van die Unie te verbied; en om vir daarmee in verband staande aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 26 Februarie 1953.)

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

1. Wanneer ookal iemand skuldig bevind word aan 'n misdryf ten opsigte waarvan dit bewys word dat dit gepleeg is by wyse van protes teen 'n wet of ter ondersteuning van 'n kampanje teen 'n wet, of ter ondersteuning van 'n kampanje vir die herroeping of wysiging van 'n wet, of vir die verandering of beperking van die toepassing of uitvoering van 'n wet, kan die hof wat hom skuldig bevind, ondanks andersluidende wetsbepalings, hom vonnis tot—

Swaarder strawwe vir misdrywe onder sekere omstandighede gepleeg.

- (a) 'n boete van hoogstens driehonderd pond; of
- (b) gevangenisstraf vir 'n tydperk van hoogstens drie jaar; of
- (c) lyfstraf van hoogstens tien hou; of
- (d) sodanige boete sowel as sodanige gevangenisstraf; of
- (e) sodanige boete sowel as sodanige lyfstraf; of
- (f) sodanige gevangenisstraf sowel as sodanige lyfstraf.

2. Iemand wat—

- (a) op enige wyse hoegenaamd 'n ander persoon of persone in die algemeen adviseer, aanmoedig, aanhits, beveel, bystaan of oorhaal; of
- (b) enige woorde besig of enige handeling verrig of enigiets doen wat bereken is om enigiemand of persone in die algemeen te beweeg

Aanhitsing ens. om 'n misdryf te pleeg met sekere oogmerke.

om 'n misdryf te pleeg by wyse van protes teen 'n wet of ter ondersteuning van 'n kampanje teen 'n wet, of ter ondersteuning van 'n kampanje vir die herroeping of wysiging van 'n wet, of die verandering of beperking van die toepassing of uitvoering van 'n wet, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met—

- (i) 'n boete van hoogstens vyfhonderd pond; of
- (ii) gevangenisstraf vir 'n tydperk van hoogstens vyf jaar; of
- (iii) lyfstraf van hoogstens tien hou; of
- (iv) sodanige boete sowel as sodanige gevangenisstraf; of
- (v) sodanige boete sowel as sodanige lyfstraf; of
- (vi) sodanige gevangenisstraf sowel as sodanige lyfstraf:

Met dien verstande dat in die geval van 'n tweede of daaropvolgende skuldigbevinding, 'n boete nie opgelê kan word nie, behalwe tesame met lyfstraf of gevangenisstraf.

3. (1) Iemand wat geld of 'n ander artikel van 'n persoon of liggaam van persone, hetsy binne of buite die Unie, vra, aanneem of ontvang, of aan 'n persoon of liggaam van persone aanbied of gee, met die doel om—

Aanbod of aanname van geldelike of ander steun vir georganiseerde verset teen die wette van die Unie word verbied.

- (a) bystand te verleen aan 'n kampanje (wat gevoer word deur middel van onwettige handeling of versuim of die dreigement van sodanige handeling of versuim of deur middele wat sodanige handeling of versuim of sodanige dreigemente insluit of noodsaak) teen 'n wet, of teen die toepassing of uitvoering van 'n wet; of
- (b) iemand in staat te stel of te help om 'n misdryf te pleeg by wyse van protes teen 'n wet of ter ondersteuning van 'n kampanje teen 'n wet of ter ondersteuning van 'n kampanje vir die herroeping of wysiging van 'n wet of die verandering of beperking van die toepassing of uitvoering van 'n wet; of

- (c) assisting any person who has committed any offence referred to in paragraph (b),

shall be guilty of an offence and liable upon conviction to the penalties prescribed in section two.

(2) The court convicting any person for receiving or accepting any money or other article for any purpose referred to in sub-section (1) shall, in addition to any penalty which it may lawfully impose, order the confiscation to the State of that money or that article, if such money or article is found in the possession or under the control of the person convicted, or so much of that money or article as was found in possession or under the control of the said person.

Presumptions.

4. If in any prosecution against any person in which it is alleged that the offence charged was committed by way of protest against a law or in support of any campaign against any law, or in support of any campaign for the repeal or modification of any law or the variation or limitation of the application or administration of any law, it is proved that the offence was committed in the company of two or more other persons who have been or are being charged with having committed similar offences at the place where the offence which forms the subject of the prosecution was committed, and at the same time, or approximately the same time as such offence was committed, it shall be presumed, unless the contrary is proved, that the offence was committed as alleged.

Joint trial of persons alleged to have committed similar offences at same time and place under certain circumstances.

5. Whenever two or more persons are in any indictment, summons or charge alleged to have committed, at the same time and place, or at the same place and at approximately the same time, similar offences by way of protest against any law or in support of any campaign against any law or in support of any campaign for the repeal or modification of any law or the variation or limitation of the application or administration of any law, such persons may, notwithstanding anything to the contrary contained in any other law, or the common law, be tried jointly for such offences on that indictment, summons or charge.

Recovery of fines imposed under this Act.

6. (1) Whenever an offender has been sentenced under this Act to pay a fine, the court which passed the sentence shall, unless the fine be paid within forty-eight hours of the fine becoming payable, and unless the court is satisfied that the offender does not possess any movable or immovable property, issue a warrant addressed to the sheriff or messenger of the court authorizing him to levy the amount by attachment and sale of any movable property belonging to the offender, although the sentence directs that, in default of payment of the fine the offender shall be imprisoned. The amount which may be levied shall be sufficient to cover, in addition to the fine, the costs and expenses of the warrant and of the attachment and sale thereunder.

(2) The provisions of sub-sections (2), (3) and (7) of section *three hundred and forty-six* of the Criminal Procedure and Evidence Act, 1917 (Act No. 31 of 1917), shall apply to any warrant issued under sub-section (1) of this section.

(3) If the proceeds of sale of the movable property of the offender are insufficient to satisfy the amount of the fine and the costs and expenses aforesaid, the court shall issue a warrant for the levy against the immovable property of the offender, of the amount unpaid.

Jurisdiction of magistrates' courts.

7. A magistrate's court shall, notwithstanding anything to the contrary in any other law contained, have jurisdiction to impose any sentence or make any order provided for by this Act: Provided that no magistrate's court shall have jurisdiction to impose a sentence of a fine exceeding three hundred pounds or imprisonment for a period exceeding three years.

Removal from Union of certain persons.

8. Any person who is not a South African citizen by birth or descent, and who has been convicted of an offence under section *two* or *three* or of an offence for which he has been sentenced under section *one*, and who has been deemed by the Governor-General or, in the case of an inhabitant of the Territory of South-West Africa, by the Administrator of the said Territory, to be an undesirable inhabitant of the Union or of the said Territory, as the case may be, may, having regard to the circumstances connected with the offence, be removed from the

(c) iemand by te staan wat 'n in paragraaf (b) vermelde misdryf gepleeg het, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met die in artikel twee bepaalde strawwe.

(2) Die hof wat iemand daaraan skuldig bevind dat hy geld of 'n ander artikel vir 'n in sub-artikel (1) gemelde doel ontvang het of aangeneem het, moet benewens 'n straf wat hy regtens kan opleë, daardie geld of daardie artikel aan die Staat verbeurd verklaar, as bedoelde geld of artikel in die besit of onder die beheer van die veroordeelde gevind word, of soveel van daardie geld of artikel as wat in besit van of onder die beheer van genoemde persoon gevind is, aldus verbeurd verklaar.

4. Indien by 'n vervolging teen iemand waarin dit beweer word dat die ten laste gelegde misdryf gepleeg is by wyse van protes teen 'n wet, of ter ondersteuning van 'n kampanje teen 'n wet, of ter ondersteuning van 'n kampanje vir die herroeping of wysiging van 'n wet of die verandering of beperking van die toepassing of uitvoering van 'n wet, dit bewys word dat die misdryf gepleeg is in die geselskap van twee of meer ander persone wat aangekla is of daarvan aangekla word, dat hulle dergelyke misdrywe gepleeg het, op die plek waar die misdryf wat die onderwerp van die vervolging uitmaak, gepleeg is, en op dieselfde tyd, of ongeveer dieselfde tyd as wat bedoelde misdryf gepleeg is, word dit vermoed, tensy die teendeel bewys word, dat die misdryf gepleeg is soos beweer word. Vermoedens.

5. Wanneer dit in enige akte van beskuldiging, dagvaarding of klagskrif beweer word dat twee of meer persone op dieselfde tyd en plek, of op dieselfde plek en ongeveer dieselfde tyd gelyksoortige misdrywe gepleeg het by wyse van protes teen 'n wet, of ter ondersteuning van 'n kampanje teen 'n wet, of ter ondersteuning van 'n kampanje vir die herroeping of wysiging van 'n wet of die wysiging of beperking van die toepassing of uitvoering van 'n wet, kan sodanige persone, ondanks andersluidende wetsbepalings of gemeenregtelike bepalings, gesamentlik vir bedoelde misdrywe op daardie akte van beskuldiging, dagvaarding of klagskrif verhoor word. Gesamentlike verhoor van persone wat beweer word gelyksoortige misdrywe op dieselfde tyd en plek onder sekere omstandighede te gepleeg het.

6. (1) Wanneer 'n oortreder kragtens hierdie Wet gevonnisd is tot betaling van 'n boete, moet die hof wat die vonnis gevel het, tensy die boete binne agt-en-veertig uur nadat dit betaalbaar geword het betaal is, en tensy die hof oortuig is dat die oortreder geen roerende of onroerende goed besit nie, 'n lasbrief uitreik wat gerig is aan die balju of geregsbode en wat hom magtig om die bedrag in te vorder deur beslaglegging op en verkoop van enige roerende goed wat aan die oortreder behoort, ofskoon die vonnis lui dat die oortreder by wanbetaling van die boete gevangenisstraf moet ondergaan. Die bedrag wat ingevorder kan word moet voldoende wees om benewens die boete ook die koste en uitgawes te dek van die lasbrief en die beslaglegging en verkoop daarkragtens gedoen. Invordering van boetes ingevolge hierdie Wet opgelê.

(2) Die bepalings van sub-artikels (2), (3) en (7) van artikel driehonderd ses-en-veertig van die „Wet op de Kriminele Procedure en Bewijslevering, 1917” (Wet No. 31 van 1917), is van toepassing op 'n lasbrief kragtens sub-artikel (1) van hierdie artikel uitgereik.

(3) Indien die opbrengs van die verkoop van die roerende goed van die oortreder onvoldoende is om die bedrag van die boete en die voormelde koste en uitgawes te vereffen, reik die hof 'n lasbrief uit vir die invordering van die onbetaalde bedrag teen die onroerende goed van die oortreder.

7. Ondanks andersluidende wetsbepalings het 'n magistrats-hof regsbevoegdheid om enige vonnis op te lê of enige bevel uit te reik waarvoor deur hierdie Wet voorsiening gemaak word: Met dien verstande dat geen magistrats-hof regsbevoegdheid besit om 'n vonnis wat 'n boete van driehonderd pond of gevangenisstraf vir 'n tydperk van drie jaar te bowe gaan op te lê nie. Regsbevoegdheid van magistrats-hof.

8. Enigiemand wat nie 'n Suid-Afrikaanse burger deur geboorte of afkoms is nie, en wat skuldig bevind is aan 'n misdryf ingevolge artikel twee of drie, of aan 'n misdryf ten opsigte waarvan hy kragtens artikel een gevonnisd is, en wat deur die Goewerneur-generaal, of in die geval van 'n inwoner van die Gebied Suidwes-Afrika, deur die Administrateur van genoemde Gebied, as 'n ongewenste inwoner van die Unie of van genoemde Gebied, na gelang van die geval, geag is, kan met inagneming van die omstandighede aan die misdryf verbonde, Verwydering uit Unie van sekere persone.

Union or from the said Territory, and pending removal, may be detained in custody in the manner provided for the detention, pending removal from the Union or from the said Territory, of persons who are prohibited immigrants within the meaning of the relevant law relating to the regulation of immigration; and thereafter such person shall, for the purpose of such law, be deemed to be a prohibited immigrant.

Persons convicted under this Act may be prohibited from being within defined areas.

9. (1) The Minister of Justice may by notice under his hand, addressed and delivered or tendered to any person who has been convicted of any offence under section *two* or *three* or of any offence for which he has been sentenced under section *one*, prohibit such a person after a period stated in such notice, being not less than seven days from the date of such delivery or tender, and during a period likewise stated therein, from being within any area defined in such notice or from being in any other area than the area defined in such notice: Provided that the Minister may at any time withdraw or modify any such notice or grant such person permission in writing to visit temporarily any place where he is not permitted to be in terms of such notice.

(2) Any person who, subject to the proviso to sub-section (1), contravenes or fails to comply with any notice delivered or tendered to him in terms of sub-section (1), shall be guilty of an offence and liable upon conviction to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment, and may at any time after the expiration of the period of not less than seven days stated in such notice, be removed by any member of the police force duly authorized thereto in writing by any commissioned police officer from any area wherein he is prohibited to be in terms of such notice.

(3) Whenever any person who has received a notice in terms of sub-section (1) is necessarily put to any expense in order to comply with such notice, the Minister may in his discretion cause such expense, or any part thereof, to be defrayed out of moneys appropriated by Parliament for the purpose and may further in his discretion, cause to be paid out of such moneys to such person a reasonable subsistence allowance during any period whilst such notice applies to him.

Seizure of money or other articles transmitted through the post for certain purposes.

10. (1) Any postal article containing or suspected of containing any money or other article intended for any of the purposes referred to in section *three* may be detained by any officer employed in the Department of Posts and Telegraphs and forwarded to the Postmaster-General for disposal as hereinafter provided.

(2) The Postmaster-General may open for examination any postal article received by him in pursuance of the provisions of sub-section (1).

(3) If a postal article opened in terms of sub-section (2) contains any money or other article which the Postmaster-General has reason to believe is intended for any of the purposes referred to in section *three*, he shall forward it to the Minister of Posts and Telegraphs for disposal as hereinafter provided.

(4) The said Minister may, if he has reason to believe that the money or other article contained in a postal article forwarded to him in terms of sub-section (3) is intended for any of the purposes referred to in section *three*, cause that money or other article to be seized and shall cause the sender thereof, if his name and address be known, and the person to whom the postal article is addressed, to be informed forthwith of the seizure and of the reasons therefor.

(5) Any money or other article seized in terms of sub-section (4) shall be forfeited to the State unless the sender or the person to whom it was addressed proves within ninety days of the seizure to the satisfaction of the said Minister that the said money or other article was not intended for any of the purposes referred to in section *three*.

(6) A postal article detained under sub-section (1) and not dealt with as provided in sub-section (3), (4) or (5) shall be forwarded without delay to the person to whom it is addressed.

(7) For the purposes of this section "postal article" means a postal article as defined by section *two* of the Post Office Administration and Shipping Combinations Discouragement Act, 1911 (Act No. 10 of 1911).

Short title.

11. This Act shall be called the Criminal Law Amendment Act, 1953.

uit die Unie of uit genoemde Gebied verwyder word, en kan in afwagting van verwydering onder bewaring aangehou word op die wyse bepaal vir die aanhouding, in afwagting van verwydering uit die Unie of uit genoemde Gebied, van persone wat verbode immigrante is luidens die toepaslike wetsbepalings op die reëling van immigrasie; en daarna word so 'n persoon geag, by die toepassing van bedoelde wet 'n verbode immigrant te wees.

9. (1) Die Minister van Justisie kan by kennisgewing deur hom onderteken, gerig en oorhandig of aangebied aan iemand wat skuldig bevind is aan 'n misdryf kragtens artikel twee of drie, of aan 'n misdryf waarvoor hy kragtens artikel een gevonnissen is, so iemand verbied om, na 'n in so 'n kennisgewing vermelde tydperk, van nie minder as sewe dae vanaf die datum van so 'n oorhandiging of aanbod nie en gedurende 'n tydperk insgelyks daarin vermeld, binne 'n in so 'n kennisgewing bepaalde gebied of 'n ander gebied as die in so 'n kennisgewing bepaalde gebied te wees: Met dien verstande dat die Minister te eniger tyd so 'n kennisgewing kan intrek of wysig of so iemand skriftelik verlof kan toestaan om tydelik enige plek waar hy nie ingevolge so 'n kennisgewing mag wees nie te besoek.

Persone ingevolge hierdie Wet skuldig bevind, kan verbied word om binne bepaalde gebiede te wees.

(2) Iemand wat, behoudens die voorbehoudsbepaling by sub-artikel (1), 'n kennisgewing aan hom ooreenkomstig sub-artikel (1) oorhandig of aangebied, oortree of versuim om dit na te kom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd pond of gevangenisstraf vir 'n tydperk van hoogstens een jaar, of sodanige boete sowel as sodanige gevangenisstraf, en kan te eniger tyd na afloop van die tydperk van minstens sewe dae in so 'n kennisgewing vermeld, uit die gebied waar hy ingevolge so 'n kennisgewing verbied is om te wees verwyder word deur 'n lid van die polisiemag, behoorlik daartoe skriftelik gemagtig deur 'n polisiebeampte met offisiërsrang.

(3) Wanneer ookal iemand wat 'n kennisgewing ingevolge sub-artikel (1) ontvang het noodsaaklikerwys onkoste moet aangaan om so 'n kennisgewing na te kom, kan die Minister na goedgekeurde sodanige onkoste, of 'n deel daarvan, laat beshy uit geld deur die Parlement daartoe bewillig, en kan voorts na goedgekeurde uit bedoelde geld 'n redelike onderhoudstoelaag aan so iemand laat betaal gedurende enige tydperk gedurende welke so 'n kennisgewing op hom van toepassing is.

10. (1) 'n Posartikel wat geld of enige ander artikel bedoel vir enigeen van die in artikel drie vermelde doeleindes, bevat of wat vermoed word sulks te bevat, kan deur 'n amptenaar in die diens van die Departement van Pos- en Telegraafwese agtergehou word en aan die Posmeester-generaal gestuur word vir beskikking daarvoor soos hieronder bepaal.

Beslaglegging op geld of ander artikels deur die pos gestuur vir sekere doeleindes.

(2) Die Posmeester-generaal kan 'n posartikel deur hom ooreenkomstig die bepalinge van sub-artikel (1) ontvang, vir ondersoek oopmaak.

(3) Indien 'n posartikel ingevolge sub-artikel (2) oopgemaak, geld of 'n ander artikel bevat wat die Posmeester-generaal rede het om te glo bedoel is vir enigeen van die in artikel drie vermelde doeleindes, stuur hy dit na die Minister van Pos- en Telegraafwese vir beskikking daarvoor soos hieronder bepaal.

(4) Die genoemde Minister kan, indien hy rede het om te glo dat die geld of ander artikel vervat in 'n posartikel aan hom ooreenkomstig sub-artikel (3) gestuur, bedoel is vir enigeen van die in artikel drie vermelde doeleindes, beslag laat lê op daardie geld of ander artikel, en moet die afsender daarvan, as sy naam en adres bekend is, en die persoon aan wie die posartikel geadresseer is, onverwyld van die beslaglegging en die redes daarvoor in kennis laat stel.

(5) Geld of 'n ander artikel waarop ingevolge sub-artikel (4) beslag gelê word, word aan die Staat verbeur tensy die afsender of die persoon aan wie dit geadresseer is binne negentig dae na die beslaglegging die genoemde Minister oortuig dat bedoelde geld of ander artikel nie bedoel is vir enige van die in artikel drie vermelde doeleindes nie.

(6) 'n Posartikel wat kragtens sub-artikel (1) agtergehou word en waarmee nie gehandel word soos bepaal in sub-artikel (3), (4) of (5) nie moet sonder versuim gestuur word na die persoon aan wie dit geadresseer is.

(7) By toepassing van hierdie artikel beteken „posartikel” 'n posartikel soos bepaal deur artikel twee van die „Post Administratie en Scheepvaart-Kombinaties Verhinderings Wet, 1911” (Wet No. 10 van 1911).

No. 10, 1953.]

ACT

To make special provision for leave of absence of members of Parliament during the current session of Parliament.

(Afrikaans text signed by the Governor-General.)
(Assented to 26th February, 1953.)

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:—

Special provision
in respect of
absence of
members of
Parliament
during current
session.

1. Notwithstanding anything to the contrary contained in sub-section (2) of section *fifty-six* of the South Africa Act, 1909, no deduction shall be made from the allowance payable to a member of the Senate or the House of Assembly by reason of his having failed to attend a meeting of the House of which he is a member during the sixth session of the tenth Parliament of the Union of South Africa which opened on the twenty-third day of January, 1953, except in so far as the total period in respect of which he so failed exceeds seven days.

Short title.

2. This Act shall be called the Members of Parliament Act, 1953.

No. 10, 1953.]

WET

Om spesiale voorsiening te maak vir verlof van Parlementslede gedurende die huidige sitting van die Parlement.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 26 Februarie 1953.)

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

1. Ondanks andersluidende bepalings van sub-artikel (2) van artikel ses-en-vyftig van die „Zuid-Afrika Wet, 1909”, word geen bedrag van die toelae betaalbaar aan ’n lid van die Senaat of die Volksraad afgetrek op grond dat hy gedurende die sesde sitting van die tiende Parlement van die Unie van Suid-Afrika, wat op die drie-en-twintigste dag van Januarie 1953 geopen het, versuim het om ’n vergadering van die Huis waarvan hy lid is, by te woon nie, behalwe vir sover die totale tydperk ten opsigte waarvan hy aldus versuim het meer as sewe dae is.

Spesiale voorsiening ten opsigte van afwesigheid van Parlementslede gedurende huidige sitting.

2. Hierdie Wet heet die Wet op Parlementslede, 1953.

Kort titel.