

EXTRAORDINARY



BITTENGEWONE

THE UNION OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

[Registered at the General Post Office as a Newspaper.]

[Geregistreer by die Hoofposkantoor as 'n Nuisblad.]

Vol. CLXXIII.] PRICE 6d.

CAPE TOWN, 3RD JULY, 1953.
KAAPSTAD, 3 JULIE 1953.

PRYS 6d. [No. 5092.]

OFFICE OF THE PRIME MINISTER.

KANTOOR VAN DIE EERSTE MINISTER.

The following Bill is published for general information.

Onderstaande Wetsontwerp word ter algemene inligting gepubliseer.

BILL

To amend the South Africa Act, 1909, to validate and amend the Separate Representation of Voters Act, 1951 and to define the jurisdiction of courts of law to pronounce upon the validity of laws passed by Parliament.

(To be introduced by the PRIME MINISTER.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, in accordance with the requirements of section *one hundred and fifty-two* of the South Africa Act, 1909, as follows:—

Repeal of section 35 of the South Africa Act 1909 as amended by section 44 of Act 12 of 1936.

1. Section *thirty-five* of the South Africa Act, 1909, is hereby repealed.

Amendment of section 152 of the South Africa Act, 1909.

2. Section *one hundred and fifty-two* of the South Africa Act, 1909, is hereby amended by the substitution for the provisos thereto of the following:

"Provided that no repeal or alteration of the provisions contained in this section or in section *one hundred and thirty-seven* shall be valid unless the Bill embodying such repeal or alteration shall be passed by both Houses of Parliament sitting together, and at the third reading be agreed to by not less than two-thirds of the total number of members of both Houses. A Bill so passed at such joint sitting shall be taken to have been duly passed by both Houses of Parliament."

Validation and amendment of the Separate Representation of Voters Act No. 46 of 1951.

3. (1) The Separate Representation of Voters Act, 1951 (Act No. 46 of 1951), published under Government Notice No. 1498 of the eighteenth day of June, 1951, is hereby given the force of law and validated with effect from the date of commencement of this Act, which date shall for all purposes be deemed to be the date of commencement of the first-mentioned Act.

(2) Section *fourteen* of the Separate Representation of Voters Act, 1951, is hereby amended by the deletion in sub-section (1) of the words "is hereby established" and by the addition at the end of that sub-section of the words "is hereby established with effect from a date to be fixed by the Governor-General by proclamation in the *Gazette*."

Courts of law not competent to pronounce upon the validity of certain laws passed by Parliament.

4. (1) No court of law shall be competent to enquire into or to pronounce upon the validity of any law passed by Parliament, other than a law which alters or repeals or purports to alter or repeal the provisions of section *one hundred and thirty-seven* or *one hundred and fifty-two* of the South Africa Act, 1909.

(2) For the purpose of this section "law passed by Parliament" means any instrument which has at any time prior to the commencement of this Act been enrolled of record in the office of the Registrar of the Appellate Division of the Supreme Court of South Africa in terms of section *sixty-seven* of the South Africa Act, 1909, or which may at any time hereafter be so enrolled, by virtue of the fact that it purports to be an Act of the Parliament of the Union, and which purports to be enacted by the Queen, the Senate and the House of Assembly, whether it purports to have been passed by a joint sitting of the Senate and the House of Assembly or by the Senate and the House of Assembly in separate sittings, and irrespective of the subject matter thereof, and includes any portion of such a law.

Short title.

5. This Act shall be called the South Africa Act Amendment Act, 1953.

WETSONTWERP

Om die „Zuid-Afrika Wet, 1909” te wysig, om die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951 te bekragtig en te wysig, en om die regs- mag van die geregs- howe om uitspraak te doen oor die regsgeldigheid van wette van die Parlement, te omskryf.

(Ingedien te word deur die EERSTE MINISTER.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, ooreenkomstig die vereistes van artikel *honderd-twee-en-vyftig* van die „Zuid-Afrika Wet, 1909”, as volg:—

- 5 1. Artikel *vyf-en-dertig* van die „Zuid-Afrika Wet, 1909” word hiermee herroep.

Herroeping van artikel 35 van die „Zuid-Afrika Wet, 1909” soos gewysig deur artikel 44 van Wet 12 van 1936.
2. Artikel *honderd-twee-en-vyftig* van die „Zuid-Afrika Wet, 1909” word hiermee gewysig deur die voorbehoudsbepalings daarby deur die volgende te vervang:

10 „Met dien verstande dat geen herroeping of verandering van het bepaalde by dit artikel of artikel *honderd-zeven-en-dertig* van kracht zal zijn tenzij het wetsontwerp inhoudende de herroeping of verandering door beide Huizen van Parlement in verenigde vergadering aangenomen en bij de derde

15 lezing door minstens twee-derden van 't gezamenlik aantal leden van beide Huizen goedgekeurd wordt. Een ter verenigde vergadering aangenomen wetsontwerp wordt geacht behoorlik door beide Huizen van Parlement aangenomen te zijn.”.

Wysiging van artikel 152 van die Zuid-Afrika Wet, 1909.
- 20 3. (1) Die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951 (Wet No. 46 van 1951) wat afgekondig is onder Goewermmentskennisgewing No. 1498 van die agtiende dag van Junie 1951 word hiermee met regs- krag bekleed en bekragtig met ingang van die datum van inwerkingtreding van hierdie Wet,

Bekragtiging en wysiging van die Wet op Afsonderlike Verteenwoordiging van Kiesers, No. 46 van 1951.

25 welke datum vir alle doeleindes geag word die datum van die inwerkingtreding van eersbedoelde Wet te wees.

(2) Artikel *veertien* van die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951 word hiermee gewysig deur in sub-artikel (1) na die woord „hiermee” die woorde „met

30 ingang van 'n deur die Goewerneur-generaal by Proklamasie in die *Staatskoerant* vasgestelde datum” in te voeg.
4. (1) Geen geregshof is bevoegd om ondersoek in te stel na en uitspraak te doen oor die regsgeldigheid van 'n deur die Parlement aangenome wet nie, behalwe 'n wet wat die bepalinge

Geregshoue nie bevoegd om uitspraak te doen oor die regsgeldigheid van sekere Wette van die Parlement nie.

35 van artikel *honderd-sewen-en-dertig* of *honderd-twee-en-vyftig* van die „Zuid-Afrika Wet, 1909” wysig of herroep of heet te wysig of te herroep.

(2) By die toepassing van hierdie artikel beteken „deur die Parlement aangenome wet” enige akte wat te eniger tyd voor

40 die inwerkingtreding van hierdie Wet ingevolge artikel *sewen-en-sestig* van die „Zuid-Afrika Wet, 1909”, in die Kantoor van die Griffier van die Afdeling van Appèl van die Hooggeregshof van Suid-Afrika geregistreer is of wat te eniger tyd hierna aldus geregistreer mag word, uit hoofde van die feit dat dit 'n Wet

45 van die Parlement van die Unie heet te wees, en wat deur die Koningin, die Senaat en die Volksraad heet bepaal te wees, hetsy dit deur 'n gesamentlike sitting van die Senaat en die Volksraad of deur die Senaat en die Volksraad in afsonderlike sittings heet aangeneem te gewees het, en ongeag die onderwerp

50 daarvan, en ook enige deel van so 'n wet.
5. Hierdie Wet heet die Wet tot Wysiging van die Zuid- Kort titel. Afrika Wet, 1953.