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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermmentskennisgewing word ter algemene inligting gepubliseer:

No. 1109.] [22 Junie 1956.

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

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OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:

No. 1109.] [22nd June, 1956.

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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No. 47, 1956.]

WET**Tot wysiging van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951.***(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 7 Junie 1956.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—Wysiging van
artikel 1 van
Wet 51 van 1951.

1. Artikel *een* van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (hieronder die Hoofwet genoem), word hierby gewysig deur in die woordskrywing van „openbare praktyk” die woorde „rekenmeester en ouditeur”, oral waar hulle voorkom, deur die woorde „rekenmeester of ouditeur” te vervang.

Wysiging van
artikel 3 van
Wet 51 van 1951.

2. Artikel *drie* van die Hoofwet word hierby gewysig—
- (a) deur in paragraaf (d) van sub-artikel (1) die woorde „and Auditors” te skrap;
 - (b) deur in sub-artikel (2) die woorde „Society of Incorporated Accountants and Auditors” deur die woorde „Society of Incorporated Accountants” te vervang; en
 - (c) deur die volgende paragraaf by sub-artikel (6) te voeg, terwyl die bestaande sub-artikel paragraaf (a) daarvan word:

„(b) Die Minister kan op aanbeveling van die raad van tyd tot tyd ’n ander genomineerde van laasgenoemde „Society” aanstel as plaasvervanger van ’n lid ingevolge paragraaf (a) aangestel, en so ’n plaasvervanger kan, wanneer die lid vir wie hy as plaasvervanger aangestel is van ’n vergadering van die raad afwesig is, dié vergadering bywoon en aan die verrigtings aldaar deelneem, maar het nie die reg om te stem nie.”.

Vervanging van
artikel 6 van
Wet 51 van 1951.

3. Artikel *ses* van die Hoofwet word hierby deur die volgende artikel vervang:

„Voorsitter
en vise-
voorsitter
van die
raad.

6. (1) Die lede van die raad kies op hul eerste vergadering na hul aanstelling, en daarna wanneer dit nodig word, uit hul midde ’n voorsitter en ’n vise-voorsitter van die raad, en ’n aldus gekose persoon beklee sy amp as sodanig totdat hy ophou om lid van die raad te wees.

(2) Indien die voorsitter of die vise-voorsitter van die raad sy amp ontruim voor die verstryking van die tydperk waarvoor hy as lid van die raad aangestel is, word, onderworpe aan die bepalinge van sub-artikel (1), ’n ander lid van die raad as voorsitter of vise-voorsitter van die raad, al na die geval, gekies.

(3) ’n Lid van die raad aangestel ingevolge paragraaf (a) of (b) van sub-artikel (1) of sub-artikel (6) van artikel *drie* kan nie tot voorsitter of vise-voorsitter van die raad gekies word of op ’n raadsvergadering voorsit nie.

(4) Indien die voorsitter om een of ander rede nie kan optree nie, moet die vise-voorsitter, indien hy dit kan doen, in sy plek optree.”.

Wysiging van
artikel 7 van
Wet 51 van 1951.

4. Artikel *sewe* van die Hoofwet word hierby gewysig deur die volgende woorde by sub-artikel (1) te voeg: „en indien die raad aan die einde van ’n vergadering nie die tyd en plek vir sy volgende vergadering bepaal het nie, die voorsitter sodanige tyd en plek moet bepaal.”.

Wysiging van
artikel 8 van
Wet 51 van 1951.

5. Artikel *agt* van die Hoofwet word hierby gewysig deur in sub-artikel (2) na die woord „hy”, waar dit die tweede maal voorkom, die woorde „sowel as die vise-voorsitter” in te voeg.

Wysiging van
artikel 10 van
Wet 51 van 1951.

6. Artikel *tien* van die Hoofwet word hierby gewysig deur die volgende woorde by sub-artikel (2) te voeg: „:Met dien verstande dat indien die raad aan ’n komitee die bevoegdheid oorgedra het om te besluit of iemand in ’n eksamen geslaag het wat

No. 47, 1956.]

ACT

To amend the Public Accountants' and Auditors' Act, 1951.

(Afrikaans text signed by the Governor-General.)
(Assented to 7th June, 1956.)

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 Public Accountants' and Auditors' Act, 1951 (hereinafter referred to as the principal Act), is hereby amended by the substitution in the definition of "public practice" for the words "accountant and auditor", wherever they occur, of the words "accountant or auditor". Amendment of section 1 of Act 51 of 1951.

2. Section *three* of the principal Act is hereby amended— Amendment of section 3 of Act 51 of 1951.

(a) by the deletion in paragraph (d) of sub-section (1) of the words "and Auditors";

(b) by the substitution in sub-section (2) for the words "Society of Incorporated Accountants and Auditors" of the words "Society of Incorporated Accountants"; and

(c) by the addition to sub-section (6) of the following paragraph, the existing sub-section becoming paragraph (a) thereof:

"(b) The Minister may, on the recommendation of the board, from time to time appoint another nominee of the last-mentioned Society as an alternate to a member appointed in terms of paragraph (a), and such alternate may, whenever the member to whom he has been appointed as alternate is absent from a meeting of the board, attend such meeting and take part in the proceedings thereat, but shall not have the right to vote."

3. The following section is hereby substituted for section *six* of the principal Act: Substitution of section 6 of Act 51 of 1951.

"Chairman and vice-chairman of the board.

6. (1) The members of the board shall at their first meeting following their appointment and thereafter as occasion arises, out of their number elect a chairman and a vice-chairman of the board, and any person so elected shall hold office as such until he ceases to be a member of the board.

(2) If the chairman or the vice-chairman of the board vacates his office before the expiration of the period for which he was appointed as a member of the board, another member of the board shall, subject to the provisions of sub-section (1), be elected as chairman or vice-chairman, as the case may be, of the board.

(3) A member of the board appointed in terms of paragraph (a) or (b) of sub-section (1) or sub-section (6) of section *three*, shall not be elected as chairman or vice-chairman of the board or preside at any meeting thereof.

(4) If for any reason the chairman is not able to act, the vice-chairman if able to do so, shall act in his stead."

4. Section *seven* of the principal Act is hereby amended by the addition to sub-section (1) of the following words: "and if at the close of any meeting the board has not fixed the time and place for its next meeting, such time and place shall be fixed by the chairman." Amendment of section 7 of Act 51 of 1951.

5. Section *eight* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "he is", where they occur for the second time, of the words "both he and the vice-chairman are". Amendment of section 8 of Act 51 of 1951.

6. Section *ten* of the principal Act is hereby amended by the addition to sub-section (2) of the following words: "Provided that if the board has assigned to a committee the power to decide whether a person has passed an examination conducted Amendment of section 10 of Act 51 of 1951.

kragtens artikel vyf-en-twintig afgeneem is, of die bevoegdheid oorgedra het om ooreenkomstig die bepalinge van artikel sewe-en-twintig 'n geval van beweerde onbehoorlike gedrag te ondersoek en ten opsigte daarvan 'n straf op te lê, die raad nie 'n besluit of iets wat uit hoofde van die bevoegdheid aldus oorgedra, deur so 'n komitee geneem of gedoen is, wysig of herroep nie."

Wysiging van
artikel 21 van
Wet 51 van 1951.

7. Artikel een-en-twintig van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (d) van sub-artikel (1) na die woord „jaargelde” die woorde „(wat ten opsigte van 'n geregistreerde rekenmeester en ouditeur wat openbare praktyk beoefen en 'n geregistreerde rekenmeester en ouditeur wat nie openbare praktyk beoefen nie, kan verskil)” in te voeg, en deur die woorde „en om die gedeelte van bedoelde jaargelde wat ten opsigte van 'n deel van 'n jaar betaalbaar is en die datum waarop bedoelde jaargelde of gedeelte daarvan betaalbaar word, te bepaal” by bedoelde paragraaf te voeg;
- (b) deur in paragraaf (g) van sub-artikel (1) die woorde „om voor te skryf hoedanige gedrag in die geval van 'n kragtens hierdie Wet geregistreerde rekenmeester en ouditeur onprofessionele gedrag uitmaak” te vervang deur die woorde „om voor te skryf dat gedrag deur die raad vermeld in die geval van 'n kragtens hierdie Wet geregistreerde rekenmeester en ouditeur, onbehoorlike gedrag uitmaak,” en die woord „onprofessionele”, waar dit die tweede maal voorkom, deur die woord „onbehoorlike” te vervang; en
- (c) deur na paragraaf (h) van sub-artikel (1) die volgende paragraawe in te voeg:
 - „(h)bis. om 'n tydskrif of enige ander publikasie met betrekking tot rekeningkunde en ouditkunde en verwante aangeleenthede te finansier, te druk en te versprei en die publikasie daarvan te administreer, en om oor die algemeen die stappe te doen wat nodig is om dit te publiseer;
 - (h)ter. om die fondse van die raad te belê en daarmee te handel deur hulle of enige gedeelte daarvan op vaste deposito of op spaarrekening te plaas by die Nasionale Finansiële korporasie, 'n handelsbank kragtens die Bankwet, 1942 (Wet No. 38 van 1942), geregistreer, 'n geregistreerde bouvereniging of die Hoofposkantoor;”

Wysiging van
artikel 23 van
Wet 51 van 1951.

8. Artikel drie-en-twintig van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (8) na die woord „jaargeld” en na die woord „geld” die woorde „of gedeelte daarvan”, en na die woord „voorgeskryf” die woorde „en deur hom betaalbaar” in te voeg; en
- (b) deur in sub-artikel (11) na die woorde „en is” die woorde „, mits hy die jaargelde (of gedeelte daarvan) deur die raad ingevolge paragraaf (d) van sub-artikel (1) van artikel een-en-twintig voorgeskryf, betaal het teen die tarief van toepassing op 'n geregistreerde rekenmeester en ouditeur wat openbare praktyk beoefen,” in te voeg.

Wysiging van
artikel 24 van
Wet 51 van 1951.

9. Artikel vier-en-twintig van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (b) van sub-artikel (1) na die woord „dat”, waar dit die eerste maal voorkom, die woorde „'n graad, uitgesonderd 'n eregraad, deur die raad voorgeskryf aan bedoelde persoon toegeken is of ten effekte dat” in te voeg;
- (b) deur in paragraaf (b) van sub-artikel (3) na die woord „leerkontrak”, waar dit die eerste maal voorkom, die woorde „hetsy binne of buite die Unie of deels binne en deels” in te voeg; en
- (c) deur aan die end van paragraaf (b) van sub-artikel (3) die woord „of” by te voeg en deur die volgende paragraawe by sub-artikel (3) te voeg:
 - „(c) in die geval van 'n persoon wat volgens die raad se oordeel bevredigende praktiese opleiding en ondervinding wat oor minstens ses jaar strek, buite die Unie verkry het in die kantoor van 'n praktiserende rekenmeester wat 'n lid is van 'n georganiseerde liggaam van rekenmeesters wat deur die raad vir hierdie doel erken word of in 'n rekenmeesterspraktyk deur homself beoefen

in terms of section *twenty-five*, or the power to enquire into any case of alleged improper conduct, and to impose a punishment in respect thereof, in accordance with the provisions of section *twenty-seven*, it shall not amend or repeal any decision arrived at or anything done by such committee under the power so assigned.”.

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

Amendment of section 21 of Act 51 of 1951.

- (a) by the insertion in paragraph (d) of sub-section (1) after the words “annual fees” of the words “(which may differ in respect of a registered accountant and auditor who is engaged in public practice and a registered accountant and auditor who is not so engaged)”, and by the addition to the said paragraph of the words “and to determine what portion of such annual fees shall be payable in respect of any part of a year and the date on which such annual fees or portion thereof shall become due and payable”;
- (b) by the substitution in paragraph (g) of sub-section (1) for the words “to prescribe what conduct on the part of an accountant and auditor registered under this Act shall constitute unprofessional conduct”, of the words “to prescribe that conduct specified by it on the part of an accountant and auditor registered under this Act, shall constitute improper conduct,” and for the word “unprofessional”, where it occurs for the second time, of the word “improper”; and
- (c) by the insertion after paragraph (h) of sub-section (1) of the following paragraphs:
 - “(h)*bis.* to finance, print, circulate, administer the publication of and generally to take any steps necessary to publish, a journal or any other publication relating to accounting and auditing and cognate matters;
 - (h)*ter.* to invest and deal with the funds of the board by placing them or any portion thereof on fixed deposit or on savings account with the National Finance Corporation, any commercial bank registered under the Banking Act, 1942 (Act No. 38 of 1942), any registered building society or the General Post Office;”.

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

Amendment of section 23 of Act 51 of 1951.

- (a) by the insertion in sub-section (8), after the word “fee”, wherever it occurs, of the words “or portion thereof”, and, after the word “*twenty-one*”, of the words “and payable by him”; and
- (b) by the insertion in sub-section (11) after the word “shall” of the words “, if he has paid the annual fees (or portion thereof) prescribed by the board in terms of paragraph (d) of sub-section (1) of section *twenty-one* at the rate applicable to a registered accountant and auditor who is engaged in public practice,”.

9. Section *twenty-four* of the principal Act is hereby amended—

Amendment of section 24 of Act 51 of 1951.

- (a) by the insertion in paragraph (b) of sub-section (1) after the word “that”, where it occurs for the first time, of the words “a degree, other than an honorary degree, prescribed by the board has been conferred upon such person or to the effect that”;
- (b) by the insertion in paragraph (b) of sub-section (3) after the word “articles”, where it occurs for the first time, of the words “either within or outside the Union or partly within and partly”; and
- (c) by the addition at the end of paragraph (b) of sub-section (3) of the word “or” and by the addition to sub-section (3) of the following paragraphs:
 - “(c) in the case of a person who, in the opinion of the board, has obtained satisfactory practical training and experience of not less than six years’ duration outside the Union in the office of a practising accountant who is a member of an organized body of accountants recognized by the board for this purpose or in an accounting practice carried on by himself as a member of

as 'n lid van so 'n liggaam, die dienstydkontrak onder leerkontrak kan verminder in die mate wat die raad goetvind of vrystelling van diens onder leerkontrak kan verleen; of

- (d) in die geval van 'n persoon wat, volgens die raad se oordeel, op die eerste dag van Januarie 1950 reeds bevredeigende praktiese opleiding en onder-vinding wat oor minstens ses jaar strek, in die Unie verkry het in die kantoor van 'n lid van 'n genootskap of van een van die liggame genoem in paragraaf (b) van sub-artikel (3) van artikel *drie-en-twintig*, die dienstydkontrak onder leerkontrak kan verminder in die mate wat die raad goetvind of vrystelling van diens onder leerkontrak kan verleen."

Wysiging van artikel 25 van Wet 51 van 1951.

10. Artikel *vyf-en-twintig* van die Hoofwet word hierby gewysig—

- (a) deur na sub-artikel (3) die volgende sub-artikel in te voeg:

„(3)*bis*. Die raad kan van enige persoon wat begerig is om vir een of ander van die eksamens wat deur die raad voorgeskryf is, in te skryf, verlang om, as 'n voorvereiste voordat hy aldus inskryf, van 'n universiteit in die Unie dié graad, diploma of sertifikaat te verwerf wat die raad bepaal of in sodanige eksamens wat deur 'n universiteit in die Unie afgeneem word, te slaag as wat die raad bepaal.”; en

- (b) deur in paragraaf (b) van sub-artikel (5) na die woord „graad” die woorde „, universiteitsdiploma of universiteitsertifikaat,” in te voeg.

Wysiging van artikel 26 van Wet 51 van 1951.

11. Artikel *ses-en-twintig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „sonder voorbehoud 'n sertifikaat uitreik ten effekte dat, of” deur die woorde „'n ongekwalifiseerde sertifikaat uitreik nie, of sonder voorbehoud” te vervang.

Wysiging van artikel 27 van Wet 51 van 1951.

12. Artikel *sewe-en-twintig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „wangedrag of onprofessionele gedrag” deur die woorde „onbehoorlike gedrag (hetsy dit voorgeskryf is of nie dat dit onbehoorlike gedrag uitmaak)” te vervang.

Wysiging van artikel 29 van Wet 51 van 1951.

13. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig deur in sub-paragraaf (ii) van paragraaf (b) van sub-artikel (1) die woorde „op die datum van sy aansoek om aldus geregistreer te word,” te skrap.

Wysiging van artikel 30 van Wet 51 van 1951.

14. Artikel *dertig* van die Hoofwet word hierby gewysig deur in paragraaf (c) van sub-artikel (1) die woorde „en ouditeur verkry is, of” deur die woorde „of ouditeur in die Unie verkry is, of in die Unie” te vervang.

Wysiging van artikel 20 van Ordonnansie III (Privaat) van 1904, van Transvaal, soos gewysig deur artikel 31 van Wet 51 van 1951.

15. Artikel *twintig* van die „Accountants Ordinance, 1904” van Transvaal word hierby gewysig deur in paragraaf (a) die woorde „expelled from the Society” deur die woorde „punished for misconduct or unprofessional conduct and the punishments, including fines, suspension from membership of or expulsion from the Society, which may be imposed in respect thereof,” te vervang.

Wysiging van artikel 21 van Wet 35 van 1909 van Natal, soos gewysig deur artikel 32 van Wet 51 van 1951.

16. Artikel *een-en-twintig* van die „Accountants Act, 1909”, van Natal, word hierby gewysig deur in paragraaf (a) die woorde „expelled from the Society” deur die woorde „punished for misconduct or unprofessional conduct and the punishments, including fines, suspension from membership of or expulsion from the Society, which may be imposed in respect thereof,” te vervang.

Kort titel.

17. Hierdie Wet heet die Wysigingswet op Openbare Rekenmeesters en Ouditeurs, 1956.

such a body, reduce the period of service under articles to such extent as it may deem fit or grant exemption from service under articles; or

- (d) in the case of a person who at the first day of January, 1950, had, in the opinion of the board, obtained satisfactory practical training and experience of not less than six years' duration in the Union in the office of a member of a society or of one of the bodies referred to in paragraph (b) of sub-section (3) of section *twenty-three*, reduce the period of service under articles to such extent as it may deem fit or grant exemption from service under articles."

10. Section *twenty-five* of the principal Act is hereby amended— Amendment of section 25 of Act 51 of 1951.

- (a) by the insertion after sub-section (3) of the following sub-section:

"(3)*bis*. The board may require any person desiring to enter for any of the examinations prescribed by it, as a necessary prerequisite to so entering, to obtain from a university in the Union such degree, diploma, or certificate as it may determine or to pass such examinations conducted by a university in the Union as the board may determine."; and

- (b) by the insertion in paragraph (b) of sub-section (5) after the word "degree", where it occurs for the second time, of the words "or a university diploma or a university certificate,".

11. Section *twenty-six* of the principal Act is hereby amended by the substitution in sub-section (1) for the word "or", where it occurs for the first time, of the words "nor shall such person". Amendment of section 26 of Act 51 of 1951.

12. Section *twenty-seven* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "misconduct or unprofessional conduct" of the words "improper conduct (whether or not prescribed to constitute improper conduct)". Amendment of section 27 of Act 51 of 1951.

13. Section *twenty-nine* of the principal Act is hereby amended by the substitution in sub-paragraph (ii) of paragraph (b) of sub-section (1) for the words "at the date of his application to be so registered he had" of the words "he has". Amendment of section 29 of Act 51 of 1951.

14. Section *thirty* of the principal Act is hereby amended by the substitution in paragraph (c) of sub-section (1) for the words "and auditor, or practise" of the words "or auditor in the Union or practise in the Union". Amendment of section 30 of Act 51 of 1951.

15. Section *twenty* of the Accountants Ordinance, 1904, of the Transvaal, is hereby amended by the substitution in paragraph (a) for the words "expelled from the Society" of the words "punished for misconduct or unprofessional conduct and the punishments, including fines, suspension from membership of or expulsion from the Society, which may be imposed in respect thereof;". Amendment of section 20 of Ordinance III (Private) of 1904, of the Transvaal, as amended by section 31 of Act 51 of 1951.

16. Section *twenty-one* of the Accountants Act, 1909, of Natal, is hereby amended by the substitution in paragraph (a) for the words "expelled from the Society" of the words "punished for misconduct or unprofessional conduct and the punishments, including fines, suspension from membership of or expulsion from the Society, which may be imposed in respect thereof;". Amendment of section 21 of Act 35 of 1909, of Natal, as amended by section 32 of Act 51 of 1951.

17. This Act shall be called the Public Accountants' and Auditors' Amendment Act, 1956. Short title.

No. 50, 1956.]

WET

Om die onwettige toeëiening van die gebruik van 'n ander se goed tot misdryf te verklaar, om die wetsbepalings met betrekking tot die formaliteite van sekere kontrakte te wysig, om Wet No. 22 van 1863 (Natal), Wet No. 14 van 1882 (Natal), Wet No. 12 van 1884 (Natal), die „Masters and (Native) Servants Act, 1894” (Natal), die „Transfer Duty Proclamation, 1902” (Transvaal), die „Transfer Duty Ordinance, 1906” (Oranje-Vrystaat), die „Zuid-Afrika Wet, 1909”, die „Wet op Gevangenis en Verbetergestichten, 1911”, die Maatskappywet, 1926, die Wet op Verdere Wysiging van Regsbedeling, 1927, die Insolvensiewet, 1936, die Registrasie van Aktes Wet, 1937, die Verjaringswet, 1943, die Magistraatshoewet, 1944, die Wet op Tweedehandse Goed, 1955, en die Strafproseswet, 1955, te wysig.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 7 Junie 1956.)

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

Onwettige toeëiening van die gebruik van 'n ander se goed is 'n misdryf.

1. (1) Iemand wat goed sonder 'n *bona fide*-aanspraak op 'n reg daartoe en sonder die toestemming van die eienaar daarvan of van die persoon wat die beheer daarvoor het, uit die beheer van die eienaar of bedoelde persoon verwyder met die doel om dit sonder die toestemming van die eienaar of 'n ander persoon wat bevoeg is om sodanige toestemming te verleen, vir sy eie doel te gebruik, hetsy hy deurgaans die bedoeling het om die goed aan die eienaar of die persoon uit wie se beheer hy dit verwyder, terug te besorg, al dan nie, is, tensy dit bewys word dat so iemand ten tyde van die verwydering redelike gronde gehad het om aan te neem dat die eienaar of sodanige ander persoon, indien hy daarvan geweet het, tot sodanige gebruik sou toegestem het, aan 'n misdryf skuldig, en die hof wat hom skuldig bevind kan hom enige straf opleë wat regtens vir diefstal opgelê kan word.

(2) Iemand wat weens diefstal aangekla word, kan aan 'n oortreding van sub-artikel (1) skuldig bevind word, indien die feite dit bewys.

Formaliteite ten opsigte van huurkontrakte van grond.

2. Geen huurkontrak van grond is bloot op grond van die feit dat dit nie op skrif gestel is, ongeldig nie: Met dien verstande dat geen huurkontrak van grond wat aangegaan word vir 'n tydperk van minstens tien jaar of vir die natuurlike lewensduur van die huurder of 'n ander in die huurkontrak genoemde persoon, of wat van tyd tot tyd na keuse van die huurder hernieubaar is vir 'n onbepaalde tydperk of vir tydperke wat tesame met die eerste tydperk van die huur, gesamentlik minstens tien jaar beloop, en geen sessie van so 'n huurkontrak, indien so 'n kontrak of sessie na die inwerkingtreding van hierdie Wet verly word, teenoor derde partye geldig is nie, tensy dit teen die titelbewys van die verhuurde grond geregistreer is.

Formaliteite ten opsigte van huurkontrakte van mineraalregte.

3. Geen huurkontrak van enige mineraalregte op grond en geen sessie van so 'n huurkontrak is, indien dit na die inwerkingtreding van hierdie Wet verly is, geldig nie tensy dit deur 'n notaris geattesteer word, en so 'n huurkontrak of sessie daarvan is nie teenoor derde partye geldig nie tensy dit teen die titelbewys van die betrokke grond of die betrokke sertifikaat van die mineraalregte, na gelang van die geval, geregistreer is.

Huur sluit onderhuur in.

4. By die toepassing van artikels twee en drie sluit 'n huur ook 'n onderhuur, en 'n huurder ook 'n onderhuurder in.

Formaliteite ten opsigte van skenkings.

5. Geen skenking wat na die inwerkingtreding van hierdie Wet aangegaan word, is bloot op grond van die feit dat dit nie geregistreer of notarieel verly is, ongeldig nie: Met dien verstande dat geen skenkingskontrak waaronder nog geprester moet word en wat na die inwerkingtreding van hierdie Wet aangegaan word, geldig is nie, tensy die bepaling daarvan in 'n deur die skenker ondertekende skriftelike dokument belang is.

No. 50, 1956.]

ACT

To declare the unlawful appropriation of the use of another's property an offence, to amend the law relating to the formalities of certain contracts, to amend Law No. 22 of 1863 (Natal), Law No. 14 of 1882 (Natal), Law No. 12 of 1884 (Natal), the Masters and (Native) Servants Act, 1894 (Natal), the Transfer Duty Proclamation, 1902 (Transvaal), the Transfer Duty Ordinance, 1906 (Orange Free State), the South Africa Act, 1909, the Prisons and Reformatories Act, 1911, the Companies Act, 1926, the Administration of Justice (Further Amendment) Act, 1927, the Insolvency Act, 1936, the Deeds Registries Act, 1937, the Prescription Act, 1943, the Magistrates' Courts Act, 1944, the Second-hand Goods Act, 1955 and the Criminal Procedure Act, 1955.

(English text signed by the Governor-General.)
(Assented to 7th June, 1956.)

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. (1) Any person who, without a *bona fide* claim of right and without the consent of the owner or the person having the control thereof, removes any property from the control of the owner or such person with intent to use it for his own purposes without the consent of the owner or any other person competent to give such consent, whether or not he intends throughout to return the property to the owner or person from whose control he removes it, shall, unless it is proved that such person, at the time of the removal, had reasonable grounds for believing that the owner or such other person would have consented to such use if he had known about it, be guilty of an offence and the court convicting him may impose upon him any penalty which may lawfully be imposed for theft.

Unlawful appropriation of the use of another's property is an offence.

(2) Any person charged with theft may be found guilty of a contravention of sub-section (1) if such be the facts proved.

2. No lease of land shall be invalid merely by reason of the fact that such lease is not in writing: Provided that no lease of land which is entered into for a period of not less than ten years or for the natural life of the lessee or any other person mentioned in the lease, or which is renewable from time to time at the will of the lessee indefinitely or for periods which together with the first period of the lease amount in all to not less than ten years, and no cession of such lease, shall be valid as against third parties if executed after the commencement of this Act, unless registered against the title deeds of the leased land.

Formalities in respect of leases of land.

3. No lease of any rights to minerals in land and no cession of such a lease shall be valid if executed after the commencement of this Act, unless attested by a notary public, nor shall such a lease or cession thereof be valid as against third parties unless registered against the title deeds of the land concerned or the certificate of rights to minerals concerned, as the case may be.

Formalities in respect of leases of rights to minerals.

4. For the purposes of sections two and three "lease" includes a sub-lease, and "lessee" includes a sub-lessee.

Lease includes a sub-lease.

5. No donation concluded after the commencement of this Act shall be invalid merely by reason of the fact that it is not registered or notarially executed: Provided that no executory contract of donation entered into after the commencement of this Act shall be valid unless the terms thereof are embodied in a written document signed by the donor.

Formalities in respect of donations.

Formaliteite ten opsigte van borgkontrakte.

6. Geen borgkontrak wat na die inwerkingtreding van hierdie Wet aangegaan word, is geldig nie tensy die bepalings daarvan in 'n deur die borg ondertekende skriftelike dokument beliggaam is: Met dien verstande dat geen bepaling van hierdie artikel afbreuk doen aan die aanspreeklikheid van 'n wisselborg kragtens die wetsbepalings op verhandelbare stukke nie.

Wysiging van artikel 97 van die „Zuid-Afrika Wet, 1909” soos vervang deur artikel 1 van Wet 41 van 1941.

7. (1) Artikel *sewe-en-negentig* van die „Zuid-Afrika Wet, 1909”, word hierby gewysig deur na die woord „afdeling”, waar dit die derde maal voorkom, die woorde „of in een vakature in die afdeling” in te voeg.

(2) Sub-artikel (1) word geag op die eerste dag van Januarie 1956, in werking te getree het.

Wysiging van artikel 112 van die „Zuid-Afrika Wet, 1909”.

8. Artikel *honderd-en-twaalf* van die „Zuid-Afrika Wet, 1909”, word hierby gewysig deur na die woord „provinciale” die woorde „of plaatselike” in te voeg.

Wysiging van artikel 48 van Wet 13 van 1911.

9. (1) Artikel *agt-en-veertig* van die „Wet op Gevangenis en Verbetergestichten, 1911”, word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikels te vervang:

„(2) Ieder raad van toezicht zendt minstens eenmaal in het jaar aan de Directeur een schriftelijk verslag waarin omstandige bijzonderheden verstrekt worden aangaande het verleden, het gedrag en de vlijt van—

(a) ieder bandiet, vastgezet in een bandietetrunk, die tot meer dan vier jaren gevonnist is;

(b) ieder bandiet of gevangene, vastgezet in een bandietetrunk of tronk, ten aanzien van wie een bijzonder verslag verlangd word,

en kan in dat verslag met betrekking tot zulk een bandiet of gevangene zodanige aanbevelingen doen als de raad goedgevindt.

(2)*bis*. Bij ontvangst van zulk een verslag—

(a) kan de Directeur, indien het verslag een gunstige aanbeveling met betrekking tot een bandiet of gevangene inhoudt, zulk een deel van het vonnis van die bandiet of gevangene kwijtschelden als de Goeverneur-generaal bij regulatie mocht voorschrijven; of

(b) moet de Directeur, indien hij geen kwijtschelding van vonnis kragtens paragraaf (a) verleent, het verslag aan de Minister voorleggen.”

(2) Sub-artikel (1) tree nie voor die eerste dag van Julie 1956, in werking nie.

Wysiging van artikel 219 van Wet 46 van 1926 soos gewysig deur artikel 126 van Wet 46 van 1952.

10. Artikel *twee-honderd-en-negentien* van die Maatskappywet, 1926, word hierby gewysig deur in sub-artikel (1) na die woord „moet” waar dit die tweede maal voorkom die woorde „tensy anders in bedoelde Bylae aangedui” in te voeg.

Wysiging van artikel 19 van Wet 24 van 1936.

11. Artikel *negentien* van die Insolvensiewet, 1936, word hierby gewysig deur die volgende sub-artikel daarby te voeg:

„(6) Die Goewerneur-generaal kan bedoelde tarief A en reëls by proklamasie in die *Staatskoerant* wysig.”

Wysiging van artikel 63 van Wet 24 van 1936.

12. Artikel *drie-en-sestig* van die Insolvensiewet, 1936, word hierby gewysig deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis*. Die Goewerneur-generaal kan bedoelde tarief B by proklamasie in die *Staatskoerant* wysig.”

Invoeging van artikel 158*bis* in Wet 24 van 1936.

13. Die volgende artikel word hierby na artikel *honderd agt-en-vyftig* van die Insolvensiewet, 1936, ingevoeg:

„Goewerneur-generaal kan Eerste Bylae by proklamasie in die *Staatskoerant* wysig.”

Wysiging van artikel 3 van Wet 47 van 1937.

14. (1) Artikel *drie* van die Registrasie van Aktes Wet, 1937, word hierby gewysig deur in paragraaf (k) die woorde „(in die Provinsie Natal ook indien na die huwelik gesluit)” te skrap.

(2) Geen bepaling van sub-artikel (1) raak die registrasie, in Natal, van 'n na-huwelikse kontrak wat voor die inwerkingtreding van hierdie Wet notarieel verly is nie.

Herroeping van artikel 89 van Wet 47 van 1937.

15. (1) Artikel *nege-en-tagtig* van die Registrasie van Aktes Wet, 1937, word hierby herroep.

(2) Geen bepaling van sub-artikel (1) raak die registrasie, in Natal, van 'n na-huwelikse kontrak wat voor die inwerkingtreding van hierdie Wet notarieel verly is nie.

6. No contract of suretyship entered into after the commencement of this Act, shall be valid, unless the terms thereof are embodied in a written document signed by the surety: Provided that nothing in this section contained shall affect the liability of the signer of an aval under the laws relating to negotiable instruments. Formalities in respect of contracts of suretyship.
7. (1) Section *ninety-seven* of the South Africa Act, 1909, is hereby amended by the insertion after the word "division" where it occurs for the third time, of the words "or in any vacancy in that division". Amendment of section 97 of the South Africa Act, 1909 as substituted by section 1 of Act 41 of 1941.
- (2) Sub-section (1) shall be deemed to have come into operation on the first day of January, 1956.
8. Section *one hundred and twelve* of the South Africa Act, 1909, is hereby amended by the insertion after the word "provincial" of the words "or local". Amendment of section 112 of the South Africa Act, 1909.
9. (1) Section *forty-eight* of the Prisons and Reformatories Act, 1911, is hereby amended by the substitution for sub-section (2) of the following sub-sections: Amendment of section 48 of Act 13 of 1911.
- "(2) Each board of visitors shall, at least once in every year, furnish to the Director a report in writing containing detailed particulars relative to the history, conduct and industry of—
- (a) every convict detained in any convict prison on whom a sentence of over four years was imposed;
- (b) every convict or prisoner detained in any prison or gaol with regard to whom a special report is required, and may in that report make such recommendations in regard to any such convict or prisoner as the board may deem fit.
- (2)*bis*. Upon receipt of any such report the Director—
- (a) may, if such report contains a favourable recommendation in regard to any convict or prisoner, remit such portion of the sentence of such convict or prisoner, as may be prescribed by the Governor-General by regulation; or
- (b) shall, if no remission of sentence is granted by him under paragraph (a), submit the report to the Minister."
- (2) Sub-section (1) shall not come into operation until the first day of July, 1956.
10. Section *two hundred and nineteen* of the Companies Act, 1926, is hereby amended by the insertion in sub-section (1) after the word "shall" where it occurs for the second time of the words "unless otherwise indicated in the said Schedule". Amendment of section 219 of Act 46 of 1926 as amended by section 126 of Act 46 of 1952.
11. Section *nineteen* of the Insolvency Act, 1936, is hereby amended by the addition thereto of the following sub-section: Amendment of section 19 of Act 24 of 1936.
- "(6) The Governor-General may by proclamation in the *Gazette* amend the said tariff A and rules."
12. Section *sixty-three* of the Insolvency Act, 1936, is hereby amended by the insertion after sub-section (1) of the following sub-section: Amendment of section 63 of Act 24 of 1936.
- "(1)*bis*. The Governor-General may by proclamation in the *Gazette* amend the said tariff B."
13. The following section is hereby inserted after section *one hundred and fifty-eight* of the Insolvency Act, 1936: Insertion of section 158*bis* in Act 24 of 1936.
- "Governor-General may amend First Schedule 158*bis*. The Governor-General may by proclamation in the *Gazette* amend the First Schedule."
14. (1) Section *three* of the Deeds Registries Act, 1937, is hereby amended by the deletion in paragraph (k) of the words "and, in the province of Natal, also post-nuptial contracts,". Amendment of section 3 of Act 47 of 1937.
- (2) Nothing in sub-section (1) contained shall affect the registration in Natal of a post-nuptial contract notarially executed before the commencement of this Act.
15. (1) Section *eighty-nine* of the Deeds Registries Act, 1937, is hereby repealed. Repeal of section 89 of Act 47 of 1937.
- (2) Nothing in sub-section (1) contained shall affect the registration in Natal of a post-nuptial contract notarially executed before the commencement of this Act.

Wysiging van artikel 3 van Wet 18 van 1943, soos gewysig deur artikel 27 van Wet 46 van 1945 en artikel 23 van Wet 62 van 1955.

Wysiging van artikel 9 van Wet 32 van 1944 soos gewysig deur artikel 8 van Wet 40 van 1952.

Wysiging van artikel 21 van Wet 32 van 1944.

Wysiging van artikel 25 van Wet 32 van 1944.

Wysiging van artikel 65 van Wet 32 van 1944 soos vervang deur artikel 15 van Wet 40 van 1952 en gewysig deur artikel 1 van Wet 14 van 1954.

Wysiging van artikel 1 van Wet 23 van 1955.

Wysiging van artikel 1 van Wet 56 van 1955.

Wysiging van artikel 70 van Wet 56 van 1955.

Wysiging van artikel 87 van Wet 56 van 1955.

16. (1) Artikel *drie* van die Verjaringswet, 1943, word hierby gewysig deur paragraaf (a) van sub-artikel (2) te skrap.

(2) Geen bepaling van sub-artikel (1) raak 'n skenking wat voor die inwerkingtreding van hierdie Wet aangegaan is nie.

17. Artikel *nege* van die Magistraatshowewet, 1944, word hierby gewysig—

(a) deur in sub-artikels (2) en (3) die woorde „of die Ondersekretaris van Justisie” deur die woorde „Ondersekretaris of Assistent-sekretaris van Justisie of die eerste administratiewe beampte in die personeelafdeling van die departement van Justisie”, te vervang;

(b) deur in sub-artikel (4) die woorde „of Ondersekretaris van Justisie” deur die woorde „Ondersekretaris of Assistent-sekretaris van Justisie of die eerste administratiewe beampte in die personeelafdeling van die departement van Justisie”, en die woorde „of Ondersekretaris van Naturellesake” deur die woorde „Ondersekretaris of Assistent-sekretaris van Naturellesake of die eerste administratiewe beampte in die personeelafdeling van die departement van Naturellesake”, te vervang.

18. Artikel *een-en-twintig* van die Magistraatshowewet, 1944, word hierby gewysig deur na die woord „hof” die woorde „,behalwe die hof van 'n streekafdeling ingestel ingevolge artikel twee,” in te voeg.

19. Artikel *vyf-en-twintig* van die Magistraatshowewet, 1944, word hierby gewysig deur in sub-paragraaf (vi) van paragraaf (a) van sub-artikel (3) na die woord „Wet” die woorde „of die Strafproseswet, 1955 (Wet No. 56 van 1955), met betrekking tot magistraatshowe” in te voeg.

20. Artikel *vyf-en-sestig* van die Magistraatshowewet, 1944, word hierby gewysig deur die volgende sub-artikel daarby te voeg:

„(12) 'n Order ingevolge paragraaf (d) van sub-artikel (7) kan te eniger tyd, mits gegronde redes aangevoer word, deur die hof opgeskort, gewysig of vernietig word.”.

21. Artikel *een* van die Wet op Tweedehandse Goed, 1955, word hierby gewysig deur die woordomskeywing van „plaaslike owerheid” te skrap.

22. Artikel *een* van die Strafproseswet, 1955, word hierby gewysig deur in die woordomskeywing van „hofreëls” na die woord „driehonderd-en-negentig” die woorde „van hierdie Wet of artikel *vyf-en-twintig* van die Magistraatshowewet, 1944 (Wet No. 32 van 1944), na gelang van die geval,” in te voeg.

23. Artikel *sewentig* van die Strafproseswet, 1955, word hierby gewysig deur die volgende paragraaf daarby te voeg:

„(g) indien dit gedurende die loop van die ondersoek blyk dat die hof van 'n streekafdeling regsbevoeg is om die misdryf wat die onderwerp van die ondersoek uitmaak, summier te bereg en dat dit wenslik is om die beskuldigde summier te verhoor, met instemming van die aanklaer en die beskuldigde, die ondersoek staak en die verrigtinge begin dan weer van nuuts af voor die hof van die betrokke streekafdeling.”.

24. Artikel *sewe-en-tagtig* van die Strafproseswet, 1955, word hierby gewysig deur die volgende sub-artikels daarby te voeg:

„(3) (a) Wanneer 'n beskuldigde kragtens hierdie artikel op borgtog vrygelaat word, word 'n borgakte deur slegs die beskuldigde of deur die beskuldigde en een of meer borge aangegaan, na gelang die magistraat met inagneming van die aard en omstandighede van die geval besluit.

(b) Die voorwaardes van die borgakte is dat die beskuldigde op 'n tyd en plek wat skriftelik aangegee word, en so dikwels dit binne 'n tydperk van ses maande daarna nodig blyk, moet verskyn totdat die voorlopige ondersoek beëindig is.

(4) Die magistraat kan voorts enige voorwaarde aan die borgakte toevoeg wat hy in belang van die regspleging nodig of raadsaam ag aangaande—

16. (1) Section *three* of the Prescription Act, 1943, is hereby amended by the deletion of paragraph (a) of sub-section (2).
 (2) Nothing in sub-section (1) contained shall affect a donation concluded before the commencement of this Act.
- Amendment of section 3 of Act 18 of 1943, as amended by section 27 of Act 46 of 1945 and section 23 of Act 62 of 1955.
17. Section *nine* of the Magistrates' Courts Act, 1944, is hereby amended—
- (a) by the substitution in sub-sections (2) and (3) for the words "or Under-Secretary for Justice" of the words "Under-Secretary or Assistant Secretary for Justice or the first administrative officer in the staff branch of the department of Justice";
- (b) by the substitution in sub-section (4) for the words "or Under-Secretary for Native Affairs" of the words "Under-Secretary or Assistant Secretary for Native Affairs or the first administrative officer in the staff branch of the department of Native Affairs" and for the words "or Under-Secretary for Justice" of the words "Under-Secretary or Assistant Secretary for Justice or the first administrative officer in the staff branch of the department of Justice".
- Amendment of section 9 of Act 32 of 1944 as amended by section 8 of Act 40 of 1952.
18. Section *twenty-one* of the Magistrates' Courts Act, 1944, is hereby amended by the insertion after the word "court" of the words ", other than the court of a regional division established under section *two*,".
- Amendment of section 21 of Act 32 of 1944.
19. Section *twenty-five* of the Magistrates' Courts Act, 1944, is hereby amended by the insertion in sub-paragraph (vi) of paragraph (a) of sub-section (3) after the word "Act" of the words "or the Criminal Procedure Act, 1955 (Act No. 56 of 1955), in relation to magistrates' courts".
- Amendment of section 25 of Act 32 of 1944.
20. Section *sixty-five* of the Magistrates' Courts Act, 1944, is hereby amended by the addition thereto of the following sub-section:
- "(12) Any order under paragraph (d) of sub-section (7) may at any time and for good cause be suspended, varied or rescinded by the court."
- Amendment of section 65 of Act 32 of 1944 as substituted by section 15 of Act 40 of 1952 and amended by section 1 of Act 14 of 1954.
21. Section *one* of the Second-hand Goods Act, 1955, is hereby amended by the deletion of the definition of "local authority".
- Amendment of section 1 of Act 23 of 1955.
22. Section *one* of the Criminal Procedure Act, 1955, is hereby amended by the addition to the definition of "rules of court" of the words "of this Act or section *twenty-five* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), as the case may be."
- Amendment of section 1 of Act 56 of 1955.
23. Section *seventy* of the Criminal Procedure Act, 1955, is hereby amended by the addition thereto of the following paragraph:
- "(g) if it appears in the course of the examination that the court of a regional division has jurisdiction to deal summarily with the offence which is the subject of the examination, and that it is desirable to try the accused summarily, with the consent of the prosecutor and the accused, stop the examination and proceedings shall then be recommenced *de novo* before the court of the regional division concerned."
- Amendment of section 70 of Act 56 of 1955.
24. Section *eighty-seven* of the Criminal Procedure Act, 1955, is hereby amended by the addition thereto of the following sub-section:
- "(3) (a) When an accused is released on bail under this section, a recognizance shall be taken from the accused alone or from the accused and one or more sureties, as the magistrate may determine, regard being had to the nature and circumstances of the case.
- (b) The conditions of the recognizance shall be that the accused shall appear at a time and place specified in writing and as often as may be necessary thereafter within a period of six months, until the preparatory examination is concluded.
- (4) The magistrate may further add to the recognizance any condition which he may deem necessary or advisable in the interests of justice, as to—

- (a) tye waarop en plekke waar en persone by wie die beskuldigde hom persoonlik moet aanmeld;
- (b) plekke waarheen dit vir hom verbode is om te gaan;
- (c) verbod op kommunikasie deur die beskuldigde met getuies vir die vervolging; of
- (d) enige ander aangeleentheid rakende sy gedrag.”.

Invoeging van
artikel 99bis in
Wet 56 van 1955.

25. Die volgende artikel word hierby na artikel *nege-en-negentig* van die Strafproseswet, 1955, ingevoeg:

„Wysiging 99bis. 'n Hof, regter, magistraat of ander regterlike amptenaar kan, indien hy van oordeel is dat dit in belang van die regspleging nodig of raadsaam is om die voorwaardes van 'n borgakte wat ingevolge die bepalings van hierdie Hoofstuk aangegaan is, te wysig of aan te vul, 'n lasbrief vir die inhegtenisneming van die beskuldigde uitreik en kan, wanneer die beskuldigde voor hom gebring word, bedoelde voorwaardes wysig of aanvul na gelang die hof, regter, magistraat of ander regterlike amptenaar goedvind.”.

Wysiging van
artikel 111 van
Wet 56 van 1955.

26. Artikel *honderd-en-elf* van die Strafproseswet, 1955, word hierby gewysig deur na paragraaf (h) daarvan die volgende paragraaf in te voeg:

„(i) ingevolge paragraaf (a) of (b) van artikel *elf* van die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950);”.

Wysiging van
artikel 112 van
van Wet 56 van
1955.

27. Artikel *honderd-en-twaalf* van die Strafproseswet, 1955, word hierby gewysig deur in sub-artikel (1) na die woorde „openbare geweldpleging” die woorde „of weens 'n oortreding van 'n bepaling van paragraaf (a) of (b) van artikel *elf* van die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950)” in te voeg.

Wysiging van
artikel 289 van
Wet 56 van 1955.

28. Artikel *tweehonderd nege-en-tagtig* van die Strafproseswet, 1955, word hierby gewysig—

(a) deur die voorbehoudsbepaling by sub-artikel (1) te skrap;

(b) deur die volgende sub-artikels daarby te voeg:

„(3) Die hof wat iemand op enige aanklag skuldig bevind het, kan, op versoek van die staatsaanklaer, gelas dat die vingerafdrukke, palmafdrukke of voetafdrukke van bedoelde persoon geneem word.

(4) 'n Magistraat wat iemand na beëindiging van 'n voorlopige ondersoek ter strafsitting of vir vonnis verwys het, kan, op versoek van die staatsaanklaer, gelas dat die vingerafdrukke, palmafdrukke of voetafdrukke van bedoelde persoon geneem word.

(5) Alle vingerafdrukke, palmafdrukke of voetafdrukke en die aantekeninge van alle stappe wat kragtens die bepalings van hierdie artikel gedoen is, moet vernietig word indien die betrokke persoon by sy verhoor onskuldig bevind word of sy skuldigbevinding deur 'n hoër hof ter syde gestel word of die prokureur-generaal kragtens paragraaf (a) van sub-artikel (1) van artikel *nege-en-sewentig* weier om hom te vervolg.”.

Wysiging van
artikel 309 van
Wet 56 van 1955.

29. Artikel *driehonderd-en-nege* van die Strafproseswet, 1955, word hierby gewysig deur sub-artikels (3) en (4) deur die volgende sub-artikels te vervang:

„(3) Indien iemand versuim om te verskyn op die dag wat vasgestel is vir sy verskyning om op 'n aanklag te antwoord, en die hof uit hoofde van die relas van die persoon wat die dagvaarding moes bestel, oortuig is dat hy behoorlik gedagvaar is, of indien dit uit getuienis onder eed afgelê blyk dat hy bestelling van die dagvaarding ontwyk, of indien dit uit sodanige getuienis blyk dat hy aanwesig was maar versuim het om aanwesig te bly, kan die hof waarvoor bedoelde strafsak dien 'n lasbrief uitreik waarin gelas word dat hy in hegtenis geneem en op 'n in die lasbrief vermelde tyd en plek, of so spoedig moontlik daarna, voor die hof of 'n magistraat gebring word.

(4) Wanneer die betrokke persoon ingevolge bedoelde lasbrief in hegtenis geneem is, kan hy uit hoofde daarvan by die hof wat dit uitgereik het of in 'n tronk of opsluitplek of ander plek van bewaring of in die bewaring van die persoon wat toesig oor hom het, aangehou word ten einde sy aanwesigheid by sy verhoor te verseker. Met dien verstande dat die hof hom op borgtog met of sonder borge vir sy verskyning by sy verhoor en vir sy verskyning by die in sub-artikel (5) bedoelde ondersoek, kan vrylaat.

- (a) times and places at which and persons to whom the accused shall personally present himself;
- (b) places where he is forbidden to go;
- (c) prohibition against communication by the accused with witnesses for the prosecution; or
- (d) any other matter relating to his conduct.”.

25. The following section is hereby inserted after section *ninety-nine* of the Criminal Procedure Act, 1955:

Insertion of section 99 bis in Act 56 of 1955.

“Amendment of conditions of recognizances. 99bis. Any court, judge, magistrate or other judicial officer may, if it or he is of opinion that it is necessary or advisable in the interests of justice that the conditions of a recognizance entered into under the provisions of this Chapter be amended or supplemented, issue a warrant for the arrest of the accused and may, when the accused is brought before it or him, amend or supplement the said conditions as the court, judge, magistrate or other judicial officer may deem fit.”.

26. Section *one hundred and eleven* of the Criminal Procedure Act, 1955, is hereby amended by the insertion after paragraph (h) thereof of the following paragraph:

Amendment of section 111 of Act 56 of 1955.

“(i) under paragraph (a) or (b) of section *eleven* of the Suppression of Communism Act, 1950 (Act No. 44 of 1950);”.

27. Section *one hundred and twelve* of the Criminal Procedure Act, 1955, is hereby amended by the insertion in sub-section (1) after the words “public violence” of the words “or of contravening any provision of paragraph (a) or (b) of section *eleven* of the Suppression of Communism Act, 1950 (Act No. 44 of 1950)”.

Amendment of section 112 of Act 56 of 1955.

28. Section *two hundred and eighty-nine* of the Criminal Procedure Act, 1955, is hereby amended—

Amendment of section 289 of Act 56 of 1955.

- (a) by the deletion of the proviso to sub-section (1);
- (b) by the addition thereto of the following sub-sections:
 - “(3) The court which has convicted any person on any charge may, at the request of the public prosecutor, order that the finger prints, palm prints or foot prints of the said person be taken.
 - (4) A magistrate who has committed any person for trial or sentence after the conclusion of a preparatory examination may, at the request of the public prosecutor, order that the finger prints, palm prints or foot prints of the said person be taken.
 - (5) Any finger prints, palm prints or foot prints and the records of any steps taken under the provisions of this section shall be destroyed if the person concerned is found not guilty at his trial or his conviction is set aside by a superior court or the attorney-general declines to prosecute him in terms of paragraph (a) of sub-section (1) of section *seventy-nine*.”.

29. Section *three hundred and nine* of the Criminal Procedure Act, 1955, is hereby amended by the substitution for sub-sections (3) and (4) of the following sub-sections:

Amendment of section 309 of Act 56 of 1955.

“(3) If, upon the day appointed for the appearance of any person to answer any charge, he fails to appear and the court is satisfied upon the return of the person required to serve the summons that he was duly summoned, or if it appears from evidence given under oath that he is evading service of the summons, or if it appears from such evidence that he attended but failed to remain in attendance, the court in which the said criminal proceedings are conducted, may issue a warrant, directing that he be arrested and brought, at a time and place stated in the warrant, or as soon thereafter as possible, before the court or any magistrate.

(4) When the person in question has been arrested under the said warrant, he may be detained thereunder before the court which issued it or in any gaol or lock-up or other place of detention or in the custody of the person who is in charge of him, with a view to securing his presence at his trial: Provided that the court may release him on a recognizance with or without sureties for his appearance at his trial and for his appearance at the enquiry referred to in sub-section (5).

(5) Die hof kan op summere wyse ondersoek instel na bedoelde persoon se versuim om die dagvaarding na te kom of na sy ontwyking van bestelling van die dagvaarding of sy versuim om aanwesig te bly, en tensy bewys word dat bedoelde persoon 'n redelike verskoning vir sodanige versuim of ontwyking het, kan die hof hom 'n vonnis van 'n boete van hoogstens vyf-en-twintig pond of gevangenisstraf vir 'n tydperk van hoogstens een maand, ople.

(6) 'n Vonnis ingevolge sub-artikel (5) deur 'n hof opgelê, word uitgevoer en is onderworpe aan appèl asof dit 'n vonnis was wat in 'n strafsak deur daardie hof opgelê is.

(7) Indien iemand wat 'n in die voorbehoudsbepaling by sub-artikel (4) bedoelde borgtog aangegaan het, versuim om aldus te verskyn, kan daar, bo en behalwe die verbeuring van sy borggeld, met hom gehandel word asof hy versuim het om 'n dagvaarding om op 'n aanklag te antwoord, na te kom.

(8) Die bepalinge van sub-artikels (1), (2) en (4) van artikel *sewe-en-vyftig* is *mutatis mutandis* van toepassing wanneer iemand onder die ouderdom van negentien jaar soos voormeld gedagvaar word."

Wysiging van
artikel 375 van
Wet 56 van 1955.

30. Artikel *driehonderd vyf-en-sewentig* van die Straffproseswet, 1955, word hierby gewysig deur in sub-artikel (2) na die woord „Minister” die woorde „of iemand wat op sy gesag handel” in te voeg.

Wysiging van
Deel II van die
Derde Bylae by
Wet 56 van 1955.

31. Deel II van die Derde Bylae by die Straffproseswet, 1955, word hierby gewysig deur na die woord „opset” waar dit die tweede maal voorkom die woorde „of 'n poging” in te voeg.

Herroeping van
wette.

32. Die wette in die Bylae vermeld word hierby herroep in die mate in die vierde kolom van die Bylae aangedui.

Kort titel.

33. Hierdie Wet heet die Algemene Regswysigingswet, 1956.

Bylae.

Provinsie of Unie.	No. en jaar van Wet.	Titel.	In hoeverre herroep.
Natal. ..	Wet No. 22 van 1863.	„To prevent Community of Goods attaching to certain Marriages, and to enable the spouses of such Marriages to devise their properties”.	Artikel <i>sewe</i> .
Natal. ..	Wet No. 14 van 1882.	„To amend Law 22 of 1863”. . .	Artikel <i>twee</i> .
Natal. ..	Wet No. 12 van 1884.	„To render a Writing necessary for Actions in respect of cer- tain Contracts”.	Die geheel, behalwe vir sover dit betrekking het op die koop en verkoop van onro- ende goed of 'n belang daarin.
Natal. ..	Wet No. 40 van 1894.	„Master and Servants (Native)”.	Artikels <i>sewentien</i> en <i>agtien</i> .
Oranje-Vry- staat.	Ordonnan- sie No. 12 van 1906.	„Transfer Duty Ordinance, 1906”.	Artikels <i>een-en-vyftig</i> , <i>twee-en-vyftig</i> en <i>drie- en-vyftig</i> .
Transvaal.	Proklama- sie No. 8 van 1902.	„Transfer Duty Proclamation, 1902”.	Artikel <i>nege-en-twintig</i> .
Transvaal.	Proklama- sie No. 27 van 1902.	„To amend the Transfer Duty Proclamation 1902”.	Artikel <i>een</i> .
Unie. ..	Wet No. 11 van 1927.	Wet op Verdere Wysiging van Regsbedeling, 1927.	Artikel <i>twee</i> .
Unie. ..	Wet No. 37 van 1948.	Wysigingswet op Kriminele Pro- cedure, 1948.	Artikel <i>veertien</i> .
Unie. ..	Wet No. 13 van 1954.	Wet op die Afskaffing van die Naturellehoëhof, 1954.	Artikel <i>agtien</i> .

(5) The court may in a summary manner enquire into the said person's failure to obey the summons or into his evasion of the service of the summons or his failure to remain in attendance, and unless it is proved that the said person has a reasonable excuse for such failure or evasion, the court may sentence him to pay a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding one month.

(6) Any sentence imposed by any court under sub-section (5) shall be enforced and shall be subject to an appeal as if it were a sentence in a criminal case imposed by that court.

(7) If a person who has entered into any recognizance referred to in the proviso to sub-section (4), fails so to appear, he may apart from the forfeiture of his recognizance, be dealt with as if he had failed to obey a summons to answer any charge.

(8) When a person under the age of nineteen years is summoned as aforesaid, the provisions of sub-sections (1), (2) and (4) of section *fifty-seven* shall *mutatis mutandis* apply."

30. Section *three hundred and seventy-five* of the Criminal Procedure Act, 1955, is hereby amended by the insertion in sub-section (2) after the word "Minister" of the words "or any person acting under his authority". Amendment of section 375 of Act 56 of 1955.

31. Part II of the Third Schedule to the Criminal Procedure Act, 1955, is hereby amended by the insertion after the word "intent" where it occurs for the second time of the words "or any attempt". Amendment of Part II of Third Schedule to Act 56 of 1955.

32. The laws specified in the Schedule are hereby repealed to the extent set out in the fourth column of the Schedule. Repeal of laws.

33. This Act shall be called the General Law Amendment Act, 1956. Short title.

Schedule.

Province or Union.	No. and year of law.	Title.	Extent of repeal.
Natal. ..	Law No. 22 of 1863.	"To prevent Community of Goods attaching to certain Marriages, and to enable the spouses of such Marriages to devise their properties".	Section <i>seven</i> .
Natal. ..	Law No. 14 of 1882.	"To amend Law 22 of 1863".	Section <i>two</i> .
Natal. ..	Law No. 12 of 1884.	"To render a Writing necessary for Actions in respect of certain Contracts".	The whole, except in so far as it relates to the purchase and sale of immovable property or any interest therein.
Natal. ..	Act No. 40 of 1894.	"Master and Servants (Native)".	Sections <i>seventeen</i> and <i>eighteen</i> .
Orange Free State.	Ordinance No. 12 of 1906.	Transfer Duty Ordinance, 1906.	Sections <i>fifty-one</i> , <i>fifty-two</i> and <i>fifty-three</i> .
Transvaal.	Proclamation No. 8 of 1902.	Transfer Duty Proclamation, 1902.	Section <i>twenty-nine</i> .
Transvaal.	Proclamation No. 27 of 1902.	"To amend the Transfer Duty Proclamation, 1902".	Section <i>one</i> .
Union. ..	Act No. 11 of 1927.	Administration of Justice (Further Amendment) Act, 1927.	Section <i>two</i> .
Union. ..	Act No. 37 of 1948.	Criminal Procedure Amendment Act, 1948.	Section <i>fourteen</i> .
Union. ..	Act No. 13 of 1954.	Native High Court Abolition Act, 1954.	Section <i>eighteen</i> .

No. 51, 1956.]

WET

Om die Ongevallewet, 1941, te wysig.

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 8 Junie 1956.)*

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

Wysiging van artikel 2 van Wet 30 van 1941, soos deur artikel 1 van Wet 27 van 1945 en artikel 1 van Wet 36 van 1949 gewysig.

1. Artikel twee van die Ongevallewet, 1941 (hieronder die Hoofwet genoem) word hiermee gewysig—

- (a) deur in die omskrywing van „kind” die woord „sestienjarige” deur die woord „sewentienjarige” te vervang;
- (b) deur na die omskrywing van „aannemer” die volgende omskrywing in te voeg:
„datum van inwerkingtreding van hierdie Wet met betrekking tot die toepassing van hierdie Wet in die gebied, die datum van inwerkingtreding van die Ongevalle-wysigingswet, 1956;”;
- (c) deur aan die omskrywing van „werkgewersorganisasie” die woorde „of die Ordonnansie op Lone en Nywerheidsversoening, 1952 (Ordonnansie No. 35 van 1952 van die gebied)” toe te voeg;
- (d) deur die omskrywings van „uitgraving” en „uitgrawingswerk” te skrap;
- (e) deur aan die omskrywing van „vasgestelde datum” die woorde „en met betrekking tot die toepassing van hierdie Wet in die gebied, die datum vasgestel by proklamasie ingevolge die tweede voorbehoudsbepaling by artikel twee-en-dertig van die Ongevalle-wysigingswet, 1956” toe te voeg;
- (f) deur na die omskrywing van „vasgestelde datum” die volgende omskrywing in te voeg:
„„Staatskoerant” met betrekking tot ’n aangeleentheid wat die gebied raak ook die *Offisiële Koerant* van die gebied;”;
- (g) deur in die omskrywing van „naturel” na die woord „Grikwas” die woorde „Rehoboth Basters” in te voeg;
- (h) deur na die omskrywing van „lasgewer” die volgende omskrywing in te voeg:
„provisiale of plaaslike afdeling van die Hooggeregshof” met betrekking tot die toepassing van hierdie Wet in die gebied, die Hoë Hof van die gebied;”;
- (i) deur na die omskrywing van „tydelike algehele arbeidsongeskiktheid” die volgende omskrywing in te voeg:
„gebied” die gebied Suidwes-Afrika;”;
- (j) deur aan die omskrywing van „vakvereniging” die woorde „of die Ordonnansie op Lone en Nywerheidsversoening, 1952 (Ordonnansie No. 35 van 1952 van die gebied)” toe te voeg; en
- (k) deur na die omskrywing van „vakvereniging” die volgende omskrywing in te voeg:
„„Unie” ook die gebied;”.

Wysiging van artikel 3 van Wet 30 van 1941, soos deur artikel 2 van Wet 27 van 1945, artikel 28 van Wet 48 van 1947 en artikel 2 van Wet 36 van 1949 gewysig.

2. Artikel drie van die Hoofwet word hiermee gewysig—

- (a) deur in paragraaf (b) van sub-artikel (2) na die woord „duisend” die woord „vyfhonderd-en-sestig” in te voeg; en
- (b) deur in paragraaf (g) van sub-artikel (2) na die uitdrukking „(Wet No. 22 van 1941)” die woorde „of in artikel drie van die Ordonnansie op Fabriek, Masjinerie en Bouwerk, 1952 (Ordonnansie No. 34 van 1952 van die gebied), na gelang van die geval” in te voeg.

Wysiging van artikel 4 van Wet 30 van 1941, soos deur artikel 3 van Wet 27 van 1945 gewysig.

3. Artikel vier van die Hoofwet word hiermee gewysig deur in paragraaf (iii) van die voorbehoudsbepaling by sub-artikel (1) die woord „sestien” deur die woord „sewentien” te vervang.

No. 51, 1956.]

ACT

To amend the Workmen's Compensation Act, 1941.

(Afrikaans text signed by the Governor-General.)
(Assented to 8th June, 1956.)

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 *two* of the Workmen's Compensation Act, 1941 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of section 2 of Act 30 of 1941, as amended by section 1 of Act 27 of 1945 and section 1 of Act 36 of 1949.

- (a) by the substitution in the definition of "child" for the word "sixteen" of the word "seventeen";
- (b) by the insertion after the definition of "contractor" of the following definition:
" 'date of commencement of this Act' in relation to the application of this Act in the territory, means the date of commencement of the Workmen's Compensation Amendment Act, 1956;";
- (c) by the addition to the definition of "employers' organization" of the words "or the Wage and Industrial Conciliation Ordinance, 1952 (Ordinance No. 35 of 1952 of the territory)";
- (d) by the deletion of the definitions of "excavation" and "excavation work";
- (e) by the addition to the definition of "fixed date" of the words "and in relation to the application of this Act in the territory, means the date fixed by proclamation in terms of the second proviso to section *thirty-two* of the Workmen's Compensation Amendment Act, 1956";
- (f) by the insertion after the definition of "fixed date" of the following definition:
" 'Gazette' in relation to any matter affecting the territory, includes the *Official Gazette* of the territory;";
- (g) by the insertion in the definition of "native" after the word "Griquas" of the words "Rehoboth 'Basters' ";
- (h) by the insertion after the definition of "principal" of the following definition:
" 'provincial or local division of the Supreme Court' in relation to the application of this Act in the territory, means the High Court of the territory;";
- (i) by the insertion after the definition of "temporary total disablement" of the following definition:
" 'territory' means the territory of South-West Africa;";
- (j) by the addition to the definition of "trade union" of the words "or the Wage and Industrial Conciliation Ordinance, 1952 (Ordinance No. 35 of 1952 of the territory)"; and
- (k) by the insertion after the definition of "trade union" of the following definition:
" 'Union' includes the territory;".

2. Section *three* of the principal Act is hereby amended—

Amendment of section 3 of Act 30 of 1941, as amended by section 2 of Act 27 of 1945, section 28 of Act 48 of 1947 and section 2 of Act 36 of 1949.

- (a) by the substitution in paragraph (b) of sub-section (2) for the words "one thousand" of the words "one thousand five hundred and sixty"; and
- (b) by the addition to paragraph (g) of sub-section (2) of the words "or in section *three* of the Factories, Machinery and Building Work Ordinance, 1952 (Ordinance No. 34 of 1952 of the territory), as the case may be".

3. Section *four* of the principal Act is hereby amended by the substitution in paragraph (iii) of the proviso to sub-section (1) for the word "sixteen" of the word "seventeen".

Amendment of section 4 of Act 30 of 1941, as amended by section 3 of Act 27 of 1945.

Wysiging van artikel 8 van Wet 30 van 1941, soos deur artikel 5 van Wet 27 van 1945 en artikel 3 van Wet 36 van 1949 gewysig.

Wysiging van artikel 14 van Wet 30 van 1941, soos deur artikel 1 van Wet 5 van 1951 gewysig.

Wysiging van artikel 24 van Wet 30 van 1941, soos deur artikel 7 van Wet 36 van 1949 gewysig.

Wysiging van artikel 25 van Wet 30 van 1941, soos deur artikel 9 van Wet 27 van 1945 en artikel 8 van Wet 36 van 1949 gewysig.

Wysiging van artikel 27 van Wet 30 van 1941, soos deur artikel 10 van Wet 27 van 1945 en artikel 9 van Wet 36 van 1949 gewysig.

Vervanging van artikel 29 van Wet 30 van 1941, soos deur artikel 12 van Wet 27 van 1945 gewysig.

4. Artikel *agt* van die Hoofwet word hiermee gewysig deur in die voorbehoudsbepaling by paragraaf (b) van sub-artikel (1) die woord „skadeloosstelling” deur die woord „skadevergoeding” te vervang.

5. Artikel *veertien* van die Hoofwet word hiermee gewysig deur in paragraaf (h) van sub-artikel (1) die woorde „artikels *twee-en-dertig* en” deur die woord „artikel” te vervang.

6. Artikel *vier-en-twintig* van die Hoofwet word hiermee gewysig deur in paragraaf (c) van sub-artikel (1) al die woorde na die woorde „kan word nie” te skrap.

7. Artikel *vyf-en-twintig* van die Hoofwet word hiermee gewysig deur in paragraaf (a) van sub-artikel (2) die woord „een-en-twintig” deur die woord „sestig” te vervang.

8. Artikel *sewe-en-twintig* van die Hoofwet word hiermee gewysig deur die volgende sub-artikel daaraan toe te voeg:

„(3) Vir die doeleindes van hierdie Wet word die gratis vervoer van ’n werksman na of van sy werkplek deur middel van ’n vervoermiddel deur sy werkgever beheer en spesiaal vir die doel van bedoelde vervoer verskaf, geag in die loop van die werksman se diens plaas te vind.”.

9. Artikel *nege-en-twintig* van die Hoofwet word hiermee deur die volgende artikel vervang:

„Skadeloosstelling van werksmense ten aansien van wie spesiale betalings geld. 29. (1) As ’n werksman in diens van die Regering (soos in artikel *honderd-en-nege* van die Regeringsdienspensioenwet, 1955 (Wet No. 58 van 1955)) omskryf) aftree of sterf onder omstandighede wat hom op skadeloosstelling geregtig maak, is daar betaalbaar, na gelang watter bedrag op die wyse in sub-artikels (2) en (3) uiteengesit, bepaal word die grootste te wees, of—

(a) in plaas van skadeloosstelling, die voordele betaalbaar ingevolge ’n ander wet as hierdie Wet wat sy pensioenregte beheer; of

(b) in plaas van daardie voordele, die voordele wat ingevolge die ander wet betaalbaar sou gewees het as die werksman se aftrede of dood aan ’n besering of slegte gesondheid te wyte was wat nie uit die verrigting van sy amptelike pligte en in die loop daarvan ontstaan het nie, en ook skadeloosstelling.

(2) ’n Bepaling vir die doeleindes van sub-artikel

(1), word in oorleg met die kommissaris gedoen—

(a) deur die Kommissaris van Pensioene, waar die wet wat die werksman se pensioenregte beheer, deur genoemde Kommissaris geadministreer word; of

(b) deur die betrokke Provinsiale Sekretaris, waar daardie wet deur ’n provinsiale administrasie geadministreer word; of

(c) deur die Sekretaris van Suidwes-Afrika, waar daardie wet deur die administrasie van die gebied geadministreer word.

(3) Enige persoon wat deur ’n bepaling ingevolge sub-artikel (2) gedoen, geraak word, kan binne sestig dae vanaf die datum waarop hy van die bepaling in kennis gestel word, by die kommissaris teen die bepaling beswaar maak en die beswaar word afgehandel *mutatis mutandis* soos in sub-artikels (3), (4), (5), (6) en (7) van artikel *vyf-en-twintig* bepaal.”.

Wysiging van artikel 32 van Wet 30 van 1941, soos deur artikel 14 van Wet 27 van 1945 gewysig.

10. Artikel *twee-en-dertig* van die Hoofwet word hiermee gewysig—

(a) deur in sub-artikel (1) die woorde „Behalwe vir sover sub-artikel (2) anders bepaal, is” te skrap en deur na die woord „skadeloosstelling” die woord „is” in te voeg; en

(b) deur sub-artikel (2) te skrap.

4. Section *eight* of the principal Act is hereby amended by the substitution in the Afrikaans text of the proviso to paragraph (b) of sub-section (1) for the word "skadeloosstelling" of the word "skadevergoeding". Amendment of section 8 of Act 30 of 1941, as amended by section 5 of Act 27 of 1945 and section 3 of Act 36 of 1949.
5. Section *fourteen* of the principal Act is hereby amended by the substitution in paragraph (h) of sub-section (1) for the words "sections *thirty-two* and" of the word "section". Amendment of section 14 of Act 30 of 1941, as amended by section 1 of Act 5 of 1951.
6. Section *twenty-four* of the principal Act is hereby amended by the deletion in paragraph (c) of sub-section (1) of all the words after the word "him". Amendment of section 24 of Act 30 of 1941, as amended by section 7 of Act 36 of 1949.
7. Section *twenty-five* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (2) for the word "twenty-one" of the word "sixty". Amendment of section 25 of Act 30 of 1941, as amended by section 9 of Act 27 of 1945 and section 8 of Act 36 of 1949.
8. Section *twenty-seven* of the principal Act is hereby amended by the addition of the following sub-section:
 "(3) For the purposes of this Act the conveyance of a workman free of charge to or from his place of work by means of transport controlled and specially provided by his employer for the purpose of such conveyance, shall be deemed to take place in the course of such workman's employment." Amendment of section 27 of Act 30 of 1941, as amended by section 10 of Act 27 of 1945 and section 9 of Act 36 of 1949.
9. The following section is hereby substituted for section *twenty-nine* of the principal Act:
 "Compensation of workmen for whom special provisions exist. 29. (1) If a workman in the employ of the Government (as defined in section *one hundred and nine* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955)) retires or dies in circumstances entitling him to compensation, there shall be payable, according to whichever is determined in the manner set out in sub-sections (2) and (3) to be the greater, either—
 (a) in lieu of compensation, the benefits payable in terms of any law other than this Act, governing his pension rights; or
 (b) in lieu of such benefits, the benefits payable in terms of such law if the workman's retirement or death were due to an injury or ill-health not arising out of and in the course of the discharge of his official duties, as well as compensation.
 (2) Any determination for the purposes of sub-section (1) shall, in consultation with the commissioner, be made—
 (a) by the Commissioner of Pensions, where the law governing the workman's pension rights is administered by the said Commissioner; or
 (b) by the Provincial Secretary concerned, where such law is administered by a provincial administration; or
 (c) by the Secretary for South-West Africa, where such law is administered by the administration of the territory.
 (3) Any person affected by a determination made under sub-section (2) may within sixty days of the date on which he is advised of such determination, lodge with the commissioner an objection against such determination and such objection shall be dealt with *mutatis mutandis* as provided in sub-sections (3), (4), (5), (6) and (7) of section *twenty-five*."
10. Section *thirty-two* of the principal Act is hereby amended—
 (a) by the deletion in sub-section (1) of the words "Save as is otherwise provided in sub-section (2)"; and
 (b) by the deletion of sub-section (2). Amendment of section 32 of Act 30 of 1941, as amended by section 14 of Act 27 of 1945.

Wysiging van
artikel 33 van
Wet 30 van 1941.

11. Artikel *drie-en-dertig* van die Hoofwet word hiermee gewysig deur in sub-artikel (5) na die woord „Unie” die woorde „of die administrasie van die gebied, na gelang van die geval”, in te voeg.

Invoeging van
artikel 34 in
Wet 30 van 1941.

12. Die volgende artikel word hiermee in die Hoofwet na artikel *drie-en-dertig* ingevoeg:

„Voordele
aan
assessore
betaalbaar.

34. (1) As ’n assessor (wat nie iemand in diens van ’n werkgever in sub-paragraaf (i) van paragraaf (a) van sub-artikel (1) van artikel *sewentig* vermeld, is nie) ingevolge artikel *dertien* aangestel, ’n persoonlike besering opdoen as gevolg van ’n ongeval wat uit die verrigting deur hom van sy bevoegdhede as assessor en in die loop daarvan ontstaan, is hy of iemand anders wat ’n werksman ingevolge paragraaf (b) van sub-artikel (1) van artikel *drie* sou gewees het as die assessor ’n werksman was, geregtig op die voordele wat voorgeskryf is.

(2) Voordele ingevolge hierdie artikel word deur die kommissaris uit die ongevallefonds betaal en word geag onkoste deur die kommissaris by die uitvoering van hierdie Wet aangegaan te wees.”

Wysiging van
artikel 38 van
Wet 30 van 1941,
soos deur artikel
18 van Wet 27 van
1945 en artikel 14
van Wet 36 van
1949 gewysig.

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

- (a) deur in paragraaf (a) van sub-artikel (1) die woord „vyftig” deur die woord „sestig” en die woord „veertig” deur die woord „vyftig” te vervang; en
- (b) deur in sub-artikel (4) die woord „veertig” deur die woord „vyftig” te vervang.

Wysiging van
artikel 39 van
Wet 30 van 1941,
soos deur artikel
19 van Wet 27
van 1945 en artikel
15 van Wet 36
van 1949 gewysig.

14. Artikel *nege-en-dertig* van die Hoofwet word hiermee gewysig—

- (a) deur in paragraaf (a) van sub-artikel (1) die woord „sesmaal” deur die woord „agtmaal” en die woord „veertig” deur die woord „vyftig” te vervang;
- (b) deur in paragraaf (c) van sub-artikel (1) die woord „vyftig” deur die woord „sestig” en die woord „veertig” deur die woord „vyftig” te vervang; en
- (c) deur in sub-artikel (2) die woord „veertig” deur die woord „vyftig” te vervang.

Wysiging van
artikel 40 van
Wet 30 van 1941,
soos deur artikel
20 van Wet 27
van 1945 en
artikel 16 van
Wet 36 van
1949 gewysig.

15. Artikel *veertig* van die Hoofwet word hiermee gewysig—

- (a) deur in paragraaf (a) van sub-artikel (1) die woord „vyftig” deur die woord „vyf-en-sewentig” te vervang;
- (b) deur in paragrawe (i) en (ii) van die voorbehoudsbepaling by paragraaf (c) van sub-artikel (1) die woord „sestien” deur die woord „sewentien” te vervang;
- (c) deur in paragraaf (iv) van die voorbehoudsbepaling by paragraaf (c) van sub-artikel (1) die woord „vyfhonderd” waar dit ook al voorkom deur die woord „sewehonderd-en-vyftig” te vervang;
- (d) deur in paragraaf (e) van sub-artikel (1) die woord „vyfhonderd” deur die woord „sewehonderd-en-vyftig” te vervang; en
- (e) deur in sub-artikel (2) die woord „vyf-en-twintig” deur die woord „veertig” te vervang.

Wysiging van
artikel 43 van
Wet 30 van 1941,
soos deur artikel
22 van Wet 27
van 1945 en
artikel 19 van
Wet 36 van
1949 gewysig.

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

- (a) deur in sub-paragraaf (iv) van paragraaf (a) van sub-artikel (1) na die uitdrukking „(Wet No. 12 van 1911)” die woorde „of die Ordonnansie op Myne, Werke en Minerale, 1954 (Ordonnansie No. 26 van 1954 van die gebied)” in te voeg; en
- (b) deur in sub-paragraaf (v) van paragraaf (a) van sub-artikel (1) na die uitdrukking „(Wet No. 22 van 1941)” die woorde „of die Ordonnansie op Fabrieke, Masjinerie en Bouwerk, 1952 (Ordonnansie No. 34 van 1952 van die gebied)” in te voeg.

Invoeging van
artikel 43bis in
Wet 30 van 1941.

17. Die volgende artikel word hiermee in die Hoofwet na artikel *drie-en-veertig* ingevoeg:

„Verhoging
van skade-
loosstelling
voor ’n
sekere
datum
toegeken.

43bis. (1) Die Minister kan van tyd tot tyd, op aanbeveling van die kommissaris, by kennisgewing in die *Staatskoerant*—

- (a) beveel dat aan iemand in ontvangs van ’n maandelikse pensioen ooreenkomstig die bepalings van artikel *nege-en-dertig* of *veertig* toegeken

11. Section *thirty-three* of the principal Act is hereby amended by the addition to sub-section (5) of the words "or the administration of the territory, as the case may be".

Amendment of section 33 of Act 30 of 1941.

12. The following section is hereby inserted in the principal Act after section *thirty-three*:

Insertion of section 34 in Act 30 of 1941.

"Benefits payable to assessors.

34. (1) If an assessor (not being a person in the service of an employer referred to in sub-paragraph (i) of paragraph (a) of sub-section (1) of section *seventy*) appointed under section *thirteen* sustains a personal injury as a result of an accident arising out of and in the course of the performance by him of any of his functions as an assessor, he or any other person who would have been a workman in terms of paragraph (b) of sub-section (1) of section *three* if such assessor were a workman, shall be entitled to such benefits as may be prescribed.

(2) Benefits in terms of this section shall be paid by the commissioner from the accident fund and shall be deemed to be expenses incurred by the commissioner in the administration of this Act."

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

Amendment of section 38 of Act 30 of 1941, as amended by section 18 of Act 27 of 1945 and section 14 of Act 36 of 1949.

(a) by the substitution in paragraph (a) of sub-section (1) for the word "fifty" of the word "sixty" and for the word "forty" of the word "fifty"; and

(b) by the substitution in sub-section (4) for the word "forty" of the word "fifty".

14. Section *thirty-nine* of the principal Act is hereby amended—

Amendment of section 39 of Act 30 of 1941, as amended by section 19 of Act 27 of 1945 and section 15 of Act 36 of 1949.

(a) by the substitution in paragraph (a) of sub-section (1) for the word "six" of the word "eight" and for the word "forty" of the word "fifty";

(b) by the substitution in paragraph (c) of sub-section (1) for the word "fifty" of the word "sixty" and for the word "forty" of the word "fifty"; and

(c) by the substitution in sub-section (2) for the word "forty" of the word "fifty".

15. Section *forty* of the principal Act is hereby amended—

Amendment of section 40 of Act 30 of 1941, as amended by section 20 of Act 27 of 1945 and section 16 of Act 36 of 1949.

(a) by the substitution in paragraph (a) of sub-section (1) for the word "fifty" of the word "seventy-five";

(b) by the substitution in paragraphs (i) and (ii) of the proviso to paragraph (c) of sub-section (1) for the word "sixteen" of the word "seventeen";

(c) by the substitution in paragraph (iv) of the proviso to paragraph (c) of sub-section (1) for the words "five hundred" wherever they occur of the words "seven hundred and fifty";

(d) by the substitution in paragraph (e) of sub-section (1) for the words "five hundred" of the words "seven hundred and fifty"; and

(e) by the substitution in sub-section (2) for the word "twenty-five" of the word "forty".

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

Amendment of section 43 of Act 30 of 1941, as amended by section 22 of Act 27 of 1945 and section 19 of Act 36 of 1949.

(a) by the addition to sub-paragraph (iv) of paragraph (a) of sub-section (1) of the words "or the Mines, Works and Minerals Ordinance, 1954 (Ordinance No. 26 of 1954 of the territory)"; and

(b) by the addition to sub-paragraph (v) of paragraph (a) of sub-section (1) of the words "or the Factories, Machinery and Building Work Ordinance, 1952 (Ordinance No. 34 of 1952 of the territory)".

17. The following section is hereby inserted in the principal Act after section *forty-three*:

Insertion of section 43bis in Act 30 of 1941.

"Increase of compensation awarded before a certain date.

43bis. (1) The Minister may from time to time, on the recommendation of the commissioner, by notice in the *Gazette*—

(a) direct that any person in receipt of a monthly pension awarded in accordance with the provi-

ten opsigte van ongevallen wat voor die inwerkingtreding van die Ongevalle-wysigingswet, 1956, plaasgevind het, benewens die pensioen 'n toelae betaal word, bereken op die wyse en behoudens die voorwaardes in die kennisgewing aangegee;

(b) bedoelde bevel wysig of intrek.

(2) Die kommissaris doen 'n aanbeveling ingevolge sub-artikel (1) slegs na oorlegpleging met die werkgewers in paragraaf (a) van sub-artikel (1) van artikel *sewentig* vermeld en die onderlinge verenigings.

(3) 'n Toelae ingevolge die bepalings van hierdie artikel aan iemand betaalbaar, word gegag skadeloosstelling te wees wat aan so iemand ooreenkomstig die bepalings van artikel *nege-en-dertig* of *veertig* toegeken is."

Wysiging van artikel 45 van Wet 30 van 1941, soos deur artikel 20 van Wet 36 van 1949 vervang.

18. Artikel *vyf-en-veertig* van die Hoofwet word hiermee gewysig deur die voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat die enkele geldsom, saam met enige skadeloosstelling ooreenkomstig die bepalings van artikel *nege-en-dertig* betaal en 'n enkele geldsom ingevolge artikel *nege-en-veertig* in plaas van 'n deel van 'n pensioen betaal, of saam met enige skadeloosstelling ooreenkomstig die bepalings van artikel *veertig* betaal, na gelang van die geval, nie minder mag wees nie as duisend pond of die gekapitaliseerde waarde van die pensioen soos deur die kommissaris bepaal, na gelang watter bedrag die kleinste is."

Wysiging van artikel 47 van Wet 30 van 1941.

19. Artikel *sewe-en-veertig* van die Hoofwet word hiermee gewysig deur die woord „vyftig” deur die woord „vyf-en-sewentig” te vervang.

Wysiging van artikel 74 van Wet 30 van 1941, soos deur artikel 28 van Wet 27 van 1945 gewysig.

20. Artikel *vier-en-sewentig* van die Hoofwet word hiermee gewysig deur in sub-artikel (3) na die uitdrukking „(Wet No. 1 van 1910)” die woorde „of van daardie Wet soos op die gebied toegepas deur die „Spoorweg Bestuurs Proklamasie, 1920” (Proklamasie No. 70 van 1920 van die gebied),” in te voeg.

Wysiging van artikel 75 van Wet 30 van 1941.

21. Artikel *vyf-en-sewentig* van die Hoofwet word hiermee gewysig deur in sub-artikel (1) na die uitdrukking „(Wet No. 22 van 1941)” die woorde „of die Ordonnansie op Fabriek, Masjinerie en Bouwerk, 1952 (Ordonnansie No. 34 van 1952 van die gebied) of die Ordonnansie op Myne, Werke en Minerale, 1954 (Ordonnansie No. 26 van 1954 van die gebied),” in te voeg.

Wysiging van artikel 77 van Wet 30 van 1941, soos deur artikel 29 van Wet 27 van 1945 en artikel 27 van Wet 36 van 1949 gewysig.

22. Artikel *sewe-en-sewentig* van die Hoofwet word hiermee gewysig deur sub-artikels (1) en (2) deur die volgende sub-artikels te vervang:

„(1) Die kommissaris of die werkgewer individueel aanspreeklik, na gelang van die geval, betaal vir 'n tydperk van hoogstens twee jaar vanaf die datum van die ongeval die redelike onkoste deur of namens 'n werksman aangegaan ten opsigte van geneeskundige behandeling wat deur 'n ongeval genoodsaak is.

(2) Waar, na die oordeel van die kommissaris, verdere of spesiale geneeskundige behandeling behalwe dié in sub-artikel (1) vermeld, die arbeidsongeskiktheid waaraan die werksman ly, sal verminder, kan hy die onkoste betaal ten opsigte van sodanige geneeskundige behandeling aangegaan, of die werkgewer individueel aanspreeklik gelas om dit te betaal, na gelang van die geval."

Wysiging van artikel 84 van Wet 30 van 1941, soos deur artikel 31 van Wet 27 van 1945 gewysig.

23. Artikel *vier-en-tagtig* van die Hoofwet word hiermee gewysig—

(a) deur in sub-artikel (1) al die woorde voor die woorde „Met dien verstande dat” deur die woorde „Die skadeloosstelling weens tydelike algehele arbeidsongeskiktheid in die geval van 'n natuurlewerksman betaalbaar, is periodieke uitkerings gedurende die tydelike arbeidsongeskiktheid teen vyf-en-sewentig persent van die maandelikse verdienste van die werksman tot twintig pond van daardie verdienste, benewens sestig persent van sy maandelikse verdienste bo twintig pond tot vyftig pond vir 'n tydperk van hoogstens twaalf maande” te vervang; en

(b) deur paragraaf (b) van die voorbehoudsbepaling by sub-artikel (1) te skrap.

sions of section *thirty-nine* or *forty* in respect of accidents which happened prior to the commencement of the Workmen's Compensation Amendment Act, 1956, shall in addition to such pension be paid an allowance calculated in the manner and subject to the conditions specified in such notice;

(b) vary or withdraw any such direction.

(2) The commissioner shall make a recommendation under sub-section (1) only after consultation with the employers referred to in paragraph (a) of sub-section (1) of section *seventy* and the mutual associations.

(3) Any allowance payable to any person by virtue of the provisions of this section shall be deemed to be compensation awarded to such person in accordance with the provisions of section *thirty-nine* or *forty*."

18. Section *forty-five* of the principal Act is hereby amended by the substitution for the proviso of the following proviso:

Amendment of section 45 of Act 30 of 1941, as substituted by section 20 of Act 36 of 1949.

"Provided that such lump sum, together with any compensation paid in accordance with the provisions of section *thirty-nine* and any lump sum paid in lieu of a portion of a pension in terms of section *forty-nine* or together with any compensation paid in accordance with the provisions of section *forty*, as the case may be, shall be not less than one thousand pounds or the capitalized value of the pension, as determined by the commissioner, whichever is the less."

19. Section *forty-seven* of the principal Act is hereby amended by the substitution for the word "fifty" of the word "seventy-five".

Amendment of section 47 of Act 30 of 1941.

20. Section *seventy-four* of the principal Act is hereby amended by the insertion in sub-section (3) after the expression "(Act No. 1 of 1910)" of the words "or of that Act as applied to the territory by the Railway Management Proclamation, 1920 (Proclamation No. 70 of 1920 of the territory)".

Amendment of section 74 of Act 30 of 1941, as amended by section 28 of Act 27 of 1945.

21. Section *seventy-five* of the principal Act is hereby amended by the insertion in sub-section (1) after the expression "(Act No. 22 of 1941)" of the words "or the Factories, Machinery and Building Work Ordinance, 1952 (Ordinance No. 34 of 1952 of the territory) or the Mines, Works and Minerals Ordinance, 1954 (Ordinance No. 26 of 1954 of the territory)".

Amendment of section 75 of Act 30 of 1941.

22. Section *seventy-seven* of the principal Act is hereby amended by the substitution for sub-sections (1) and (2) of the following sub-sections:

Amendment of section 77 of Act 30 of 1941, as amended by section 29 of Act 27 of 1945 and section 27 of Act 36 of 1949.

"(1) The commissioner or the employer individually liable, as the case may be, shall for a period not exceeding two years from the date of the accident defray the reasonable expenses incurred by or on behalf of a workman in respect of medical aid necessitated by an accident.

(2) Where, in the opinion of the commissioner, further or special medical aid in addition to that referred to in sub-section (1), will reduce the disablement from which the workman suffers, he may defray or direct the employer individually liable to defray, as the case may be, the expenses incurred in respect of such medical aid."

23. Section *eighty-four* of the principal Act is hereby amended—

Amendment of section 84 of Act 30 of 1941, as amended by section 31 of Act 27 of 1945.

(a) by the substitution in sub-section (1) for all the words before the words "Provided that" of the words "The compensation payable for temporary total disablement shall, in the case of a native workman, be periodical payments during such temporary disablement at the rate of seventy-five per cent. of the monthly earnings of the workman up to twenty pounds of such earnings together with sixty per cent. of his monthly earnings in excess of twenty pounds up to fifty pounds for a period not exceeding twelve months"; and

(b) by the deletion of paragraph (b) of the proviso to sub-section (1).

Wysiging van artikel 85 van Wet 30 van 1941, soos deur artikel 32 van Wet 36 van 1949 gewysig.

24. Artikel *vyf-en-tagtig* van die Hoofwet word hiermee gewysig deur in paragraaf (a) van sub-artikel (1) die woord „vyftien” deur die woord „tweintig” en die woord „agthonderd” deur die woord „negehonderd-en-sestig” te vervang.

Wysiging van artikel 86 van Wet 30 van 1941, soos deur artikel 32 van Wet 27 van 1945, artikel 33 van Wet 36 van 1949 en artikel 3 van Wet 5 van 1951 gewysig.

25. Artikel *ses-en-tagtig* van die Hoofwet word hiermee gewysig deur in sub-artikel (2) die woord „tien” deur die woord „vyftien” te vervang.

Herroeping van artikel 87 van Wet 30 van 1941, soos deur artikel 33 van Wet 27 van 1945 vervang.

26. Artikel *sewe-en-tagtig* van die Hoofwet word hiermee herroep.

Wysiging van artikel 99 van Wet 30 van 1941, soos deur artikel 35 van Wet 27 van 1945 gewysig.

27. Artikel *nege-en-negentig* van die Hoofwet word hiermee gewysig—

- (a) deur in sub-artikel (1) die woord „spesiale” te skrap; en
- (b) deur in sub-artikel (1) na die uitdrukking „(Wet No. 24 van 1936)” die woorde „of in daardie Wet soos op die gebied toegepas deur artikel *sewe-en-dertig* van die Wet tot Wysiging van die Insolvensiewet, 1943 (Wet No. 16 van 1943)” in te voeg.

Wysiging van artikel 103 van Wet 30 van 1941.

28. Artikel *honderd-en-drie* van die Hoofwet word hiermee gewysig deur in sub-artikel (1) na die woorde „van daardie Wet” die woorde „en elke versekeringsmaatskappy en elke onderlinge vereniging wat onmiddellik voor die datum van inwerkingtreding van die Ongevalle-wysigingswet, 1956, onder die „Werklieden Schadeloosstelling (Ongevallen en Bedrijfsziekten) Proklamasie, 1924” (Proklamasie No. 27 van 1924 van die gebied), besigheid gedoen het, moet,” in te voeg.

Wysiging van artikel 107 van Wet 30 van 1941.

29. Artikel *honderd-en-sewe* van die Hoofwet word hiermee gewysig—

- (a) deur paragraaf (h) van sub-artikel (1) deur die volgende paragraaf te vervang:
„(h) die bepaling van die bedrag en die voorwaardes en wyse van betaling van voordele aan assessore of klasse van assessore ingevolge artikel *vier-en-dertig* betaalbaar;”;
- en
- (b) deur in paragraaf (i) van sub-artikel (1) na die uitdrukking „(Wet No. 59 van 1934)” die woorde „of die „Werklieden Schadeloosstelling (Ongevallen en Bedrijfsziekten) Proklamasie, 1924” (Proklamasie No. 27 van 1924 van die gebied)” in te voeg.

Invoeging van artikel 109bis in Wet 30 van 1941.

30. Die volgende artikel word hiermee in die Hoofwet na artikel *honderd-en-nege* ingevoeg:

„Toepassing 109bis. (1) Hierdie Wet is ook van toepassing in die gebied en met betrekking tot alle persone in dié deel van die gebied wat bekend staan as die „Rehoboth Gebiet” en wat in die Eerste Bylae by Proklamasie No. 28 van 1923 van die gebied omskryf word.
(2) ’n Proklamasie of kennisgewing wat kragtens hierdie Wet voor die datum van inwerkingtreding van die Ongevalle-wysigingswet, 1956, uitgereik is en na daardie datum van krag is, en waarvan die toepassing nie uitdruklik tot ’n streek binne die Unie (met uitsondering van die gebied) beperk word nie, is ook in die gebied van toepassing met ingang van die datum van afkondiging daarvan in die gebied.”.

Herroeping van Wette.

31. Die wette van die gebied Suidwes-Afrika wat in die Bylae by hierdie Wet uiteengesit word, word hiermee herroep in die mate in die derde kolom van die Bylae uiteengesit, met ingang van die datum by proklamasie vasgestel ingevolge die tweede voorbehoudsbepaling by artikel *twee-en-dertig* van hierdie Wet: Met dien verstande dat enige eis om skadeloosstelling ingevolge bedoelde wette ten opsigte van ’n ongeval wat gebeur het of ’n siekte wat opgedoen is voor die datum aldus vasgestel, daaronder behandel word asof hierdie Wet nie aangeneem was nie, behalwe vir sover in die Hoofwet soos deur hierdie Wet op bedoelde gebied toegepas, anders bepaal word.

24. Section *eighty-five* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (1) for the word "fifteen" of the word "twenty" and for the words "eight hundred" of the words "nine hundred and sixty".

Amendment of section 85 of Act 30 of 1941, as amended by section 32 of Act 36 of 1949.

25. Section *eighty-six* of the principal Act is hereby amended by the substitution in sub-section (2) for the word "ten" of the word "fifteen".

Amendment of section 86 of Act 30 of 1941, as amended by section 32 of Act 27 of 1945, section 33 of Act 36 of 1949 and section 3 of Act 5 of 1951.

26. Section *eighty-seven* of the principal Act is hereby repealed.

Repeal of section 87 of Act 30 of 1941, as substituted by section 33 of Act 27 of 1945.

27. Section *ninety-nine* of the principal Act is hereby amended—

- (a) by the deletion in the Afrikaans text of sub-section (1) of the word "spesiale"; and
- (b) by the insertion in sub-section (1) after the expression "(Act No. 24 of 1936)" of the words "or in that Act as applied to the territory by section *thirty-seven* of the Insolvency Law Amendment Act, 1943 (Act No. 16 of 1943)".

Amendment of section 99 of Act 30 of 1941, as amended by section 35 of Act 27 of 1945.

28. Section *one hundred and three* of the principal Act is hereby amended by the insertion in sub-section (1) after the words "the said Act" of the words "and every insurance company and every mutual association which carried on business under the Workmen's Compensation (Accidents and Industrial Diseases) Proclamation, 1924 (Proclamation No. 27 of 1924 of the territory), immediately prior to the date of commencement of the Workmen's Compensation Amendment Act, 1956, shall,".

Amendment of section 103 of Act 30 of 1941.

29. Section *one hundred and seven* of the principal Act is hereby amended—

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

"(h) the determination of the amount and the conditions and manner of payment of benefits payable to assessors or classes of assessors in terms of section *thirty-four*;"

and

- (b) by the insertion in paragraph (i) of sub-section (1) after the expression "(Act No. 59 of 1934)" of the words "or the Workmen's Compensation (Accidents and Industrial Diseases) Proclamation, 1924 (Proclamation No. 27 of 1924 of the territory)".

Amendment of section 107 of Act 30 of 1941.

30. The following section is hereby inserted in the principal Act after section *one hundred and nine*:

"Application of Act to territory of South-West Africa.

109bis. (1) This Act shall apply also in the territory and in relation to all persons in the portion of the territory known as the 'Rehoboth Gebiet' and defined in the First Schedule to Proclamation No. 28 of 1923 of the territory.

(2) Any proclamation or notice issued under this Act prior to the date of commencement of the Workmen's Compensation Amendment Act, 1956, and in force after that date, the operation of which is not expressly limited to any area within the Union (excluding the territory) shall apply also in the territory with effect from the date of publication thereof in the territory."

Insertion of section 109bis in Act 30 of 1941.

31. The laws of the territory of South-West Africa set out in the Schedule to this Act are hereby repealed to the extent set out in the third column of the Schedule with effect from the date fixed by proclamation in terms of the second proviso to section *thirty-two* of this Act: Provided that any claim for compensation under the said laws in respect of an accident which happened or a disease which was contracted prior to the date so fixed shall, save in so far as is otherwise provided in the principal Act as applied to the said territory by this Act, be dealt with thereunder as if this Act had not been passed.

Repeal of laws.

Kort titel en
datum van
inwerking-
treding.

32. Hierdie Wet heet die Ongevalle-wysigingswet, 1956, en tree in werking op 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* en die *Offisiële Koerant* van die gebied Suidwes-Afrika vasgestel te word: Met dien verstande dat die bepalings van artikels *dertien*, *veertien*, *vyftien*, *drie-en-twintig*, *vier-en-twintig* en *vyf-en-twintig* nie ten opsigte van ongevallen wat voor die datum aldus vasgestel, gebeur het, van toepassing is nie en met dien verstande voorts dat die bepalings van die Hoofwet met betrekking tot die reg op skadeloosstelling nie ingevolge hierdie Wet in bedoelde gebied in werking tree tot op 'n datum op dieselfde wyse vasgestel te word nie.

Bylae.

No. en Jaartal.	Titel of Beskrywing van Wet.	In hoeverre herroep.
Proklamasie No. 3 van 1917.	Proklamasie vir die beheer en behandeling van inboorlinge in diens op myne en werke, 1917.	Artikel <i>sestien</i> .
Proklamasie No. 27 van 1924.	Die „Werklieden Schadeloosstelling (Ongevallen en Bedrijfsziekten) Proklamatie, 1924“.	Geheel.
Ordonnansie No. 14 van 1930.	Die Wysigingsordonnansie van 1930 betreffende die Werksliede Skadeloosstelling (Ongevallen en Bedryfsiektes) Proklamasie, 1924.	Geheel.
Proklamasie No. 7 van 1931.	Die Werksliede Skadeloosstelling (Werknemers van Regering) Proklamasie, 1931.	Geheel.
Proklamasie No. 29 van 1939.	Werksmense Skadeloosstelling Wysigingsproklamasie, 1939.	Geheel.
Proklamasie No. 11 van 1945.	Wysigingsproklamasie op Skadeloosstelling van Werksliede, 1945.	Geheel.

32. This Act shall be called the Workmen's Compensation Amendment Act, 1956, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette* and the *Official Gazette* of the territory of South-West Africa: Provided that the provisions of sections *thirteen, fourteen, fifteen, twenty-three, twenty-four* and *twenty-five* shall not apply in respect of accidents which occurred prior to the date so fixed and provided further that the provisions of the principal Act, relating to the right to compensation shall not come into operation in the said territory in terms of this Act until a date to be fixed in like manner.

Short title and
date of com-
mencement.

Schedule.

No. and year.	Title or Description of Law.	Extent of Repeal.
Proclamation No. 3 of 1917.	Proclamation for the control and treatment of natives employed on mines and works, 1917.	Section <i>sixteen</i> .
Proclamation No. 27 of 1924.	The Workmen's Compensation (Accidents and Industrial Diseases) Proclamation, 1924.	The whole.
Ordinance No. 14 of 1930.	The Workmen's Compensation (Accidents and Industrial Diseases) Proclamation, 1924 Amendment Ordinance, 1930.	The whole.
Proclamation No. 7 of 1931.	Workmen's Compensation (Government Employees) Proclamation, 1931.	The whole.
Proclamation No. 29 of 1939.	Workmen's Compensation Amendment Proclamation, 1939.	The whole.
Proclamation No. 11 of 1945.	Workmen's Compensation Amendment Proclamation, 1945.	The whole.

No. 52, 1956.]

WET**Tot wysiging van die „Wet tot Regeling van Immigratie, 1913”.***(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 8 Junie 1956.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Wysiging van artikel 2 van Wet 22 van 1913 soos gewysig by artikel 1 van Wet 37 van 1927 en artikel 1 van Wet 15 van 1931.

1. Artikel *twee* van die „Wet tot Regeling van Immigratie, 1913” (hieronder die Hoofwet genoem) word hierby gewysig—
 - (a) deur in sub-artikel (2) die woorde „een jaar” deur die woorde „twee jaar” te vervang;
 - (b) deur in sub-artikel (3) die woorde „indien moegelik” te skrap en deur in bedoelde sub-artikel die woorde „kiezen de leden van de raad een uit hun midden tot voorzitter” deur die woorde „treedt de magistraat die in zijn plaats waarneemt als voorzitter op” te vervang;
 - (c) deur in sub-artikel (7) na die woord „verschijnen”, die woorde „zodanige kosten in verband met het verhoor van het appel opgelopen als de raad mocht gelasten,” in te voeg.

Vervanging van artikel 8 van Wet 22 van 1913.

2. Artikel *agt* van die Hoofwet word hierby deur die volgende artikel vervang:

„Verboden immigrant kan geen handels- of beroeps-licentie verkrijgen.

8. (1) Niemand die een verboden immigrant ten opzichte van de Unie of een provincie is en die niet wettig tot de Unie of die provincie, naar gelang van het geval, voor verblijf erin is toegelaten, is bevoegd om een licentie of ander vergunning ingevolge een of ander wetsbepaling vereist voor het drijven van handel of het uitoefenen van een professie of beroep in de Unie of die provincie, naar gelang van het geval, te verkrijgen.

(2) Een licentie of ander vergunning die door een verboden immigrant in stryd met de bepalingen van sub-artikel (1) verkregen is, is nietig.”

Vervanging van artikel 14 van Wet 22 van 1913 soos gewysig by artikel 7 van Wet 37 van 1927.

3. Artikel *veertien* van die Hoofwet word hierby deur die volgende artikel vervang:

„Aansprakelijkheid van eigenaar en gezagvoerder van schip ten opzichte van in transitu passagiers.

14. Indien een schip in een Unie-haven aankomt met een passagier aan boord voor een bestemming buiten de Unie, en die passagier niet aan boord is wanneer het schip vertrekt en niet door een immigratiebeambte toegelaten is te landen, verbeurt de gezagvoerder of eigenaar van dat schip een door de immigratiebeambte te bepalen som van ten hoogste honderd pond ten aanzien van zodanige passagier.”

Wysiging van artikel 15 van Wet 22 van 1913.

4. Artikel *vyftien* van die Hoofwet word hierby gewysig—
 - (a) deur in sub-artikel (1) die woorde „en na de eerste monsterring een lijst op hem dienen van die leden van de bemanning tegen wie vermoeden bestaat dat zij verboden immigranten zijn” te skrap;
 - (b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Indien iemand wiens naam op de in paragraaf (c) van artikel *twaalf* bedoeld lijst voorkomt niet aan boord is wanneer het schip gereed is te vertrekken, kan de gezagvoerder of eigenaar van het schip verplicht worden vóór het vertrek van het schip in handen van de immigratiebeambte een som van ten hoogste honderd pond te deponeren ten opzichte van die persoon, tenzij het ten genoegen van de immigratiebeambte bewezen wordt dat bedoelde persoon iemand is zo als in sub-artikel (1) van artikel *vijf* beschreven.”

Wysiging van artikel 19 van Wet 22 van 1913 soos gewysig deur artikel 8 van Wet 37 van 1927 en artikel 2 van Wet 27 van 1937.

5. Artikel *negentien* van die Hoofwet word hierby gewysig deur in sub-artikel (4) die woorde „in de Unie geboren of” deur die woorde „een Zuid-Afrikaanse burger door geboorte of afkomst of in de Unie” te vervang.

No. 52, 1956.]

ACT

To amend the Immigrants Regulation Act, 1913.

(English text signed by the Governor-General.)
(Assented to 8th June, 1956.)

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 *two* of the Immigrants Regulation Act, 1913 (hereinafter referred to as the principal Act) is hereby amended—
 - (a) by the substitution in sub-section (2) for the words "one year" of the words "two years";
 - (b) by the deletion in sub-section (3) of the words "when-ever possible" and by the substitution in the said sub-section for the words "the members of the board shall choose one of its members to" of the words "the magistrate acting in his place shall";
 - (c) by the insertion in sub-section (7) after the word "personally," of the words "such costs incurred in connection with the hearing of the appeal as the board may direct".

Amendment of section 2 of Act 22 of 1913 as amended by section 1 of Act 37 of 1927 and section 1 of Act 15 of 1931.
2. The following section is hereby substituted for section *eight* of the principal Act:

„Prohibited immigrant may not acquire licence to carry on trade or profession.

8. (1) No person who is a prohibited immigrant in respect of the Union or any province and who has not been lawfully admitted to the Union or that province, as the case may be, for residence therein, shall be capable of acquiring any licence or other authority under any law for the purpose of carrying on any trade, profession or occupation in the Union or that province, as the case may be.

(2) Any licence or other authority acquired by a prohibited immigrant in contravention of the provisions of sub-section (1) shall be void.”

Substitution of section 8 of Act 22 of 1913.
3. The following section is hereby substituted for section *fourteen* of the principal Act:

“Responsi-bility of owner and master of ship in respect of *in transit* passengers.

14. If a ship arrives at a Union port with a pas-senger on board bound for a destination outside the Union and such passenger is not on board when the ship sails and has not been permitted by an immigration officer to land, the master or the owner of that ship shall forfeit a sum to be fixed by the immigration officer, but not exceeding one hundred pounds, in respect of such passenger.”

Substitution of section 14 of Act 22 of 1913 as amended by section 7 of Act 37 of 1927.
4. Section *fifteen* of the principal Act is hereby amended—
 - (a) by the deletion in sub-section (1) of the words "and, after the first muster, may serve upon him a list of such of the crew as are suspected of being prohibited immigrants";
 - (b) by the substitution for sub-section (2) of the following sub-section:

“(2) If any person whose name appears on the list referred to in paragraph (c) of section *twelve* is not on board when the ship is ready to sail, the master or the owner of the ship may be required before the ship sails to deposit with the immigration officer a sum not exceeding one hundred pounds in respect of that person, unless it is proved to the satisfaction of the immigration officer that the said person is such a person as is described in sub-section (1) of section *five*.”.

Amendment of section 15 of Act 22 of 1913.
5. Section *nineteen* of the principal Act is hereby amended by the substitution in sub-section (4) for the words "was not born" of the words "is not a South African citizen by birth or descent".

Amendment of section 19 of Act 22 of 1913 as amended by section 8 of Act 37 of 1927 and section 2 of Act 27 of 1937.

Wysiging van
artikel 21 van Wet
22 van 1913.

6. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig deur die woorde „iemand die gebore is in enig deel van Zuid-Afrika, dat in de Unie opgenomen is” deur die woorde „een Zuid-Afrikaanse burger door geboorte of afkomst” te vervang.

Wysiging van
artikel 22 van
Wet 22 van 1913
soos vervang
deur artikel 4
van Wet 15 van
1931.

7. Artikel *twee-en-twintig* van die Hoofwet word hierby gewysig deur—

- (a) die woorde „iemand gebore in een deel van Zuid-Afrika dat in de Unie opgenomen is” deur die woorde „een Zuid-Afrikaanse burger door geboorte of afkomst” te vervang;
- (b) in paragraaf (g) na die woorde „een of” die woorde „twee of” in te voeg; en
- (c) die volgende sub-artikels daarby te voeg terwyl die bestaande artikel sub-artikel (1) word:

„(2) Iemand die niet een Zuid-Afrikaanse burger door geboorte of afkomst is en die veroordeeld wordt wegens een misdaad door hem in de Unie gepleegd nadat hij tot de Unie toegelaten is en voordat hij domicilie erin verkregen heeft, en die uit hoofde van de omstandigheden van die misdaad volgens het oordeel van de Minister een ongewenste ingezetene van de Unie is, kan ondanks andersluidende bepalingen van deze Wet, ingevolge een lastbrief uit de Unie worden gezet, en kan, in afwachting van zijn uitzetting, in bij regulatie voorgeschreven bewaring worden gehouden.

(3) Ondanks de bepalingen van deze Wet, of de „Wet op Vreemdelinge, 1937” (Wet No. 1 van 1937), of een ander wetsbepaling, kan de Minister, indien hij het in het openbaar belang acht, bij lastbrief onder zijn handtekening de uitzetting uit de Unie bevelen van een persoon die niet een Zuid-Afrikaanse burger is, en daarop kan bedoelde persoon, in afwachting van zijn uitzetting, in bij regulatie voorgeschreven bewaring worden gehouden.

(4) (a) Indien krachtens een of ander bepaling van dit artikel een lastbrief uitgereikt wordt voor de uitzetting uit de Unie van een persoon die het hoofd van een gezin is, kan enig afhankelijk lid van dat gezin, niet zijnde een Zuid-Afrikaanse burger, bij dat lastbrief inbegrepen en uit krachte daarvan uit de Unie gezet worden.

(b) Bij de toepassing van paragraaf (a), betekent—
„gezin” de vader en de moeder en enig kind dat, ten gevolge van zijn leeftijd of ongeschiktheid naar het oordeel van de Minister voor zijn onderhoud hoofdsakelik van het hoofd van het gezin afhankelijk is;
„hoofd van het gezin” de persoon in het gezin van wie de andere leden van het gezin hoofdsakelik voor onderhoud afhankelijk zijn.

(5) De Minister kan de tenuitvoerlegging van een krachtens dit artikel uitgereikte lastbrief op de voorwaarden die hij voorschrijft, opschorten.”

Wysiging van
artikel 24 van Wet
22 van 1913 soos
ingevoeg deur
artikel 3 van Wet
27 van 1937.

8. Artikel *vier-en-twintig* van die Hoofwet word hierby gewysig deur die woorde „gebore is in een in de Unie opgenomen deel van Zuid-Afrika” deur die woorde „een Zuid-Afrikaanse burger door geboorte of afkomst is” te vervang.

Wysiging van
artikel 25 van
Wet 22 van 1913
soos gewysig by
artikel 4 van
Wet 27 van 1937.

9. Artikel *vyf-en-twintig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) na die woord „beoordeling” die woorde „en in de bij regulatie voorgeschreven vorm” in te voeg;
- (b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis*. Een vrijstelling krachtens sub-artikel (1) vervalt, in het geval waar de vrijgestelde persoon domicilie in de Unie verkregen heeft, wanneer hij zijn domicilie in de Unie verliest, en in het geval waar de vrijgestelde persoon geen domicilie in de Unie verkregen heeft, wanneer hij uit de Unie vertrekt.”

Kort titel.

10. Hierdie Wet heet die Wysigingswet op Immigrasie, 1956.

6. Section *twenty-one* of the principal Act is hereby amended by the substitution for the words "person born in any part of South Africa which has been included in the Union" of the words "South African citizen by birth or descent".

Amendment of Section 21 of Act 22 of 1913.

7. Section *twenty-two* of the principal Act is hereby amended—

Amendment of section 22 of Act 22 of 1913 as substituted by section 4 of Act 15 of 1931.

(a) by the substitution for the words "person born in any part of South Africa which has been included in the Union" of the words "South African citizen by birth or descent";

(b) by the insertion in paragraph (g) after the words "one or" of the words "two or"; and

(c) by the addition thereto of the following sub-sections, the existing section becoming sub-section (1):

"(2) Any person who is not a South African citizen by birth or descent and who is convicted of any offence committed by him in the Union after he has been admitted to the Union and before he has acquired a domicile therein, and who by reason of the circumstances of such offence is deemed by the Minister to be an undesirable inhabitant of the Union may, notwithstanding anything to the contrary in this Act contained, be removed from the Union under a warrant and, pending removal, may be detained in such custody as may be prescribed by regulation.

(3) Notwithstanding anything contained in this Act or the Aliens Act, 1937 (Act No. 1 of 1937), or any other law, the Minister may, if he considers it to be in the public interest, by warrant under his hand order the removal from the Union of any person who is not a South African citizen, and thereupon such person may, pending his removal, be detained in such custody as may be prescribed by regulation.

(4) (a) If a warrant is issued under any provision of this section for the removal from the Union of a person who is the head of a family, any dependent member of that family who is not a South African citizen, may be included in such warrant and removed from the Union under the authority thereof.

(b) For the purposes of paragraph (a)—
'family' means the father and the mother and any child who by reason of age or disability is, in the opinion of the Minister, mainly dependent upon the head of the family for support;

'head of the family' means the person in the family upon whom the other members of the family are mainly dependent for support.

(5) The Minister may, on such conditions as he may prescribe, suspend the execution of any warrant issued under this section."

8. Section *twenty-four* of the principal Act is hereby amended by the substitution for the words "have been born in any part of South Africa included in the Union" of the words "be a South African citizen by birth or descent".

Amendment of section 24 of Act 22 of 1913 as inserted by section 3 of Act 27 of 1937.

9. Section *twenty-five* of the principal Act is hereby amended—

Amendment of section 25 of Act 22 of 1913 as amended by section 4 of Act 27 of 1937.

(a) by the insertion in sub-section (1) after the word "discretion" of the words "and in the form prescribed by regulation";

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

"(1)*bis*. Any exemption under sub-section (1) shall lapse, in the case where the person exempted has acquired a domicile in the Union, when he loses his domicile in the Union, and in the case where the person exempted has not acquired a domicile in the Union, when he departs from the Union."

10. This Act shall be called the Immigration Amendment Act, 1956. Short title.

No. 61, 1956.]

WET

Tot verdere wysiging van die Drankwet, 1928.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 13 Junie 1956.)

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

Wysiging van
artikel 11 van Wet
30 van 1928.

1. Artikel *elf* van die Drankwet, 1928 (hieronder die Hoofwet genoem) word hierby gewysig—

- (a) deur in sub-artikel (4) die woorde „van die distrik” te skrap; en
- (b) deur in sub-artikel (5) die woorde „senior beampte onder wie se poliesietoelig die distrik staan” deur die woorde „polisie-offisier wat ingevolge artikel *honderd ses-en-dertig* verslag gelewer het,” te vervang.

Vervanging van
artikels 13 tot 18
van Wet 30 van
1928.

2. Artikels *dertien* tot en met *agtien* van die Hoofwet word hierby deur die volgende artikels vervang:

„Drank-
lisensie-
gebiede
en in-
stelling van
drankli-
sensierade.

13. (1) Die Minister moet by kennisgewing in die *Staatskoerant* die Unie in dranklisensiegebiede verdeel vir elk waarvan daar ’n dranklisensieraad ingestel word.

(2) Elke dranklisensiegebied bestaan uit een of meer in die kennisgewing vermelde distrikte.

(3) Die Minister kan ’n ingevolge sub-artikel (1) uitgereikte kennisgewing op dieselfde wyse wysig of intrek.

(4) ’n Dranklisensiegebied en ’n lisensieraad se magsbevoegdheid ten opsigte daarvan word nie bloot deur die herbepaling van die grense van ’n distrik of deur die skepping van ’n nuwe distrik of die verval van ’n bestaande distrik geraak nie.

(5) Wanneer die Minister by kennisgewing kragtens sub-artikel (3) die grense van ’n dranklisensiegebied verander, word enige aansoek wat op die datum van bedoelde verandering aan ’n bepaalde dranklisensieraad ter oorweging voorgelê is, ondanks bedoelde verandering, deur daardie raad afgehandel.

Samestel-
ling van
drankli-
sensierade.

14. (1) Iedere dranklisensieraad bestaan uit drie lede wat deur die Minister aangestel word en wat persone moet wees wat die amp van magistraat, addisionele magistraat of assistent-magistraat beklee.

(2) Die Minister wys een van die lede van die raad aan as die voorsitter daarvan.

(3) Die lede van die raad beklee hul amp so lank dit die Minister behaag.

(4) Ingeval ’n lid van die raad sy amp om enige rede hoegenaamd ontruim, stel die Minister ’n ander lid aan wat ’n persoon is wat die amp van magistraat, addisionele magistraat of assistent-magistraat beklee.

(5) Wanneer ’n lid van die raad weens afwesigheid, onvermoë of ’n ander rede tydelik nie in staat is om sy werksaamhede as so ’n lid te verrig nie, stel die Minister ’n ander persoon wat die amp van magistraat, addisionele magistraat of assistent-magistraat in die betrokke gebied beklee, aan om in sy plek waar te neem: Met dien verstande dat indien ’n lid gedurende oorweging van ’n aansoek om enige rede onbekwaam word om sy werksaamhede as so ’n lid te verrig, die oorblywende lede of lid van die raad ’n kworum van die raad uitmaak vir die afhandeling van daardie aansoek.

(6) Indien die lid wat aldus onbekwaam word, die voorsitter van die raad is, tree die senior van die oorblywende lede of, indien die oorblywende lede van dieselfde rang en senioriteit is, die lid deur die Sekretaris of Ondersekretaris van Justisie daartoe

No. 61, 1956.]

ACT

To further amend the Liquor Act, 1928.

(Afrikaans text signed by the Governor-General.)
(Assented to 13th June, 1956.)

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 *eleven* of the Liquor Act, 1928 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of
section 11 of
Act 30 of 1928.

- (a) by the deletion in sub-section (4) of the words "of the district"; and
- (b) by the substitution in sub-section (5) for the words "senior officer in police charge of the district" of the words "commissioned officer of police who reported in terms of section *one hundred and thirty-six*".

2. The following sections are hereby substituted for sections *thirteen* to *eighteen* inclusive of the principal Act—

Substitution of
sections 13 to
18 of Act 30
of 1928.

"Liquor
licensing
areas and
establish-
ment of
liquor
licensing
boards.

13. (1) The Minister shall by notice in the *Gazette* divide the Union into liquor licensing areas for each of which there shall be established a liquor licensing board.

(2) Every liquor licensing area shall consist of one or more districts specified in the notice.

(3) The Minister may in like manner withdraw or amend any notice issued in terms of sub-section (1).

(4) A liquor licensing area and the jurisdiction of a licensing board in respect thereof shall not be affected solely by a redefinition of the boundaries of any district or by the creation of a new district or the deproclamation of an existing district.

(5) Whenever the boundaries of a liquor licensing area are altered by the Minister by notice in terms of sub-section (3), any application which was at the date of such notice submitted to a particular liquor licensing board for consideration, shall, notwithstanding such alteration, be disposed of by that board.

Constitution
of liquor
licensing
boards.

14. (1) Every liquor licensing board shall consist of three members appointed by the Minister who shall be persons who hold office as magistrate, additional magistrate or assistant magistrate.

(2) The Minister shall designate one of the members of the board as the chairman thereof.

(3) The members of the board shall hold office during the Minister's pleasure.

(4) If a member of the board for any reason whatever vacates his office, the Minister shall appoint another member who shall be a person who holds office as magistrate, additional magistrate or assistant magistrate.

(5) Whenever a member of the board is through absence, inability or any other reason temporarily unable to perform his functions as such a member, the Minister shall appoint some other person who in the area concerned holds office as magistrate, additional magistrate or assistant magistrate, to act in his place: Provided that if a member for any reason becomes incapable of performing his functions as such a member during consideration of an application, the remaining members or member of the board shall form a quorum of the board for the disposal of that application.

(6) If the member thus becoming incapable is the chairman of the board, the senior of the remaining members, or, if the remaining members are of the same rank and seniority, the member designated

aangewys, as waarnemende voorsitter van die raad op.

(7) Die Minister kan enige van die bevoegdhede by hierdie artikel aan hom verleen aan die Sekretaris of Ondersekretaris van Justisie deleger.

Spesiale onbevoegdheid van lede van raad in besondere gevalle.

15. Geen lid van 'n lisensieraad mag aan die verhoor of beslissing van 'n aanvraag om 'n lisensie ingevolge hierdie Wet deelneem nie indien hy of sy eggenote of kind—

- (a) 'n eienaar, verbandhouer, verhuurder of huurder is van die gebou ten opsigte waarvan die aanvraag gemaak word;
- (b) 'n vennoot, agent of dienaar is van die aanvrager of van iemand wat die aanvraag bestry;
- (c) 'n direkteur, bestuurder of ander beampte, dienaar of agent is van 'n maatskappy of vereniging wat onder paragraaf (a) of (b) sou val as dit 'n individu was; of
- (d) enige belang het by 'n besigheid ten opsigte waarvan 'n lisensie aangevra word in die gebied waarvoor die lid aangestel is.

Plek waar dranklisensieraad sy sittings hou.

16. 'n Dranklisensieraad hou sy sittings op die plek binne sy gebied wat die Minister by kennisgewing in die *Staatskoerant* bepaal: Met dien verstande dat die voorsitter van 'n lisensieraad, vir die gerief van 'n aanvrager of beswaarmaker, of indien hy dit in die openbare belang ag, 'n vergadering van die raad kan verdaag na 'n ander plek in die betrokke lisensiegebied vir die oorweging van enige aanvraag wat betrekking het op 'n perseel wat geleë is in 'n ander distrik as die distrik waarin die plek waar die raad sy sittings hou, geleë is.

Bevoegdhede en pligte van raad.

17. Die bevoegdhede en pligte van 'n dranklisensieraad is om aanvrae om, of in verband met, die verlening, vernuwing, oordrag of verplasing van lisensies vir die verkoop van drank, te oorweeg en daaroor te beslis.

Sekretaris van raad.

18. Die voorsitter van 'n lisensieraad kan iemand in die Staatsdiens wat lid is van die personeel van die magistraat van die distrik waarin die plek wat aangewys is as die plek waar die raad sy sittings moet hou, geleë is, as sekretaris van die raad aanstel.”.

Wysigings van artikel 19 van Wet 30 van 1928.

3. Artikel *negentien* van die Hoofwet word hierby gewysig—
- (a) deur in sub-artikel (1) die woorde „magistraat van die distrik” deur die woorde „voorsitter van die raad” te vervang en die woorde „magistraat en die” te skrap; en
 - (b) deur in sub-artikel (2) die woord „magistraat” waar dit ookal voorkom, deur die woorde „voorsitter van die raad” te vervang.

Wysiging van artikel 20 van Wet 30 van 1928.

4. Artikel *twintig* van die Hoofwet word hierby gewysig—
- (a) deur in sub-artikel (1) al die woorde wat paragraaf (a) voorafgaan deur die volgende te vervang:

„(1) Op die eerste Maandag in die maand November in elke jaar of, as daardie dag 'n openbare feesdag is, dan op die eersvolgende dag wat nie 'n openbare feesdag is nie, moet die lisensieraad van elke gebied op die plek kragtens artikel *sestien* aangewys 'n vergadering hou wat bekend staan as die jaarlikse vergadering vir daardie gebied ter oorweging van—”;
 - (b) deur in sub-artikel (2) na die woord „magistraat” die woorde „van elke distrik wat binne die lisensiegebied val” in te voeg.

Wysiging van artikel 21 van Wet 30 van 1928 soos gewysig deur artikel 5 van Wet 41 van 1934.

5. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig—
- (a) deur in sub-artikel (1) die woorde „magistraat van die distrik” deur die woorde „voorsitter van die lisensieraad” te vervang;
 - (b) deur in bedoelde sub-artikel na die woord „behalwe” die woorde „November of” in te voeg;
 - (c) deur in paragraaf (c) van bedoelde sub-artikel die woorde „die senior beampte onder wie se polisie-

thereto by the Secretary or Under-Secretary for Justice, shall act as chairman of the board.

(7) The Minister may delegate to the Secretary or Under-Secretary for Justice any of the powers conferred upon him by this section.

Special dis-
qualifica-
tions of
members
in certain
circum-
stances.

15. No member of a licensing board shall take any part in the hearing or decision of any application for a licence under this Act if he, or his spouse or child is—

- (a) an owner, mortgagee, lessor or lessee of the premises in respect of which the application is made;
- (b) a partner, agent or employee of the applicant or of any objector to the application;
- (c) a director, manager or other officer, employee or agent of a company or association which would fall within paragraph (a) or (b) if it were an individual; or
- (d) has any interest in any business in respect of which a licence is applied for in the area for which the said member is appointed.

Place for
the holding
of sittings
of licensing
board.

16. A liquor licensing board shall hold its sittings at such place within its area as may be determined by the Minister by notice in the *Gazette*: Provided that the chairman of the board may, for the convenience of an applicant or objector, or if he deems it to be in the public interest, adjourn a meeting of the board to some other place within the licensing board area concerned for the consideration of any application relating to premises situated in a district other than the district in which the place determined as aforesaid is situated.

Powers and
duties of
the Board.

17. The powers and duties of a liquor licensing board shall be to consider and determine applications for or relating to the grant, renewal, transfer or removal of licences for the sale of liquor.

Secretary
of the
Board.

18. The chairman of a licensing board may appoint some person in the public service on the staff of the magistrate of the district within which the place which has been determined as the place where the board shall hold its sittings, is situated, to be the secretary of the board."

3. Section *nineteen* of the principal Act is hereby amended—
 - (a) by the substitution in sub-section (1) for the words "magistrate of the district" of the words "chairman of the board" and by the deletion in the said sub-section of the words "magistrate and the"; and
 - (b) by the substitution in sub-section (2) for the word "magistrate" wherever it occurs of the words "chairman of the board".
4. Section *twenty* of the principal Act is hereby amended—
 - (a) by the substitution in sub-section (1) for all the words preceding paragraph (a) of the following:

"(1) On the first Monday in the month of November of each year or, if that day is a public holiday, then on the following day which is not a public holiday, the licensing board of each licensing area shall hold a meeting at the place determined in terms of section *sixteen* to be known as the annual meeting for that area for the consideration of—";

and
 - (b) by the insertion in sub-section (2) after the word "magistrate" of the words "of every district which falls within the licensing area".
5. Section *twenty-one* of the principal Act is hereby amended—
 - (a) by the substitution in sub-section (1) for the words "magistrate of the district" of the words "chairman of the licensing board";
 - (b) by the insertion in the said sub-section after the words "other than" of the words "November or";
 - (c) by the substitution in paragraph (c) of the said sub-section for the words "the senior officer in police

Amendment of
section 19 of
Act 30 of 1928.

Amendment of
section 20 of
Act 30 of 1928.

Amendment of
section 21 of
Act 30 of 1928
as amended by
section 5 of
Act 41 of 1934.

toesig die distrik staan" deur die woorde „'n polisie-offisier" te vervang; en

(d) deur die volgende sub-artikel daarby te voeg:

„(5) Indien, na die oordeel van die voorsitter, die persone wat by 'n tussentydse vergadering belang het, nie daardeur ongerief aangedoen sal word indien die vergadering op 'n ander plek as die plek kragtens artikel *sestien* aangewys, gehou word nie, kan hy die vergadering by die plek en op die datum en tyd byeenroep wat, met inagneming van die gebied van die raad en die aansoeke wat oorweeg moet word, vir hom doenlik blyk.”.

Wysiging van artikel 22 van Wet 30 van 1928 soos gewysig deur artikel 4 van Wet 12 van 1954.

6. Artikel *twee-en-twintig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „magistraat van 'n distrik" deur die woord „voorsitter" te vervang; en
- (b) deur in paragrafe (a) en (b) van bedoelde sub-artikel die woord „magistraat" deur die woord „voorsitter" te vervang.

Wysiging van artikel 23 van Wet 30 van 1928.

7. Artikel *drie-en-twintig* van die Hoofwet word hierby gewysig—

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

„(1) Behoudens die voorbehoudsbepaling by sub-artikel (5) van artikel *veertien*, maak twee lede van 'n lisensieraad 'n kworum uit.”; en
- (b) deur sub-artikel (3) te skrap.

Wysiging van artikel 24 van Wet 30 van 1928.

8. Artikel *vier-en-twintig* van die Hoofwet word hierby gewysig deur aan die einde van sub-artikel (1) die woorde „tensy die raad van oordeel is dat die aanvrae om vernuwing van lisensies of om verlening van nuwe lisensies nie daardeur geraak sal word nie en anders gelas" by te voeg.

Herroeping van artikel 26 van Wet 30 van 1928.

9. Artikel *ses-en-twintig* van die Hoofwet word hierby herroep.

Wysiging van artikel 27 van Wet 30 van 1928.

10. Artikel *sewe-en-twintig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „wat op feite berus (wat geag word in te sluit 'n kwessie omtrent die afneem van getuienis of die oproep van 'n getuie of die volgorde van die werksaamhede van die raad of die opper uit eie beweging, van 'n beswaar, volgens artikel *nege-en-dertig*)" te skrap; en
- (b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Behalwe wanneer 'n raad—

 - (a) 'n beslissing op 'n regspunt gee; of
 - (b) 'n bestaande lisensie intrek; of
 - (c) weier om 'n bestaande lisensie te vernuwe,

is hy nie verplig om redes vir sy beslissing te gee nie.”.

Wysiging van artikel 28 van Wet 30 van 1928.

11. Artikel *agt-en-twintig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woord „distrik" die woorde „waarin die plek geleë is wat kragtens artikel *sestien* aangewys is as die plek waar die raad sy sittings moet hou," in te voeg.

Wysiging van artikel 30 van Wet 30 van 1928.

12. Artikel *dertig* van die Hoofwet word hierby gewysig deur die woorde „voorsitter alleen enige kwessie kragtens artikel *ses-en-twintig* beslis" deur die woorde „raad oor 'n regspunt beslis het" te vervang.

Wysiging van artikel 31 van Wet 30 van 1928 soos gewysig deur artikel 6 van Wet 41 van 1934 en artikel 3 van Wet 35 van 1956.

13. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „vyftiende dag van Oktober" deur die woorde „eerste dag van September" en die woorde „September of Oktober" deur die woorde „Augustus of September" te vervang;
- (b) deur in die voorbehoudsbepaling by paragraaf (d) van sub-artikel (2) die woord „plan" deur die woorde „beskrywing of plan" te vervang;
- (c) deur in sub-paragraaf (i) van paragraaf (a) van sub-artikel (3) die woorde „of volgens voorneme op hom sal rus" te skrap; en
- (d) deur in sub-artikel (5) die woord „magistraat" waar dit die tweede maal voorkom, deur die woorde „voorsitter van die raad" te vervang.

charge of the district" of the words "a commissioned officer of police"; and

- (d) by the addition thereto of the following sub-section:

"(5) If the chairman is of opinion that the persons who have an interest in an interim meeting will not be inconvenienced if the meeting is held at a place other than the place determined in terms of section *sixteen*, he may, with due regard to the area of the board and the applications to be considered, convene the meeting at such place, date and time as to him seems practicable."

6. Section *twenty-two* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "magistrate of the district" of the word "chairman", and
(b) by the substitution in paragraphs (a) and (b) of the said sub-section for the word "magistrate" of the word "chairman".

Amendment of section 22 of Act 30 of 1928 as amended by section 4 of Act 12 of 1954.

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

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

"(1) Subject to the proviso to sub-section (5) of section *fourteen*, two members of a licensing board shall form a quorum."; and

- (b) by the deletion of sub-section (3).

Amendment of section 23 of Act 30 of 1928.

8. Section *twenty-four* of the principal Act is hereby amended by the addition at the end of sub-section (1) of the words "unless the board is of opinion that the applications for the renewal of licences or for the grant of new licences will not be affected thereby and directs otherwise".

Amendment of section 24 of Act 30 of 1928.

9. Section *twenty-six* of the principal Act is hereby repealed.

Repeal of section 26 of Act 30 of 1928.

10. Section *twenty-seven* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (1) of the words "of fact (which shall be deemed to include any question as to the taking of evidence, or the calling of any witness, or the order of the board's proceedings or the taking of its own motion of any objection in terms of section *thirty-nine*)";

- (b) by the substitution for sub-section (2) of the following:

"(2) Except when a board—

- (a) gives a decision on a question of law; or

- (b) cancels an existing licence; or

- (c) refuses to renew an existing licence,

it shall not be required to give any reasons for its decision."

Amendment of section 27 of Act 30 of 1928.

11. Section *twenty-eight* of the principal Act is hereby amended by the insertion in sub-section (1) after the word "district" of the words "within which the place which has been determined under section *sixteen* as the place where the board shall hold its sittings, is situated".

Amendment of section 28 of Act 30 of 1928.

12. Section *thirty* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "matter decided upon by the chairman solely, in terms of section *twenty-six*" of the words "question of law decided by the board,".

Amendment of section 30 of Act 30 of 1928.

13. Section *thirty-one* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "fifteenth day of October" of the words "first day of September" and for the words "September or October" of the words "August or September";

- (b) by the substitution in the proviso to paragraph (d) of sub-section (2) for the word "plan" of the words "description or plan";

- (c) by the deletion in sub-paragraph (i) of paragraph (a) of sub-section (3) of the words "or is proposed to be,"; and

- (d) by the substitution in sub-section (5) for the word "magistrate" where it occurs for the second time, of the words "chairman of the board".

Amendment of section 31 of Act 30 of 1928 as amended by section 6 of Act 41 of 1934 and section 3 of Act 35 of 1956.

Wysiging van artikel 32 van Wet 30 van 1928 soos gewysig deur artikel 7 van Wet 41 van 1934 en artikel 4 van Wet 35 van 1956.

14. Artikel *twee-en-dertig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „vyftiende dag van Oktober” deur die woorde „eerste dag van September” te vervang;
- (b) deur in sub-artikel (2) na die woorde „besonderhede in” die woorde „sub-paragraaf (ii) van” in te voeg; en
- (c) deur in sub-artikel (4) na die woord „is” waar dit die eerste maal voorkom, die woorde „na oorlegpleging met die voorsitter van die raad,” in te voeg.

Wysiging van artikel 33 van Wet 30 van 1928 soos gewysig deur artikel 8 van Wet 41 van 1934 en artikel 5 van Wet 12 van 1954.

15. Artikel *drie-en-dertig* van die Hoofwet word hierby gewysig—

- (a) deur die volgende paragraaf by sub-artikel (1) te voeg: „(f) as daarmee op ’n tussentydse vergadering die verlening van ’n voorwaardelike magtiging aan-gevra word, seëls van ’n waarde van tien pond”; en
- (b) deur in paragraaf (a) van sub-artikel (3) die woorde „betrokke magistraat” deur die woorde „voorsitter van die betrokke raad” te vervang.

Wysiging van artikel 34 van Wet 30 van 1928 soos vervang deur artikel 6 van Wet 12 van 1954.

16. Artikel *vier-en-dertig* van die Hoofwet word hierby gewysig deur die woord „magistraat” waar dit ook al voorkom, deur die woord „voorsitter” te vervang.

Wysiging van artikel 35 van Wet 30 van 1928 soos gewysig deur artikel 7 van Wet 12 van 1954.

17. Artikel *vyf-en-dertig* van die Hoofwet word hierby gewysig—

- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang: „(1) Behoudens die bepalings van sub-artikel (5) van artikel *een-en-dertig* en van artikels *twee-en-veertig*, *drie-en-veertig* en *vyf-en-veertig*, moet die magistraat van elke distrik na ontvangs van ’n aanvraag wat op ’n jaarlikse vergadering van die raad gemaak sal word om ’n verlening, vernuwing, oordrag of verplasing van ’n lisensie of om ’n voorwaardelike magtiging kragtens artikel *twee-en-dertig* of *vier-en-vyftig*, by die by sub-artikel (2) van artikel *twintig* vereiste kennisgewing, die inligting, betreffende die aansoeke wat uit daardie distrik by so ’n vergadering oorweeg sal word, wat die Minister by regulasie voorskryf, publiseer.”; en
- (b) deur die volgende sub-artikel daarby te voeg: „(3) ’n Afskrif van die kennisgewing word aan elke lid van die lisensieraad en aan die polisie-offisier wat gewoonlik kragtens artikel *honderd ses-en-dertig* verslag in daardie distrik doen, per pos of andersins gestuur, en ’n afskrif daarvan word in of by die magistraatskantoor van daardie distrik op ’n plek wat in die oog val en vir die publiek toeganklik is, vir insae vertoon.”.

Wysiging van artikel 38 van Wet 30 van 1928.

18. Artikel *agt-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (4) die woorde „senior polisie-beampte” deur die woord „polisie-offisier” te vervang.

Wysiging van artikel 40 van Wet 30 van 1928.

19. Artikel *veertig* van die Hoofwet word hierby gewysig—

- (a) deur in die voorbehoudsbepaling by sub-artikel (1) die woorde „betrokke magistraat” deur die woorde „voorsitter van die betrokke raad” te vervang; en
- (b) deur in bedoelde voorbehoudsbepaling na die woorde „deur die magistraat” die woorde „van die distrik waarin die plek geleë is wat kragtens artikel *sestien* as die plek waar die raad sy sittings moet hou, aangewys is,” in te voeg.

Wysiging van artikel 41 van Wet 30 van 1928.

20. Artikel *een-en-veertig* van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (1) die woord „magistraat” deur die woorde „voorsitter van die raad” te vervang.

Wysiging van artikel 42 van Wet 30 van 1928 soos gewysig deur artikel 9 van Wet 41 van 1934.

21. Artikel *twee-en-veertig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) na die woorde „mag by die” die woorde „voorsitter van die raad deur die” in te voeg;
- (b) deur in bedoelde sub-artikel die woorde „magistraat en enige twee lede” deur die woord „voorsitter” te vervang;

14. Section *thirty-two* of the principal Act is hereby amended—
- (a) by the substitution in sub-section (1) for the words "fifteenth day of October" of the words "first day of September";
 - (b) by the insertion in sub-section (2) after the words "described in" of the words "sub-paragraph (ii) of"; and
 - (c) by the insertion in sub-section (4) after the word "situated" of the words ", after consultation with the chairman,".
- Amendment of section 32 of Act 30 of 1928 as amended by section 7 of Act 41 of 1934 and section 4 of Act 35 of 1956.
15. Section *thirty-three* of the principal Act is hereby amended—
- (a) by the addition to sub-section (1) of the following paragraph:
 "(f) if it is made to an interim meeting for the grant of a conditional authority, stamps of the value of ten pounds"; and
 - (b) by the substitution in paragraph (a) of sub-section (3) for the word "magistrate" of the words "chairman of the board".
- Amendment of section 33 of Act 30 of 1928 as amended by section 8 of Act 41 of 1934 and section 5 of Act 12 of 1954.
16. Section *thirty-four* of the principal Act is hereby amended by the substitution for the word "magistrate" wherever it occurs, of the word "chairman".
- Amendment of section 34 of Act 30 of 1928 as substituted by section 6 of Act 12 of 1954.
17. Section *thirty-five* of the principal Act is hereby amended—
- (a) by the substitution for sub-section (1) of the following sub-section:
 "(1) Subject to the provisions of sub-section (5) of section *thirty-one* and of sections *forty-two*, *forty-three* and *forty-five*, the magistrate of every district shall after receipt of an application to be made to the annual general meeting of the board for the grant, renewal, transfer or removal of a licence or for a conditional authority under section *thirty-two* or *fifty-four*, by the notice required to be published in terms of sub-section (2) of section *twenty*, publish such information concerning the applications from that district which are to be considered at such meeting as the Minister may by regulation prescribe."; and
 - (b) by the addition thereto of the following sub-section:
 "(3) A copy of the notice shall be forwarded by post or otherwise to every member of the licensing board and to the commissioned officer of police who usually reports in that district in terms of section *one hundred and thirty-six*, and a copy thereof shall be exhibited for inspection in a conspicuous place accessible to the public in or at the magistrate's office of that district."
- Amendment of section 35 of Act 30 of 1928 as amended by section 7 of Act 12 of 1954.
18. Section *thirty-eight* of the principal Act is hereby amended by the substitution in sub-section (4) for the words "senior police officer" of the words "commissioned officer of police".
- Amendment of section 38 of Act 30 of 1928.
19. Section *forty* of the principal Act is hereby amended—
- (a) by the substitution in the proviso to sub-section (1) for the word "magistrate" of the words "chairman of the board"; and
 - (b) by the insertion in the said proviso after the words "by the magistrate" of the words "of the district in which the place determined in terms of section *sixteen* as the place where the board shall hold its sittings, is situated".
- Amendment of section 40 of Act 30 of 1928.
20. Section *forty-one* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (1) for the word "magistrate" of the words "chairman of the board".
- Amendment of section 41 of Act 30 of 1928.
21. Section *forty-two* of the principal Act is hereby amended—
- (a) by the insertion in sub-section (1) after the word "to" where it occurs for the first time of the words "the chairman of the board through";
 - (b) by the substitution in the said sub-section for the words "magistrate and any two members" of the word "chairman";
- Amendment of section 42 of Act 30 of 1928 as amended by section 9 of Act 41 of 1934.

- (c) deur in bedoelde sub-artikel die woord „hulle” deur die woorde „hy, na oorlegpleging met die magistraat van die betrokke distrik, tensy dit hy self is,” te vervang;
- (d) deur in paragraaf (b) van die voorbehoudsbepaling by bedoelde sub-artikel die woorde „magistraat en lede” deur die woorde „voorsitter van die raad” te vervang;
- (e) deur in sub-artikel (2) die woorde „vyftiende dag van Oktober” deur die woorde „eerste dag van September” te vervang; en
- (f) deur in sub-artikel (2)*bis* die woorde „vyftiende dag van Oktober” deur die woorde „eerste dag van September” te vervang.

Wysiging van artikel 43 van Wet 30 van 1928 soos gewysig deur artikel 10 van Wet 41 van 1934.

22. Artikel drie-en-veertig van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woord „magistraat” waar dit die eerste maal voorkom deur die woorde „voorsitter van die raad deur die magistraat van die distrik” te vervang;
- (b) deur in bedoelde sub-artikel die woorde „magistraat en enige twee lede” deur die woord „voorsitter” te vervang;
- (c) deur in bedoelde sub-artikel die woord „hulle” deur die woorde „hy, na oorlegpleging met die magistraat van die betrokke distrik, tensy dit hy self is,” te vervang; en
- (d) deur in sub-artikel (2) die woorde „vyftiende dag van Oktober” deur die woorde „eerste dag van September” te vervang.

Wysiging van artikel 45 van Wet 30 van 1928 soos gewysig deur artikel 11 van Wet 41 van 1934.

23. Artikel vyf-en-veertig van die Hoofwet word hierby gewysig—

- (a) deur die woorde „Magistraat en die twee lede” deur die woord „Voorsitter” en die woorde „hulle of die meerderheid van hulle” waar dit ook al voorkom, deur die woord „hy” te vervang; en
- (b) deur die woord „hulle”, waar dit na paragrafe (a) en (b) daarvan voorkom, deur die woord „hy” te vervang.

Wysiging van artikel 47 van Wet 30 van 1928 soos gewysig deur artikel 12 van Wet 41 van 1934.

24. Artikel sewe-en-veertig van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikels (1) en (1)*bis* die woord „magistraat” waar dit ook al voorkom, deur die woorde „voorsitter van die raad” te vervang; en
- (b) deur in sub-artikel (3) die woorde „magistraat en enige twee van die” deur die woorde „voorsitter en ander” en die woorde „magistraat en lede wat die saak oorweeg” deur die woord „raad” te vervang.

Wysiging van artikel 53 van Wet 30 van 1928 soos gewysig deur artikel 2 van Wet 39 van 1937.

25. Artikel drie-en-vyftig van die Hoofwet word hierby gewysig deur die volgende verdere voorbehoudsbepaling by sub-artikel (1) te voeg:

„Met dien verstande voorts dat, indien bedoelde aansoek om ’n lisensie by die raad se jaarlikse vergadering oorweeg moet word, die aansoek om die sertifikaat van die Minister die Sekretaris van Justisie nie later as die eerste dag van September van die betrokke jaar moet bereik nie.”

Wysiging van artikel 54 van Wet 30 van 1928 soos gewysig deur artikel 14 van Wet 41 van 1934, artikel 3 van Wet 39 van 1937 en artikel 8 van Wet 12 van 1954.

26. Artikel vier-en-vyftig van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (4) na die woord „is” waar dit die eerste maal voorkom die woorde „na oorlegpleging met die voorsitter van die raad,” in te voeg; en
- (b) deur die volgende sub-artikel daarby te voeg:
„(9) Indien die aansoek by die lisensieraad se jaarlikse vergadering oorweeg moet word, moet die aansoek om ’n sertifikaat die Sekretaris van Justisie nie later as die eerste dag van September van die betrokke jaar bereik nie.”

Wysiging van artikel 56 van Wet 30 van 1928.

27. Artikel ses-en-vyftig van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woord „magistraat” deur die woorde „voorsitter of die sekretaris van die lisensieraad of die magistraat van die distrik” te vervang.

- (c) by the insertion in the said sub-section after the word "if" of the words "after consultation with the magistrate of the district concerned, unless he is himself that magistrate, he is";
- (d) by the substitution in paragraph (b) of the proviso to the said sub-section for the words "magistrate and members" of the words "chairman of the board";
- (e) by the substitution in sub-section (2) for the words "fifteenth day of October" of the words "first day of September"; and
- (f) by the substitution in sub-section (2)*bis* for the words "fifteenth day of October" of the words "first day of September".

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

Amendment of section 43 of Act 30 of 1928 as amended by section 10 of Act 41 of 1934.

- (a) by the substitution in sub-section (1) for the word "magistrate" where it occurs for the first time of the words "chairman of the board through the magistrate of the district";
- (b) by the substitution in the said sub-section for the words "magistrate and any two members" of the word "chairman";
- (c) by the insertion in the said sub-section after the word "if" of the words "after consultation with the magistrate of the district concerned, unless he is himself that magistrate, he is"; and
- (d) by the substitution in sub-section (2) for the words "fifteenth day of October" of the words "first day of September".

23. Section *forty-five* of the principal Act is hereby amended—

Amendment of section 45 of Act 30 of 1928 as amended by section 11 of Act 41 of 1934.

- (a) by the substitution for the words "magistrate and the two members" of the word "chairman" and for the words "they or the majority of them think" of the words "he thinks"; and
- (b) by the substitution in paragraph (a) thereof for the words "their opinion or the opinion of the majority of them" of the words "his opinion", and by the substitution in paragraph (b) thereof for the words "they or the majority of them are" of the words "he is".

24. Section *forty-seven* of the principal Act is hereby amended—

Amendment of section 47 of Act 30 of 1928 as amended by section 12 of Act 41 of 1934.

- (a) by the substitution in sub-section (1) and (1)*bis* for the word "magistrate" wherever it occurs, of the words "chairman of the board"; and
- (b) by the substitution in sub-section (3) for the words "magistrate and any two" of the words "chairman and other" and for the words "magistrate and members considering the matter" of the word "board".

25. Section *fifty-three* of the principal Act is hereby amended by the addition to sub-section (1) of the following further proviso:

Amendment of section 53 of Act 30 of 1928 as amended by section 2 of Act 39 of 1937.

"Provided further that if the said application for a licence is to be considered at the annual meeting of the board, the application for the Minister's certificate shall reach the Secretary for Justice not later than the first day of September of that year."

26. Section *fifty-four* of the principal Act is hereby amended—

Amendment of section 54 of Act 30 of 1928 as amended by section 14 of Act 41 of 1934, section 3 of Act 39 of 1937 and section 8 of Act 12 of 1954.

- (a) by the insertion in sub-section (4) after the word "situated" of the words "after consultation with the chairman of the board,"; and
- (b) by the addition thereto of the following sub-section: "(9) If the application is to be considered at the annual meeting of the licensing board, the application for the Minister's certificate shall reach the Secretary for Justice not later than the first day of September of that year."

27. Section *fifty-six* of the principal Act is hereby amended by the substitution in sub-section (2) for the word "magistrate" of the words "chairman or secretary of the licensing board or the magistrate of the district".

Amendment of section 56 of Act 30 of 1928.

Wysiging van artikel 63 van Wet 30 van 1928 soos gewysig deur artikel 16 van Wet 41 van 1934, artikel 5 van Wet 39 van 1937, artikel 71 van Wet 40 van 1945 en artikel 1 van Wet 38 van 1954.

Wysiging van artikel 74 van Wet 30 van 1928 soos gewysig deur artikel 21 van Wet 41 van 1934.

Wysiging van artikel 79 van Wet 30 van 1928.

Wysiging van artikel 81 van Wet 30 van 1928.

Wysiging van artikel 93 van Wet 30 van 1928.

Wysiging van artikel 101 van Wet 30 van 1928 soos vervang deur artikel 16 Wet 62 van 1955.

Vervanging van artikel 107 van Wet 30 van 1928.

28. Artikel *drie-en-sestig* van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (3) die woord „Augustus” deur die woord „Mei” te vervang.

29. Artikel *vier-en-sewentig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woord „voorsitter” waar dit die tweede maal voorkom, deur die woorde „magistraat van die distrik ter inligting” te vervang.

30. Artikel *nege-en-sewentig* van die Hoofwet word hierby gewysig deur die woorde „senior beampte onder wie se poliesietoesig die distrik staan of die magistraat” deur die woorde „naaste polisie-offisier of die magistraat van die distrik” te vervang.

31. Artikel *een-en-tagtig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woord „distrik” deur die woorde „lisensiegebied of ’n distrik binne die gebied” te vervang;
- (b) deur in sub-artikel (2) die woord „distrik” deur die woorde „lisensiegebied of ’n distrik” te vervang; en
- (c) deur in sub-artikel (3) die woord „distrik” deur die woorde „lisensiegebied of ’n distrik” te vervang.

32. Artikel *drie-en-negentig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (4) die woorde „senior beampte onder wie se poliesietoesig die distrik staan”, waar dit die eerste maal voorkom deur die woorde „naaste polisie-offisier” te vervang;
- (b) deur in bedoelde sub-artikel na die woord „meedeel” die woorde „of laat meedeel” in te voeg;
- (c) deur in bedoelde sub-artikel die woorde „senior beampte onder wie se poliesietoesig die distrik staan” waar dit die tweede maal voorkom deur die woorde „naaste polisie-offisier aan daardie distrik, tensy dit hy self is” te vervang;
- (d) deur die volgende voorbehoudsbepaling by bedoelde sub-artikel te voeg:
„Met dien verstande dat wanneer so ’n persoon teenwoordig is wanneer ’n magistraat ’n order kragtens sub-artikel (3) verleen, die magistraat bedoelde persoon daar en dan van sy besluit moet verwittig en ’n afskrif van sy order aan hom moet oorhandig of aanbied, in watter geval verdere mededeling aan daardie persoon nie nodig is nie.”; en
- (e) deur in sub-artikel (5) die woorde „Senior Polisie-beampte” waar dit ookal voorkom deur die woord „Polisie-offisier” te vervang en na die woord „meedeel” die woorde „of laat meedeel” in te voeg.

33. Artikel *honderd-en-een* van die Hoofwet word hierby gewysig deur in sub-artikel (2) na die woord „woon” die woorde „of dat hy uit die Transkeise gebied afkomstig is en tydelik in ’n ander deel van die Unie woonagtig is,” in te voeg.

34. Artikel *honderd-en-sewe* van die Hoofwet word hierby deur die volgende artikel vervang—

„Koopverpligtings. 107. (1) Vanaf die inwerkingtreding van hierdie artikel is—

- (a) elke koopverpligting wat op of na die vierde dag van Mei 1956 aangegaan of vernuwe is of word; en
- (b) enige verlenging, op of na bedoelde dag, op enige wyse hoegenaamd, van die termyn van ’n koopverpligting wat op bedoelde dag van krag is,

nietig.

(2) ’n Koopverpligting wat voor die in sub-artikel (1) bedoelde dag aangegaan is en op daardie dag van krag is, verval, tensy dit eerder deur verloop van tyd beëindig word, op die datum waarop ’n tydperk van ses jaar vanaf bedoelde dag verstryk, of op die datum waarop enige verpligting wat die vergoeding vir daardie koopverpligting uitgemaak

28. Section *sixty-three* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (3) for the word "August" of the word "May".
- Amendment of section 63 of Act 30 of 1928 as amended by section 16 of Act 41 of 1934, section 5 of Act 39 of 1937, section 71 of Act 40 of 1945 and section 1 of Act 38 of 1954.
29. Section *seventy-four* of the principal Act is hereby amended by the substitution in sub-section (2) for the word "chairman" where it occurs for the second time of the words "magistrate of the district for the information".
- Amendment of section 74 of Act 30 of 1928 as amended by section 21 of Act 41 of 1934.
30. Section *seventy-nine* of the principal Act is hereby amended by the substitution for the words "senior officer in police charge of the district or the magistrate" of the words "nearest commissioned officer of police or the magistrate of the district".
- Amendment of section 79 of Act 30 of 1928.
31. Section *eighty-one* of the principal Act is hereby amended—
- Amendment of section 81 of Act 30 of 1928.
- (a) by the substitution in sub-section (1) for the word "district" of the words "licensing area or any district within the area"; and
 - (b) by the substitution in sub-section (2) for the word "district" of the words "licensing area or any district"; and
 - (c) by the substitution in sub-section (3) for the word "district" of the words "licensing area or any district".
32. Section *ninety-three* of the principal Act is hereby amended—
- Amendment of section 93 of Act 30 of 1928.
- (a) by the substitution in sub-section (4) for the words "senior officer in police charge of the district" of the words "nearest commissioned officer of police";
 - (b) by the insertion in the said sub-section after the word "notify" of the words "or cause to be notified";
 - (c) by the substitution in the said sub-section for the words "senior officer in police charge of that district" of the words "nearest commissioned officer of police to that district, unless it is himself";
 - (d) by the addition to the said sub-section of the following proviso:
"Provided that if such person is present when the magistrate makes an order in terms of sub-section (3), the magistrate shall there and then notify such person of his decision and deliver or tender to him a copy of his order in which event a further notification to that person shall not be necessary."; and
 - (e) by the deletion in sub-section (5) of the word "senior" wherever it occurs, and by the insertion in the said sub-section after the word "notified" of the words "or cause to be notified".
33. Section *one hundred and one* of the principal Act is hereby amended by the insertion in sub-section (2) after the word "purposes" of the words ", or that he comes from the Transkeian Territories and is temporarily resident in another part of the Union".
- Amendment of section 101 of Act 30 of 1928 as substituted by section 16 of Act 62 of 1955.
34. The following section is hereby substituted for section *one hundred and seven* of the principal Act—
- Amendment of section 107 of Act 30 of 1928.
- "Ties. 107. (1) As from the commencement of this section—
- (a) every tie which has been or is entered into or renewed on or after the fourth day of May, 1956; and
 - (b) every extension on or after the said day, in any manner whatsoever, of the period of a tie which was binding on the said day, shall be void.
- (2) A tie entered into prior to the day referred to in sub-section (1) and which is binding on that day, shall unless it expires earlier by effluxion of time, lapse on the date of expiry of a period of six years from the said day or on the date upon which any obligation which formed the considera-

het, onthef word, na gelang van watter datum die vroegste is.

(3) 'n Koopverpligting wat voor die in sub-artikel (1) bedoelde dag aangegaan is as vergoeding om 'n gebou te mag okkupeer en op bedoelde dag van krag is, verval by verstryking van 'n tydperk van ses jaar vanaf bedoelde dag of by ontruiming van die gebou deur die betrokke huurder, na gelang van watter datum die vroegste is.

(4) By die toepassing van hierdie artikel word 'n koopverpligting oor die bepalinge waarvan die partye daarby voor die vierde dag van Mei 1956 ooreengekom het, geag voor bedoelde dag aangegaan te gewees het, ondanks die feit dat die skriftelike ooreenkoms waarin die koopverpligting beliggaam word eers na bedoelde datum deur die partye onderteken is.

(5) Wanneer een van die partye by 'n koopverpligting wat voor die in sub-artikel (1) bedoelde dag aangegaan is en op daardie dag van krag is, die houer is van 'n lisensie wat aan hom in sy hoedanigheid as 'n dienaar of genomineerde van 'n maatskappy, vereniging, vennootskap of ander assosiasie van persone uitgereik is, en bedoelde lisensie na bedoelde dag ingevolge artikel *sew-en-sestig* na 'n ander dienaar of genomineerde van bedoelde maatskappy, vereniging, vennootskap of ander assosiasie van persone oorgedra word, dan kan bedoelde ander dienaar of genomineerde ondanks die bepalinge van hierdie artikel, al die verpligtinge ingevolge bedoelde koopverpligting aanvaar, en daarop word bedoelde koopverpligting geag deur bedoelde ander dienaar of genomineerde aangegaan te gewees het."

Invoeging van artikels 114bis en 114ter in Wet 30 van 1928.

35. Die volgende artikels word hierby na artikel *honderd-en-veertien* van die Hoofwet onder die opskrif „Algemene Bepalinge” ingevoeg:

„Sekerse
lisensiehouders
mag geen lisensieraad 'n aanvraag om die vernuwing
moet aan van 'n bottel-, restaurant- of hotel-dranklisensie
redelike ver- of 'n wyn-en-bier- of kantien-lisensie toestaan nie,
eistes van tensy die aanvrager die raad oortuig dat die houer
die publiek van die betrokke lisensie gedurende die tydperk
voldoen. van twaalf maande eindigende op die dertigste dag
van Junie wat die datum waarop die aanvraag om
vernuwing gedoen word, onmiddellik voorafgaan,
behalwe vir sover hy ingevolge 'n geldige koop-
verpligting verhinder was om dit te doen, aan die
redelike vereistes van die publiek wat betref die
verskaffing van wyn en brandewyn, voldoen het.

(2) Die houer van 'n in sub-artikel (1) bedoelde lisensie word nie geag aan die redelike vereistes van die publiek wat betref die verskaffing van wyn en brandewyn te voldoen het nie tensy hy, behalwe vir sover hy deur omstandighede buite sy beheer verhinder was om dit te doen—

(a) indien wyn in die gelisensieerde gebou verkoop of vir verkoop aangehou was, wyn, waarvoor daar 'n redelike aanvraag deur die publiek is, van minstens agt verskillende produsente of vervaardigers van wyn van wie elkeen met betrekking tot elkeen van die ander en tot die houer van die lisensie 'n onafhanklike produsent of vervaardiger moet wees; en

(b) indien brandewyn in die gelisensieerde gebou verkoop of vir verkoop aangehou was, brandewyn, waarvoor daar 'n redelike aanvraag deur die publiek is, van minstens ses verskillende produsente of vervaardigers van brandewyn van wie elkeen met betrekking tot elkeen van die ander en tot die houer van die lisensie 'n onafhanklike produsent of vervaardiger moet wees,

in redelike hoeveelhede en teen redelike pryse te alle tye vir verkoop beskikbaar en in die gelisensieerde gebou uitgestal gehad het of, in die geval van tafelwyn, by wyse van 'n wynlys of andersins geadverteer het.

tion for that tie is discharged, whichever date be the earlier.

(3) A tie entered into prior to the day referred to in sub-section (1) as consideration for the right to occupy any premises and which is binding on the said day, shall lapse on the expiry of a period of six years from the said day, or upon vacation of the premises by the lessee concerned, whichever be the earlier date.

(4) A tie the terms whereof have been agreed upon by the parties thereto prior to the fourth day of May, 1956, shall for the purposes of this section, be deemed to have been entered into prior to the said day, notwithstanding the fact that the written agreement embodying the tie was only signed by the parties after the said day.

(5) Where one of the parties to a tie which has been entered into prior to the day referred to in sub-section (1) and which is binding on the said day, is the holder of a licence which has been issued to him in his capacity as an employee or nominee of any company, society, partnership or other association of persons and the said licence is after the said day transferred to another employee or nominee of such company, society, partnership or other association of persons in terms of section *sixty-seven*, such other employee or nominee may, notwithstanding anything contained in this section, assume all the obligations under the said tie, and thereupon the said tie shall be deemed to have been entered into by the said other employee or nominee.”.

35. The following sections are hereby inserted after section *one hundred and fourteen* of the principal Act under the heading “General”

Insertion of sections 114*bis* and 114*ter* in Act 30 of 1928.

“Certain licence holders to provide for the reasonable requirements of the public.

114*bis*. (1) After the first day of October, 1958, no liquor licensing board shall grant any application for the renewal of a bottle, restaurant, hotel or wine and malt liquor licence or a bar licence, unless the applicant satisfies the board that the holder of the licence in question has during the period of twelve months ending on the thirtieth day of June immediately preceding the date on which the application for renewal is made, satisfied the reasonable requirements of the public in regard to the supply of wine and brandy, except in so far as he was prevented therefrom by a valid tie.

(2) The holder of a licence referred to in sub-section (1) shall not be deemed to have satisfied the reasonable requirements of the public in regard to the supply of wine and brandy unless he has, except in so far as he has been prevented therefrom by circumstances beyond his control, at all times had available and exposed or, in the case of table wine, advertised by means of a wine list or otherwise, for sale in the licensed premises, in reasonable quantities and at reasonable prices—

(a) if any wine was sold or kept for sale on the licensed premises, wine, for which there is a reasonable demand by the public, of at least eight different producers or manufacturers of wine each one of whom shall in relation to every one of the others and to the holder of the licence, be an independent producer or manufacturer; and

(b) if any brandy was sold or kept for sale on the licensed premises, brandy, for which there is a reasonable demand by the public, of at least six different producers or manufacturers of brandy each one of whom shall in relation to every one of the others and to the holder of the licence, be an independent producer or manufacturer.

(3) By die toepassing van hierdie artikel word 'n produsent of vervaardiger—

- (a) in wie se besigheid of onderneming 'n ander produsent of vervaardiger, of iemand ten behoewe van 'n ander produsent of vervaardiger, 'n geldelike belang het, nie met betrekking tot daardie ander produsent of vervaardiger of enige produsent of vervaardiger in wie se besigheid of onderneming daardie ander produsent of vervaardiger, of iemand ten behoewe van daardie ander produsent of vervaardiger, 'n geldelike belang het, geag 'n onafhanklike produsent of vervaardiger te wees nie;
- (b) wat 'n maatskappy is waarin 'n ander persoon, of iemand ten behoewe van 'n ander persoon, 'n beheersende belang besit, nie met betrekking tot enige ander produsent of vervaardiger wat 'n maatskappy is waarin bedoelde ander persoon, of iemand namens bedoelde ander persoon, 'n beheersende belang besit, geag 'n onafhanklike produsent of vervaardiger te wees nie;
- (c) nie geag 'n onafhanklike produsent of vervaardiger met betrekking tot die houer van 'n in sub-artikel (1) bedoelde lisensie te wees nie indien hy of iemand anders ten behoewe van hom 'n geldelike belang het in die besigheid of onderneming ten opsigte waarvan die lisensie uitgereik is.

(4) Die houer van 'n in sub-artikel (1) bedoelde lisensie kan enige persoon skriftelik versoek om binne dertig dae vanaf die datum van die versoek, sodanige inligting, met inbegrip van die naam en adres van enige persoon, skriftelik aan hom te verstrek as wat hy redelikerwys nodig het om vas te stel of 'n produsent of vervaardiger wie se wyn of brandewyn hy wil aanskaf, met betrekking tot enige ander produsent of vervaardiger, 'n onafhanklike produsent of vervaardiger is, met inbegrip van die naam en adres van enige produsent of vervaardiger met betrekking tot wie eersbedoelde produsent of vervaardiger nie 'n onafhanklike produsent of vervaardiger is nie.

(5) In hierdie artikel beteken—

- (a) 'produsent of vervaardiger' 'n koöperatiewe vereniging of groothandelaar soos omskryf in artikel een van die Wet op Beheer oor Wyn en Spiritualieë, 1956, wat wyn of brandewyn vir verkoop produseer of vervaardig;
- (b) 'beheersende belang', met betrekking tot 'n maatskappy—
 - (i) die meerderheid van sy aandele;
 - (ii) aandele wat meer dan die helfte van sy aandeelkapitaal verteenwoordig;
 - (iii) aandele ter waarde van meer dan die helfte van die gesamentlike waarde van al sy aandele;
 - (iv) aandele wat aan die houters daarvan die reg op meer dan die helfte van sy winste of bates verleen;
 - (v) aandele wat aan die houters daarvan reg op 'n meerderheid of oorwig van stemme verleen;
 - (vi) die mag om, regstreeks of onregstreeks, deur die besit van een of ander belang, onverskillig of dit al dan nie van die in paragrawe (i) tot (v) bedoelde aard is, in 'n ander maatskappy, of op 'n ander wyse, enige beheer van welke aard ook al oor die werksaamhede of bates van die maatskappy uit te oefen.

(6) Iemand wat weier of in gebreke bly om aan 'n in sub-artikel (4) bedoelde versoek te voldoen, of wat ingevolge so 'n versoek inligting verstrek wat vals is wetende dat dit vals is, is aan 'n misdryf skuldig.

Verbod op verkryging van lisensies deur produsente of vervaardigers.

114ter. Na die inwerkingtreding van hierdie artikel—

- (a) mag geen dranklisensieraad enige nuwe lisensie of die oordrag van enige lisensie, behalwe 'n groothandelaarsdranklisensie, 'n bierbrouerslisensie of 'n hotel-dranklisensie, aan 'n produ-

(3) For the purposes of this section a producer or manufacturer—

- (a) in whose business or undertaking another producer or manufacturer, or some person on behalf of another producer or manufacturer, has a financial interest, shall not, in relation to that other producer or manufacturer or any producer or manufacturer in whose business or undertaking that other producer or manufacturer, or some person on behalf of that other producer or manufacturer, has a financial interest, be deemed to be an independent producer or manufacturer;
- (b) who is a company wherein any other person, or some person on behalf of any other person, holds a controlling interest, shall not in relation to any other producer or manufacturer who is a company wherein the said other person, or some person on behalf of the said other person, holds a controlling interest, be deemed to be an independent producer or manufacturer;
- (c) shall not be deemed to be an independent producer or manufacturer in relation to the holder of a licence referred to in sub-section (1) if he, or some other person on his behalf, has a financial interest in the business or undertaking in respect of which the licence has been issued.

(4) The holder of a licence referred to in sub-section (1) may in writing request any person to furnish him in writing within thirty days from the date of the request with such information, including the name and address of any person, as he may reasonably require for the purpose of ascertaining whether a manufacturer or producer whose wine or brandy he wishes to acquire is an independent producer or manufacturer in relation to any other producer or manufacturer, including the name and address of any producer or manufacturer in relation to whom such firstmentioned producer or manufacturer is not an independent producer or manufacturer.

(5) In this section—

- (a) 'producer or manufacturer' means a co-operative society or wholesale trader as defined in section one of the Wine and Spirits Control Act, 1956, who produces or manufactures wine or brandy for sale;
- (b) 'controlling interest' in relation to a company, means—
 - (i) a majority of its shares;
 - (ii) shares representing more than half its share capital;
 - (iii) shares of a value in excess of half the aggregate value of all its shares;
 - (iv) shares entitling the holders thereof to more than half its profits or assets;
 - (v) shares entitling the holders thereof to a majority or preponderance of votes;
 - (vi) the power to exercise, directly or indirectly, by holding any interest, whether or not of the nature referred to in sub-paragraphs (i) to (v), in any other company, or otherwise, any control whatsoever over the activities or assets of the company.

(6) Any person who refuses or fails to comply with any request referred to in sub-section (4), or who in pursuance of such a request furnishes any information which is false knowing it to be false, shall be guilty of an offence.

Prohibition
against
acquisition
of licences
by producers
or manufac-
turers.

114ter. After the commencement of this section—

- (a) no liquor licensing board shall grant any new licence or authorize the transfer of any licence, other than a wholesale liquor licence, a brewer's licence or an hotel liquor licence, under this Act, to any producer or manufacturer as

sent of vervaardiger soos in artikel *honderden-veertien bis* omskryf word of aan 'n bierbrouer, of aan die agent of genomineerde van so 'n produsent of vervaardiger of 'n bierbrouer of aan iemand wat 'n geldelike belang in die besigheid of onderneming van so 'n produsent of vervaardiger of 'n bierbrouer het, of aan die agent of genomineerde van so iemand, of aan 'n maatskappy waarin die aandeelhouders wat 'n geldelike belang in die besigheid van so 'n produsent of vervaardiger of 'n bierbrouer het, tesame 'n beheersende belang (soos in artikel *honderden-veertien bis* omskryf) besit, of aan die genomineerde of agent van so 'n maatskappy, of aan 'n maatskappy waarin eersbedoelde maatskappy so 'n beheersende belang besit, of aan die genomineerde of agent van so 'n maatskappy, kragtens hierdie Wet toestaan of magtig nie: Met dien verstande dat geen bepaling van hierdie paragraaf so uitgelê word dat dit 'n lisensieraad verbied om die oordrag van 'n lisensie aan 'n persoon wat op die vierde dag van Mei 1956 die verhuurder was van die persele ten opsigte waarvan die lisensie gehou word, of aan die agent of genomineerde van bedoelde persoon, of die oordrag van 'n lisensie van een agent of genomineerde van 'n persoon aan 'n ander agent of genomineerde van dieselfde persoon, te magtig nie.

- (b) is elke lisensie wat in stryd met die bepalings van paragraaf (a) deur 'n lisensieraad toegestaan of oorgedra word, nietig; en
- (c) is elke lisensie wat tussen die vierde dag van Mei 1956 en die inwerkingtreding van hierdie artikel deur 'n lisensieraad toegestaan of oorgedra is maar wat, indien dit na genoemde inwerkingtreding toegestaan of oorgedra was, in stryd met die bepalings van paragraaf (a) sou gewees het, nietig tensy die aanvraag op grond waarvan dit toegestaan is die betrokke magistraat voor die vierde dag van Mei 1956 bereik het."

Wysiging van artikel 116 van Wet 30 van 1928, soos gewysig deur artikel 27 van Wet 41 aan 1934.

36. Artikel *honderden-sestien* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (a) die woord „magistraat” deur die woorde „voorsitter van die raad” te vervang; en
- (b) deur in paragraaf (b) die woorde „of van die magistraat en twee lede van die raad” te skrap.

Wysiging van artikel 121 van Wet 30 van 1928.

37. Artikel *honderd een-en-twintig* van die Hoofwet word hierby gewysig—

- (a) deur in die voorbehoudsbepaling by sub-artikel (1) die woorde „op 'n jaarlikse vergadering die lisensieraad of te eniger tyd die voorsitter en twee lede van die raad” deur die woorde „die lisensieraad, hetsy by 'n jaarlikse vergadering of te enige ander tyd” te vervang; en
- (b) deur in genoemde sub-artikel die woorde „of die voorsitter en twee lede, na die geval mog wees” en die woorde „of hulle” te skrap.

Wysiging van artikel 125 van Wet 30 van 1928.

38. Artikel *honderd vyf-en-twintig* van die die Hoofwet word hierby gewysig deur in sub-artikel (2) die woord „naturellebesitter” deur die woorde „kleurling- of naturellebesitter” te vervang.

Wysiging van artikel 136 van Wet 30 van 1928, soos gewysig deur artikel 10 van 35 Wet van 1956.

39. Artikel *honderd ses-en-dertig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „senior beampte onder wie se poliesietoetsing die distrik staan” deur die woorde „poliesie-offisier wat deur die Kommissaris van die Suid-Afrikaanse Polisie aangewys is om vir die magsgebied van bedoelde raad verslag te doen” te vervang en na die woord „magistraat” die woorde „van die betrokke distrik” in te voeg;
- (b) deur die volgende paragraaf by die bedoelde sub-artikel te voeg:
 - „(g) die aanvrager na sy oordeel ingevolge artikel *honderden-veertien bis* gedurende die tydperk van twaalf maande eindigende op die dertigste dag van Junie wat die datum waarop die aan-

defined in section *one hundred and fourteen bis* or to any brewer or to the agent or nominee of such a producer or manufacturer or any brewer or to any person who has a financial interest in the business or undertaking of such a producer or manufacturer or a brewer or to the agent or nominee of such a person or to any company in which the shareholders having a financial interest in the business of such a producer or manufacturer or a brewer together hold a controlling interest (as defined in section *one hundred and fourteen bis*) or to the nominee or agent of such a company or to any company in which such firstmentioned company holds such a controlling interest or to the nominee or agent of such a company: Provided that nothing contained in this paragraph shall be construed as prohibiting a licensing board from authorizing the transfer of any licence to a person who was on the fourth day of May, 1956, the lessor of the premises in respect of which the licence is held, or to the agent or nominee of such a person, or the transfer of any licence from one agent or nominee of any person to another agent or nominee of the same person.

- (b) every licence granted or transferred by a licensing board contrary to the provisions of paragraph (a) shall be void; and
- (c) every licence granted or transferred by a licensing board between the fourth day of May, 1956, and the commencement of this section which, if it were granted or transferred after the said commencement would have been contrary to the provisions of paragraph (a), shall be void, unless the application on which it was granted or transferred reached the magistrate concerned before the fourth day of May, 1956."

36. Section *one hundred and sixteen* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) for the word "magistrate" of the words "chairman of the board"; and
- (b) by the deletion in paragraph (b) of the words "or of the magistrate and two members of the board".

Amendment of section 116 of Act 30 of 1928, as amended by section 27 of Act 41 of 1934.

37. Section *one hundred and twenty-one* of the principal Act is hereby amended—

- (a) by the substitution in the proviso to sub-section (1) for the words "at an annual meeting, or of the chairman and any two members of the board at any time" of the words "whether at an annual meeting or at any other time"; and
- (b) by the deletion in the said sub-section of the words "or the chairman and two members, as the case may be," and of the words "or they".

Amendment of section 121 of Act 30 of 1928.

38. Section *one hundred and twenty-five* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "native occupier" of the words "coloured or native occupier".

Amendment of section 125 of Act 30 of 1928.

39. Section *one hundred and thirty-six* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "senior officer in police charge of the district" of the words "commissioned officer of police designated by the Commissioner of the South African Police to report for the area of jurisdiction of such board" and by the insertion after the word "magistrate" of the words "of the district concerned";
- (b) by the addition to the said sub-section of the following paragraph:
 - "(g) in his opinion, giving his reasons therefor, the applicant has or has not satisfied the reasonable requirements of the public in terms of section *one hundred and fourteen bis* during the period

Amendment of section 136 of Act 30 of 1928 as amended by section 10 of Act 35 of 1956.

vraag om 'n vernuwing van 'n lisensie bedoel in sub-artikel (1) van genoemde artikel gedoen word, onmiddellik voorafgaan, aan die redelike vereistes van die publiek voldoen het, al dan nie, met aangifte van sy redes daarvoor.”; en

- (c) deur in sub-artikel (2) die woorde „senior beampte onder wie se poliesietoedig die distrik staan” deur die woorde „polisie-offisier wat ingevolge sub-artikel (1) vir die betrokke gebied aangewys is,” te vervang, en deur na die woord „magistraat” die woorde „van die betrokke distrik ter inligting van die raad” in te voeg.

Wysiging van
artikel 137
van Wet 30 van
1928.

40. Artikel *honderd sewe-en-dertig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „senior beampte onder wie se poliesietoedig 'n distrik staan” deur die woorde „ingevolge artikel *honderd ses-en-dertig* aangewese polisie-offisier” te vervang en na die woord „magistraat” die woorde „van die betrokke distrik ter inligting van die raad” in te voeg; en
- (b) deur in sub-artikel (2) die woord „magistraat” deur die woorde „voorsitter van die raad” te vervang.

Wysiging van
artikel 138 van
Wet 30 van 1928
soos gewysig deur
artikel 29 van
Wet 41 van 1934.

41. Artikel *honderd agt-en-dertig* van die Hoofwet word hierby gewysig—

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

„(1) Wanneer 'n lisensiehouer veroordeel is weens enige misdryf, hetsy ingevolge hierdie Wet of enige ander wet of die gemene reg, en die ingevolge artikel *honderd ses-en-dertig* aangewese polisie-offisier van mening is—

- (a) dat weens daardie misdryf die lisensiehouer of, indien die lisensie aan die lisensiehouer in sy hoedanigheid as 'n werknemer of genomineerde van 'n maatskappy, vereniging, vennootskap of ander assosiasie van persone uitgereik is, 'n werknemer of genomineerde van bedoelde maatskappy, vereniging, vennootskap of ander assosiasie van persone, nie die betrokke lisensie in die publieke belang behoort te hou of te behou nie; en

- (b) dat 'n uitstel tot die volgende jaarlikse vergadering van die lisensieraad van die vraag of die lisensiehouer of, indien die lisensie uitgereik is aan die lisensiehouer in sy hoedanigheid as 'n werknemer of genomineerde van 'n maatskappy, vereniging, vennootskap of ander assosiasie van persone, enige ander werknemer of genomineerde van bedoelde maatskappy, vereniging, vennootskap of ander assosiasie van persone aan wie die lisensie sedert die pleging van die misdryf ingevolge artikel *sewe-en-sestig* oorgedra is, die betrokke lisensie behoort te behou, 'n te grote vertraging sou veroorsaak,

dan moet hy die omstandighede van die misdryf en veroordeling aan die magistraat van die betrokke distrik ter inligting van die raad meedeel en versoek dat 'n tussentydse vergadering van die raad belê word om die intrekking van die betrokke lisensie te oorweeg.”; en

- (b) deur in sub-artikel (2) die woorde „As die magistraat wat so 'n ondersoek ontvang dit voegsaam ag om daaraan te voldoen, moet hy” deur die woorde „Die voorsitter van 'n raad wat so 'n versoek ontvang, moet” te vervang, en deur die woord „hy” waar dit die tweede maal voorkom, te skrap.

Wysiging van
artikel 166
van Wet 30 van
1928 soos gewysig
deur artikel 33
van Wet 41 van
1934.

42. Artikel *honderd ses-en-sestig* van die Hoofwet word hierby gewysig deur die volgende paragraaf daarby te voeg:

- „(v) in die geval van 'n produsent of vervaardiger soos in artikel *honderd-en-veertien bis* omskryf of 'n bierbrouer of 'n persoon wat 'n beheersende belang (soos in artikel *honderd-en-veertien bis* omskryf) besit en 'n maatskappy wat so 'n produsent of vervaardiger of 'n bierbrouer is, regstreeks of onregstreeks, na die inwerktrading van hierdie paragraaf, behalwe ooreenkomstig die voorbehoudsbepaling by paragraaf (a) van artikel *honderd-en-veertien ter*, 'n geldelike belang verkry in 'n besigheid ten opsigte waarvan 'n dranklisensie ingevolge hierdie Wet uitgereik is, behalwe 'n besigheid ten opsigte waarvan 'n groothandelaars-

of twelve months ending on the thirtieth day of June immediately preceding the date on which application for a renewal of a licence referred to in sub-section (1) of the said section is made"; and

- (c) by the substitution in sub-section (2) for the words "senior officer in police charge of the district" of the words "commissioned officer of police designated in terms of sub-section (1) for the area concerned" and by the insertion after the word "magistrate" of the words "of the district concerned for the information of the board".

40. Section *one hundred and thirty-seven* of the principal Act is hereby amended—

Amendment of section 137 of Act 30 of 1928.

- (a) by the substitution in sub-section (1) for the words "senior officer in police charge of the district" of the words "commissioned officer of police designated in terms of section *one hundred and thirty-six*" and by the insertion after the word "magistrate" of the words "of the district concerned for the information of the board"; and
- (b) by the substitution in sub-section (2) for the word "magistrate" of the words "chairman of the board".

41. Section *one hundred and thirty-eight* of the principal Act is hereby amended—

Amendment of section 138 of Act 30 of 1928 as amended by section 29 of Act 41 of 1934

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

"(1) Whenever a licensee has been convicted of any offence, whether under this Act or any other law or the common law, and the commissioned officer of police designated in terms of section *one hundred and thirty-six* considers—

- (a) that by reason of such offence such licensee or, if the licence was issued to such licensee in his capacity as an employee or nominee of any company, society, partnership or other association of persons, an employee or nominee of such company, society, partnership or other association of persons, should not in the public interest hold or continue to hold the licence in question; and

- (b) that undue delay would be occasioned by postponing until the next annual meeting of the licensing board the question of the retention of the licence in question by such licensee or, if the licence was issued to such licensee in his capacity as an employee or nominee of any company, society, partnership or other association of persons, by any other employee or nominee of such company, society, partnership or association of persons to whom the licence was since the commission of the offence transferred in terms of section *sixty-seven*,

he shall report the circumstances of the offence and conviction to the magistrate of the district concerned for the information of the board and request that an interim meeting of the licensing board be convened for the purpose of considering the cancellation of the licence in question."; and

- (b) by the substitution in sub-section (2) for the words "If a magistrate receiving any such request deems it proper that it should be complied with, he" of the words "The chairman of a board receiving such a request".

42. Section *one hundred and sixty-six* of the principal Act is hereby amended by the addition thereto of the following paragraph:

Amendment of section 166 of Act 30 of 1928 as amended by section 33 of Act 41 of 1934.

- "(v) being a producer or manufacturer as defined in section *one hundred and fourteen bis* or a brewer, or a person who has a controlling interest (as defined in section *one hundred and fourteen bis*) in a company who is such a producer or manufacturer or a brewer, directly or indirectly acquires, except in accordance with the proviso to paragraph (a) of section *one hundred and fourteen ter*, after the commencement of this paragraph, any financial interest in a business in respect of which a liquor licence has been issued under this Act, other than a business in respect of which a wholesale liquor licence or a brewer's licence has been so issued to

dranklisensie of 'n bierbrouerslisensie aldus aan hom of 'n hotel-dranklisensie aldus aan hom of iemand anders uitgereik is, of so 'n geldelike belang wat hy voor bedoelde inwerkingtreding maar na die vierde dag van Mei 1956 verkry het vir 'n langer tydperk as dertig dae na bedoelde inwerkingtreding besit."

Wysiging van artikel 168 van Wet 30 van 1928 soos gewysig deur artikel 34 van Wet 41 van 1934 en artikel 12 van Wet 35 van 1956.

43. Artikel *honderd agt-en-sestig* van die Hoofwet word hierby gewysig deur in paragraaf (c) van sub-artikel (1) die uitdrukking „of (i)” deur die uitdrukking „, (i) of (v)” te vervang.

Wysiging van artikel 173 van Wet 30 van 1928.

44. Artikel *honderd drie-en-sewentig* van die Hoofwet word hierby gewysig—

- (a) deur die woord „Goewerneur-generaal” deur die woord „Minister” te vervang; en
- (b) deur paragraaf (b) deur die volgende paragraaf te vervang:
„(b) die wyse waarop aanvrage en besonderhede in verband daarmee bekend gemaak moet word;”.

Wysiging van artikel 175 van Wet 30 van 1928 soos gewysig deur artikel 36 van Wet 41 van 1934, artikel 2 van Wet 14 van 1951 en artikel 7 van Wet 5 van 1952.

45. Artikel *honderd vyf-en-sewentig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) na die woordskrywing van „Asiaat” die volgende woordskrywing in te voeg:
„,brandewyn’ beteken by die toepassing van artikel *honderd-en-veertien bis* 'n drank wat aan die vereistes wat voorgeskryf is in die ,Wijn, Spiritualiën en Azijn Wet, 1913’ (Wet No. 15 van 1913) voldoen om as brandewyn verkoop te word;”;
- (b) deur in genoemde sub-artikel die woordskrywing van „koopverpligting” deur die volgende woordskrywing te vervang:
„,koopverpligting’ beteken 'n ooreenkoms, verstandhouding of voorwaarde waarvolgens iemand direk of indirek verbind is om te eniger tyd—
 - (a) sterke drank van watter soort ookal, hetsy al dan nie saam met enige ander artikel, van of deur bemiddeling van 'n persoon, hetsy met uitsluiting geheel of gedeeltelik van enige ander persoon al dan nie, te koop;
 - (b) sterke drank van watter soort ookal wat deur 'n vermelde produsent, vervaardiger of bierbrouer geproduseer, vervaardig of gebrou is, te koop of in voorraad te hou;
 - (c) nie sterke drank van watter soort ookal van of deur bemiddeling van 'n vermelde persoon te koop nie; of
 - (d) nie sterke drank van watter soort ookal wat deur 'n vermelde produsent, vervaardiger of bierbrouer geproduseer, vervaardig of gebrou is, te koop of in voorraad te hou nie.”;

en

- (c) deur in die genoemde sub-artikel na die woordskrywing van „stedelike plaaslike bestuur” die volgende woordskrywing in te voeg:

„,wyn’ beteken by die toepassing van artikel *honderden-veertien bis* 'n drank wat aan die vereistes wat voorgeskryf is in die ,Wijn, Spiritualiën en Azijn Wet, 1913’ (Wet No. 15 van 1913) voldoen om as wyn verkoop te word;”.

Hangende verrigtings.

46. Die wysigings deur hierdie Wet aangebring, raak nie enige verrigtings van watter aard ook al wat by die inwerkingtreding daarvan ingevolge 'n bepaling van die Hoofwet begin is nie en sulke verrigtings word in elke opsig voortgesit en afgehandel asof hierdie Wet nie aangeneem was nie.

Bestaande rade word ontbind.

47. Behoudens die bepalings van artikel *ses-en-veertig*, word elke lisensieraad wat kragtens die bepalings van die Hoofwet bestaan, hierby met ingang van die datum waarop artikel *twee* van hierdie Wet in werking tree, ontbind.

Kort titel en inwerkingtreding.

48. Hierdie Wet heet die Verdere Wysigingswet op Drank, 1956, en tree in werking op 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasgestel te word: Met dien verstande dat verskillende datums ten opsigte van die verskillende bepalings van hierdie Wet aldus vasgestel kan word.

himself or an hotel liquor licence has been so issued to himself or to any other person, or continues for a period exceeding thirty days after such commencement to own any such financial interest acquired by him prior to such commencement but after the fourth day of May, 1956.”.

43. Section *one hundred and sixty-eight* of the principal Act is hereby amended by the substitution in paragraph (c) of sub-section (1) for the expression “or (t)” of the expression “, (t) or (v)”.

Amendment of section 168 of Act 30 of 1928 as amended by section 34 of Act 41 of 1934 and section 12 of Act 35 of 1956.

44. Section *one hundred and seventy-three* of the principal Act is hereby amended—

Amendment of section 173 of Act 30 of 1928.

(a) by the substitution for the word “Governor-General” of the word “Minister”; and

(b) by the substitution for paragraph (b) of the following:

“(b) the manner in which applications and particulars thereof shall be notified”.

45. Section *one hundred and seventy-five* of the principal Act is hereby amended—

Amendment of section 175 of Act 30 of 1928 as amended by section 36 of Act 41 of 1934, section 2 of Act 14 of 1951 and section 7 of Act 5 of 1952.

(a) by the insertion in sub-section (1) after the definition of “Asiatic” of the following definition:

“‘brandy’ means for the purposes of section *one hundred and fourteen bis*, a liquor which complies with the requirements prescribed in the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913), to be sold as brandy”;

(b) by the substitution in the said sub-section for the definition of “tie” of the following definition:

“‘tie’ means any agreement, understanding or condition whereby any person is directly or indirectly bound at any time—

(a) to purchase intoxicating liquor of any kind, whether or not in conjunction with any other article, from or through any person, whether to the exclusion in whole or in part of any other person or not;

(b) to purchase or keep in stock intoxicating liquor of any kind produced, manufactured or brewed by any specified producer, manufacturer or brewer;

(c) not to purchase intoxicating liquor of any kind from or through any specified person; or

(d) not to purchase or keep in stock any intoxicating liquor of any kind produced, manufactured or brewed by any specified producer, manufacturer or brewer.”;

and

(c) by the insertion in the said sub-section after the definition of “urban local authority” of the following definition:

“‘wine’ means for the purposes of section *one hundred and fourteen bis* a liquor which complies with the requirements prescribed in the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913), to be sold as wine”.

46. The amendments effected by this Act shall not affect any proceedings of whatever nature commenced at the commencement thereof under any provision of the principal Act, and such proceedings shall be proceeded with and disposed of in every respect as if this Act had not been passed.

Pending proceedings.

47. Subject to the provisions of section *forty-six*, every licensing board existing under the provisions of the principal Act, is hereby dissolved with effect from the date of commencement of section *two*.

Existing boards are dissolved.

48. This Act may be cited as the Liquor Further Amendment Act, 1956, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*: Provided that different dates may be so fixed in respect of the different provisions of this Act.

Short title and commencement.

No. 64, 1956.]

WET

Om die toestaan van interdikte of ander verdragende hofbevele waarvan die uitwerking is dat die verwydering of uitsetting van naturelle in sekere gevalle opgeskort word, te verbied en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 15 Junie 1956.)

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

Woordbepaling.

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

- (i) „bevel” ’n bevel, lasbrief, voorskrif, kennisgewing, opdrag of magtiging wat kragtens ’n wet uitgereik is of heet uitgereik te wees, en ook ’n hofbevel; (ii)
- (ii) „naturel” ’n naturel soos omskryf in die wet waar kragtens die betrokke bevel uitgereik is, of waar nie aldus omskryf nie of waar die bevel kragtens die gemene reg uitgereik is, iemand wat ’n lid van ’n inboorlingras of -stam van Afrika is. (i)

Die tenuitvoerlegging van sekere bevele word nie opgeskort nie.

2. Wanneer ’n bevel gelas of te eniger tyd voor die inwerking-treding van hierdie Wet gelas het, dat ’n naturel—

- (a) ’n plek of gebied ontruim of verlaat, hom daaraan onttrek, daaruit uitgesit of verwyder word, nie daaraan terugkeer nie, nie daarin aanwesig mag wees nie of dit nie binnegaan nie; of
- (b) uit ’n plek of gebied na ’n ander plek of gebied verwyder word; of
- (c) met die oog op sy verwydering of uitsetting uit ’n plek of gebied, in hegtenis geneem of aangehou word, mag geen interdik of ander geregtelike prosesstukke uitgevaardig word vir die opskorting van die tenuitvoerlegging van die bevel of die verwydering van die eiendom van die naturel ooreenkomstig die bevel nie, en die uitwerking van ’n appèl teen, of hersieningsverrigtinge ten opsigte van, die bevel of ’n skuldigbevinding of bevinding waarop die bevel berus, is nie dat die tenuitvoerlegging van die bevel of bedoelde verwydering ooreenkomstig die bevel opgeskort word nie.

Opskorting van die tenuitvoerlegging van sekere bevele besit geen regskrag nie of verval.

3. Die opskorting van die tenuitvoerlegging van ’n bevel waarop hierdie Wet van toepassing is (hetsy deur ’n hofbevel of van regsweë), voor die datum van toepassing van hierdie Wet op bedoelde bevel, hou op om regskrag te besit of verval, na gelang van die geval, vanaf dié datum.

Vergoeding.

4. ’n Hof wat ’n bevel waarop hierdie Wet van toepassing is, ongeldig verklaar, kan op aansoek van ’n naturel deur die bevel geraak, die betaling van vergoeding aan hom gelas vir die werklike verlies deur hom as gevolg van nakoming of die tenuitvoerlegging van die bevel gely.

Toepassing van Wet.

5. (1) Hierdie Wet is van toepassing slegs ten opsigte van die bevele of klasse van bevele en met ingang van die datum wat van tyd tot tyd deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* uiteengesit word.

(2) Die Goewerneur-generaal kan te eniger tyd op soortgelyke wyse ’n proklamasie ingevolge sub-artikel (1) uitgereik, verander of intrek.

Kort titel.

6. Hierdie Wet heet die Wet op Naturelle (Verbod op Interdikte), 1956.

No. 64, 1956.]

ACT

To prohibit the granting of interdicts or other dilatory orders of court having the effect of staying or suspending the removal or ejectment of natives in certain cases, and to provide for other incidental matters.

(English text signed by the Governor-General.)
(Assented to 15th June, 1956.)

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.
 - (i) "native" means a native as defined in the law under which the order in question has been made, or where not so defined or where the order has been made under the common law, any person who is a member of an aboriginal race or tribe of Africa; (ii)
 - (ii) "order" means any order, warrant, direction, notice, instruction or authority issued or purporting to have been issued under any law, and includes any order of court. (i)
2. Whenever any native is or has at any time prior to the commencement of this Act been required by any order— The execution of certain orders shall not be stayed or suspended.
 - (a) to vacate, to depart or withdraw from, to be ejected or removed from, not to return to, not to be in or not to enter, any place or area; or
 - (b) to be removed from any place or area to any other place or area; or
 - (c) to be arrested or detained for the purpose of his removal or ejectment from any place or area,

no interdict or other legal process shall issue for the stay or suspension of the execution of such order or the removal of the property of such native in pursuance of such order, and no appeal against, or review proceedings in respect of, such order or any conviction or finding upon which such order is based, shall have the effect of staying or suspending the execution of such order or such removal in pursuance thereof.
3. The stay or suspension (whether by order of court or by operation of law) of the execution of any order to which this Act applies, before the date of application of this Act to such order, shall be of no force and effect or shall lapse, as the case may be, as from such date. Stay or suspension of the execution of certain orders to be of no force and effect or to lapse.
4. Any court which declares invalid any order to which this Act applies, may, on the application of any native affected by such order, order the payment of compensation to him for the actual loss sustained by him as a result of compliance with or the execution of such order. Compensation.
5. (1) This Act shall apply only in respect of such orders or classes of orders and with effect from such date as may from time to time be specified by the Governor-General by proclamation in the *Gazette*. Application of Act.
(2) The Governor-General may at any time in like manner alter or withdraw any proclamation issued under sub-section (1).
6. This Act shall be called the Natives (Prohibition of Interdicts) Act, 1956. Short title.

No. 67, 1956.]

WET

Om voorsiening te maak vir sekere pensioene, toelaes, gratifikasies en ander voordele.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 15 Junie 1956.)

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

Toekenning van
seker voordele.

1. Ondanks andersluidende wetsbepalings, is elke persoon wat in 'n item van die Bylae by hierdie Wet as 'n bevoordeelde aangewys word, op die in daardie item vermelde voordeel geregtig.

Kort titel.

2. Hierdie Wet heet die Wet tot Aanvulling van Pensioene, 1956.

Bylae.

1. Dat die diens van William Thom, voorheen senior opperbewaarder, Departement van Gevangenis, vanaf 1 April 1937 tot 31 Maart, 1955 geag word voordeelgewende diens te wees vir die doeleindes van Hoofstuk II van die Regeringsdiens-pensioenwet, 1955.

2. Dat die diens van Pieter Gideon van der Merwe, voorheen bestuurder, Departement van Gevangenis, vanaf 23 Julie 1924 tot 6 November 1940 geag word voordeelgewende diens te wees vir die doeleindes van Hoofstuk II van die Regeringsdiens-pensioenwet, 1955.

3. Dat die diens van Johannes Cornelius Steyn, bestuurder, Departement van Gevangenis, vanaf 5 Desember 1953 tot 31 Maart 1955 geag word voordeelgewende diens te wees vir die doeleindes van Hoofstuk II van die Regeringsdiens-pensioenwet, 1955.

4. Dat die diens van Cornelius Lamprecht, opperbewaarder, Departement van Gevangenis, vanaf 14 Junie 1951 tot 31 Maart 1955 geag word voordeelgewende diens te wees vir die doeleindes van Hoofstuk II van die Regeringsdiens-pensioenwet, 1955.

5. Daar word beskou dat Percy Cecil Watton, voorheen 'n stoomlokomotiefdrywer in die diens van die Spoorwegadministrasie, op 13 Mei 1955 wettig uit die diens van genoemde Administrasie afgedank is, en die betaling aan genoemde gewese dienaar van uitdienstredingsvoordele uit die Nuwe Spoorweg- en Hawesuperannuasiefonds op die grondslag van die werklike tydperk van sy bydraende diens word hierby gemagtig en bekragtig.

6. Die toekenning aan Margaretha van den Heever, weduwee van F. P. van den Heever, appèlregter van die appèlafdeling van die Hooggeregshof van Suid-Afrika, met ingang van 1 April 1956, van 'n pensioen van £300 per jaar, betaalbaar gedurende weduweeskap.

7. Die toekenning aan N. G. Wessels, voorheen majoor, Suid-Afrikaanse Staande Mag, met ingang van 1 Maart 1954 van 'n pensioen van £223 9s. 0d. per jaar, onderworpe aan terugvordering van 'n bedrag gelyk aan die voordeel (£768 11s. 3d.) reeds aan hom betaal kragtens die Regeringsdiens Pensioenwet, 1936.

8. Die toekenning aan Johanna C. Ross, weduwee van G. Ross, voorheen No. 2489, ruiter, 2de Suid-Afrikaanse Ruiters, met ingang van 1 April 1955, van die vergoeding waarop sy kragtens die bepaling van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien sy binne tien jaar na die beëindiging van sy militêre diens met bedoelde G. Ross getrou het.

9. Die toekenning aan Florence A. Jones, met ingang van 1 April 1955, van die pensioen waarop sy kragtens die bepaling van die Ouderdomspensioenwet, 1928, geregtig sou gewees het indien haar geval aan die vereistes van paragraaf (d) van artikel een van daardie Wet voldoen het.

10. Die toekenning aan Irene P. Kolbe, met ingang van 1 April 1956, van die pensioen waarop sy kragtens die bepaling van die Ouderdomspensioenwet, 1928, geregtig sou bewees het indien haar geval aan die vereistes van paragraaf (d) van artikel een van daardie Wet voldoen het.

11. Die toekenning aan J. N. Papenfus, met ingang van 1 April 1956, van die oudstryderspensioen waarop hy kragtens die bepaling van Deel II van die Oorlogspensioenwet, 1941, geregtig sou gewees het indien sy geval aan die vereistes van paragraaf (c) van sub-artikel (1) van artikel dertig van daardie Wet voldoen het.

12. Die toekenning aan J. J. Perry, met ingang van 1 April 1956, van die oudstryderspensioen waarop hy kragtens die bepaling van Deel II van die Oorlogspensioenwet, 1941, geregtig sou gewees het indien sy geval aan die vereistes van paragraaf (c) van sub-artikel (1) van artikel dertig van daardie Wet voldoen het.

No. 67, 1956.]

ACT

To provide for certain pensions, grants, gratuities and other benefits.

(Afrikaans text signed by the Governor-General.)
(Assented to 15th June, 1956.)

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. Notwithstanding anything to the contrary in any law, every person indicated as a beneficiary in an item of the Schedule to this Act shall be entitled to the benefit specified in that item. Granting of certain benefits.
2. This Act shall be called the Pensions (Supplementary) Act, 1956. Short title.

Schedule.

1. The service of William Thom, formerly senior chief warder, Department of Prisons, from 1st April, 1937, to 31st March, 1955, to be deemed to be qualifying service for purposes of Chapter II of the Government Service Pensions Act, 1955.

2. The service of Pieter Gideon van der Merwe, formerly superintendent, Department of Prisons, from 23rd July, 1924, to 6th November, 1940, to be deemed to be qualifying service for purposes of Chapter II of the Government Service Pensions Act, 1955.

3. The service of Johannes Cornelius Steyn, superintendent, Department of Prisons, from 5th December, 1953, to 31st March, 1955, to be deemed to be qualifying service for purposes of Chapter II of the Government Service Pensions Act, 1955.

4. The service of Cornelius Lamprecht, chief warder, Department of Prisons, from 14th June, 1951, to 31st March, 1955, to be deemed to be qualifying service for purposes of Chapter II of the Government Service Pensions Act, 1955.

5. The retirement from the service of the Railway Administration on 13th May, 1955, of Percy Cecil Watton, formerly employed by the said Administration as a driver of a steam locomotive, shall be deemed to have been lawfully effected, and the payment to the said former servant of retirement benefits from the New Railways and Harbours Superannuation Fund on the basis of his actual period of contributory service is hereby authorized and confirmed.

6. The award to Margaretha van den Heever, widow of F. P. van den Heever, judge of appeal of the appellate division of the Supreme Court of South Africa, with effect from 1st April, 1956, of a pension of £300 per annum, payable during widowhood.

7. The award to N. G. Wessels, formerly major, South African Permanent Force, with effect from 1st March, 1954, of a pension of £223 9s. 0d. per annum, subject to recovery of an amount equal to the benefit (£768 11s. 3d.) already paid to him under the Government Service Pensions Act, 1936.

8. The award to Johanna C. Ross, widow of G. Ross, formerly No. 2489, trooper, 2nd South African Horse, with effect from 1st April, 1955, of the compensation to which she would have been entitled under the provisions of the War Special Pensions Act, 1919, had she married the said G. Ross within ten years of the termination of his military service.

9. The award to Florence A. Jones, with effect from 1st April, 1955, of the pension to which she would have been entitled under the provisions of the Old Age Pensions Act, 1928, had her case conformed to the requirements of paragraph (d) of section one of that Act.

10. The award to Irene P. Kolbe, with effect from 1st April, 1956, of the pension to which she would have been entitled under the provisions of the Old Age Pensions Act, 1928, had her case conformed to the requirements of paragraph (d) of section one of that Act.

11. The award to J. N. Papenfus, with effect from 1st April, 1956, of the veteran's pension to which he would have been entitled under the provisions of Part II of the War Pensions Act, 1941, had his case conformed to the requirements of paragraph (c) of sub-section (1) of section thirty of that Act.

12. The award to J. J. Perry, with effect from 1st April, 1956, of the veteran's pension to which he would have been entitled under the provisions of Part II of the War Pensions Act, 1941, had his case conformed to the requirements of paragraph (c) of sub-section (1) of section thirty of that Act.

13. Die toekenning aan A. N. Smit, met ingang van 1 April 1956, van die oudstryderspensioen waarop hy kragtens die bepalings van Deel II van die Oorlogspensioenwet, 1941, geregtig sou gewees het indien sy geval aan die vereistes van paragraaf (c) van sub-artikel (1) van artikel dertig van daardie Wet voldoen het.

14. Die toekenning aan C. J. Trichardt, met ingang van 1 April 1955, van die oudstryderspensioen waarop hy kragtens die bepalings van Deel II van die Oorlogspensioenwet, 1941, geregtig sou gewees het indien sy geval aan die vereistes van paragraaf (c) van sub-artikel (1) van artikel dertig van daardie Wet voldoen het.

15. Dat die jaargeld van J. Cloete, voorheen kaptein, Suid-Afrikaanse Staande Mag, met ingang van 1 Maart 1954 verhoog word van £186 tot £309 10s. 0d.

16. Dat die pensioen van Marianne E. Bouwer, weduwee van Brigadier-generaal B. D. Bouwer, met ingang van 1 April 1956 van £180 tot £240 per jaar verhoog word, en dat die pensioen verval indien sy weer trou.

17. Dat C. M. Hoffe, voormalige Hoofbestuurder van die Suid-Afrikaanse Spoorweë en Hawens, aan wie kragtens die bepalings van die „Public Service and Pensions Act, 1908” (Wet No. 19 van 1908) (Transvaal) ’n pensioen toegeken is toe hy op 17 Oktober 1945 weens ouderdomsgrens afgetree het en wat ten gevolge van Item 54 van die Bylae tot die Pensioene (Aanvullings) Wet, 1941 (Wet No. 32 van 1941) toegelaat is om een-kwart van sy bruto jaargeld in ’n kontantsom om te sit, die voordele, soos voorgeskryf in die Speciale Spoorweg- en Hawepensioenwet, 1955 (Wet No. 36 van 1955) toegestaan word.

18. Dat J. N. Klopper, voormalige senior-inspekteur, Suid-Afrikaanse Spoorweg- en Hawepolisie, aan wie kragtens die bepalings van die „Public Service and Pensions Act, 1908” (Wet No. 19 van 1908) (Transvaal) ’n pensioen toegeken is toe hy op 25 Julie 1950 weens ouderdomsgrens afgetree het en wat ten gevolge van Item 33 van die Bylae tot die Pensioene (Aanvullings) Wet, 1942 (Wet No. 43 van 1942) toegelaat is om een-kwart van sy bruto jaargeld in ’n kontantsom om te sit, die voordele, soos voorgeskryf in die Speciale Spoorweg- en Hawepensioenwet, 1955 (Wet No. 36 van 1955) toegestaan word.

19. Dat vir die doeleindes van artikel vier van die „Oorlogs Speciale Pensioenen Wet, 1919” die vooroorlogse verdienste van C. M. Haupt, voorheen No. 603, manskap, 4de Suid-Afrikaanse Infanterie, met ingang van 1 April 1955 as £450 per jaar aanvaar word.

20. Die toekenning aan Bessie Herriman, weduwee van R. E. Herriman, voorheen No. 671, sersant, 2de Suid-Afrikaanse Spoorweg-regiment, met ingang van 1 April 1956, van die alternatiewe toelae waarop sy ingevolge artikel agtien van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien die vooroorlogse verdienste van bedoelde R. E. Herriman £312 10s. 0d. per jaar bedra het.

21. Die toekenning aan Alice Paton, weduwee van G. T. Paton, voorheen No. 2165, manskap, 3de Suid-Afrikaanse Infanterie, met ingang van 1 April 1956, van die alternatiewe toelae waarop sy ingevolge artikel agtien van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien die vooroorlogse verdienste van bedoelde G. T. Paton £312 10s. 0d. per jaar bedra het.

22. Die toekenning aan Grace L. Gilson, weduwee van T. P. H. Gilson, hoofkonstabel, Suid-Afrikaanse Polisie, van ’n gratifikasie van £605 11s. 1d.

23. Die toekenning aan Norah F. Stuart, weduwee van W. M. Stuart, sersant, Suid-Afrikaanse Polisie, van ’n gratifikasie van £319 18s. 2d.

24. Die toekenning aan Martha J. Mouton, weduwee van H. S. Mouton, konstabel, Suid-Afrikaanse Polisie, van ’n gratifikasie van £313 6s. 3d.

25. Die toekenning aan Phyllis J. Lessing, weduwee van J. A. Lessing, voorheen bewaarder, Departement van Gevangenis, van ’n gratifikasie van £307 19s. 9d.

26. Die toekenning aan Maria M. Rautenbach, weduwee van P. C. A. Rautenbach, bewaarder, Departement van Gevangenis, van ’n gratifikasie van £291 2s. 9d.

27. Die toekenning aan Cornelia J. V. Opperman, weduwee van J. J. Opperman, pos- en telegraaf-assistent, van ’n gratifikasie van £176 14s. 1d.

28. Die toekenning aan D. E. Goldschmidt, voorheen klerklike sessie-assistent, Volksraad, van ’n verdere gratifikasie van £50.

29. Die toekenning aan J. P. Jordaan, voorheen onderwyser, Kaapse Onderwysdepartement, van die voordeel waarop hy kragtens sub-artikel (1) van artikel vyftien van die Wysigingsordonnansie op Onderwys, 1931 (Kaapse Ordonnansie No. 9 van 1931), geregtig sou gewees het indien sy aansoek daarom binne die tydperk wat deur daardie sub-artikel voorgeskryf word, gedoen was.

30. Die toekenning aan M. S. Greyling, voorheen burger, Winburg-kommando, Anglo-Boere-oorlog, met ingang van 1 April 1956, van die vergoeding waarop hy kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien aansoek daarom voor 1 April 1927 gedoen was.

31. Die toekenning aan A. J. Slabbert, voorheen burger, Potchefstroom-kommando, Anglo-Boere-oorlog, met ingang van 1 April 1956, van die vergoeding waarop hy kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien aansoek daarom voor 1 April 1927 gedoen was.

32. Die toekenning aan R. J. Armstrong, voorheen No. 6628, korporaal, Suid-Afrikaanse Dienskorps, met ingang van 1 April 1955, van die vergoeding waarop hy kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien aansoek daarom voor 1 April 1932 gedoen was.

33. Die toekenning aan E. J. Burgess, voorheen majoor, 1ste Suid-Afrikaanse Infanterie, met ingang van 1 April 1955, van die vergoeding waarop hy kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het ten opsigte van ’n besering aan sy ruggraat, indien aansoek daarom voor 1 April 1932 gedoen was.

13. The award to A. N. Smit, with effect from 1st April, 1956, of the veteran's pension to which he would have been entitled under the provisions of Part II of the War Pensions Act, 1941, had his case conformed to the requirements of paragraph (c) of sub-section (1) of section *thirty* of that Act.

14. The award to C. J. Trichardt, with effect from 1st April, 1955, of the veteran's pension to which he would have been entitled under the provisions of Part II of the War Pensions Act, 1941, had his case conformed to the requirements of paragraph (c) of sub-section (1) of section *thirty* of that Act.

15. The annuity of J. Cloete, formerly captain, South African Permanent Force, to be increased from £186 to £309 10s. 0d., with effect from 1st March, 1954.

16. The pension of Marianne E. Bouwer, widow of Brigadier-General B. D. Bouwer, to be increased from £180 to £240 per annum, with effect from 1st April, 1956, the pension to terminate upon her remarriage.

17. That C. M. Hoffe, formerly General Manager of the South African Railways and Harbours, who was granted a pension in terms of the Public Service and Pensions Act, 1908 (Act No. 19 of 1908) (Transvaal), when he retired on the grounds of age limit on 17th October, 1945, and who, in consequence of Item 54 of the Schedule to the Pensions (Supplementary) Act, 1941 (Act No. 32 of 1941), was permitted to commute one-quarter of his gross annuity for a cash payment, be accorded the benefits prescribed in the Railways and Harbours Special Pensions Act, 1955 (Act No. 36 of 1955).

18. That J. N. Klopper, formerly Senior Inspector, South African Railways and Harbours Police, who was granted a pension in terms of the Public Service and Pensions Act, 1908 (Act No. 19 of 1908) (Transvaal), when he retired on the grounds of age limit on 25th July, 1950, and who, in consequence of Item 33 of the Schedule to the Pensions (Supplementary) Act, 1942 (Act No. 43 of 1942), was permitted to commute one-quarter of his gross annuity for a cash payment, be accorded the benefits prescribed in the Railways and Harbours Special Pensions Act, 1955 (Act No. 36 of 1955).

19. For the purposes of section *four* of the War Special Pensions Act, 1919, the pre-war earnings of C. M. Haupt, formerly No. 603, private, 4th South African Infantry, to be accepted at £450 per annum, with effect from 1st April, 1955.

20. The award to Bessie Herriman, widow of R. E. Herriman, formerly No. 671, sergeant, 2nd South African Railway Regiment, with effect from 1st April, 1956, of the alternative allowance to which she would have been entitled in terms of section *eighteen* of the War Special Pensions Act, 1919, had the pre-war earnings of the said R. E. Herriman amounted to £312 10s. 0d. per annum.

21. The award to Alice Paton, widow of G. T. Paton, formerly No. 2165, private, 3rd South African Infantry, with effect from 1st April, 1956, of the alternative allowance to which she would have been entitled in terms of section *eighteen* of the War Special Pensions Act, 1919, had the pre-war earnings of the said G. T. Paton amounted to £312 10s. 0d. per annum.

22. The award to Grace L. Gilson, widow of T. P. H. Gilson, head constable, South African Police, of a gratuity of £605 11s. 1d.

23. The award to Norah F. Stuart, widow of W. M. Stuart, sergeant, South African Police, of a gratuity of £319 18s. 2d.

24. The award to Martha J. Mouton, widow of H. S. Mouton, constable, South African Police, of a gratuity of £313 6s. 3d.

25. The award to Phyllis J. Lessing, widow of J. A. Lessing, formerly warder, Department of Prisons, of a gratuity of £307 19s. 9d.

26. The award to Maria M. Rautenbach, widow of P. C. A. Rautenbach, warder, Department of Prisons, of a gratuity of £291 2s. 9d.

27. The award to Cornelia J. V. Opperman, widow of J. J. Opperman, post and telegraph assistant, of a gratuity of £176 14s. 1d.

28. The award to D. E. Goldschmidt, formerly sessional clerical assistant, House of Assembly, of a further gratuity of £50.

29. The award to J. P. Jordaan, formerly teacher, Cape Education Department, of the benefit to which he would have been entitled in terms of sub-section (1) of section *fifteen* of the Education Amendment Ordinance, 1931 (Cape Ordinance No. 9 of 1931), had his application therefor been made within the period prescribed by that sub-section.

30. The award to M. S. Greyling, formerly burgher, Winburg Commando, Anglo-Boer War, with effect from 1st April, 1956, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1927.

31. The award to A. J. Slabbert, formerly burgher, Potchefstroom Commando, Anglo-Boer War, with effect from 1st April, 1956, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1927.

32. The award to R. J. Armstrong, formerly No. 6628, corporal, South African Service Corps, with effect from 1st April, 1955, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1932.

33. The award to E. J. Burgess, formerly major, 1st South African Infantry, with effect from 1st April, 1955, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of an injury to his spine, had application been made therefor prior to 1st April, 1932.

34. Die toekenning aan E. C. H. Coulson, voorheen No. 321, burger, Potchefstroom-kommando, met ingang van 1 April 1956, van die vergoeding waarop hy kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien aansoek daarom voor 1 April 1932 gedoen was.

35. Die toekenning aan D. Craddock, voorheen No. 13618, manskap, 2de Suid-Afrikaanse Infanterie, met ingang van 1 April 1956, van die vergoeding waarop hy kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het ten opsigte van die gevolge van (1) beenbreuk van skeen, linkerbeen, (2) malarialkoors, (3) witseerkeel, (4) skrapnelwonde, linkerbeen en -knie, en (5) besering aan regterknie, indien aansoek daarom voor 1 April 1932 gedoen was.

36. Die toekenning aan A. J. Deiringer, voorheen No. 1098, sersant, 2de Suid-Afrikaanse Infanterie, met ingang van 1 April 1956, van die vergoeding waarop hy kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het ten opsigte van die gevolge van bevriesing, indien aansoek daarom voor 1 April 1932 gedoen was.

37. Die toekenning aan A. F. Eckley, voorheen No. 9972, manskap, 7de Suid-Afrikaanse Infanterie, met ingang van 1 April 1956, van die vergoeding waarop hy kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien aansoek daarom voor 1 April 1932 gedoen was.

38. Die toekenning aan P. W. Kruger, voorheen No. 507, korporaal, 4de Suid-Afrikaanse Ruitery, met ingang van 1 April 1955, van die vergoeding waarop hy kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien aansoek daarom voor 1 April 1932 gedoen was.

39. Die toekenning aan T. W. Mackenzie, voorheen No. 152, sersant, Suid-Afrikaanse Mediese Korps, met ingang van 1 April 1955, van die vergoeding waarop hy kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien aansoek daarom voor 1 April 1932 gedoen was.

40. Die toekenning aan H. L. Mitchell, voorheen No. 14912, manskap, 3de Suid-Afrikaanse Infanterie, met ingang van 1 April 1955, van die vergoeding waarop hy kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien aansoek daarom voor 1 April 1932 gedoen was.

41. Die toekenning aan W. T. Rabbetts, voorheen No. 188, manskap, Suid-Afrikaanse Pioniersbataljon, met ingang van 1 April 1955, van die vergoeding waarop hy kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het ten opsigte van sinusitis indien aansoek daarom voor 1 April 1932 gedoen was.

42. Die toekenning aan J. C. Richardson, voorheen No. 6025, drywer, Suid-Afrikaanse Dienskorps, met ingang van 1 April 1956, van die vergoeding waarop hy kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien aansoek daarom voor 1 April 1932 gedoen was.

43. Die toekenning aan M. Swartz, voorheen No. 2767, drywer, Kaapse Hulpkompanjie vir Transport, met ingang van 1 April 1955, van die vergoeding waarop hy kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien aansoek daarom voor 1 April 1932 gedoen was.

44. Die toekenning aan J. W. Vinnicombe, voorheen No. 3648, manskap, 2de Suid-Afrikaanse Infanterie, met ingang van 1 April 1955, van die vergoeding waarop hy kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien aansoek daarom voor 1 April 1932 gedoen was.

45. Die toekenning aan R. N. Wyeth, voorheen No. 11199, manskap, 2de Suid-Afrikaanse Infanterie, met ingang van 1 April 1956, van die vergoeding waarop hy kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien aansoek daarom voor 1 April 1932 gedoen was.

46. Die toekenning aan J. Zeelie, voorheen No. 10382, manskap, 12de Suid-Afrikaanse Infanterie, met ingang van 1 April 1956, van die vergoeding waarop hy kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien aansoek daarom voor 1 April 1932 gedoen was.

47. Dat S. J. de Kock, senior mediese beampte, Departement van Arbeid, geag word—

(a) om ooreenkomstig paragraaf (b) van sub-artikel (2) van artikel *twintig* van die Silikosewet, 1946, te verkies het om 'n lid van die Unie-staatsdienspensioenfonds te word; en

(b) om ooreenkomstig paragraaf (c) van bedoelde sub-artikel te verkies het om die begin van sy pensioengewende diens terug te sit tot op die eerste in daardie sub-artikel vermelde dag.

48. Dat M. Gerber, medies^e beampte, Departement van Arbeid, geag word—

(a) om ooreenkomstig paragraaf (b) van sub-artikel (2) van artikel *twintig* van die Silikosewet, 1946, te verkies het om 'n lid van die Unie-staatsdienspensioenfonds te word; en

(b) om ooreenkomstig paragraaf (c) van bedoelde sub-artikel te verkies het om die begin van sy pensioengewende diens terug te sit tot op die eerste in daardie sub-artikel vermelde dag.

49. Die toekenning, op grond van medelye, aan F. C. Finauer, tydelike bode, Volksraad, met ingang van die dag na die dag waarop sy diens in die Volksraad beëindig word, van 'n pensioen van £100 per jaar en dat vir die doeleindes van sub-artikel (1) van artikel *sewe-en-veertig* van die Wysigingswet op die Pensioenwette, 1943, daar beskou word dat hy 'n in daardie sub-artikel bedoelde pensioen ontvang.

50. Dat, onderworpe aan die volgende voorwaardes, Robert Giese, gewese draaier, Suid-Afrikaanse Spoorweë, die keuse gegee word om te verkies om die pensioenvoordele te ontvang waarop hy geregtig sou gewees het kragtens sub-artikel (1) van artikel *sestien* van die „Spoorweden en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925), as hy nie op 19 Januarie 1948 uit die Spoorwegdiens bedank het nie maar in die diens gebly het totdat hy op grond van ouderdomsgrens op 30 Augustus 1950 afgetree het:

34. The award to E. C. H. Coulson, formerly No. 321, trooper, Potchefstroom Commando, with effect from 1st April, 1956, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1932.
35. The award to D. Craddock, formerly No. 13618, private, 2nd South African Infantry, with effect from 1st April, 1956, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of the effects of (1) fractured tibia, left leg, (2) malaria, (3) diphtheria, (4) shrapnel wounds, left leg and knee, and (5) injury to right knee, had application been made therefor prior to 1st April, 1932.
36. The award to A. J. Deiringer, formerly No. 1098, sergeant, 2nd South African Infantry, with effect from 1st April, 1956, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of the effects of frost-bite, had application been made therefor prior to 1st April, 1932.
37. The award to A. F. Eckley, formerly No. 9972, private, 7th South African Infantry, with effect from 1st April, 1956, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1932.
38. The award to P. W. Kruger, formerly No. 507, corporal, 4th South African Horse, with effect from 1st April, 1955, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1932.
39. The award to T. W. Mackenzie, formerly No. 152, sergeant, South African Medical Corps, with effect from 1st April, 1955, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1932.
40. The award to H. L. Mitchell, formerly No. 14912, private, 3rd South African Infantry, with effect from 1st April, 1955, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1932.
41. The award to W. T. Rabbetts, formerly No. 188, private, South African Pioneer Battalion, with effect from 1st April, 1955, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of sinusitis, had application been made therefor prior to 1st April, 1932.
42. The award to J. C. Richardson, formerly No. 6025, driver, South African Service Corps, with effect from 1st April, 1956, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1932.
43. The award to M. Swartz, formerly No. 2767, driver, Cape Auxiliary Horse Transport Company, with effect from 1st April, 1955, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1932.
44. The award to J. W. Vinnicombe, formerly No. 3648, private, 2nd South African Infantry, with effect from 1st April, 1955, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1932.
45. The award to R. N. Wyeth, formerly No. 11199, private, 2nd South African Infantry, with effect from 1st April, 1956, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1932.
46. The award to J. Zeelie, formerly No. 10382, private, 12th South African Infantry, with effect from 1st April, 1956, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1932.
47. S. J. de Kock, senior medical officer, Department of Labour, to be deemed—
- (a) to have elected in terms of paragraph (b) of sub-section (2) of section *twenty* of the Silicosis Act, 1946, to become a member of the Union Public Service Pension Fund; and
 - (b) to have elected in terms of paragraph (c) of the said sub-section to antedate the commencement of his pensionable service to the date first mentioned in that sub-section.
48. M. Gerber, medical officer, Department of Labour, to be deemed—
- (a) to have elected in terms of paragraph (b) of sub-section (2) of section *twenty* of the Silicosis Act, 1946, to become a member of the Union Public Service Pension Fund; and
 - (b) to have elected in terms of paragraph (c) of the said sub-section to antedate the commencement of his pensionable service to the date first mentioned in that sub-section.
49. The award on compassionate grounds to F. C. Finauer, temporary messenger, House of Assembly, with effect from the day following the day on which his employment in the House of Assembly is terminated, of a pension of £100 per annum and that, for the purposes of sub-section (1) of section *forty-seven* of the Pension Laws Amendment Act, 1943, he be regarded as being in receipt of a pension referred to in that sub-section.
50. That R. Giese, ex-turner, South African Railways, shall have the option of electing to receive the pension benefits to which he would have been entitled in terms of sub-section (1) of section *sixteen* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), had he not resigned from the Railway Service on 19th January, 1948, but had remained in the Service and retired on the grounds of age limit on 30th August, 1950, subject to the following conditions:

- (a) dat die tydperk 19 Januarie 1948 tot 29 Augustus 1950 beskou word as 'n onderbreking in sy diens by die Spoorwegadministrasie wat vir pensioendoelindes verskoon sal word asof sy diens ononderbroke was en wat as spesiale verlof sonder besoldiging beskou sal word;
- (b) dat die bedrag van £871 2s. 3d. wat aan hom uit die Nuwe Spoorweg- en Hawesuperannuasiefonds betaal is toe hy op 19 Januarie 1948 uit die Spoorwegdiens bedank het, deur hom aan die bedoelde fonds terugbetaal word tesame met rente daarop teen vier en 'n half-persent per jaar, maandeliks saamgestel vanaf die datum waarop dit aan hom betaal is tot die datum van terugbetaling;
- (c) dat die bedrag van £1,000 wat aan hom uit Spoorweginkomste betaal is toe hy op 19 Januarie 1948 uit die Spoorwegdiens bedank het deur hom aan die Spoorwegadministrasie terugbetaal word;
- (d) dat bydraes tot die Nuwe Spoorweg- en Hawesuperannuasie fonds ten opsigte van die tydperk van die genoemde onderbreking in sy diens uit die Spoorweg- en Hawefonds in ooreenstemming met die skale aangetoon in artikel *agt* van die „Spoorwegen en Havens Superannuasie Fonds Wet, 1925" (Wet No. 24 van 1925), soos gewysig, namens hom betaal word, tesame met rente daarop teen vier en 'n half-persent per jaar driemaandeliks saamgestel vanaf die datums waarop dit verskuldig was tot die datum waarop dit betaal word. Die bydraes aldus betaalbaar sal beskou word asof hy dit self betaal het en sal bereken word op die grondslag van die pensioengewende besoldiging wat hy ontvang het onmiddellik voor die aanvangsdatum van die genoemde onderbreking in sy diens;
- (e) dat die bepalinge van die Spesiale Spoorweg- en Hawepensioenwet, 1955 (Wet No. 36 van 1955), op hom van toepassing sal wees;
- (f) dat die betalings wat hy aan die Nuwe Spoorweg- en Hawesuperannuasiefonds en die Spoorweg- en Hawefonds moet maak, ooreenkomstig sub-paragrafe (b) en (c) hiervan, van die totale bedrag van die agterstallige betalings van pensioenvoordele en tydelike toelae waarop hy geregtig sal wees vanaf 30 Augustus 1950 tot 'n datum wat deur die Administrasie se Hoofrekenmeester bepaal moet word, afgetrek word. As daar, nadat sodanige bedrae aan die genoemde fondse gekrediteer is, nog 'n balans deur hom verskuldig is, moet hy sodanige balans in kontant aan die genoemde fondse betaal;
- (g) dat bedoelde keuse deur hom uitgeoefen word binne 'n tydperk van ses maande vanaf die datum waarop daar deur die Administrasie se Hoofrekenmeester aan hom 'n staat verstrekkend word wat besonderhede aantoon van die bedrag van agterstallige betalings wat aan hom verskuldig sal wees ten opsigte van pensioenvoordele en tydelike toelae vanaf 30 Augustus 1950 tot 'n datum wat deur genoemde Hoofrekenmeester bepaal moet word, tesame met besonderhede van die bedrag deur hom op sodanige datum aan die Nuwe Spoorweg- en Hawesuperannuasiefonds en die Administrasie verskuldig.

51. Dat die diens van J. L. Nobel, voorheen kaptein, Suid-Afrikaanse Staande Mag, vanaf 12 Augustus 1918 tot 15 September 1922 vir pensioendoelindes erken word, op voorwaarde dat hy ten opsigte van bedoelde diens bydraes tot die Suid-Afrikaanse Staandemag-pensioenfonds betaal teen die skaal in sub-artikel (1) van artikel *drie-en-dertig* van die Regeringsdiens-pensioenwet, 1955, voorgeskryf.

52. Dat, behoudens die voorwaardes wat die Kommissaris van Pensioene mag bepaal, W. G. McConkey, Direkteur van Onderwys, Natal Onderwysdepartement, toegelaat word om tot die Unie-pensioenfonds by te dra teen die skaal in artikel *vyf-en-twintig* van die Regeringsdiens-pensioenwet, 1955 voorgeskryf, ten opsigte van die tydperk 2 Februarie 1925 tot 25 Januarie 1926.

53. J. G. Meiring, Superintendent-generaal van Onderwys, Kaapse Provinsiale Administrasie, kan binne dertig dae vanaf die datum waarop hy deur die Kommissaris van Pensioene aangesê word om dit te doen, skriftelik kies om op die voorwaardes wat bedoelde Kommissaris mag bepaal, sy vorige pensioengewende diens vanaf 1 Januarie 1921 tot 12 Maart 1922, vanaf 1 Januarie 1925 tot 31 Maart 1925 en vanaf 1 Januarie 1926 tot 31 Desember 1935 as pensioengewende diens ingevolge die Regeringsdiens-pensioenwet, 1955, te reken, en indien hy kies om bedoelde vorige pensioengewende diens aldus te reken dan—

- (a) betaal hy aan die Unie-pensioenfonds wat deur artikel *twee* van bedoelde Wet gestig is, 'n bedrag gelyk aan dubbel die bydraes wat hy gedurende die tydperke van bedoelde vorige pensioengewende diens in daardie fonds sou moes gestort het as hy gedurende daardie tydperke 'n lid van bedoelde fonds was en ooreenkomstig die skaal van bydraes uiteengesit in artikel *vyf-en-twintig* van bedoelde Wet bygedra het, tesame met rente op bedoelde bydraes teen die koers van vyf persent per jaar, jaarliks op 31 Maart saamgestel en bereken volgens die datums waarop bedoelde bydraes betaalbaar sou geword het;
- (b) betaal hy aan bedoelde fonds rente op die totale bedrag van die bydraes en rente betaalbaar ingevolge paragraaf (a), teen die koers van vier persent per jaar, jaarliks op 31 Maart saamgestel, vanaf 1 Januarie 1936 tot die datum waarop bedoelde totale bedrag betaal word;
- (c) word die onderbrekings van sy pensioengewende diens vanaf 13 Maart 1922 tot 31 Desember 1924 en vanaf 1 April 1925 tot 31 Desember 1925 vir pensioendoelindes verskoon en beskou as spesiale afwesighedsverlof sonder betaling wat nie as diens geld nie en word sy pensioengewende diens onmiddellik voor 1 Januarie 1936 geag onafgebroke te wees met sy latere pensioengewende diens;

Met dien verstande dat daar deur die Kaapse Provinsiale Administrasie in bedoelde Unie-pensioenfonds, in gedeeltelike vereffening van sy aanspreeklikheid kragtens paragrafe (a) en (b), 'n bedrag gestort word gelyk aan die totaal van die bedrag en rente wat ingevolge sub-artikel

- (a) the period 19th January, 1948, to 29th August, 1950, be regarded as a break in his service with the Railway Administration which shall be condoned for pension purposes as if his service had been continuous and which shall be regarded as special leave of absence without pay;
- (b) the amount of £871 2s. 3d. paid to him from the New Railways and Harbours Superannuation Fund when he resigned from the Railway Service on 19th January, 1948, shall be repaid to that fund together with interest thereon at the rate of four-and-one-half per cent. per annum, compounded monthly, from the date of payment to the date of repayment.
- (c) the amount of £1,000 paid to him from Railway Revenue when he resigned from the Railway Service on 19th January, 1948, shall be repaid by him to the Railway Administration;
- (d) contributions to the New Railways and Harbours Superannuation Fund in respect of the period of the said break in his service shall be paid from the Railway and Harbour Fund on his behalf in accordance with the scales indicated in section *eight* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), as amended, together with interest thereon at the rate of four-and-one-half per cent. per annum, compounded quarterly from due dates to date of payment. The contributions so payable shall be regarded as having been paid by him and shall be based on the pensionable emoluments received by him immediately prior to the commencing date of the said break in his service;
- (e) the provisions of the Railways and Harbours Special Pensions Act, 1955 (Act No. 36 of 1955), shall be applied to him;
- (f) the payments that he must make to the New Railways and Harbours Superannuation Fund and the Railways and Harbours Fund in terms of sub-paragraphs (b) and (c) hereof shall be deducted from the total amount of the arrear payments of pension benefits and temporary allowance to which he will be entitled from 30th August, 1950, up to a date to be determined by the Administration's Chief Accountant and, if after such amount has been credited to the funds mentioned, there is still a balance owing by him, he shall pay such balance in cash to the said funds;
- (g) the said option shall be exercised by him within a period of six months from the date on which there is furnished to him by the Administration's Chief Accountant a statement setting out particulars of the amount of the arrear payments that will accrue to him in respect of pension benefits and temporary allowance from 30th August, 1950, to a date to be determined by the said Chief Accountant, together with particulars of the amount due by him at such date to the New Railways and Harbours Superannuation Fund and the Administration.

51. The service of J. L. Knobel, formerly captain, South African Permanent Force, from 12th August, 1918, to 15th September, 1922, to be admitted for pension purposes, subject to the payment by him of contributions to the South African Permanent Force pension fund at the rate prescribed in sub-section (1) of section *thirty-three* of the Government Service Pensions Act, 1955, in respect of such service.

52. Subject to such conditions as the Commissioner of Pensions may determine, W. G. McConkey, director of education, Natal Education Department, to be permitted to contribute to the Union pension fund at the rate prescribed in section *twenty-five* of the Government Service Pensions Act, 1955, in respect of the period 2nd February, 1925, to 25th January, 1926.

53. J. G. Meiring, Superintendent-General of Education, Cape Provincial Administration, may elect in writing within thirty days from the date he is called upon by the Commissioner of Pensions to do so, to reckon his past pensionable service from 1st January, 1921, to 12th March, 1922, from 1st January, 1925, to 31st March, 1925, and from 1st January, 1926, to 31st December, 1935, on such conditions as the said Commissioner may determine, as pensionable service under the Government Service Pensions Act, 1955, and if he elects so to reckon such past pensionable service, then—

- (a) he shall pay to the Union pension fund established by section *two* of the said Act, an amount equal to twice the contributions which would have been payable by him to that fund during the periods of such past pensionable service if during those periods he had been a member of the said fund and had contributed in accordance with the scale of contributions set forth in section *twenty-five* of the said Act, together with interest on such contributions at the rate of five per cent. per annum, annually compounded as at 31st March and calculated according to the dates upon which such contributions would have become payable;
- (b) he shall pay to the said fund interest on the sum of the contributions and interest payable in terms of paragraph (a), at the rate of four per cent. per annum, annually compounded as at 31st March, from 1st January, 1936, to the date upon which such sum is paid;
- (c) the breaks in his pensionable service from 13th March, 1922, to 31st December, 1924, and from 1st April, 1925, to 31st December, 1925, shall be condoned for pension purposes being regarded as special leave of absence without pay, not counting as service, and his pensionable service immediately prior to 1st January, 1936, shall be deemed to be continuous with his subsequent pensionable service;

Provided that there shall be paid to the said Union pension fund by the Cape Provincial Administration, in part liquidation of his liability under paragraphs (a) and (b), an amount equal to the sum of the amount and interest which would have been paid in terms of sub-section (2)

(2) van artikel *agtien* van die Finansiële Reëlingswet, 1928, betaal sou geword het as sy geval aan die vereistes van daardie sub-artikel voldoen het, tesame met rente op bedoelde totaal teen die koers van vier persent per jaar, jaarliks saamgestel, vanaf 1 April 1925 tot datum van betaling.

54. Dat die diensonderbreking van H. I. S. J. Suklje, onderwyser, Transvaalse Onderwysdepartement, vanaf 1 Julie 1934 tot 5 Augustus 1935 vir pensioendoeleindes verskoon word en beskou word as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie maar wat hom die voordeel van sy vorige pensioengewende diens laat behou, op voorwaarde dat hy die bydraes wat by sy ontslag in 1934 uit die Transvaalse Onderwyserspensioenfonds aan hom betaal is, terugbetaal, saam met rente op bedoelde bydraes teen die koers van vier persent per jaar, jaarliks saamgestel, vanaf die datum van betaling tot die datum van terugbetaling.

55. Dat geag word dat E. Sutherland, No. P.7895, Suid-Afrikaanse Staande Mag, ooreenkomstig sub-artikel (5) van artikel *vier* van die Wet op Staatsamptenare (Militêre Diens), 1944, gekies het om die termyn van sy militêre diens vanaf 18 Desember 1939 tot 10 Junie 1946 by sy pensioengewende diens te laat insluit.

56. Die toekenning aan Charles Dennis Curran, Hoofbode, Volksraad, van 'n jaargeld van £525 met ingang van 13 Januarie 1957, met die reg om vyf-en-twintig persent daarvan in 'n gratifikasie om te sit ooreenkomstig die skaal aangegee in sub-paragraaf (ii) van paragraaf (b) van sub-artikel (2) van artikel *negentien* van die Regeringsdiens-pensioenwet, 1955: Met dien verstande dat dié reg nie later as een maand na die bogenoemde datum uitgeoefen moet word nie.

57. Die toekenning aan Dulcibel Mowbray Ribbink, weduwee van wyle Paul Ribbink, voorheen Parlementsbibliotekaris, van 'n pensioen van £336 per jaar met ingang van 6 Julie 1955, betaalbaar gedurende weduweeskap.

58. Die toekenning aan Elizabeth Ellen Munday, weduwee van John George Munday, voorheen skoonmaker, Parlements huis, van 'n pensioen van £68 10s. 0d. per jaar met ingang van 10 Oktober 1955, betaalbaar gedurende weduweeskap.

59. Die toekenning aan Anna Susanna du Toit, weduwee van Daniel Rudolph du Toit, skoonmaker, Parlements huis, van—

(i) 'n gratifikasie van £774 10s. 0d. en

(ii) 'n pensioen met ingang van 3 Junie 1956 van £50 8s. 0d. per jaar, betaalbaar gedurende weduweeskap.

of section *eighteen* of the Financial Adjustments Act, 1928, had his case complied with the requirements of that sub-section, together with interest on such sum at the rate of four per cent. per annum, annually compounded, from 1st April, 1925, to date of payment.

54. Subject to the repayment by H. I. S. J. Suklje, teacher, Transvaal Education Department, of the contributions paid to him from the Transvaal Teachers' Pension Fund on his discharge in 1934, together with interest on such contributions at the rate of four per cent. per annum, compounded annually, from date of payment to date of repayment, the break in his service from 1st July, 1934, to 5th August, 1935, shall be condoned for pension purposes, being regarded as special leave of absence without pay not counting as service but preserving to him the benefit of his previous pensionable service.

55. E. Sutherland, No. P.7895, South African Permanent Force, to be deemed to have elected in terms of sub-section (5) of section *four* of the Public Servants (Military Service) Act, 1944, to have the period of his military service from 18th December, 1939, to 10th June, 1946, included in his pensionable service.

56. The award to Charles Dennis Curran, Chief Messenger, House of Assembly, of an annuity of £525 with effect from 13th January, 1957, with the right to convert twenty-five per cent. thereof into a gratuity in accordance with the scale set forth in sub-paragraph (ii) of paragraph (b) of sub-section (2) of section *nineteen* of the Government Service Pensions Act, 1955: Provided that such right shall be exercised not later than one month after the abovementioned date.

57. The award to Dulcibel Mowbray Ribbink, widow of the late Paul Ribbink, formerly Librarian of Parliament, with effect from 6th July, 1955, of a pension of £336 per annum payable during widowhood.

58. The award to Elizabeth Ellen Munday, widow of John George Munday, formerly cleaner, Houses of Parliament, with effect from 10th October, 1955, of a pension of £68 10s. 0d. per annum, payable during widowhood.

59. The award to Anna Susanna du Toit, widow of Daniel Rudolph du Toit, cleaner, Houses of Parliament, of—

(i) a gratuity of £774 10s. 0d. and

(ii) a pension with effect from 3rd June, 1956, of £50 8s. 0d. per annum, payable during widowhood.

No. 68, 1956.]

WET**Tot wysiging van die Wet op Pensioene vir Parlementsdiens, 1951.**

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 18 Junie 1956.)

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

Wysiging van
artikel 1 van
Wet 70 van 1951.

1. Artikel *een* van die Wet op Pensioene vir Parlementsdiens, 1951 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende sub-artikel daarby te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Enige tydperk tussen die datum van ontbinding van die Senaat of die Volksraad en die daaropvolgende verkiesing van 'n President van die Senaat of 'n Speaker van die Volksraad, na gelang van die geval, gedurende welke die President van die Senaat of die Speaker van die Volksraad wat by die ontbinding daarvan die amp beklee het ingevolge een of ander wetsbepaling enige werksaamheid in die hoedanigheid moet verrig, word, hetsy hy vanaf die datum van bedoelde verkiesing weer 'n lid word al dan nie, by die toepassing van hierdie Wet geag 'n tydperk van diens as President van die Senaat of Speaker van die Volksraad, na gelang van die geval, te wees.”

Wysiging van
artikel 2 van
Wet 70 van 1951.

2. (1) Artikel *twee* van die Hoofwet word hierby gewysig—
(a) deur in sub-artikel (1) die woord „vier” deur die woord „ses” te vervang; en

(b) deur in sub-artikel (2) na die woord „beklee” die woorde „of van enige lid ten opsigte van wie bydraes afgetrek is of wat bydraes betaal het ten opsigte van 'n tydperk van twintig jaar” in te voeg.

(2) Sub-artikel (1) word met betrekking tot enige persoon wat op die datum van inwerkingtreding van hierdie Wet 'n lid is, geag op die datum van inwerkingtreding van die Hoofwet in werking te getree het.

Wysiging van
artikel 3 van
Wet 70 van 1951.

3. (1) Artikel *drie* van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (1) die woorde „binne negentig dae vanaf bedoelde datum” deur die woorde „op of voor die een-en-dertigste dag van Julie 1956” te vervang;

(b) deur in sub-artikel (3) die woord „vier” deur die woord „ses” te vervang;

(c) deur in sub-artikel (3) al die woorde na die woord „inkomste” te skrap; en

(d) deur in sub-artikel (4) die woorde „in die betrokke sub-artikel bedoelde tydperk van negentig dae” deur die woorde „tydperk waarin die keuse gedoen moes geword het,” te vervang.

(2) Paragrafe (a) en (b) van sub-artikel (1) word, met betrekking tot enige persoon wat op die datum van inwerkingtreding van hierdie Wet 'n lid is, geag op die datum van inwerkingtreding van die Hoofwet in werking te getree het.

Wysiging van
artikel 4 van
Wet 70 van 1951.

4. Artikel *vier* van die Hoofwet word hierby gewysig deur die woorde „en paaielemente ooreenkomstig artikel *drie* betaalbaar” te skrap.

Wysiging van
artikel 6 van
Wet 70 van 1951.

5. Artikel *ses* van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (1) die woorde „tweehonderd en vyftig” deur die woorde „driehonderd vyf-en-sewentig” en die woorde „vyf-en-twintig pond” deur die woorde „sewe-en-dertig pond tien sjelings” en die woord „vyfhonderd” deur die woord „sewehonderden-vyftig” te vervang; en

(b) deur in sub-artikel (4) die woorde na die woorde „Met dien verstande dat” deur die woorde „geen pensioen aan enige lid betaalbaar is nie ten opsigte van enige tydperk voor die datum waarop hy die ouderdom van vyftig jaar bereik of terwyl hy 'n lid is.” te vervang.

Wysiging van
artikel 7 van
Wet 70 van 1951.

6. Artikel *sewe* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „vyf-en-vyftig” deur die woord „vyftig” te vervang.

No. 68, 1956.]

ACT

To amend the Parliamentary Service Pensions Act, 1951.

(English text signed by the Governor-General.)
(Assented to 18th June, 1956.)

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 Parliamentary Service Pensions Act, 1951 (hereinafter referred to as the principal Act), is hereby amended by the addition thereto of the following sub-section, the existing section becoming sub-section (1):

Amendment of
section 1 of
Act 70 of 1951.

"(2) Any period between the date of dissolution of the Senate or the House of Assembly and the subsequent election of a President of the Senate or a Speaker of the House of Assembly, as the case may be, during which the President of the Senate or the Speaker of the House of Assembly holding office at the dissolution thereof is in terms of any law required to perform any functions as such shall, whether or not he again becomes a member with effect from the date of such election, be deemed to be a period of service as President of the Senate or Speaker of the House of Assembly, as the case may be, for the purposes of this Act."

2. (1) Section *two* of the principal Act is hereby amended—

Amendment of
section 2 of
Act 70 of 1951.

- (a) by the substitution in sub-section (1) for the word "four" of the word "six"; and
- (b) by the addition at the end of sub-section (2) of the words "or of any member in respect of whom contributions have been deducted or who has paid contributions in respect of a period of twenty years".

(2) Sub-section (1) shall, in relation to any person who is a member on the date of commencement of this Act, be deemed to have come into operation on the date of commencement of the principal Act.

3. (1) Section *three* of the principal Act is hereby amended—

Amendment of
section 3 of
Act 70 of 1951.

- (a) by the substitution in sub-section (1) for the words "within ninety days of the said date" of the words "on or before the thirty-first day of July, 1956";
- (b) by the substitution in sub-section (3) for the word "four" of the word "six";
- (c) by the deletion in sub-section (3) of all the words after the word "elected"; and
- (d) by the substitution in sub-section (4) for the words "of ninety days referred to in the relevant sub-section" of the words "within which the election was required to be made".

(2) Paragraphs (a) and (b) of sub-section (1) shall, in relation to any person who is a member on the date of commencement of this Act, be deemed to have come into operation on the date of commencement of the principal Act.

4. Section *four* of the principal Act is hereby amended by the deletion of the words "and instalments payable in terms of section *three*".

Amendment of
section 4 of
Act 70 of 1951.

5. Section *six* of the principal Act is hereby amended—

Amendment of
section 6 of
Act 70 of 1951.

- (a) by the substitution in sub-section (1) for the words "two hundred and fifty" of the words "three hundred and seventy-five" and for the words "twenty-five pounds" of the words "thirty-seven pounds ten shillings" and for the words "five hundred" of the words "seven hundred and fifty"; and
- (b) by the substitution in sub-section (4) for the words following the words "Provided that" of the words "no pension shall be payable to any member in respect of any period before the date on which he attains the age of fifty years or while he is a member."

6. Section *seven* of the principal Act is hereby amended by the substitution in sub-section (1) for the word "fifty-five" of the word "fifty".

Amendment of
section 7 of
Act 70 of 1951.

Wysiging van
artikel 9 van
Wet 70 van 1951.

7. Artikel *nege* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Enige bedrag wat ingevolge sub-artikel (1) deur 'n lid verskuldig mag word, kan, indien hy dit verlang, deur die verantwoordelike rekenpligtige amptenaar in maandelikse paaielemente teen minstens drie pond per maand van sy toelaag of salaris afgetrek word en word aan inkomste betaal.”.

Wysiging van
artikel 10 van
Wet 70 van 1951.

8. Artikel *tien* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „eenduisend vyfhonderd” deur die woord „tweeduisend” te vervang.

Vervanging van
artikel 11 van
Wet 70 van 1951.

9. Artikel *elf* van die Hoofwet word hierby deur die volgende artikel vervang:

„Spesiale
pensioene
aan ander
Staats-
ministers,
ens.

11. (1) Behoudens die bepalings van sub-artikels (2) en (3) is daar by die beëindiging van sy pensioengewende diens, aan 'n lid (behalwe 'n lid op wie artikel *tien* van toepassing is) wat die amp van Speaker van die Volksraad, President van die Senaat, 'n Staatsminister van die Unie (met inbegrip van 'n Minister sonder portefeulje), Leier van die Opposisie, Adjunk-Speaker en Voorsitter van Komitees van die Volksraad, Regeringshoofswep, Voorsitter van Komitees van die Senaat of Adjunkvoorsitter van Komitees van die Volksraad bekleet, benewens enige ander pensioen of voordeel waarop hy ingevolge hierdie Wet geregtig mag wees, 'n pensioen betaalbaar bereken teen die skaal van—

- (a) honderd-en-vyftig pond per jaar ten opsigte van elke voltooide jaar diens as Speaker van die Volksraad, as President van die Senaat, as 'n Staatsminister van die Unie of as Leier van die Opposisie;
- (b) vyf-en-sewentig pond per jaar ten opsigte van elke voltooide jaar diens as Adjunk-Speaker en Voorsitter van Komitees van die Volksraad of as Regeringshoofswep;
- (c) vyftig pond per jaar ten opsigte van elke voltooide jaar diens as Voorsitter van Komitees van die Senaat; en
- (d) vyftig pond per jaar ten opsigte van elke voltooide jaar diens as Adjunkvoorsitter van Komitees van die Volksraad.

(2) Die totaal van enige pensioene kragtens hierdie Wet aan 'n in sub-artikel (1) bedoelde lid betaalbaar, is—

- (a) in die geval van 'n in paragraaf (a) bedoelde lid, hoogstens eenduisend agthonderd pond per jaar en minstens honderd-en-vyftig pond per jaar;
- (b) in die geval van 'n in paragraaf (b) bedoelde lid, hoogstens eenduisend tweehonderd vyf-en-sewentig pond per jaar en minstens vyf-en-sewentig pond per jaar;
- (c) in die geval van 'n in paragraaf (c) bedoelde lid, hoogstens eenduisend vyf-en-sestig pond per jaar en minstens vyftig pond per jaar; en
- (d) in die geval van 'n in paragraaf (d) bedoelde lid, hoogstens negehonderd-en-sestig pond per jaar en minstens vyftig pond per jaar.

(3) Die bepalings van sub-artikel (4) van artikel *ses* is *mutatis mutandis* van toepassing ten opsigte van 'n pensioen wat ingevolge hierdie artikel aan 'n lid betaalbaar is.

(4) By die toepassing van sub-artikel (1) word 'n deel van 'n jaar wat nie minder as ses maande is nie, geag 'n voltooide jaar te wees.”.

Wysiging van
artikel 12 van
Wet 70 van 1951.

10. Artikel *twaalf* van die Hoofwet word hierby gewysig—

- (a) deur die woorde „die helfte” waar hulle ook al voorkom deur die woord „twee-derdes” te vervang;
- (b) deur in paragraaf (a) van sub-artikel (5) na die woord „ingevolge” die woorde „artikel *twee*,” in te voeg;
- (c) deur in sub-artikel (6) die woorde „teen sewehonderden-vyftig pond per jaar betaalbaar” deur die woorde „betaalbaar gelyk aan twee-derdes van die pensioen wat voor sy dood aan hom betaal is of wat aan hom betaalbaar sou gewees het indien hy op die datum van sy dood op 'n pensioen geregtig geword het” te vervang;

7. Section *nine* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section: Amendment of section 9 of Act 70 of 1951.

"(2) Any amount which may become due by a member in terms of sub-section (1) may, if he so desires, be deducted by the responsible accounting officer from his allowance or salary in monthly instalments at the rate of not less than three pounds per mensem and shall be paid to revenue."

8. Section *ten* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "one thousand five hundred" of the words "two thousand". Amendment of section 10 of Act 70 of 1951.

9. The following section is hereby substituted for section *eleven* of the principal Act: Substitution of section 11 of Act 70 of 1951.

"Special pensions to other Ministers of State, etc.

11. (1) Subject to the provisions of sub-sections (2) and (3) there shall, on the termination of his pensionable service, be payable to a member (other than a member to whom section *ten* applies) who has occupied the office of Speaker of the House of Assembly, President of the Senate, a Minister of State for the Union (including a Minister without portfolio) Leader of the Opposition, Deputy-Speaker and Chairman of Committees of the House of Assembly, Chief Government Whip, Chairman of Committees of the Senate, or Deputy-Chairman of Committees of the House of Assembly, in addition to any other pension or benefit to which he may be entitled under this Act, a pension calculated at the rate of—

- (a) one hundred and fifty pounds per annum in respect of each completed year of service as Speaker of the House of Assembly, as President of the Senate, as a Minister of State for the Union or as Leader of the Opposition;
- (b) seventy-five pounds per annum in respect of each completed year of service as Deputy-Speaker and Chairman of Committees of the House of Assembly or as Chief Government Whip;
- (c) fifty pounds per annum in respect of each completed year of service as Chairman of Committees of the Senate; and
- (d) fifty pounds per annum in respect of each completed year of service as Deputy-Chairman of Committees of the House of Assembly.

(2) The aggregate of any pensions payable under this Act to any member referred to in sub-section (1) shall not—

- (a) in the case of a member referred to in paragraph (a), exceed one thousand eight hundred pounds per annum or be less than one hundred and fifty pounds per annum;
- (b) in the case of a member referred to in paragraph (b), exceed one thousand two hundred and seventy-five pounds per annum or be less than seventy-five pounds per annum;
- (c) in the case of a member referred to in paragraph (c), exceed one thousand and sixty-five pounds per annum or be less than fifty pounds per annum; and
- (d) in the case of a member referred to in paragraph (d), exceed nine hundred and sixty pounds per annum or be less than fifty pounds per annum.

(3) The provisions of sub-section (4) of section *six* shall *mutatis mutandis* apply in respect of a pension which is payable to any member under this section.

(4) For the purposes of sub-section (1) any portion of a year not being less than six months shall be deemed to be a completed year."

10. Section *twelve* of the principal Act is hereby amended— Amendment of section 12 of Act 70 of 1951.

- (a) by the substitution for the word "one-half" wherever it occurs of the word "two-thirds";
- (b) by the insertion in paragraph (a) of sub-section (5) after the word "under" of the words "section *two*,";
- (c) by the substitution in sub-section (6) for the words "at the rate of seven hundred and fifty pounds per annum" of the words "equal to two-thirds of the pension which was paid to him prior to his death or which would have been payable to him had he become entitled to a pension on the date of his death";

- (d) deur in sub-artikel (7) voor die woord „drie” die woord „twee,” in te voeg; en
- (e) deur aan die end van sub-artikel (8) die woorde „afgesien van sy ouderdom op die datum van sy dood” by te voeg.

Wysiging van
artikel 15 van
Wet 70 van 1951.

11. Artikel *vyftien* van die Hoofwet word hierby gewysig deur aan die end van sub-artikel (2) die woorde „en word bedoelde persoon by die toepassing van hierdie Wet geag gedurende die tydperk tussen die datum van die ontbinding en die datum van sy herverkiesing of herbenoeming ’n lid te gewees het” by te voeg.

Sekere
bestaande
pensioene nie
geraak nie.

12. Die bepalings van paragraaf (a) van artikel *vyf*, of artikel *nege* of *tien* is nie van toepassing nie met betrekking tot enige pensioene waarop enige persoon voor die inwerkingtreding van hierdie Wet geregtig was.

Bykomstige
bydraes.

13. (1) Indien iemand wat voor die eerste dag van Julie 1956 ’n lid was maar op daardie datum nie meer ’n lid was nie, daarna weer ’n lid word en sy diens voor daardie datum pensioengewende diens ingevolge die Hoofwet word, moet hy benewens enige ander bedrae wat ingevolge die Hoofwet deur hom aan die Gekonsolideerde Inkomstefonds betaalbaar mag word, ten opsigte van die tydperk van bedoelde diens aan daardie fonds ’n bedrag bereken teen twee pond per maand van die tydperk van daardie diens betaal.

(2) Enige bedrag wat ingevolge sub-artikel (1) deur ’n lid verskuldig mag word, kan, indien hy dit verlang, deur die verantwoordelike rekenpligtige amptenaar in maandelikse paaielemente teen minstens drie pond per maand van sy toelaag of salaris afgetrek word en word aan die Gekonsolideerde Inkomstefonds betaal.

Maksimum
bedrag van
bydraes
deur lede
betaalbaar.

14. Geen bydraes word ingevolge artikel *twee* van die Hoofwet van die toelaag of salaris van ’n lid, soos in artikel *een* van daardie Wet omskryf, ten opsigte van wie bydraes afgetrek is of wat bydraes betaal het ingevolge daardie Wet ten opsigte van ’n tydperk van tien jaar, afgetrek nie, na die datum waarop hy, indien hy dan sou ophou om so ’n lid te wees, geregtig sou wees, hetsy uit hoofde van bydraes deur hom betaal of van sy toelaag of salaris afgetrek, of andersins, op die maksimum pensioene vir sy geval in daardie Wet voorgeskryf, en indien die som van die bedrae (as daar is) ingevolge daardie Wet deur so ’n lid betaal of van sy toelaag of salaris afgetrek te eniger tyd meer is as die kleinste bedrag wat so ’n lid moet betaal ten einde op bedoelde maksimum pensioene geregtig te wees indien hy dan sou ophou om ’n lid te wees, word die bedrag wat die oorskot verteenwoordig uit die Gekonsolideerde Inkomstefonds aan hom terugbetaal: Met dien verstande dat geen terugbetaling aan so ’n lid geskied nie behalwe vir sover die som van die bedrae (as daar is) wat aldus deur hom betaal of van sy toelaag of salaris afgetrek is meer is as ’n bedrag bereken teen die skaal in artikel *twee* van die Hoofwet voorgeskryf vir ’n tydperk van tien jaar.

Verhaal van
verhoogde en
agterstallige
bydraes.

15. Enige bedrag wat ingevolge artikel *drie* van die Hoofwet of ingevolge artikel *twee* of *drie* van daardie Wet soos deur hierdie Wet gewysig, ten opsigte van ’n tydperk voor die eerste dag van Julie 1956 deur ’n lid betaalbaar mag word, word, indien die lid dit verlang, deur die verantwoordelike rekenpligtige amptenaar van daardie lid se toelaag of salaris afgetrek in maandelikse paaielemente teen minstens drie pond per maand en word aan die Gekonsolideerde Inkomstefonds betaal.

Kort titel en
inwerkingtreding.

16. Hierdie Wet heet die Wysigingswet op Pensioene vir Parlementsdiens, 1956, en tree in werking op die eerste dag van Julie 1956.

- (d) by the insertion in sub-section (7) before the word "*three*" of the word "*two*"; and
- (e) by the addition at the end of sub-section (8) of the words "irrespective of his age at the date of his death".

11. Section *fifteen* of the principal Act is hereby amended by the addition at the end of sub-section (2) of the words "and such person shall for the purposes of this Act be deemed to have been a member during the period between the date of the dissolution and the date of his re-election or re-nomination".

Amendment of section 15 of Act 70 of 1951.

12. The provisions of paragraph (a) of section *five* or section *nine* or *ten* shall not apply with reference to any pension to which any person was entitled prior to the commencement of this Act.

Certain existing pensions not affected.

13. (1) If a person who was a member before the first day of July, 1956, but on that date was no longer a member, thereafter again becomes a member, and his service prior to that date becomes pensionable service in terms of the principal Act, he shall, apart from any other amounts which may be payable by him to the Consolidated Revenue Fund in terms of the principal Act, pay to that Fund in respect of the period of such service an amount calculated at the rate of two pounds per mensem of the period of such service.

Supplementary contributions.

(2) Any amount which may become due by a member in terms of sub-section (1) may, if he so desires, be deducted by the responsible accounting officer from his allowance or salary in monthly instalments at the rate of not less than three pounds per mensem and shall be paid to the Consolidated Revenue Fund.

14. No contributions shall be deducted under section *two* of the principal Act from the allowance or salary of a member, as defined in section *one* of that Act, in respect of whom contributions have been deducted or who has paid contributions under that Act in respect of a period of ten years, after the date on which he would, if he then ceased to be such a member, be entitled, whether by virtue of contributions paid by him or deducted from his allowance or salary, or otherwise, to the maximum pension prescribed in his case in the said Act, and if at any time the sum of the amounts (if any) paid by any such member or deducted from his allowance or salary under that Act, exceeds the lowest amount required to be contributed by such member in order to be entitled to such maximum pension if he then ceased to be a member, the amount representing the excess shall be refunded to him out of the Consolidated Revenue Fund: Provided that no refund shall be paid to any such member except in so far as the sum of the amounts (if any) so paid by him or deducted from his allowance or salary exceeds an amount calculated at the rate prescribed in section *two* of the principal Act for a period of ten years.

Maximum amount of contributions payable by members.

15. Any amount which may in terms of section *three* of the principal Act or in terms of section *two* or *three* of that Act as amended by this Act, become payable by any member in respect of any period prior to the first day of July, 1956, shall, if the member so desires, be deducted by the responsible accounting officer from such member's allowance or salary in monthly instalments at the rate of not less than three pounds per mensem and shall be paid to the Consolidated Revenue Fund.

Recovery of increased and arrear contributions.

16. This Act shall be called the Parliamentary Service Pensions Amendment Act, 1956, and shall come into operation on the first day of July, 1956.

Short title and commencement.

No. 69, 1956.]

WET**Tot wysiging van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945.***(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 18 Junie 1956.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—Invoeging van
artikel 29bis in
Wet 25 van 1945.**1.** Die volgende artikel word hiermee in die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, na artikel *nege-en-twintig* ingevoeg:

„Wyse van optrede teenoor naturelle wie se aanwesigheid in stadsgebiede of geproklameerde gebiede nadelig vir die handhawing van vrede en orde is.

29bis. (1) Indien na die mening van 'n stedelike plaaslike bestuur die aanwesigheid van 'n natuurel in die gebied onder die gesag van die stedelike plaaslike bestuur of in 'n geproklameerde gebied ten opsigte waarvan die stedelike plaaslike bestuur van die bevoegdhede in sub-artikel (1) van artikel *drie-en-twintig* vermeld, uitoefen of in 'n gebied wat 'n deel uitmaak van 'n geproklameerde gebied en ten opsigte waarvan die stedelike plaaslike bestuur van daardie bevoegdhede uitoefen, nadelig vir die handhawing van vrede en orde in daardie gebied of 'n deel daarvan is, kan die stedelike plaaslike bestuur die natuurel beveel om enige sodanige gebied binne 'n aangegewe tydperk te verlaat en daarna nie sonder die toestemming van die stedelike plaaslike bestuur na daardie gebied terug te keer of daarin aanwesig te wees nie.(2) 'n Bevel kragtens sub-artikel (1) uitgevaardig, word aan die betrokke natuurel oorgedra by wyse van 'n kennisgewing onderteken deur die amptenaar deur die stedelike plaaslike bestuur aangestel om sy afdeling naturelle-administrasie te bestuur, of waar geen sodanige amptenaar aangestel is nie, iemand wat ingevolge paragraaf (d) van sub-artikel (1) van artikel *tien* aangewys is, en aan genoemde natuurel gerig en oorhandig of aangebied.

(3) 'n Natuurel wat in gebreke bly om 'n bevel kragtens sub-artikel (1) uitgevaardig, na te kom, is aan 'n misdryf skuldig en die hof wat hom weens die misdryf skuldig bevind, moet beveel dat, nadat hy enige boete betaal of enige tydperk van gevangenisstraf uitgedien het wat ten opsigte van daardie misdryf opgelê is, hy deur 'n polisiebeampte uit die gebied ten opsigte waarvan die misdryf gepleeg was, verwyder word en dat hy in afwagting van sy verwydering in hegtenis gehou word.

(4) 'n Stedelike plaaslike bestuur wat kragtens sub-artikel (1) 'n natuurel beveel het om 'n gebied waarin hy woonagtig is, te verlaat, kan, op versoek van die natuurel of sy afhanklike wat in die gebied woonagtig is, die afhanklike en die persoonlike besittings (met inbegrip van huisraad) van die natuurel en die afhanklike uit die gebied verwyder na die woonplek waarheen die natuurel uit daardie gebied verhuis het, en kan enige onkoste aangegaan om die verwydering te bewerkstellig teen sy naturelle-inkomsterekening in rekening bring.

(5) (a) Indien meer as een bevel kragtens sub-artikel (1) binne 'n tydperk van vyf jaar ten opsigte van 'n bepaalde natuurel uitgevaardig is, kan die Minister 'n hoofnaturellekommissaris gelas om 'n ondersoek in te stel na die redes vir die uitvaardiging van daardie bevels.

(b) Die natuurel moet by die ondersoek aanwesig wees en as hy na behoorlike kennisgewing in gebreke bly om die ondersoek by te woon, kan hy sonder lasbrief deur 'n gemagtigde beampte in hegtenis geneem word en voor die hoofnaturellekommissaris gebring word.

No. 69, 1956.]

ACT

To amend the Natives (Urban Areas) Consolidation Act, 1945.

(Afrikaans text signed by the Governor-General.)
(Assented to 18th June, 1956.)

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. The following section is hereby inserted in the Natives (Urban Areas) Consolidation Act, 1945, after section *twenty-nine*: Insertion of section 29bis in Act 25 of 1945.

"Manner of dealing with natives whose presence in urban areas or proclaimed areas is detrimental to the maintenance of peace and order.

29bis. (1) If in the opinion of an urban local authority the presence of any native in the area under its jurisdiction or in any proclaimed area in respect of which such urban local authority exercises any of the powers referred to in sub-section (1) of section *twenty-three* or in any area forming part of a proclaimed area and in respect of which such urban local authority exercises any of those powers, is detrimental to the maintenance of peace and order in any such area or any part thereof, the urban local authority may order such native to depart from any such area within a specified period and thereafter not to return to or to be in such area without the permission of the urban local authority.

(2) Any order made under sub-section (1) shall be conveyed to the native concerned by notice under the hand of the officer appointed by such urban local authority for the management of its department of native administration, or where no such officer has been appointed, a person designated under paragraph (*d*) of sub-section (1) of section *ten*, addressed and delivered or tendered to such native.

(3) Any native who fails to comply with any order made under sub-section (1) shall be guilty of an offence and the court convicting him of such offence shall order that, after he has paid any fine or served any period of imprisonment to which he may be sentenced in respect of that offence, he be removed by any police officer from the area in respect of which the offence was committed and that he be detained in custody pending his removal.

(4) Any urban local authority which has, under sub-section (1), ordered any native to depart from any area in which he resides, may, at the request of the native or any dependant of such native resident in such area, remove such dependant and the personal effects (including household furniture) of such native and such dependant from the said area to the place of residence to which the native has moved from that area, and may charge any expenses incurred in effecting such removal to its native revenue account.

(5) (*a*) If more than one order has been made under sub-section (1) within any period of five years in respect of any particular native, the Minister may direct any chief native commissioner to hold an enquiry into the reasons for the making of those orders.

(*b*) Such native shall be present at such enquiry and if he fails after due notice to attend such enquiry, he may be arrested without warrant by an authorized officer and brought before such chief native commissioner.

(6) As na afloop van 'n ondersoek kragtens sub-artikel (5) die voorsittende hoofnaturellekommissaris oortuig is dat die betrokke naturel iemand is wie se aanwesigheid in 'n stadsgebied of 'n geproklameerde gebied nadelig vir die handhawing van vrede en orde is, moet hy, behoudens die voorwaardes wat hy bepaal, die naturel beveel om 'n gebied waar ook al geleë en in die bevel aangegee, binne 'n tydperk aldus aangegee, nie sonder die toestemming van die Sekretaris van Naturellesake binne te gaan of daarin aanwesig te wees nie: Met dien verstande dat die bevel van krag word slegs na goedkeuring daarvan deur die Goewerneur-generaal en behoudens die wysigings wat die Goewerneur-generaal gelas.

(7) 'n Naturel wat in gebreke bly om 'n bevel kragtens sub-artikel (6) uitgevaardig of 'n voorwaarde daaraan verbonde, na te kom, is aan 'n misdryf skuldig en die hof wat hom weens die misdryf skuldig bevind, moet beveel dat, nadat hy enige boete betaal of enige tydperk van gevangenisstraf uitgedien het wat ten opsigte van daardie misdryf opgelê is—

(a) die naturel na 'n plek deur die hof aangewys, deur 'n polisiebeampte verwyder word en dat hy in afwagting van sy verwydering in hegtenis gehou word; of

(b) die naturel gestuur word na en aangehou word in 'n werkkolonie kragtens die Wet op Werkkolonies, 1949 (Wet No. 25 van 1949), gestig of geag gestig te gewees het.

(8) 'n Bevel kragtens paragraaf (b) van sub-artikel (7) uitgevaardig, het dieselfde uitwerking asof dit kragtens sub-artikel (6) van artikel vyftien van bedoelde Wet uitgevaardig was.

(9) Die bepalinge van sub-artikel (9) van artikel nege-en-twintig is *mutatis mutandis* van toepassing met betrekking tot 'n ondersoek kragtens sub-artikel (5) ingestel.

(10) 'n Hoofnaturellekommissaris wat 'n ondersoek kragtens sub-artikel (5) instel, kan in afwagting van die beslissing van die Goewerneur-generaal ingevolge sub-artikel (6), beveel dat die betrokke naturel in 'n tronk of 'n polisiecel of -opsluitplek of ander plek deur die hoofnaturellekommissaris geskik geag, aangehou word of hom onder borgtog vrylaat *mutatis mutandis* asof hy iemand was wie se verhoor op 'n strafregtelike aanklag in 'n magistraatshof uitgestel word.

(11) 'n Stedelike plaaslike bestuur wat 'n bevel kragtens sub-artikel (1) uitgevaardig het, moet 'n verslag ten opsigte van die bevel onverwyld aan die Minister verstrek, wat 'n afskrif van die verslag in beide Huise van die Parlement ter Tafel moet lê binne veertien dae na ontvangs van die verslag, indien 'n gewone sessie van die Parlement dan aan die gang is, of, indien 'n gewone sessie van die Parlement nie dan aan die gang is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie."

Kort titel.

2. Hierdie Wet heet die Wysigingswet op Naturelle (Stadsgebiede), 1956.

(6) If at the conclusion of an enquiry under sub-section (5) the chief native commissioner presiding thereat is satisfied that the native concerned is a person whose presence in an urban area or proclaimed area is detrimental to the maintenance of peace and order, he shall, subject to such conditions as he may determine, order such native not to enter or be in any area wherever situated and specified in such order, within any period so specified, without the permission of the Secretary for Native Affairs: Provided that such order shall only take effect after approval thereof by the Governor-General and subject to such variations as the Governor-General may direct.

(7) Any native who fails to comply with any order made under sub-section (6) or with any condition thereof, shall be guilty of an offence and the court convicting him of such offence shall order that, after he has paid any fine or served any period of imprisonment to which he may be sentenced in respect of that offence—

- (a) such native be removed by any police officer to a place indicated by the court and that he be detained in custody pending his removal; or
- (b) such native be sent to and detained in a work colony established or deemed to have been established under the Work Colonies Act, 1949 (Act No. 25 of 1949).

(8) An order made under paragraph (b) of sub-section (7) shall have the same effect as if it had been made under sub-section (6) of section fifteen of the said Act.

(9) The provisions of sub-section (9) of section twenty-nine shall *mutatis mutandis* apply in respect of any enquiry held under sub-section (5).

(10) A chief native commissioner holding any enquiry under sub-section (5) may, pending the decision of the Governor-General under sub-section (6), order that the native concerned be detained in a gaol or in a police cell or lock-up or other place which such chief native commissioner considers suitable or release him on bail *mutatis mutandis* as if he were a person whose trial on a criminal charge in a magistrate's court is adjourned.

(11) Any urban local authority which has made an order under sub-section (1) shall forthwith furnish a report in respect of the order to the Minister, who shall lay a copy of such report on the Tables of both Houses of Parliament within fourteen days after receipt of such report, 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.”.

2. This Act shall be called the Natives (Urban Areas) Amendment Act, 1956.

No. 70, 1956.]

WET**Tot wysiging van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945.***(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 18 Junie 1956.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Wysiging van artikel 15 van Wet 38 van 1945, soos gewysig deur artikel 2 van Wet 45 van 1954.

1. Artikel vyftien van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (hieronder die Hoofwet genoem), word hierby gewysig deur die woord „smouse” deur die woord „marskramers” te vervang.

Wysiging van Eerste Bylae by Wet 38 van 1945.

2. Die Eerste Bylae by die Hoofwet word hierby gewysig deur in item 2 die woorde „buite stedelike gebiede” te skrap.

Wysiging van Tweede Bylae by Wet 38 van 1945.

3. Die Tweede Bylae by die Hoofwet word hierby gewysig—
(a) deur in item 1 al die woorde na die woord „honde” te skrap; en

(b) deur die volgende item by te voeg:

„21. Behoudens die bepalinge van die „Licenties Konsolidasie Wet, 1925” (Wet No. 32 van 1925), enige aangeleentheid met betrekking tot die dryf van enige besigheid waarvoor ingevolge daardie Wet ’n marskramers- of venterslisensie vereis word of, by ontstentenis van enige vrystelling waarvoor in item 12 of 19 van die Tweede Bylae by daardie Wet voorsiening gemaak word, vereis sou gewees het.”.

Bekragtiging van sekere ordonnansies.

4. Enige bepaling vervat in ’n ordonnansie van ’n provinsiale raad, hetsy voor of na die inwerkingtreding van hierdie Wet aangeneem, met betrekking tot ’n aangeleentheid bedoel in item 2 van die Eerste Bylae of item 1 van die Tweede Bylae by die Hoofwet, soos onderskeidelik deur artikels twee en drie van hierdie Wet gewysig, geld asof op die datum van aanname van daardie ordonnansie die bevoegdheid om wetgewing aan te neem ten opsigte van die aangeleenthede in daardie items, soos aldus gewysig, vermeld, aan bedoelde provinsiale raad verleen was.

Kort titel.

5. Hierdie Wet heet die Wysigingswet op Finansiële Verhoudings, 1956.

No. 70, 1956.]

ACT

To amend the Financial Relations Consolidation and Amendment Act, 1945.

(English text signed by the Governor-General.)
(Assented to 18th June, 1956.)

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 *fifteen* of the Financial Relations Consolidation and Amendment Act, 1945 (hereinafter referred to as the principal Act), is hereby amended by the substitution in the Afrikaans version for the word "smouse" of the word "mars-kramers". Amendment of section 15 of Act 38 of 1945, as amended by section 2 of Act 45 of 1954.
2. The First Schedule to the principal Act is hereby amended by the deletion in item 2 of the words "outside urban areas". Amendment of First Schedule of Act 38 of 1945.
3. The Second Schedule to the principal Act is hereby amended— Amendment of Second Schedule to Act 38 of 1945.
 - (a) by the deletion in item 1 of all the words after the word "dogs"; and
 - (b) by the addition of the following item:

"21. Subject to the provisions of the Licences Consolidation Act, 1925 (Act No. 32 of 1925), any matter relating to the carrying on of any business for which a hawker's or pedlar's licence is or would, but for any exemption provided for in item 12 or 19 of the Second Schedule to that Act, be required under that Act."
4. Any provision contained in an ordinance of a provincial council, whether passed before or after the commencement of this Act, in relation to any matter specified in item 2 of the First Schedule or item 1 of the Second Schedule to the principal Act, as amended by sections *two* and *three* respectively of this Act, shall have effect as if at the date of the passing of such ordinance the power to legislate in respect of the matters specified in those items, as so amended, had been conferred upon that provincial council. Validation of certain ordinances.
5. This Act shall be called the Financial Relations Amendment Act, 1956. Short title.

No. 71, 1956.]

WET**Tot wysiging van die Bevolkingsregistrasiewet, 1950.***(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 18 Junie 1956.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—Wysiging van
artikel 11 van
Wet 30 van 1950.

1. Artikel *elf* van die Bevolkingsregistrasiewet, 1950 (hieronder die Hoofwet genoem), word hierby gewysig deur in sub-artikel (1) die woorde „te eniger tyd” te vervang deur die woorde „binne dertig dae ná bedoelde klassifikasie aan hom bekend geword het of ná die inwerkingtreding van die Wysigingswet op Bevolkingsregistrasie, 1956, na gelang van watter die laatste is.”.

Wysiging van
artikel 13 van
Wet 30 van 1950.

2. Artikel *dertien* van die Hoofwet word hierby gewysig deur in paragraaf (c) van sub-artikel (3) die woorde „sy handtekening” deur die woorde „indien die Direkteur dit dienstig ag, die handtekening van bedoelde persoon” te vervang.

Wysiging van
artikel 19 van
Wet 30 van 1950.

3. Artikel *negentien* van die Hoofwet word hierby gewysig—
(a) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis*. Iemand wat volgens voorkoms klaarblyklik ’n lid van ’n inboorlingras of -stam van Afrika is, word by die toepassing van hierdie Wet vermoed ’n naturel te wees tensy bewys word dat hy nie so ’n lid is en nie gewoonlik daarvoor deurgaang nie.”;

en

(b) deur na sub-artikel (2) die volgende sub-artikel by te voeg:

„(3) Indien dit by ’n vervolging kragtens paragraaf (c) van artikel *agtien* bewys word dat ’n persoonskaart nagmaak, verander, onleesbaar gemaak, vernietig of vermink is, word dit vermoed, totdat die teendeel bewys word, dat bedoelde persoonskaart nagmaak, verander, onleesbaar gemaak, vernietig of vermink is met die bedoeling om te bedrieg.”.

Kort titel.

4. Hierdie Wet heet die Wysigingswet op Bevolkingsregistrasie, 1956.

No. 71, 1956.]

ACT

To amend the Population Registration Act, 1950.

(Afrikaans text signed by the Governor-General.)
(Assented to 18th June, 1956.)

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 *eleven* of the Population Registration Act, 1950 (hereinafter referred to as the principal Act), is hereby amended by the substitution in sub-section (1) for the words "at any time" of the words "within thirty days after the said classification became known to him or after the commencement of the Population Registration Amendment Act, 1956, whichever is the later,". Amendment of section 11 of Act 30 of 1950.
2. Section *thirteen* of the principal Act is hereby amended by the substitution, in paragraph (c) of sub-section (3), for the words "his signature" of the words "if the Director deems it expedient, the signature of that person". Amendment of section 13 of Act 30 of 1950.
3. Section *nineteen* of the principal Act is hereby amended— Amendment of section 19 of Act 30 of 1950.
 - (a) by the insertion after sub-section (1) of the following sub-section:

"(1)*bis*. A person who in appearance obviously is a member of an aboriginal race or tribe of Africa shall for the purposes of this Act be presumed to be a native unless it is proved that he is not in fact and is not generally accepted as such a member.";

and
 - (b) by the addition, after sub-section (2), of the following sub-section:

"(3) If in any prosecution under paragraph (c) of section *eighteen* it is proved that any identity card was imitated, altered, defaced, destroyed or mutilated, it shall be presumed, until the contrary is proved, that such identity card was imitated, altered, defaced, destroyed or mutilated with intent to deceive."
4. This Act shall be called the Population Registration Short title. Amendment Act, 1956.

No. 72, 1956.]

WET

Om voorsiening te maak vir die oorpasing na die diens van die Unieregering van sekere werknemers by die Vlootbasis te Simonstad en vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 18 Junie 1956.)

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

Woordom-
skrywing.

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

- (i) „basis” die Vlootbasis Simonstad; (i)
- (ii) „hierdie Wet” ook enige regulasies daaronder uitgevaardig; (xi)
- (iii) „kommissie” die Staatsdienskommissie kragtens die Staatsdienswet aangestel; (ii)
- (iv) „pensioengewende verdienste” pensioengewende verdienste soos deur die Tesourie op aanbeveling van die kommissie bepaal; (vi)
- (v) „Pensioenwet” die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955); (vii)
- (vi) „plaaslik-gewerfde persoon” iemand wat nie in die Verenigde Koninkryk gewerf is nie, en wat gewoonlik in die Unie woonagtig is en onmiddellik voor die vasgestelde datum in voltydse hoedanigheid by die Regering van die Verenigde Koninkryk by die basis in diens was, maar nie ook iemand wat onmiddellik voor daardie datum in toevallige hoedanigheid in diens was nie; (v)
- (vii) „rekenbare diens” soveel van die dienstydperk van ’n plaaslik-gewerfde persoon voor die vasgestelde datum, as wat ooreenkomstig die aftredingswette van die Verenigde Koninkryk en die toepassing daarvan deur die Tesourie van die Verenigde Koninkryk, wat onmiddellik voor bedoelde datum regstreeks of vergelykenderwys vir hom gegeld het, vir pensioendoeleindes in aanmerking geneem sou gewees het as hy nie ’n werknemer van die Unieregering geword het nie; (x)
- (viii) „staande mag” die Staande Mag kragtens die „Zuid Afrika Verdedigings Wet, 1912” (Wet No. 13 van 1912), ingestel en kragtens die „Zuid-Afrika Verdedigings Wet Wijzigings Wet, 1922” (Wet No. 22 van 1922), as die Suid-Afrikaanse Staande Mag hersamegestel; (viii)
- (ix) „Staatsdienswet” die „Staatsdienst Wet, 1923” (Wet No. 27 van 1923); (ix)
- (x) „Tesourie” die Minister van Finansies of ’n amptenaar in die Departement van Finansies of die Departement van Pensioene wat deur bedoelde Minister gemagtig is om enige in hierdie Wet aan die Tesourie toegewese werksaamhede te verrig; (xii)
- (xi) „Unie-pensioenfonds” die kragtens artikel twee van die Pensioenwet ingestelde Unie-pensioenfonds; (xiii)
- (xii) „Unie-weduweespensioenfonds” die in artikel een-en-sewentig van die Pensioenwet bedoelde Unie-weduweespensioenfonds; (xiv)
- (xiii) „vasgestelde datum” die kragtens artikel tien vasgestelde datum; (iv)
- (xiv) „vaste amptenaar” ’n „civil servant” in sub-artikel (2) van artikel drie-en-sestig van die „Superannuation Act, 1949”, van die Verenigde Koninkryk bedoel. (iii)

Persone in diens by Vlootbasis Simonstad word werknemers van Unieregering.

2. (1) Alle plaaslik-gewerfde persone, uitgesonderd diegene wat voor die vasgestelde datum by ooreenkoms tussen die Unieregering en die Regering van die Verenigde Koninkryk van die toepassing van hierdie Wet uitgesluit word, word op daardie datum werknemers van die Unieregering.

(2) Die diensvoorwaardes van die persone wat aldus werk-

No. 72, 1956.]

ACT

To provide for the transfer to the service of the Government of the Union of certain employees at the Simonstown Naval Base and for matters incidental thereto.

(English text signed by the Governor-General.)
(Assented to 18th June, 1956.)

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.

- (i) "base" means the Simonstown Naval Base; (i)
- (ii) "commission" means the Public Service Commission appointed under the Public Service Act; (iii)
- (iii) "established officer" means a civil servant referred to in sub-section (2) of section *sixty-three* of the Superannuation Act, 1949, of the United Kingdom; (xiv)
- (iv) "fixed date" means the date fixed under section *ten*; (xiii)
- (v) "locally-entered person" means any person not recruited in the United Kingdom who is ordinarily resident in the Union, and who immediately prior to the fixed date was employed at the base in a whole-time capacity by the Government of the United Kingdom, but does not include any person who immediately prior to the said date was employed in a casual capacity; (vi)
- (vi) "pensionable emoluments" means pensionable emoluments as determined by the Treasury on the recommendation of the commission; (iv)
- (vii) "Pensions Act" means the Government Service Pensions Act, 1955 (Act No. 58 of 1955); (v)
- (viii) "permanent force" means the Permanent Force established under the South Africa Defence Act, 1912 (Act No. 13 of 1912), and reconstituted as the South African Permanent Force in terms of the South Africa Defence Act Amendment Act, 1922 (Act No. 22 of 1922); (viii)
- (ix) "Public Service Act" means the Public Service Act, 1923 (Act No. 27 of 1923); (ix)
- (x) "reckonable service" means so much of the period of service of a locally-entered person prior to the fixed date as would have been reckoned for pension purposes in accordance with the superannuation laws of the United Kingdom and the practice thereunder of the Treasury of the United Kingdom applicable to him directly or by analogy immediately prior to the said date had he not become an employee of the Government of the Union; (vii)
- (xi) "this Act" includes any regulations made thereunder; (ii)
- (xii) "Treasury" means the Minister of Finance or any officer in the Department of Finance or the Department of Pensions authorized by the said Minister to perform any of the functions assigned to the Treasury in this Act; (x)
- (xiii) "Union pension fund" means the Union pension fund established under section *two* of the Pensions Act; (xi)
- (xiv) "Union widows' pension fund" means the Union Widows' Pension Fund referred to in section *seventy-one* of the Pensions Act. (xii)

2. (1) All locally-entered persons, other than those who are prior to the fixed date excluded from the operation of this Act by agreement between the Government of the Union and the Government of the United Kingdom, shall on that date become employees of the Government of the Union.

Persons employed at the Simonstown Naval Base to become employees of the Union Government.

(2) The conditions of service of the persons who so become

nemers van die Unieregering word, word, behalwe vir sover in hierdie Wet anders bepaal, gereël deur die wetsbepalings op die diens van werknemers van die Unieregering wat nie lede van die Staatsdiens is nie: Met dien verstande dat, behalwe met sy eie toestemming, of ooreenkomstig 'n wetsbepaling of 'n skema met betrekking tot die betaling van lewenskostoelae aan werknemers van die Unieregering, die salaris of die salarisskaal waarteen of waarvolgens so 'n persoon onmiddellik voor die vasgestelde datum besoldig was, of, in die geval van so 'n persoon vir wie 'n salarisskaal gegeld het, sy vordering volgens daardie skaal, nie verminder word nie.

(3) Alle poste wat onmiddellik voor die vasgestelde datum bekleë was deur persone wat volgens hierdie artikel werknemers van die Unieregering geword het, behalwe die poste wat die kommissie van die toepassing van hierdie sub-artikel uitsluit, word met ingang van daardie datum deur die kommissie as poste in die administratiewe of klerklike of professionele en tegniese of algemene afdeling van die Staatsdiens ingedeel, of by die dienste (soos in artikel *honderd-en-een* van die Staatsdienswet omskryf) ingesluit, en enige persoon onder die leeftyd van vyf-en-sestig jaar wat onmiddellik voor daardie datum 'n aldus ingedeelde of ingeslote pos bekleë het, word geag vanaf daardie datum behoorlik ooreenkomstig die wetsbepalings op die Staatsdiens daartoe aangestel te gewees het.

(4) (a) Iemand wat ingevolge sub-artikel (3) 'n lid van die staande mag word, word vir aftredings- en pensioen-doelindes geag 'n amptenaar in die Staatsdiens te wees wat 'n ander pos as 'n pos in die dienste bekleë.

(b) Enige persoon wat onmiddellik voor die vasgestelde datum 'n vaste amptenaar was, en wat op daardie datum die bekleër word van 'n pos in die algemene afdeling van die Staatsdiens, word, al is die pos wat hy bekleë nie 'n voorgeskrewe pos in daardie afdeling nie, by die toepassing van artikel *negentien* van die Staatsdienswet geag so 'n voorgeskrewe pos te bekleë.

(5) Die bepalinge van enige wet met betrekking tot bekwaamheid in een of ander van die offisiële tale van die Unie as 'n voorvereiste vir enige aanstelling in die diens van die Unieregering, is nie met betrekking tot iemand wat ingevolge hierdie artikel 'n werknemer van die Unieregering geword het, van toepassing nie—

(a) indien so iemand op die vasgestelde datum vyftig jaar oud of ouer was; of

(b) in die geval van iemand wat op daardie datum onder die leeftyd van vyftig jaar was, gedurende die tydperk van drie jaar onmiddellik na daardie datum.

(6) Die bepalinge van artikel *nege-en-sestig* van die Pensioenwet is nie ten opsigte van 'n nie-blanke wat ingevolge hierdie artikel 'n werknemer van die Unieregering word, van toepassing nie.

Leef tyd vir
aftreding van
sekere persone.

3. Iemand wat ingevolge sub-artikel (3) van artikel *twee* 'n amptenaar in die Staatsdiens geword het—

(a) het die reg om met pensioen af te tree en moet met pensioen afgedank word wanneer hy die leeftyd van vyf-en-sestig jaar bereik;

(b) kan, onderworpe in elke geval aan die aanbeveling van die kommissie, met pensioen afgedank word wanneer hy die leeftyd van vyf-en-vyftig jaar bereik;

(c) het die reg om skriftelik kennis te gee aan die hoof van sy departement dat hy verlang om wanneer hy die leeftyd van vyf-en-vyftig jaar bereik of te eniger tyd daarna met pensioen af te tree, en moet in so 'n geval met pensioen afgedank word—

(i) indien die kennis gegee word minstens drie maande voordat hy bedoelde leeftyd bereik, wanneer hy daardie leeftyd bereik; of

(ii) indien die kennis gegee word minder as drie maande voordat of te eniger tyd nadat hy bedoelde leeftyd bereik, op die eerste dag van die vierde maand na die maand waarin die kennis ontvang word;

(d) kan, in die geval van so iemand wat nie 'n lid van die staande mag is nie, na die datum waarop hy die leeftyd van vyf-en-sestig jaar bereik in sy betrekking of pos aangehou word, indien die kommissie aanbeveel dat dit in die openbare belang is om hom na bedoelde leeftyd in sy betrekking of pos aan te hou: Met dien verstande dat niemand vir meer as twee jaar aldus aangehou word nie, behalwe met toestemming, by besluit, van beide Huise van die Parlement.

employees of the Government of the Union shall, save as is otherwise provided in this Act, be governed by the laws regulating the service of employees of the Government of the Union who are not members of the public service: Provided that except with his own consent or in accordance with any law or any scheme relating to the payment of cost of living allowances to employees of the Government of the Union, the salary or scale of salary at or in accordance with which any such person was remunerated immediately prior to the fixed date, or, in the case of any such person to whom a scale of salary applied, his rate of progression according to that scale, shall not be reduced.

(3) All posts which immediately prior to the fixed date were occupied by persons who in terms of this section have become employees of the Government of the Union, except such posts as may be excluded from the operation of this sub-section by the commission, shall be classified by the commission as posts in the administrative or clerical or professional and technical or general division of the public service or be included in the services (as defined in section *one hundred and one* of the Public Service Act), with effect from that date, and any person under the age of sixty-five years who immediately prior to that date occupied any post so classified or included shall be deemed to have been duly appointed thereto as from that date in accordance with the laws governing the public service.

(4) (a) A person who in terms of sub-section (3) becomes a member of the permanent force, shall for retirement and pension purposes be deemed to be an officer in the public service occupying a post other than a post in the services.

(b) Any person who immediately prior to the fixed date was an established officer, and who on that date becomes the incumbent of a post in the general division of the public service, shall, even if the post occupied by him is not a prescribed post in that division, be deemed to be occupying such a prescribed post for the purposes of section *nineteen* of the Public Service Act.

(5) The provisions of any law relating to proficiency in either of the official languages of the Union as a condition precedent to any appointment in the service of the Government of the Union, shall not apply with reference to a person who has become an employee of the Government of the Union under this section—

(a) if at the fixed date such a person was of or over the age of fifty years; or

(b) in the case of a person who on that date was under the age of fifty years, during the period of three years immediately after that date.

(6) The provisions of section *sixty-nine* of the Pensions Act shall not apply in respect of any non-European who becomes an employee of the Government of the Union under this section.

3. Any person who has become an officer in the public service under sub-section (3) of section *two*—

Age of retirement of certain persons.

(a) shall have the right to retire on pension and shall be retired on pension on attaining the age of sixty-five years;

(b) may, subject in every case to the recommendation of the commission, be retired on pension on attaining the age of fifty-five years;

(c) shall have the right to give written notice to the head of his department of his wish to retire on pension on attaining the age of fifty-five years or at any time thereafter, and shall in that event be retired on pension—

(i) if such notice is given not less than three months before he attains the said age, when he attains that age; or

(ii) if such notice is given less than three months before or at any time after he attains the said age, on the first day of the fourth month following that in which the notice is received;

(d) may, in the case of any such person who is not a member of the permanent force, be retained in his office or post beyond the date on which he attains the age of sixty-five years, if the commission recommends that it is in the public interest to retain him in his office or post beyond that age: Provided that no person shall be so retained for longer than two years except with the consent, by resolution, of both Houses of Parliament.

Bydraes deur
sekere amptenare
en werknemers.

4. (1) Iemand wat ingevolge artikel *twee* 'n werknemer van die Unieregering geword het, word nie toegelaat om tot 'n kragtens die Pensioenwet ingestelde pensioen- of ondersteuningsfonds by te dra nie, maar so iemand moet van tyd tot tyd ten opsigte van sy diens by die Unieregering op en na die vasgestelde datum die bydraes aan die Gekonsolideerde Inkomstefonds betaal wat hy volgens bedoelde Wet aan een of meer sodanige pensioen- of ondersteuningsfondse sou moes betaal het indien hy 'n lid van bedoelde fonds was.

(2) Die persentasieskaal waarteen bydraes kragtens sub-artikel (1) betaalbaar is deur iemand wat by ontstentenis van die bepaling van daardie sub-artikel tot die Unie-pensioenfonds sou bygedra het, is die skaal waarteen hy volgens artikel *vyf-en-twintig* van die Pensioenwet aan daardie fonds sou moes bygedra het, indien hy op die begindatum van die tydperk van sy rekenbare diens 'n bydraer tot daardie fonds geword het: Met dien verstande dat, indien die tydperk van sy rekenbare diens 'n tydperk of tydperke insluit wat nie, volgens die wetsbepaling van krag in die Verenigde Koninkryk en die toepassing daarvan deur die Tesourie van die Verenigde Koninkryk, wat onmiddellik voor die vasgestelde datum regstreeks of vergelykenderwys op hom van toepassing was, vir aftredingsdoeleindes as voltydse diens gereken word nie, bedoelde tydperk of tydperke ooreenkomstig bedoelde wetsbepalinge en toepassing vir die berekening van bedoelde persentasieskaal in die gelykstaande voltydse diens omgeskep moet word.

(3) So iemand wat deelhebber was aan een van of beide die pensioenskemas vir weduwees, kinders en afhanklikes in Dele I en II van die „Superannuation Act, 1949”, van die Verenigde Koninkryk bedoel, moet hetsy hy 'n bydraende deelhebber was al dan nie, aan die Gekonsolideerde Inkomstefonds bydraes betaal wat bereken word teen die persentasie of ander bepaalde koers van sy pensioengewende verdienste waarteen hy onmiddellik voor die vasgestelde datum volgens daardie Wet verplig was om by te dra, of verplig sou gewees het om aldus by te dra indien hy 'n bydraende deelhebber was en so iemand is nie verplig om enige bydraes ingevolge sub-artikel (1) te betaal in die plek van die bydraes wat hy by ontstentenis van die bepaling van daardie sub-artikel aan die Unie-weduwees-pensioenfonds sou moes betaal het nie.

(4) Iemand wat ingevolge artikel *twee* 'n werknemer van die Unieregering geword het, word nie verplig om ten opsigte van enige tydperk van sy rekenbare diens tot enige pensioen- of ander voordele wat by sy uitdienstreding, ontslag, bedanking of dood betaalbaar word, by te dra nie.

(5) Enige bedrag volgens sub-artikel (1) of (3) deur enige persoon aan die Gekonsolideerde Inkomstefonds betaalbaar, word aan die end van elke maand of op die ander tye wat die Tesourie mag bepaal, van sy besoldiging as 'n werknemer van die Unieregering afgetrek.

Pensioen- en
ander regte.

5. (1) Die pensioen- en ander regte van iemand wat ingevolge hierdie Wet 'n werknemer van die Unieregering word, word, onderworpe aan ooreenkoms tussen die Unieregering en die Regering van die Verenigde Koninkryk by regulasie voorgeskryf.

(2) 'n Ooreenkoms ingevolge sub-artikel (1)—

- (a) moet bepaal dat, by die bepaling van die bedrag van enige pensioen- of ander voordeel wat aan so iemand betaalbaar mag word, sy rekenbare diens in aanmerking geneem moet word; en
- (b) kan voorsiening maak vir 'n bydrae deur die Regering van die Verenigde Koninkryk tot enige pensioen of ander voordeel wat ten opsigte van enige tydperk van rekenbare diens van so iemand betaalbaar mag word, en so 'n bydrae word in die Gekonsolideerde Inkomstefonds gestort.

Aanspreek-
likheid van
Unieregering vir
sekere voordele
aan sekere persone
wat nie sy
werknemers
word nie.

6. Die Tesourie moet aan die Regering van die Verenigde Koninkryk, ten bate van iemand wat nie onmiddellik voor die vasgestelde datum 'n vaste amptenaar by die basis was nie, en wat nie 'n werknemer van die Unieregering word nie, en wat onmiddellik voor bedoelde datum op grond van afskaffing van sy pos uit die diens van die Regering van die Verenigde Koninkryk afgedank word, en wat nie die dienstdynerkryf in die „Superannuation Act, 1949”, van die Verenigde Koninkryk, ten einde op 'n pensioen by aftreding geregtig te wees, gehad het nie, 'n bedrag betaal gelyk aan die gratifikasie waarop hy geregtig sou gewees het volgens die wetsbepalinge van

4. (1) A person who has become an employee of the Government of the Union in terms of section *two*, shall not be permitted to contribute to a pension or provident fund established under the Pensions Act, but any such person shall from time to time pay to the Consolidated Revenue Fund in respect of his service under the Government of the Union on and after the fixed date, such contributions as he would in terms of the said Act have been required to pay to one or more of such pension or provident funds had he been a member of such fund.

Contributions
by certain
officers and
employees.

(2) The percentage rate at which contributions shall be payable under sub-section (1) by any person who, but for the provisions of that sub-section, would have contributed to the Union pension fund, shall be the rate at which he would in terms of section *twenty-five* of the Pensions Act have been required to contribute to that fund if he had become a contributor to that fund on the date of commencement of the period of his reckonable service: Provided that if the period of his reckonable service includes any period or periods not reckoned as full-time service for superannuation purposes in accordance with the laws in force in the United Kingdom and the practice thereunder of the Treasury of the United Kingdom applicable to him directly or by analogy immediately prior to the fixed date, such period or periods shall in accordance with the said laws and practice be converted into the equivalent full-time service for the purpose of determining the said percentage rate.

(3) Any such person who was a participant in one or both of the pension schemes for widows, children and dependants referred to in Parts I and II of the Superannuation Act, 1949, of the United Kingdom, shall whether or not he was a contributing participant, be required to pay to the Consolidated Revenue Fund contributions calculated at the percentage or other determined rate of his pensionable emoluments at which he was immediately prior to the fixed date required to contribute in terms of the said Act, or would have been required so to contribute had he been a contributing participant and such person shall not be required to pay any contributions under sub-section (1) in lieu of the contributions which he would, but for the provisions of that sub-section, have been required to pay to the Union widows' pension fund.

(4) A person who has become an employee of the Government of the Union in terms of section *two*, shall not be required to contribute towards any pension or other benefits payable on his retirement, discharge, resignation or death, in respect of any period of his reckonable service.

(5) Any amount payable to the Consolidated Revenue Fund by any person under sub-section (1) or (3) shall be deducted at the end of each month or at such other times as the Treasury may determine, from his remuneration as an employee of the Government of the Union.

5. (1) The pension and other rights of any person who becomes an employee of the Government of the Union in terms of this Act shall, subject to agreement between the Government of the Union and the Government of the United Kingdom, be prescribed by regulation.

Pension and
other rights.

(2) An agreement in terms of sub-section (1)—

- (a) shall provide that for the purpose of determining the amount of any pension or other benefit which may become payable to any such person, his reckonable service shall be taken into consideration; and
- (b) may provide for a contribution by the Government of the United Kingdom towards any pension or other benefit which may become payable in respect of any period of reckonable service of any such person, and any such contribution shall be paid to the Consolidated Revenue Fund.

6. The Treasury shall pay to the Government of the United Kingdom, for the benefit of any person who was not an established officer at the base immediately prior to the fixed date, and who does not become an employee of the Government of the Union and is immediately prior to the said date retired from the service of the Government of the United Kingdom on the grounds of abolition of office, and has not had the period of service prescribed in the Superannuation Act, 1949, of the United Kingdom to entitle him to a retirement benefit, an amount equal to the gratuity to which he would, in accordance with the

Liability of Union
Government for
certain benefits to
certain persons
who do not
become its
employees.

krag in die Verenigde Koninkryk en die toepassing daarvan deur die Tesourie van die Verenigde Koninkryk, wat regstreeks of vergelykenderwys vir hom sou gegeld het as hy vir die betaling van so 'n gratifikasie in aanmerking kon gekom het.

Voordele ten opsigte van besering in diens voor vasgestelde datum.

7. Enige voordeel aan iemand wat ingevolge artikel twee 'n werknemer van die Unieregering geword het, betaalbaar op grond van liggaamlike besering of blywende swak gesondheid wat uit en in die loop van die verrigting van sy ampspligte voor die vasgestelde datum ontstaan, is soos by regulasie kragtens hierdie Wet voorgeskryf.

Pensioen- en ander voordele word uit Gekonsolideerde Inkomstefonds betaal.

8. Alle betalings ten opsigte van pensioen- en ander voordele waarop iemand of sy verteenwoordigers, afhanklikes of genomineerdes kragtens hierdie Wet geregtig mag word, moet uit die Gekonsolideerde Inkomstefonds betaal word.

Regulasies.

9. (1) Die Goewerneur-generaal kan regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie met betrekking tot alle aangeleenthede rakende pensioen- en ander voordele by uitdienstreding, ontslag, bedanking of dood betaalbaar aan persone wat ingevolge hierdie Wet werknemers van die Unieregering geword het, insluitende die betaling van enige bydraes ooreenkomstig artikel vier en van enige voordele waarna in artikel sewe verwys word, en enige ander aangeleenthede wat volgens hierdie Wet voorgeskryf kan of moet word, en oor die algemeen enige regulasies wat hy vir die meer doeltreffende uitvoering van hierdie Wet nodig ag, hetsy dit op bedoelde aangeleenthede betrekking het al dan nie.

(2) Daar kan aan sodanige regulasies terugwerkende krag verleen word tot 'n datum nie vroeër as die vasgestelde datum nie.

Kort titel en inwerkingtreding.

10. Hierdie Wet heet die Wet op Oorplasing van Werknemers by die Vlootbasis Simonstad, 1956, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

laws in force in the United Kingdom, and the practice thereunder of the Treasury of the United Kingdom applicable to him directly or by analogy, have been entitled had he been eligible for the payment of such a gratuity.

7. Any benefit payable to a person who has become an employee of the Government of the Union in terms of section *two*, by reason of bodily injury or permanent ill-health arising out of and in the course of the discharge of his official duties prior to the fixed date, shall be as prescribed by regulation under this Act.

Benefits in respect of injury on duty prior to the fixed date.

8. All payments in respect of pension and other benefits to which any person or his representatives, dependants or nominees may become entitled in terms of this Act, shall be made from the Consolidated Revenue Fund.

Payment of pension and other benefits to be made from the Consolidated Revenue Fund.

9. (1) The Governor-General may make regulations not inconsistent with this Act, with respect to all matters relating to pension and other benefits payable on retirement, discharge, resignation or death, to persons who have become employees of the Government of the Union in terms of this Act, including the payment of any contributions under section *four* and of any benefits referred to in section *seven*, and any other matters which under this Act are required or permitted to be prescribed, and generally any regulations which he considers necessary for the more effective carrying out of this Act, whether or not relating to the said matters.

Regulations.

(2) Such regulations may be made with retrospective effect from a date not earlier than the fixed date.

10. This Act shall be called the Simonstown Naval Base Employees' Transfer Act, 1956, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

Short title and commencement.

No. 73, 1956.]

WET**Tot wysiging van die Naturelletrust en -grond Wet, 1936.***(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 18 Junie 1956.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Wysiging van artikel 2 van Wet 18 van 1936, soos gewysig deur artikel 1 van Wet 17 van 1939 en artikel 28 van Wet 56 van 1949.

1. Artikel twee van die Naturelletrust en -grond Wet, 1936 (hieronder die Hoofwet genoem), word hiermee gewysig—

(a) deur in sub-artikel (1) na die woorde „en ook” die woorde „grond wat van tyd tot tyd kragtens sub-artikel (3) ’n oopgestelde gebied verklaar mag word en” in te voeg; en

(b) deur die volgende sub-artikel daarby te voeg:

„(3) Die Goewerneur-generaal kan van tyd tot tyd, so dikwels hy dit in die openbare belang ag sulks te doen, by proklamasie in die *Staatskoerant* ’n oopgestelde gebied verklaar—

(a) grond wat ingevolge paragraaf (a) van sub-artikel (1) van artikel ses op die Trust oorgegaan het;

(b) grond wat aan ’n afgesonderde naturrelgebied of ’n oopgestelde gebied grens en—

(i) waarvan ’n naturrel die geregistreerde eienaar is; of

(ii) wat op naam van die Minister of enige ander persoon in trust vir ’n naturrel, ’n naturrelestam of ’n naturrellegemeenskap geregistreer staan; of

(iii) wat op naam van ’n naturrel wat oorlede is, geregistreer staan.”.

Wysiging van artikel 6 van Wet 18 van 1936, soos deur artikel 3 van Wet 17 van 1939 gewysig.

2. Artikel ses van die Hoofwet word hiermee gewysig deur in paragraaf (a) van sub-artikel (2) na die woorde „uitgehou bly” die woorde „tensy die Trustee anders gelas” in te voeg.

Wysiging van artikel 12 van Wet 18 van 1936, soos deur artikel 6 van Wet 17 van 1939 gewysig.

3. Artikel twaalf van die Hoofwet word hiermee gewysig—

(a) deur in paragraaf (a) van sub-artikel (1) al die woorde na die woorde „verkry nie” te skrap; en

(b) deur na bedoelde paragraaf die volgende paragraaf in te voeg:

„(a)bis. mag niemand anders as die Trust of ’n naturrel ’n transaksie aangaan waarby hy die verbandhouer oor grond in ’n oopgestelde gebied word of sou word waarvan ’n naturrel die geregistreerde eienaar is nie.”.

Wysiging van artikel 12bis van Wet 18 van 1936, soos deur artikel 32 van Wet 56 van 1949 ingevoeg en deur artikel 1 van Wet 18 van 1954 vervang.

4. Artikel twaalf bis van die Hoofwet word hiermee gewysig deur in paragraaf (b) van sub-artikel (5) die woorde „of verhuur” deur die woorde „verhuur, gebruik of bewoon” te vervang.

Wysiging van artikel 13 van Wet 18 van 1936, soos deur artikel 7 van Wet 17 van 1939 en artikel 2 van Wet 18 van 1954 gewysig.

5. Artikel dertien van die Hoofwet word hiermee gewysig—

(a) deur in sub-artikel (7) die woorde „Indien ’n naturrel wie se grond kragtens sub-artikel (2) onteien is,” deur die woorde „Waar meer as twintig morge van die grond van ’n naturrel kragtens sub-artikel (2) onteien is, en hy” te vervang; en

(b) deur na sub-artikel (7) die volgende sub-artikel in te voeg:

„(7)bis. Waar hoogstens twintig morge van die grond van ’n naturrel kragtens sub-artikel (2) onteien is, en hy binne ’n tydperk van drie maande na die onteiening by die Trustee aansoek doen vir die koop van grond in ’n afgesonderde naturrelgebied of ’n oopgestelde gebied moet die Trustee, in die plek van die grond aldus onteien, aan bedoelde naturrel op besitsvoorwaardes wat sover doenlik soortgelyk is aan die besitsvoorwaardes waaronder bedoelde naturrel die aldus onteienende grond besit het, teen die prys en op die ander voorwaardes wat die Trustee goed ag, grond in so ’n gebied te koop aanbied wat die Trustee bepaal.”.

No. 73, 1956.]

ACT

To amend the Native Trust and Land Act, 1936.

(Afrikaans text signed by the Governor-General.)
(Assented to 18th June, 1956.)

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 *two* of the Native Trust and Land Act, 1936 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the insertion in sub-section (1) after the words "together with" of the words "such land as may from time to time under sub-section (3) be declared a released area and"; and
 - (b) by the addition thereto of the following sub-section:

"(3) The Governor-General may from time to time, whenever he considers it in the public interest to do so, by proclamation in the *Gazette* declare to be a released area—

 - (a) any land vested in the Trust under paragraph (a) of sub-section (1) of section *six*;
 - (b) any land which adjoins any scheduled native area or any released area and—
 - (i) of which a native is the registered owner; or
 - (ii) which is registered in the name of the Minister or any other person in trust for a native, a native tribe or a native community; or
 - (iii) which is registered in the name of a native who has died."

Amendment of section 2 of Act 18 of 1936, as amended by section 1 of Act 17 of 1939 and section 28 of Act 56 of 1949.
2. Section *six* of the principal Act is hereby amended by the insertion in paragraph (a) of sub-section (2) after the words "so reserved", of the words "unless the Trustee otherwise directs".

Amendment of section 6 of Act 18 of 1936, as amended by section 3 of Act 17 of 1939.
3. Section *twelve* of the principal Act is hereby amended—
 - (a) by the deletion in paragraph (a) of sub-section (1) of all the words after the word "native" where it occurs for the second time; and
 - (b) by the insertion after the said paragraph of the following paragraph:

"(a)*bis*. no person other than the Trust or a native shall enter into any transaction whereby he becomes or would become a mortgagee over land in a released area of which a native is the registered owner."

Amendment of section 12 of Act 18 of 1936, as amended by section 6 of Act 17 of 1939.
4. Section *twelve bis* of the principal Act is hereby amended by the substitution in paragraph (b) of sub-section (5) for the words "or leases" of the words "leases, uses or occupies".

Amendment of section 12*bis* of Act 18 of 1936, as inserted by section 32 of Act 56 of 1949 and substituted by section 1 of Act 18 of 1954.
5. Section *thirteen* of the principal Act is hereby amended—
 - (a) by the substitution in sub-section (7) for the words "If any native whose land has been expropriated under sub-section (2)," of the words "Where more than twenty morgen of the land of any native has been expropriated under sub-section (2), and he"; and
 - (b) by the insertion after sub-section (7) of the following sub-section:

"(7)*bis*. Where not more than twenty morgen of the land of any native has been expropriated under sub-section (2), and he applies to the Trustee within a period of three months after the date of the expropriation, for the purchase of land in a scheduled native area or a released area, the Trustee shall in lieu of the land so expropriated, offer for sale to such native, upon conditions of tenure similar, in so far as may be practicable, to the conditions of tenure subject to which such native held the land so expropriated, at such price and upon such other conditions as the Trustee may deem fit, such land in any such area as the Trustee may determine."

Amendment of section 13 of Act 18 of 1936, as amended by section 7 of Act 17 of 1939 and section 2 of Act 18 of 1954.

Invoeging van
artikel 18bis
in Wet 18 van
1936.

6. Die volgende artikel word hiermee na artikel *agtien* van die Hoofwet ingevoeg:

„Bevoegd-
hede om
sekere
grond te
verkry,
beperk tot
bevoegd-
heid om
slegs die
reg te ver-
kry om te
gebruik en
okkupeer en
oorgang
van domi-
nium in
sekere
grond op
die Trust.

18bis. (1) Met ingang van die inwerkingtreding van die Wysigingswet op Naturelletrust en -grond, 1956 (in hierdie artikel die vasgestelde datum genoem), word enige wet wat voorsiening maak vir die verkryging van grond vir 'n doel daarin genoem, deur onteining of andersins deur die Staat of 'n instelling of liggaam deur paragraaf (vi) van artikel *vyf-en-tagtig* van die „Zuid-Afrika Wet, 1909” beoog, of 'n ander liggaam as die Trust, wat met regspersoonlikheid bekleed en by of kragtens 'n wet ingestel is, met betrekking tot grond in 'n afgesonderde natuurellegebied of 'n oopgestelde gebied of grond waar ook al geleë waarvan die Trust die geregistreerde eienaar is, uitgelê asof dit voorsiening maak vir die verkryging van slegs die reg om daardie grond te gebruik en te okkupeer en om oor verbeterings daarop te beskik.

(2) Behoudens die bepalings van sub-artikel (3), gaan daar op die Trust oor, sonder betaling van vergoeding, hereregte, seëlregte, of enige ander fooi of koste—

(a) vanaf die vasgestelde datum, die dominium in grond wat voor die vasgestelde datum, kragtens 'n wet deur sub-artikel (1) gewysig, deur die Staat of 'n instelling of liggaam soos voormeld deur onteining of andersins verkry was en wat—

(i) op die vasgestelde datum in 'n afgesonderde natuurellegebied of 'n oopgestelde gebied geleë is; of

(ii) toe dit aldus verkry was, deel van grond uitgemaak het waarvan die Trust op die vasgestelde datum die geregistreerde eienaar is; en

(b) vanaf die datum waarop dit deel van 'n oopgestelde gebied word, die dominium in grond wat voor of na die vasgestelde datum aldus verkry was of word en wat toe of wanneer dit aldus verkry was of word, deel van grond uitgemaak het of uitmaak wat na die vasgestelde datum deel van 'n oopgestelde gebied word,

behoudens die reg van die Staat, 'n instelling of liggaam soos voormeld, sy regsopvolger of regsverkrygende om daardie grond te bly gebruik en te bly okkupeer en om oor verbeterings daarop te beskik, vir enige doel waarvoor hy geregtig was om daardie grond te gebruik en te okkupeer en om oor daardie verbeterings te beskik, onmiddellik voordat die dominium daarin aldus oorgegaan het en behoudens enige saaklike las waarmee dit beswaar is.

(3) Die Trustee kan te eniger tyd en behoudens die voorwaardes wat hy bepaal, enige grond waarop die bepalings van sub-artikel (2) van toepassing is, van die toepassing van daardie bepalings onthef, hetsy vir 'n onbepaalde of vir 'n bepaalde tydperk.

(4) Die Registrateur van Aktes moet by vertoning daarvan aan hom, die titelbewys van grond wat ingevolge sub-artikel (2) op die Trust oorgegaan het, endosseer ten effekte dat die grond daarin beskryf op die Trust oorgegaan het behoudens die reg om dit te gebruik en te okkupeer en om oor verbeterings daarop te beskik, soos voormeld, en in sy registers die nodige inskrywings doen, en daarna dien en is genoemde titelbewys vir alle doeleindes geldig as die titelbewys van die Trust vir bedoelde grond.”

Wysiging van
artikel 21 van
Wet 18 van 1936.

7. Artikel *een-en-twintig* van die Hoofwet word hiermee gewysig deur in sub-artikel (1) die woorde „of wat deur die Trust aan 'n natuurel oorgedra is” deur die woorde „en alle grond in 'n oopgestelde gebied waarvan 'n natuurel die geregistreerde eienaar is of wat op naam van die Minister of enige ander persoon in trust vir 'n natuurel, 'n natuurellestam of 'n natuurellegemeenskap geregistreer staan, of wat op naam van 'n natuurel wat oorlede is, geregistreer staan,” te vervang.

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

Insertion of
section 18*bis*
in Act 18 of
1936.

"Powers to acquire certain land limited to power to acquire the right to use and occupy only, and vesting of dominium in certain land in the Trust.

18*bis*. (1) As from the commencement of the Native Trust and Land Amendment Act, 1956 (in this section referred to as the fixed date), any law which provides for the acquisition for any purpose mentioned therein by expropriation or otherwise of land by the State or any institution or body contemplated by paragraph (vi) of section *eighty-five* of the South Africa Act, 1909, or any body corporate other than the Trust, established by or under any law, shall, in relation to land situated in a scheduled native area or a released area or land wherever situated of which the Trust is the registered owner, be construed as if it provides for the acquisition of only the right to use and occupy that land and to dispose of any improvements thereon.

(2) Subject to the provisions of sub-section (3), there shall vest in the Trust, without payment of compensation, transfer duty, stamp duty or any other fee or charge—

(a) as from the fixed date, the dominium in any land which, before the fixed date, was acquired by expropriation or otherwise for any purpose under any law modified by sub-section (1), by the State or any institution or body aforesaid and which—

(i) at the fixed date is situated in a scheduled native area or a released area; or

(ii) when so acquired formed part of any land of which on the fixed date the Trust is the registered owner; and

(b) as from the date on which it becomes part of a released area, the dominium in any land which was or is so acquired before or after the fixed date and which when so acquired, formed or forms part of any land which becomes part of a released area after the fixed date,

subject to the right of the State, any institution or body aforesaid, its successor in title or assign, to continue to use and occupy such land and to dispose of any improvements thereon, for any purpose for which it was entitled to use and occupy that land and to dispose of such improvements, immediately before the dominium therein so vested and subject to any real charge with which it may be burdened.

(3) The Trustee may at any time and subject to such conditions as he may determine, release any land to which the provisions of sub-section (2) apply from the operation of those provisions, either indefinitely or for any specific period.

(4) The Registrar of Deeds shall upon production to him of the title deed of any land which is vested in the Trust in terms of sub-section (2) endorse the same to the effect that the land therein described is vested in the Trust subject to the aforesaid right to use and occupy it and to dispose of any improvements thereon, and make the necessary entries in his registers and thereupon the said title deed shall serve and avail for all purposes as the title deed of the Trust to the said land."

7. Section *twenty-one* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "or which has been transferred by the Trust to a native" of the words "and all land in a released area of which a native is the registered owner or which is registered in the name of the Minister or any other person in trust for a native, a native tribe or a native community, or which is registered in the name of a native who has died,".

Amendment of
section 21 of
Act 18 of 1936.

Wysiging van artikel 28 van Wet 18 van 1936, soos deur artikel 7 van Wet 18 van 1954 gewysig.

8. Artikel *agt-en-twintig* van die Hoofwet word hiermee gewysig deur in sub-artikel (1) die woord „distrik” waar dit die eerste en tweede keer voorkom, deur die woord „gebied” te vervang en deur die woorde „van die Departement van Naturellesake” deur die woorde „deur die Minister aangewys” te vervang.

Wysiging van artikel 29 van Wet 18 van 1936, soos deur artikel 8 van Wet 18 van 1954 gewysig.

9. Artikel *nege-en-twintig* van die Hoofwet word hiermee gewysig deur die woord „distrik” waar dit ook al in sub-artikels (1), (3) en (5) voorkom, deur die woord „gebied” te vervang.

Wysiging van artikel 49 van Wet 18 van 1936, soos deur artikel 14 van Wet 18 van 1954 gewysig.

10. Artikel *nege-en-veertig* van die Hoofwet word hiermee gewysig deur in die woordskrywing van „distrik” die woorde „of ’n plakker-diensbodeskontroleraad” te skrap.

Wysiging van die Eerste Bylae van Wet 18 van 1936.

11. Die Eerste Bylae van die Hoofwet word hiermee gewysig deur die volgende by Deel II te voeg:

„GEBIED No. 49.

DISTRIK BABANANGO.

Omskrywing—Die volgende grond (met inbegrip van enige onderverdelings daarvan) voorheen in die distrik Vryheid geleë:

Die gedeelte van Duikerfontein No. 528 ten suide van die Wit Umfolosierivier, Welvergund No. 405, Welverdiend No. 271, Malta No. 514, Mount Sophia No. 359, Hardenarbeid No. 346, Request No. 283, Weltevreden No. 205, Strangers Rest No. 362, Dwarsrivier No. 259, Welgekozen No. 191, en Koningsdal No. 220.”.

Onttrekking van sekere grond van oopgestelde gebiede.

12. Die gedeelte van die plaas Duikerfontein No. 528 ten noorde van die Wit Umfolosierivier in die distrik Vryheid in die provinsie Natal word hiermee onttrek aan die oopgestelde gebiede in artikel *twee* van die Hoofwet vermeld en word Kroongrond.

Kort titel.

13. Hierdie Wet heet die Wysigingswet op Naturelletrust en -grond, 1956.

8. Section *twenty-eight* of the principal Act is hereby amended by the substitution in sub-section (1) for the word "district" where it occurs for the first and the second times of the word "area" and by the substitution for the words "of the Department of Native Affairs" of the words "designated by the Minister".

Amendment of section 28 of Act 18 of 1936, as amended by section 7 of Act 18 of 1954.

9. Section *twenty-nine* of the principal Act is hereby amended by the substitution for the word "district" wherever it occurs in sub-sections (1), (3) and (5) of the word "area".

Amendment of section 29 of Act 18 of 1936, as amended by section 8 of Act 18 of 1954.

10. Section *forty-nine* of the principal Act is hereby amended by the deletion in the definition of "district" of the words "or a labour tenants control board".

Amendment of section 49 of Act 18 of 1936, as amended by section 14 of Act 18 of 1954.

11. The First Schedule to the principal Act is hereby amended by the addition to Part II of the following:

Amendment of the First Schedule to Act 18 of 1936.

"AREA No. 49.

DISTRICT OF BABANANGO.

Description—The following land (including any subdivisions thereof) formerly situated in the district of Vryheid:

The portion of Duikerfontein No. 528 to the South of the White Umfolosi River, Welvergund No. 405, Welverdiend No. 271, Malta No. 514, Mount Sophia No. 359, Hardenarbeid No. 346, Request No. 283, Weltevreden No. 205, Strangers Rest No. 362, Dwarsrivier No. 259, Welgekozen No. 191, and Koningsdal No. 220."

12. The portion of the farm Duikerfontein No. 528 to the north of the White Umfolosi River in the district of Vryheid in the province of Natal is hereby excised from the released areas referred to in section *two* of the principal Act and becomes Crown land.

Excision of certain land from released areas.

13. This Act shall be called the Native Trust and Land Short title. Amendment Act, 1956.