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UNION OF SOUTH AFRICA

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31 AUGUST

*Alle Proklamasies, Goewerments- en Algemene Kennisgewings, wat vir die eerste maal gepubliseer word, is in die linker-bohoek met 'n \* gemerk.*

*All Proclamations, Government and General Notices published for the first time, are indicated by a \* in the left-hand upper corner.*

## PROKLAMASIE

VAN SY EKSELLENSIE DIE EDELE ERNEST GEORGE JANSEN, DOKTOR IN DIE REGTE, GOEWERNEUR-GENERAAL VAN DIE UNIE VAN SUID-AFRIKA.

\* No. 180, 1956.]

ONTBINDING VAN DIE VERENIGDE ALGEMENE RAAD VAN DIE TRANSKEISE GEBIEDE EN INSTELLING VAN BANTOE-OWERHEDE IN DIE TRANSKEISE GEBIEDE.

Nademaal die Verenigde Algemene Raad van die Transkeise Gebiede ingestel by Proklamasie No. 279 van 1930 besluit het dat hy en sy samestellende distriksrade ontbind en deur Bantoe-owerhede vervang moet word; en Nademaal genoemde Raad ooreengekom het oor die aard en werksaamhede van sodanige owerhede;

So is dit dat ek kragtens die bevoegdheid en gesag by wet aan my verleen, hierby soos volg verklaar:—

### HOOFSTUK I.

#### INLEIDEND.

1. Hierdie Proklamasie is in elf hoofstukke verdeel wat onderskeidelik op die volgende sake betrekking het:—

Hoof stuk I.—Inleidend (artikels een tot nege).

Hoofstuk II.—Stam- of Gemeenskapsowerhede (artikels tien tot vyf-en-twintig).

Hoofstuk III.—Distriksowerhede (artikels ses-en-twintig tot agt-en-dertig).

Hoofstuk IV.—Streekowerhede (artikels nege-en-dertig tot drie-en-vyftig).

Hoofstuk V.—Gebiedsowerheid (artikels vier-en-vyftig tot agt-en-sestig).

Hoofstuk VI.—Bestuur (artikels nege-en-sestig tot ses-en-sewentig).

Hoofstuk VII.—Amptenare en Werknemers (artikels sewe-en-sewentig tot vier-en-tagtig).

Hoofstuk VIII.—Ouditering en Finansies (artikels vyf-en-tagtig tot ses-en-negentig).

Hoofstuk IX.—Diverse Bevoegdhede en Pligte (artikels sewe-en-negentig tot honderd-en-vier).

Hoofstuk X.—Regulasies (artikels honderd-en-vyf en honderd-en-ses).

Hoofstuk XI.—Algemeen en Aanvullend (artikels honderd-en-sewe tot honderd-en-sestien).

2. Hierdie Proklamasie is van toepassing op dié gebiede dwarsdeur die Transkeise Gebiede, uitgesonderd die distrik Mount Currie, genoem in subartikel (1) van artikel vyf-en-twintig van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), in subartikel (1) van artikel een-en-twintig van die Naturelletrust en -Grond Wet, 1936 (Wet No. 18 van 1936) en enige gebied wat 'n Naturelle-lokasie verklaar is ingevolge die omskrywing daarvan wat in artikel negentien van die Naturelle Belasting en Ontwikkeling Wet, 1925 (Wet No. 41 van 1925) voorkom, dit wil sê, in—

(a) die distrikte Butterworth, Idutywa, Kentani, Ngamakwe, Tsomo en Willowvale, waaruit die Transkeigebied bestaan;

A—7193

## PROCLAMATION

BY HIS EXCELLENCY THE HONOURABLE ERNEST GEORGE JANSEN, DOCTOR OF LAWS, GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA.

\* No. 180, 1956.]

DISESTABLISHMENT OF THE UNITED TRANSKEIAN TERRITORIES GENERAL COUNCIL AND ESTABLISHMENT OF BANTU AUTHORITIES IN THE TRANSKEIAN TERRITORIES.

Whereas the United Transkeian Territories General Council, established by Proclamation No. 279 of 1930, has resolved that it and its component district councils should be disestablished and be replaced by Bantu Authorities; and

Whereas the said Council has agreed upon the nature and functions of such authorities;

Now, therefore, under and by virtue of the powers and authorities vested in me by law, I do hereby declare as follows:—

### CHAPTER I.

#### PRELIMINARY.

1. This Proclamation is divided into 11 chapters which severally relate to the following subject matters:—

Chapter I.—Preliminary (sections one to nine).

Chapter II.—Tribal or Community Authorities (sections ten to twenty-five).

Chapter III.—District Authorities (sections twenty-six to thirty-eight).

Chapter IV.—Regional Authorities (sections thirty-nine to fifty-three).

Chapter V.—Territorial Authority (sections fifty-four to sixty-eight).

Chapter VI.—Administration (sections sixty-nine to seventy-six).

Chapter VII.—Officers and Employees (sections seventy-seven to eighty-four).

Chapter VIII.—Audit and Finance (sections eighty-five to ninety-six).

Chapter IX.—Miscellaneous Powers and Duties (sections ninety-seven to one hundred and four).

Chapter X.—Regulations (sections one hundred and five and one hundred and six).

Chapter XI.—General and Supplementary (sections one hundred and seven to one hundred and sixteen).

2. This Proclamation shall apply to those areas throughout the Transkeian Territories, exclusive of the District of Mount Currie, referred to in sub-section (1) of section twenty-five of the Native Administration Act, 1927 (Act No. 38 of 1927), in sub-section (1) of section twenty-one of the Native Trust and Land Act, 1936 (Act No. 18 of 1936), and any area declared to be a Native location in terms of the definition thereof appearing in section nineteen of the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925), that is to say, in—

(a) the Districts of Butterworth, Idutywa, Kentani, Ngamakwe, Tsomo and Willowvale, comprising the Territory of the Transkei;

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- (b) die distrikte Elliotdale, Engcobo, Mqanduli, St. Marks, Umtata en Xalanga, waaruit die gebied Tumbuland bestaan;
- (c) die distrikte Matatiele, Mount Ayliff, Mount Fletcher, Mount Frere, Qumbu, Tsolo en Umzimkulu, in die gebied Oos-Griqualand, hierna ook bekend te wees as Emboland;
- (d) die distrikte Bizana, Flagstaff, Libode, Lusikisiki, Ngqeleni, Port St. Johns en Tabankulu, waaruit die gebied Pondoland bestaan.

3. (1) Behoudens die bepalings van subartikels (2), (3) en (4) van artikel vier en subartikel (1) van artikel nege en met ingang van die eerste dag van September 1956, hieronder die „vasgestelde datum” genoem, word Proklamasies Nos. 279 van 1930, 65 van 1953 en 35 van 1954 hierby herroep, tesame met soveel van enige ander Wet as wat by die toepassing daarvan op die Transkeise Gebiede onbestaanbaar of in stryd met die bepalings van hierdie Proklamasie mag wees, en word Goewermentskennisgewings Nos. 663 van 1953, 97 van 1954, 405 van 1954 en 765 van 1955 hierby ingetrek.

(2) 'n Verwysing in enige ander wet na die Verenigde Algemene Raad van die Transkeise Gebiede of na 'n distriksraad word met ingang van die vasgestelde datum geag betrekking te hê op onderskeidelik die Gebiedsowerheid of 'n distriksowerheid ingestel ingevolge hierdie Proklamasie.

(3) Goewermentskennisgewing No. 418 van 1955, soos gewysig by Goewermentskennisgewing No. 698 van 1955, word geag uitgereik te gewees het ingevolge die bepalings van artikel sewe-en-veertig, gelees met artikel een-en-sestig van hierdie Proklamasie en is, ondanks die bepalings van artikel ses-en-negentig, van toepassing op alle persone genoem in die Bylae van Goewermentskennisgewing No. 418 van 1955, soos gewysig.

4. (1) Met ingang van die vasgestelde datum word die Verenigde Algemene Raad van die Transkeise Gebiede, ingestel by Proklamasie No. 279 van 1930 en die distriksrade, ingestel ingevolge artikel vier van Proklamasie No. 65 van 1953, ontbind en word sowel die Transkeise Gebiedsowerheid as 'n Bantoe-distriksowerheid vir elkeen van die distrikte genoem in paragrawe (a) tot (d) van artikel twee op die vasgestelde datum ingestel.

(2) Elke distriksowerheid moet die pligte opgelê en al die bevoegdhede verleen en werksaamhede opgedra aan die distriksraad vir die betrokke distrik by of ooreenkomstig die bepalings van Proklamasie No. 65 van 1953, soos gewysig, en die regulasies uitgereik ingevolge Goewermentskennisgewing No. 663 van 1953, soos gewysig, uitoefen en moet in alle opsigte as sodanige distriksraad optree asof genoemde Proklamasie en Goewermentskennisgewing nie herroep is nie tot op 'n datum wat deur die Minister vasgestel word by kennisgewing in die *Staatskoerant* wat gepubliseer sal word nadat al die stam- of gemeenskapsowerhede by hierdie Proklamasie bepaal, ingestel is ten opsigte van sodanige distrik en daarna moet sodanige distriksowerheid met ingang van sodanige datum optree ooreenkomstig en word hy beheer deur die bepalings van Hoofstuk III en enige latere Hoofstuk; met dien verstande dat gedurende die tydperk van optrede van 'n distriksowerheid as 'n distriksraad, kan die Naturellelede van so 'n owerheid wie se voorsitter 'n Naturellekommissaris is, een uit hulle geledere as voorsitter verkies, en dan (a) is die bepalings van subartikels (3), (4) en (5) van artikel elf van Proklamasie No. 65 van 1953 *mutatis mutandis* van toepassing en (b) word artikel nege-en-twintig van genoemde Proklamasie gewysig geag deur die vervanging van die woord „kommissarisse” deur die woorde „voorsitters van distriksrade”, asof genoemde Proklamasie en die regulasies ingevolge daarvan nie herroep is nie.

(3) Die Gebiedsowerheid moet binne die gebied waaroor die Algemene Raad gesag het, die pligte opgelê en al die bevoegdhede verleen en werksaamhede opgedra aan daardie raad by Proklamasie No. 65 van 1953, soos gewysig, Goewermentskennisgewing No. 663 van 1953, soos gewysig, en enige ander Wet uitoefen asof sodanige Proklamasie en Goewermentskennisgewing nie herroep is nie en moet in alle opsigte optree as sodanige Algemene Raad tot op 'n datum wat vasgestel sal word by kennisgewing in die *Staatskoerant* wat gepubliseer sal word nadat

(b) the Districts of Elliotdale, Engcobo, Mqanduli, St. Marks, Umtata and Xalanga, comprising the Territory of Tumbuland;

(c) the Districts of Matatiele, Mount Ayliff, Mount Fletcher, Mount Frere, Qumbu, Tsolo and Umzimkulu, in the Territory of East Griqualand, henceforth also to be known as Emboland;

(d) the Districts of Bizana, Flagstaff, Libode, Lusikisiki, Ngqeleni, Port St. Johns and Tabankulu, comprising the Territory of Pondoland.

3. (1) Subject to the provisions of sub-sections (2), (3) and (4) of section four and sub-section (1) of section nine and with effect from the first day of September, 1956, hereinafter referred to as the “fixed date”, Proclamations Nos. 279 of 1930, 65 of 1953 and 35 of 1954 are hereby repealed, together with so much of any other law as, in its application to the Transkeian Territories, may be inconsistent with or repugnant to the provisions of this Proclamation, and Government Notices Nos. 663 of 1953, 97 of 1954, 405 of 1954 and 765 of 1955 are hereby withdrawn.

(2) Any reference in any other law to the United Transkeian Territories General Council or to a district council shall, with effect from the fixed date, be deemed to refer respectively to the Territorial Authority or a district authority established in terms of this Proclamation.

(3) Government Notice No. 418 of 1955, as amended by Government Notice No. 698 of 1955, shall be deemed to have been issued under the provisions of section forty-seven read with section sixty-one of this Proclamation and shall, notwithstanding the provisions of section ninety-six apply to all persons enumerated in the Schedule to Government Notice No. 418 of 1955, as amended.

4. (1) With effect from the fixed date the United Transkeian Territories General Council, established by Proclamation No. 279 of 1930 and the district councils established under section four of Proclamation No. 65 of 1953, shall be disestablished and the Transkeian Territorial Authority as well as a Bantu district authority for each of the districts referred to in paragraphs (a) to (d) of section two shall, on the fixed date, be established.

(2) Each district authority shall discharge the duties imposed on, and exercise all the powers and functions conferred upon, the district council for the district concerned by or in accordance with the provisions of Proclamation No. 65 of 1953, as amended, and the regulations issued under Government Notice No. 663 of 1953, as amended, and shall in all respects operate as such district council as if the said Proclamation and Government Notice had not been repealed, until a date to be fixed by the Minister by notice in the *Gazette* to be published after all the tribal or community authorities provided by this Proclamation have been established in respect of such district, whereupon, with effect from such date, such district authority shall operate in accordance with and be governed by the provisions of Chapter III and any subsequent chapter; provided that during the period of operation of a district authority as a district council the Native members of such authority whose chairman is the Native Commissioner may elect one of their number as chairman, whereupon (a) the provisions of sub-sections (3), (4) and (5) of section eleven of Proclamation No. 65 of 1953 shall *mutatis mutandis* apply and (b) section twenty-nine of such Proclamation shall be deemed to have been amended by the substitution of the words “chairmen of district councils” for the word “commissioners”, as if the said Proclamation and the regulations thereunder had not been repealed.

(3) The Territorial Authority shall, within the area of jurisdiction of the General Council, discharge the duties imposed on, and exercise all the powers and functions conferred upon, that Council by Proclamation No. 65 of 1953, as amended, Government Notice No. 663 of 1953, as amended, and any other law as if such Proclamation and Government Notice had not been repealed and shall in all respects operate as such General Council until a date to be fixed by Notice in the *Gazette*, to be published



al die Bantolestreekowerhede ingevolge hierdie Proklamasie ingestel is en daarna moet die Gebiedsowerheid met ingang van sodanige datum optree as 'n Bantoe-owerheid ooreenkomstig die bepalings vervat in Hoofstuk V en enige latere Hoofstuk; met dien verstande dat gedurende die oorgangstydperk en wanneer 'n Naturellevoorsitter verkies is soos bepaal in subartikel (2) ten opsigte van elke distriksowerheid, en 'n Naturellesekretaris en -tesourier van die Gebiedsowerheid aangestel is soos bepaal in subartikel (2) van artikel *nege*, die Naturellelede van die Gebiedsowerheid een uit hulle geledere as voorsitter kan verkies en dan is die bepalings van subartikels (3) tot en met (7) van artikel *sewentien* van Proklamasie No. 65 van 1953 *mutatis mutandis* van toepassing asof genoemde Proklamasie en die regulasies ingevolge daarvan nie herroep is nie.

(4) Gedurende die oorgangstydperk word elke distriksowerheid, ondanks die feit dat hy gedurende sodanige tydperk begin het om ingevolge subartikel (2) as 'n Bantoe-owerheid op te tree, geag 'n distriksraad te wees vir die doeleindes van die benoeming en aanstelling van lede van die Gebiedsowerheid ingevolge die bepalings van Proklamasie No. 65 van 1953, soos bepaal in subartikel (3).

5. Behoudens die bepalings van hierdie Proklamasie word alle werknemers van die Algemene Raad op die vasgestelde datum werknemers van die Gebiedsowerheid en behou as sodanig of is onderworpe aan al hulle bestaande en toekomstige regte, pligte en voorregte; met dien verstande dat die Gebiedsowerheid gedurende die oorgangstydperk op 'n besluit van sy Uitvoerende Komitee en op sodanige voorwaardes as wat sodanige Komitee kan voorskryf, 'n werknemer in sy diens kan oorplaas na 'n laer owerheid wat gedurende sodanige tydperk ingestel mag word of in die geval van 'n distriksowerheid as 'n Bantoe-owerheid kan begin optree ingevolge subartikel (2) van artikel *vier*.

6. (1) Die bates en laste van die Algemene Raad word op die vasgestelde datum die bates en laste van die Gebiedsowerheid.

(2) Al die eiendom, roerend en onroerend, van die Algemene Raad gaan op die vasgestelde datum sonder betaling van hereregte, seëlregte of enige ander gelde of vordering op die Gebiedsowerheid oor, maar altyd behoudens enige bestaande vordering, verpligting of trust op of oor sodanige eiendom of wat dit anders regtens raak.

(3) Die Registrateur van Aktes moet, sodra die titelbewys van enige onroerende eiendom genoem in subartikel (2) aan hom voorgelê word, sodanige titelbewys endosseer met die verklaring dat die onroerende eiendom wat daarin beskryf word, by die Gebiedsowerheid berus, en die nodige inskrywings in sy registers doen en daarna dien genoemde titelbewys en is dit van krag as die titelbewys van die Gebiedsowerheid op genoemde eiendom.

(4) Alle regte op die bewoning van grond wat deur middel van 'n bewoningstifikaat, bewoningsvergunning, huurooreenkoms of ander dokument aan die Algemene Raad verleen word, word met ingang van die vasgestelde datum en behoudens die voorwaardes daarvan, geag aan die Gebiedsowerheid verleen te gewees het.

7. (1) Die fondse wat vir enige doel deur die Algemene Raad met die goedkeuring van die Goewerneur-generaal vir die boekjaar eindigende 30 Junie 1957, bewillig is of bewillig mag word, word ten opsigte van betalings wat op of na die vasgestelde datum gedoen word, geag deur die Gebiedsowerheid bewillig te gewees het met dieselfde goedkeuring vir dieselfde doel.

(2) Ondanks die bepalings van subartikel (1) kan die Gebiedsowerheid gedurende die oorgangstydperk—

- (a) op 'n besluit van sy Uitvoerende Komitee;
- (b) behoudens die goedkeuring van die Hoofnaturelle-kommissaris;
- (c) as fondse beskikbaar is; en
- (d) binne die bestek van sy gemagtigde bewilliging;

aan enige laer owerheid die verantwoordelikheid opdra vir die uitvoering van enige diens waarvoor finansiële voorsiening in sodanige bewilliging gemaak is en wat in hierdie Proklamasie as 'n werksaamheid van sodanige laer owerheid voorgeskryf is, en kan aan enige voornoemde owerheid die fondse toewys wat deur die Gebiedsowerheid nodig beskou word om daardie verantwoordelikheid te kan nakom.

after all the Bantu Regional Authorities under this Proclamation have been established, whereupon, with effect from such date, the Territorial Authority shall operate as a Bantu authority in accordance with the provisions contained in Chapter V and any subsequent chapter; provided that, during the transitional period and when a Native chairman has been elected, as provided in sub-section (2) in respect of each district authority, and a Native secretary and treasurer of the Territorial Authority has been appointed as provided in sub-section (2) of section *nine*, the Native members of the Territorial Authority may elect one of their number as chairman, whereupon the provisions of sub-sections (3) to (7), inclusive, of section *seventeen* of Proclamation No. 65 of 1953 shall *mutatis mutandis* apply as if such Proclamation and the regulations thereunder had not been repealed.

(4) During the transitional period each district authority shall, notwithstanding that it may have, during such period, commenced to operate as a Bantu authority in terms of sub-section (2), be deemed to be a district council for the purposes of the nomination and appointment of members of the Territorial Authority under the provisions of Proclamation No. 65 of 1953, as provided in sub-section (3).

5. Subject to the provisions of this Proclamation all employees of the General Council shall upon the fixed date become employees of the Territorial Authority and shall as such retain or be subject to all their existing and accruing rights, duties and privileges; provided that the Territorial Authority may, during the transitional period, on a resolution of its Executive Committee and on such conditions as such Committee may prescribe, second any employee in its service to a lower authority which, during such period, may be established or, in the case of a district authority, may commence to operate as a Bantu authority in terms of sub-section (2) of section *four*.

6. (1) The assets and liabilities of the General Council shall upon the fixed date become the assets and liabilities of the Territorial Authority.

(2) All the property, movable and immovable, of the General Council shall upon the fixed date vest without payment of transfer duty, stamp duty or any other fee or charge in the Territorial Authority, but subject always to any existing charge, obligation or trust on or over such property or otherwise lawfully affecting the same.

(3) The Registrar of Deeds shall, upon production to him of the title deed to any immovable property referred to in sub-section (2) endorse such title deed to the effect that the immovable property therein described is vested in the Territorial Authority and make the necessary entries in his registers, and thereupon the said title deed shall serve and avail as the title deed of the Territorial Authority to the said property.

(4) Any rights to the occupation of land granted to the General Council by means of a certificate of occupation, permission to occupy, agreement of lease or other document shall, as from the fixed date and subject to the conditions thereof, be deemed to have been granted to the Territorial Authority.

7. (1) The funds appropriated or which may be appropriated for any purpose by the General Council, with the approval of the Governor-General, for the financial year ending 30th June, 1957, shall, in respect of payments made on or after the fixed date, be deemed to have been appropriated, with the like approval, for the same purpose by the Territorial Authority.

(2) Notwithstanding the provisions of sub-section (1), the Territorial Authority, during the transitional period, may—

- (a) on a resolution of its Executive Committee;
- (b) subject to the approval of the Chief Native Commissioner;
- (c) if funds are available; and
- (d) within the scope of its authorised appropriation;

assign to any lower authority the responsibility for the carrying out of any service for which financial provision has been made in such appropriation and which is prescribed in this Proclamation as a function of such lower authority, and may allocate to any authority as aforesaid the funds considered by the Territorial Authority to be necessary to enable that responsibility to be discharged.

8. Behoudens die bepalings van hierdie Proklamasie is die bepalings van Proklamasie No. 143 van 1921 met ingang van die vasgestelde datum van toepassing op werknemers van die Gebiedsowerheid en die fonds wat by daardie Proklamasie ingestel word, word die Transkeise Bantoe-owerhede se Werknemerspensioen- en Gratifikasiefonds genoem.

Die bates en laste van die fonds word die bates en laste van die Transkeise Bantoe-owerhede se Werknemerspensioen- en Gratifikasiefonds.

9. (1) Die Sekretaris en Tesourier van die Algemene Raad aangestel ingevolge subartikel (1) van artikel *sewen-dertig* van Proklamasie No. 65 van 1953 word gedurende die oorgangstydperk en tot tyd en wyl 'n Naturellesekretaris en -tesourier van die Gebiedsowerheid aangestel is, geag die Sekretaris en Tesourier van sodanige owerheid te wees en moet *mutatis mutandis* die bevoegdhede en werksaamhede uitoefen en die pligte vervul soos bepaal in Proklamasie No. 65 van 1953 en Goewermentskennisgewing No. 663 van 1933, asof genoemde Proklamasie en Goewermentskennisgewing nie herroep is nie.

(2) Die Uitvoerende Komitee van die Gebiedsowerheid kan gedurende die oorgangstydperk 'n Naturel as die sekretaris en tesourier van genoemde owerheid aanstel wat gedurende die oorblywende gedeelte van sodanige tydperk die bevoegdhede en werksaamhede moet uitoefen en die pligte moet vervul wat in subartikel (1) genoem word en daarna word die toesighoudende amptenaar genoem in subartikel (1) van artikel *sewe-en-sewentig* aangestel asof die oorgangstydperk verstryk het.

(3) Met ingang van die vasgestelde datum word die sekretarisse en tesouriers van die distriksrade van Butterworth, Mount Ayliff, Port St. Johns en Xalanga, aangestel ingevolge paragraaf (b) van subartikel (3) van artikel *elf* van Proklamasie No. 65 van 1953, geag aangestel te gewees het as onderskeidelik sekretarisse en tesouriers van die distriksowerhede van genoemde distrikte.

(4) Lede van die Algemene Raad, die Uitvoerende Komitee daarvan en van 'n distriksraad aangestel ingevolge die bepalings van Proklamasie No. 65 van 1953, word met ingang van die vasgestelde datum geag lede te wees van onderskeidelik die Gebiedsowerheid, die Uitvoerende Komitee daarvan en van die betrokke distriksowerheid tot tyd en wyl, in die geval van enige sodanige owerheid of Komitee, hulle opvolgers ingevolge hierdie Proklamasie aangestel is.

## HOOFTSTUK II.

### STAM- OF GEMEENSKAPSWERHEDE.

10. (1) Die Goewerneur-generaal kan met behoorlike inagneming van Naturellereg en -gewoonte en na oorlegpleging met elke betrokke stam en gemeenskap, ten opsigte van enige Naturellestam of -gemeenskap of ten opsigte van enige twee of meer sodanige stamme of gemeenskappe of een of meer sodanige stamme en een of meer sodanige gemeenskappe gesamentlik 'n Bantoe-stam- of gemeenskapsowerheid instel; met dien verstande dat sodanige oorlegpleging geag word bewerkstellig te wees wanneer elke plaaslike kaptein in die gebied van sodanige stam of elke hoofman van 'n lokasie of wyk in die gebied van sodanige gemeenskap op las van die Naturellekommissaris 'n vergadering gehou het met die lede van sodanige stam of gemeenskap in elke sodanige stamgebied of elke sodanige lokasie of wyk waarin sodanige lede gedomicilieer en teenwoordig is, en aan die Minister, deur bemiddeling van die Naturellekommissaris skriftelik verslag gedoen het oor die uitslag van elke sodanige vergadering met inbegrip van besonderhede van die getal manlike volwasse lede van die stam of gemeenskap wat teenwoordig was en die besluit of besluite wat daarop geneem is, tesame met die getal stemme wat ten gunste en teen sodanige besluit of besluite deur sodanige lede uitgebring is.

(2) Die instelling van 'n stam- of gemeenskapsowerheid en die gebied of gebiede ten opsigte waarvan dit ingestel is en enige verandering van sodanige gebied, moet by kennisgewing in die *Staat-skoerant* bekendgemaak word.

(3) Die publikasie van die kennisgewing genoem in subartikel (2), is afdoende bewys dat aan die bepalings van subartikel (1) voldoen is.

8. Subject to the provisions of this Proclamation, from and after the fixed date the provisions of Proclamation No. 143 of 1921, shall apply to employees of the Territorial Authority and the fund established by that Proclamation shall be styled the Transkeian Bantu Authorities' Employees' Pension and Gratuity Fund. The assets and liabilities of the fund shall become the assets and liabilities of the Transkeian Bantu Authorities' Employees' Pension and Gratuity Fund.

9. (1) The Secretary and Treasurer of the General Council appointed under sub-section (1) of section *thirty-seven* of Proclamation No. 65 of 1953 shall, during the transitional period and until such time as a Native secretary and treasurer of the Territorial Authority has been appointed, be deemed to be the secretary and treasurer of such authority and shall *mutatis mutandis* exercise the powers and functions and perform the duties as provided in Proclamation No. 65 of 1953 and Government Notice No. 663 of 1953 as if such Proclamation and Government Notice had not been repealed.

(2) The Executive Committee of the Territorial Authority may, during the transitional period, appoint a Native as the secretary and treasurer of such authority who shall, during the remainder of such period exercise the powers and functions and perform the duties referred to in sub-section (1), whereupon the supervisory officer referred to in sub-section (1) of section *seventy-seven* shall be appointed as if the transitional period had expired.

(3) With effect from the fixed date the secretaries and treasurers of the district councils of Butterworth, Mount Ayliff, Port St. John's and Xalanga, appointed under paragraph (b) of sub-section (3) of section *eleven* of Proclamation No. 65 of 1953, shall be deemed to have been appointed as secretaries and treasurers of the district authorities of such districts respectively.

(4) Members of the General Council, the Executive Committee thereof, and of a district council appointed under the provisions of Proclamation No. 65 of 1953, shall, from the fixed date be deemed to be members of the Territorial Authority, the Executive Committee thereof and of the district authority concerned respectively, until such time as, in the case of any such authority or committee, their successors have been appointed in terms of this Proclamation.

## CHAPTER II.

### TRIBAL OR COMMUNITY AUTHORITIES.

10. (1) The Governor-General may, with due regard to Native law and custom and after consultation with every tribe and community concerned, establish in respect of any Native tribe or community or in respect of any two or more such tribes or communities or one or more such tribes and one or more such communities jointly, a Bantu tribal or community authority; provided that such consultation shall be deemed to have been effected when each local chief in the area of such tribe or each headman of a location or ward in the area of such community has, upon the direction of the Native Commissioner, held a meeting with the members of such tribe or community in each such tribal area or each such location or ward in which such members are domiciled and are present, and has reported to the Minister, through the Native Commissioner in writing the result of each such meeting, including particulars of the number of adult male members of the tribe or community present and the resolution or resolutions adopted thereat, together with the number of votes cast for and against such resolution or resolutions by such members.

(2) The establishment of a tribal or community authority and the area or areas in respect of which it has been established and any modification of any such area, shall be made known by notice in the *Gazette*.

(3) The publication of the notice referred to in sub-section (2) shall be conclusive proof that the provisions of sub-section (1) have been complied with.



11. (1) Behoudens die bepalings van subartikel (4) en van artikel *twaalf* bestaan 'n stam- of gemeenskapsowerheid uit 'n voorsittende en soveel raadsmanne as wat die Goewerneur-generaal mag vasstel.

(2) Die hoof van 'n stam- of gemeenskapsowerheid is—

- (a) die kaptein wat in die gebied van so 'n owerheid woon as daar een kaptein is; of
- (b) 'n kaptein aangewys deur die Goewerneur-generaal as daar meer as een kaptein in die gebied is; met dien verstande dat as so 'n gebied binne die gesagsgebied van 'n hoofkaptein val, sodanige aanwysing in oorleg met hom gedoen moet word en die kaptein aldus aangewys geag word die gevolmagtigde van sodanige hoofkaptein te wees; of
- (c) die hoofman wat in genoemde gebied woon as daar nie 'n kaptein is nie en net een hoofman is; of
- (d) 'n hoofman aangewys deur die Goewerneur-generaal as daar geen kaptein is nie en twee of meer hoofmanne in sodanige gebied woon; met dien verstande dat—

(i) as die gebied van genoemde owerheid deel van die gebied van 'n plaaslike kaptein uitmaak die aanwysing van sodanige hoofman in oorleg met sodanige kaptein gedoen moet word, en die hoofman aldus aangewys geag word die gevolmagtigde van sodanige kaptein te wees; en

(ii) as sodanige gebied binne die gebied van 'n hoofkaptein val, die Goewerneur-generaal na oorlegpleging met sodanige hoofkaptein en enige plaaslike kaptein wat gesag in sodanige gebied het, 'n hoofman of 'n ander persoon as 'n hoofman as die hoof van die betrokke stam- of gemeenskapsowerheid kan aanwys, en die hoofman of ander persoon aldus aangewys word geag die gevolmagtigde van sodanige plaaslike kaptein te wees of, as daar geen plaaslike kaptein is nie, van sodanige hoofkaptein.

(3) Die Goewerneur-generaal kan, as dit na sy mening te nodig of wenslik is, enige aanwysing gedoen ingevolge (b) of (d) van subartikel (2) intrek en ooreenkomstig die bepalings van genoemde paragrawe, 'n ander hoofman of 'n ander persoon in die betrokke gebied aanwys om die vakature aldus veroorsaak aan te vul.

(4) As die hoof van 'n stam- of gemeenskapsowerheid sterf of weens afwesigheid of ander oorsaak nie in staat is om op 'n vergadering daarvan voor te sit nie, moet die ander lede van die owerheid wat op die vergadering teenwoordig is, een uit hulle geledere aanstel om op sodanige vergadering voor te sit, of in die geval van die dood van die hoof, om sodanige owerheid in staat te stel om vir die doeleindes van subartikel (8) op te tree.

(5) Die hoof van 'n stam- of gemeenskapsowerheid word geag behoorlik ingevolge artikel *twee* van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927) aangestel te wees om die kaptein of hoofman, na gelang van die geval, te wees van elke stam of gemeenskap ten opsigte waarvan sodanige owerheid ingestel is, behoudens die bepalings van subartikel (7), en het behoudens die beperkings en voorwaardes wat die Goewerneur-generaal mag stel, al die bevoegdhede wat ingevolge 'n wet of enige Naturellereg of -gewoonte van enigeen van die betrokke stamme of gemeenskappe by 'n kaptein of hoofman aldus aangestel, berus.

(6) Geen kaptein of, behoudens die bepalings van subartikel (7), geen hoofman wat sy amp op die tyd van die instelling van 'n stam- of gemeenskapsowerheid beklee ten opsigte van 'n gebied waarin hy woon hou op om sy amp as kaptein of hoofman te bly net om rede van die stigting van daardie owerheid nie.

(7) As daar een of meer hoofmanne is wat hulle amp in die gebied van 'n stam- of gemeenskapsowerheid op die datum van die instelling daarvan beklee, word elke sodanige hoofman wat nie as hoof van daardie owerheid aangestel is nie—

(a) geag 'n hoofman van sodanige owerheid te wees; en kan

11. (1) Subject to the provisions of sub-section (4) and of section *twelve*, a tribal or community authority shall consist of a presiding head and so many councillors as may be determined by the Governor-General.

(2) The head of a tribal or community authority shall be—

- (a) the chief residing in the area of such authority, should there be one chief; or
- (b) a chief designated by the Governor-General, should there be more than one chief in such area; provided that if such area falls within the jurisdiction of a paramount chief, such designation shall be made in consultation with him, and the chief so designated shall be deemed to be the deputy of such paramount chief; or

(c) the headman residing in such area, should there be no chief and only one headman; or

(d) a headman designated by the Governor-General, should there be no chief and two or more headmen resident in such area; provided that—

(i) if the area of such authority constitute part of the area of a local chief, the designation of such headman shall be made in consultation with such chief, and the headman so designated shall be deemed to be the deputy of such chief; and

(ii) if such area falls within the area of a paramount chief, the Governor-General may, after consultation with such paramount chief and any local chief having jurisdiction in such area, designate a headman or some person other than a headman to be the head of the tribal or community authority concerned, and the headman or other person so designated shall be deemed to be the deputy of such local chief or, if there be no local chief, of such paramount chief.

(3) The Governor-General may, if in his opinion it is at any time necessary or desirable, withdraw any designation made in terms of paragraphs (b) or (d) of sub-section (2) and, in accordance with the provisions of such paragraphs, designate another headman or some other person in the area concerned to fill the vacancy so caused.

(4) If the head of a tribal or community authority die or be unable through absence or other cause to preside at any meeting thereof, the other members of such authority present at that meeting shall appoint one of their number to preside over such meeting, or, in the case of the death of the head, to enable such authority to function for the purposes of sub-section (8).

(5) The head of a tribal or community authority shall be deemed to have been duly appointed under section *two* of the Native Administration Act, 1927 (Act No. 38 of 1927), to be the chief or headman, as the case may be, of every tribe or community in respect of which such authority has been established subject to the provisions of sub-section (7), and shall, subject to such restrictions and conditions as the Governor-General may determine, have all the powers which are in terms of any law, or any Native law or custom of any of the tribes or communities concerned, vested in a chief or headman so appointed.

(6) No chief or, subject to the provisions of sub-section (7), no headman in office at the time of the establishment of a tribal or community authority in respect of an area in which he resides shall cease to hold office as chief or headman by reason only of the establishment of that authority.

(7) Should there be one or more headmen holding office in the area of a tribal or community authority at the date of its establishment, each such headman not appointed as head of that authority—

(a) shall be deemed to be a headman of such authority;

(b) aan hom pligte opgedra en bevoegdhede oorgedra word deur sodanige owerheid wat binne die bestek daarvan val slegs ten opsigte van die lokasie waarvan hy hoofman is, en moet sodanige pligte uitvoer en sodanige bevoegdhede uitoefen volgens die opdragte en onder die toesig van sodanige owerheid; met dien verstande dat hy met die goedkeuring van genoemde owerheid 'n raad kan aanstel om hom met die uitvoering van sodanige pligte of die uitoefening van sodanige bevoegdhede behulpsaam te wees; en

(c) behou hy, behoudens die bepalings van hierdie Proklamasie, die voorregte en diensvoorwaardes, verrig sodanige ander pligte en oefen sodanige ander bevoegdhede uit en verrig sodanige ander werk-saamhede as wat by enige ander wet bepaal is of bepaal mag word.

(8) Ondanks andersluidende bepalings in die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), word die aanstelling, ontslag of skorsing van 'n hoofman, uitgesonderd dié genoem in subartikel (6), gedoen of bewerkstellig deur die betrokke stam- of gemeenskapsowerheid behoudens bekragtiging deur die Goewerneur-generaal, met dien verstande dat die Goewerneur-generaal in omstandighede wat hy wenslik af, enige hoofman kan aanstel, ontslaan of skors.

(9) Die bepalings van subartikel (7) is van toepassing op hoofmanne aangestel ingevolge subartikel (8).

12. (1) Die Goewerneur-generaal bepaal die getal raadsmanne van 'n stam- of gemeenskapsowerheid wat deur die hoof van sodanige owerheid aangestel moet word, en 'n verdere getal raadsmanne, naamlik 'n veelvoud van drie en hoogstens die eerste getal wat bepaal is, waarvan—

(a) een-derde deur die Naturellekommissaris met die goedkeuring van die Minister aangestel moet word; en

(b) twee-derdes deur die algemene belastingbetalers wat in die gebied van sodanige owerheid woon, in ooreenstemming met die hoof daarvan aangestel moet word;

met dien verstande dat die Goewerneur-generaal ten opsigte van enige gebied onder 'n hoofkaptein en na ooreenstemming met sodanige kaptein kan gelas dat die wyse van aanstelling van lede dié moet wees wat hy bepaal; en met dien verstande voorts dat as 'n persoon wat benoem word vir aanstelling en wie se ampstyd nog nie begin het nie, sterf of skriftelik te kenne gee dat hy nie bereid is om die amp te aanvaar nie, die hoof van die owerheid of die Naturellekommissaris of die algemene belastingbetalers, na gelang van die geval, 'n persoon moet aanstel om die vakature aan te vul.

(2) Aanstellings wat ingevolge subartikel (1) deur 'n kaptein gedoen word, moet gedoen word ooreenkomstig die wette en gewoontes van die betrokke stam, en dié wat deur 'n hoofman gedoen word moet gedoen word ooreenkomstig die wette en gewoontes wat hoofsaaklik in die betrokke gemeenskap in swang is. As daar geen sodanige wette en gewoontes is nie, moet sulke aanstellings gedoen word op die wyse wat die Naturellekommissaris gelas.

(3) Aanstellings genoem in paragraaf (b) van subartikel (1), word gedoen op die wyse wat die hoof van die owerheid met die voorafverkreë goedkeuring van die Naturellekommissaris bepaal.

13. (1) Nie later nie as dertig dae na die instelling van 'n stam- of gemeenskapsowerheid moet die hoof van sodanige owerheid die Naturellekommissaris skriftelik in kennis stel van die name van die persone wat deur hom en deur die algemene belastingbetalers as raadsmanne aangestel is.

(2) Die Naturellekommissaris het die reg om binne dertig dae na die datum van die ontvangs deur hom van sodanige kennisgewing, deur skriftelike mededeling onder sy handtekening, gerig aan die hoof van die stam- of gemeenskapsowerheid, die aanstelling van 'n persoon as raadsman te verwerp, en vanaf die datum van ontvangs deur sodanige hoof van sodanige mededeling, hou die betrokke persoon op om 'n raadsman te wees.

(3) Die hoof van die owerheid of die algemene belastingbetalers, na gelang van die geval, moet daarna dadelik 'n ander persoon as raadsman aanstel om die plek in te neem van die persoon wie se aanstelling aldus verwerp is en moet die Naturellekommissaris skriftelik in kennis stel van die naam van die persoon aldus aangestel.

(b) may be assigned duties and delegated powers by such authority which fall within the scope thereof, in respect only of the location of which he is headman, and shall perform such duties and exercise such powers according to the directions and under the supervision of such authority; provided that he may, with the approval of such authority, appoint a council to assist him in the performance of such duties or the exercise of such powers; and

(c) subject to the provisions of this Proclamation, retain such privileges and conditions of service, perform such other duties and exercise such other powers and functions as have been or may be laid down by any other law.

(8) Notwithstanding anything contained in the Native Administration Act, 1927 (Act No. 38 of 1927), the appointment, dismissal or suspension of any headman, other than those mentioned in sub-section (6), shall be made or effected by the tribal or community authority concerned, subject to confirmation by the Governor-General; provided that the Governor-General may, in circumstances considered by him to be desirable, appoint, dismiss or suspend any headman.

(9) The provisions of sub-section (7) shall apply to headmen appointed in terms of sub-section (8).

12. (1) The Governor-General shall determine the number of councillors of a tribal or community authority who shall be appointed by the head of such authority, and a further number of councillors, being a multiple of three and not exceeding the first number determined, of which further number—

(a) one-third shall be appointed by the Native Commissioner subject to the approval of the Minister; and

(b) two-thirds shall be appointed by the general taxpayers resident in the area of such authority in consultation with the head thereof;

provided that the Governor-General may, in respect of any area under a paramount chief, and after consultation with such chief, direct that the method of appointment of members shall be as determined by him; and provided further that if any person nominated for appointment whose period of office has not yet commenced should die or indicate in writing that he is not prepared to accept office, the head of the authority or the Native Commissioner or the general taxpayers, as the case may be, shall appoint a person to fill the vacancy.

(2) Appointments made in terms of sub-section (1) by a chief shall be made in accordance with the laws and customs of the tribe concerned, and by a headman shall be made in accordance with the laws and customs mainly obtaining in the community concerned. Failing any such laws and customs such appointments shall be made in such manner as the Native Commissioner shall direct.

(3) Appointments referred to in paragraph (b) of sub-section (1) shall be made in such manner as the head of the authority may, with the prior approval of the Native Commissioner, decide.

13. (1) Not later than 30 days after the establishment of a tribal or community authority the head of such authority shall notify the Native Commissioner in writing of the names of the persons appointed by him and by the general taxpayers as councillors.

(2) The Native Commissioner shall have the right within 30 days after the date of receipt by him of such notice, by written intimation under his hand directed to the head of the tribal or community authority, to veto the appointment of any person as councillor, and from the date of receipt by such head of such intimation, the person concerned shall cease to be a councillor.

(3) The head of the authority or the general taxpayers, as the case may be, shall forthwith thereafter appoint another person as councillor to take the place of the person whose appointment has been so vetoed and notify the Native Commissioner in writing of the name of the person so appointed.



(4) Die Naturellekommissaris het die reg om die aanstelling te verwerp van enige persoon wat aangestel is om die plek in te neem van 'n raadsman wie se aanstelling verwerp is en die bepalings van subartikels (2) en (3) is daarna *mutatis mutandis* van toepassing.

(5) 'n Hoof van 'n stam- of gemeenskapsowerheid of die algemene belastingbetalers, na gelang van die geval, kan nie later nie as dertig dae na die datum waarop sodanige hoof kennis ontvang het dat die Naturellekommissaris die aanstelling van 'n raadsman verwerp het, by die Minister appèl aanteken teen die uitoefening van sodanige verwerpingsreg deur die Naturellekommissaris. Kennisgewing van appèl moet skriftelik wees en gerig word aan die Naturellekommissaris en die gronde vir die appèl moet daarin genoem word.

(6) Binne sewe dae na die ontvangs daarvan moet die Naturellekommissaris die kennisgewing tesame met 'n volledige verklaring van sy redes vir die uitoefening van die verwerpingsreg aan die Minister stuur.

(7) Die Minister oorweeg die appèl en laat so spoedig moontlik daarna die hoof van die owerheid deur bemiddeling van die Naturellekommissaris van sy beslissing in kennis stel.

(8) As die appèl gehandhaaf word, hou 'n persoon wat in die plek van die raadsman wie se aanstelling verwerp is, aangestel is, op om 'n raadsman te wees vanaf die datum waarop die hoof van die owerheid deur die Naturellekommissaris in kennis gestel word van die Minister se beslissing en die persoon op wie die appèl betrekking gehad het, word vanaf daardie datum as 'n raadsman in sy amp herstel.

14. As die hoof van die owerheid of die algemene belastingbetalers, na gelang van die geval, in gebreke bly om die nodige getal raadsmanne aan te stel soos bepaal in artikels twaalf en dertien, kan die Minister van sodanige belastingbetalers vereis om 'n voldoende getal raadsmanne aan te stel, en as daar nie aan hierdie vereiste binne een-en-twintig dae voldoen word nie, kan hy die getal raadslede wat hy goedvind, aanstel.

15. (1) Die ampstyd van 'n raadsman, aangestel deur die Naturellekommissaris of deur die algemene belastingbetalers ingevolge hierdie Proklamasie, is, uitgesonderd soos bepaal in artikels sewentien en honderd-en-nege, vyf jaar wat begin op die eerste dag van September 1956, en daarna op die eerste dag van September waarmee elke verdere tydperk van vyf jaar begin; met dien verstande dat in die geval van 'n stam- of gemeenskapsowerheid ingestel gedurende 'n tydperk van vyf jaar, die ampstyd van die raadsmanne daarvan wat deur die Naturellekommissaris of deur die algemene belastingbetalers aangestel is, op die een-en-dertigste dag van Augustus aan die end van sodanige tydperk van vyf jaar verstryk.

(2) 'n Raadsman wat ophou om sy amp te beklee weens die verstryking van sy ampstyd, kan weer aangestel word.

(3) Uitgesonderd soos bepaal in subartikel (1) en behoudens enige spesiale pligte wat aan 'n raadsman deur 'n stam- of gemeenskapsowerheid of sy hoof opgedra word, het 'n raadsman wat deur die Naturellekommissaris of deur die algemene belastingbetalers aangestel is, dieselfde regte, voorregte en pligte as 'n raadsman wat deur sodanige hoof aangestel is.

(4) 'n Hoof van 'n stam- of gemeenskapsowerheid wat 'n raadsman wat nie deur hom aangestel is nie, uitsluit van verrigtings waarby ander raadsmanne toegelaat word om teenwoordig te wees, of verrigtings van 'n stam- of gemeenskapsowerheid hou sonder dat sodanige raadsman redelike kennis gegee is dat die verrigtings sal plaasvind, of wat op watter wyse ook al teen sodanige raadsman diskrimineer, is skuldig aan 'n misdryf.

16. Die Minister kan die anstelling van 'n raadsman intrek as, na 'n ondersoek, gehou deur 'n amptenaar van die Staatsdiens wat deur die Minister vir daardie doel aangestel is, waarby sodanige raadsman geregtig is om gehoor te word, hy daarvan oortuig is dat sodanige raadsman nalatig is in verband met die vervulling van sy pligte of dat om enige ander rede, die verwydering van sodanige raadsman uit sy amp in die algemene belang van die Naturelle in die gebied ten opsigte waarvan die stam- of gemeenskapsowerheid ingestel is, wenslik is.

(4) The Native Commissioner shall have the right to veto the appointment of any person appointed to take the place of a councillor whose appointment has been vetoed and the provisions of sub-sections (2) and (3) shall thereupon *mutatis mutandis* apply.

(5) A head of a tribal or community authority or the general taxpayers, as the case may be, may, not later than 30 days after the date on which such head received notice that the Native Commissioner has vetoed the appointment of a councillor, note an appeal to the Minister against the exercise of such veto by the Native Commissioner. Notice of appeal shall be in writing addressed to the Native Commissioner and shall state the grounds for the appeal.

(6) Within seven days of the receipt thereof, the Native Commissioner shall transmit such notice, together with a full statement of his reasons for exercising the veto, to the Minister.

(7) The Minister shall consider the appeal and shall, as soon as possible thereafter, cause the head of the authority to be informed, through the Native Commissioner, of his decision.

(8) If the appeal be upheld, any person appointed in the place of the councillor whose appointment was vetoed shall cease to be a councillor from the date on which the head of the authority is informed by the Native Commissioner of the Minister's decision and the person to whom the appeal related shall from that date be reinstated as a councillor.

14. Should the head of the authority or the general taxpayers, as the case may be, fail to appoint the requisite number of councillors as in sections twelve and thirteen provided, the Minister may require such head or such general taxpayers to appoint a sufficient number of councillors, and should such requirement not be complied with within 21 days, he may appoint such number of councillors as he may deem fit.

15. (1) The period of office of any councillor appointed by the Native Commissioner or by the general taxpayers under this Proclamation shall, save as in sections seventeen and one hundred and nine provided, be five years commencing on the first day of September, 1956, and thereafter on the first day of September commencing each further quinquennial period; provided that, in the case of any tribal or community authority established during any quinquennial period, the period of office of the councillors thereof appointed by the Native Commissioner or by the general taxpayers shall expire on the thirty-first day of August ending such quinquennial period.

(2) A councillor who ceases to hold office by reason of the expiry of his period of office shall be eligible for reappointment.

(3) Save as is provided in sub-section (1) and subject to any special duties which may be assigned to any councillor by a tribal or community authority or its head, any councillor appointed by the Native Commissioner or by the general taxpayers shall have the same rights, privileges and duties as a councillor appointed by such head.

(4) Any head of a tribal or community authority who excludes a councillor not appointed by him from any proceedings at which other councillors are permitted to be present, or conducts any proceedings of a tribal or community authority without such councillor having been given reasonable notice that the proceedings would take place, or who shall in any way discriminate against such councillor, shall be guilty of an offence.

16. The Minister may cancel the appointment of any councillor if, after an enquiry held by an officer of the public service appointed by the Minister for that purpose, at which such councillor shall be entitled to be heard, he is satisfied that such councillor is negligent in the performance of his duties or that, for any other reason, the removal of such councillor from his office is desirable in the general interests of Natives in the area in respect of which the tribal or community authority has been established.

17. (1) Niemand kan as 'n raadsman aangestel word of sitting hê nie as hy—

- (a) te eniger tyd skuldig bevind is aan 'n misdaad of misdryf ten gevolge waarvan hy tot gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van minstens ses maande gevonnis is, tensy hy amnestie of algehele kwytskelding ontvang het of tensy sodanige gevangenisstraf minstens vyf jaar voor die datum van sy aanstelling verstryk het; of
- (b) 'n ongerehabiliteerde insolvente persoon is; of
- (c) verstandelik gekrenk en sodanig deur 'n bevoegde owerheid verklaar is.

(2) As 'n raadsman—

- (a) onderworpe word aan enigeen van die ongeskikthede genoem in subartikel (1); of
- (b) sterf; of
- (c) in gebreke bly om sonder die verlof van die stam- of gemeenskapsowerheid drie agtereenvolgende vergaderings daarvan by te woon; of
- (d) uit die gebied van die Naturellekommissaris vir 'n tydperk van meer as ses maande sonder die verlof van die stam- of gemeenskapsowerheid afwesig is; of
- (e) sy amp met skriftelike kennisgewing onder sy handtekening gerig aan die hoof van die owerheid, bedank; of
- (f) se aanstelling deur die Minister ingevolge die bepalinge van artikel *sestien* ingetrek word; word sy setel vakant.

18. (1) As die wette en gewoontes van die stam of gemeenskap dit toelaat, kan die hoof van die owerheid in oorleg met die ander lede daarvan 'n raadsman wat deur hom aangestel is, afsit, en die setel van sodanige raadsman word daarna vakant.

(2) Die hoof van 'n stam- of gemeenskapsowerheid wat 'n raadslid ingevolge die bepalinge van subartikel (1) afsit, moet sodanige afsetting onmiddellik skriftelik aan die Naturellekommissaris rapporteer en die redes vir sy optrede verstrek.

(3) Die Naturellekommissaris kan binne dertig dae nadat hy sodanige rapport ontvang het, sodanige afsetting deur skriftelik mededeling gerig aan die hoof van die owerheid, verwerp.

(4) Wanneer sodanige verwerpingsreg uitgeoefen word, moet die persoon wat as 'n raadslid afgesit is, in sy amp herstel word vanaf die datum waarop die Naturellekommissaris se skriftelike mededeling waarin sodanige verwerpingsreg uitgeoefen word, deur die hoof van die owerheid ontvang word, en 'n persoon wat as 'n raadsman in sy plek aangestel is, hou van daardie datum af op om 'n raadsman te wees.

(5) Die hoof van die owerheid kan appèl aanteken teen die uitoefening van sodanige verwerpingsreg en die bepalinge van subartikels (5) tot en met (7) van artikel *dertien* is daarna *mutatis mutandis* op sodanige appèl van toepassing.

(6) As die appèl deur die Minister gehandhaaf word, hou die raadsman wie se afsetting verwerp is, op om 'n raadsman te wees vanaf die datum waarop die hoof van die owerheid deur die Naturellekommissaris van die Minister se beslissing in kennis gestel word en word sy setel daarna vakant.

(7) As die Naturellekommissaris nie die afsetting van 'n raadsman wat afgesit is, verwerp nie, het sodanige raadsman die reg om by die Minister appèl teen sy afsetting aan te teken.

(8) Hierdie regte moet binne dertig dae na die verstryking van die tydperk vasgestel in subartikel (3) uitgeoefen word deur by die Naturellekommissaris skriftelik kennisgewing van appèl waarin die gronde vir die appèl genoem word, in duplo in te dien.

(9) Sodra die Naturellekommissaris hierdie kennisgewing ontvang, moet hy dadelik 'n afskrif daarvan by die hoof van die owerheid laat aflewer deur 'n persoon wat deur die Naturellekommissaris vir die doel aangestel word en wat, na die aflewering, by die Naturellekommissaris 'n verslag van besorging waarin die datum van aflewering genoem word, moet indien.

17. (1) No person shall be capable of being appointed or of sitting as a councillor who—

- (a) has at any time been convicted of any crime or offence for which he shall have been sentenced to imprisonment without the option of a fine for a term of not less than six months, unless he shall have received a grant of amnesty or a free pardon, or unless such imprisonment shall have expired at least five years before the date of his appointment; or
- (b) is an unrehabilitated insolvent; or
- (c) is of unsound mind and has been so declared by a competent authority.

(2) If a councillor—

- (a) becomes subject to any of the disabilities mentioned in sub-section (1); or
- (b) dies; or
- (c) fails without the permission of the tribal or community authority to attend three consecutive meetings thereof; or
- (d) is absent from the area of the Native Commissioner for a period in excess of six months without the permission of the tribal or community authority; or
- (e) resigns his seat in writing under his hand addressed to the head of the authority; or
- (f) has his appointment cancelled by the Minister in terms of the provisions of section *sixteen*;

his seat shall become vacant.

18. (1) If the laws and customs of the tribe or community so permit, the head of the authority may, in consultation with the other members thereof, depose any councillor appointed by him, and the seat of such councillor shall thereupon become vacant.

(2) The head of any tribal or community authority who deposes a councillor in terms of the provisions of sub-section (1) shall forthwith report such deposition in writing to the Native Commissioner and give the reasons for his action.

(3) The Native Commissioner may, within thirty days after the receipt by him of such report, veto such deposition by writing addressed to the head of the authority.

(4) Whenever such veto is exercised, the person deposed shall be reinstated as a councillor from the date on which the Native Commissioner's written intimation exercising such veto is received by the head of the authority, and any person appointed as a councillor in his stead shall from that date cease to be a councillor.

(5) The head of the authority may appeal against the exercise of such veto and the provisions of sub-sections (5) to (7) inclusive of section *thirteen* shall thereupon apply *mutatis mutandis* to such appeal.

(6) If the appeal is upheld by the Minister, the councillor whose deposition was vetoed shall cease to be a councillor from the date on which the head of the authority is informed by the Native Commissioner of the Minister's decision and his seat shall thereupon be vacant.

(7) In the event of the Native Commissioner not vetoing the deposition of a councillor deposed, such councillor shall have the right of appeal against his deposition to the Minister.

(8) Such rights shall be exercised within thirty days from the expiry of the period provided in sub-section (3) by submitting in duplicate written notice of appeal, which shall state the grounds for the appeal, to the Native Commissioner.

(9) Upon receipt of such notice, the Native Commissioner shall forthwith cause a copy thereof to be delivered to the head of the authority by a person appointed by the Native Commissioner for the purpose, which person shall, after delivery, file with the Native Commissioner a return of service which shall state the date of delivery.



(10) Die hoof moet binne veertien dae na sodanige aflewing by die Naturellekommissaris 'n volledige skriftelike verklaring indien van sy redes waarom hy die appellant afgesit het en die Naturellekommissaris moet binne sewe dae nadat hy genoemde verklaring ontvang het, dit met sy opmerkings aan die Minister stuur.

(11) As die hoof van die owerheid versuim om die verklaring binne die tydperk van veertien dae vasgestel in subartikel (10), by die Naturellekommissaris in te dien, moet die Naturellekommissaris binne sewe dae na die verstryking van genoemde tydperk die appèl met sy opmerkings by die Minister indien asof die verklaring deur die hoof van die owerheid ingedien is.

(12) Die bepalinge van subartikels (7) en (8) van artikel *dertien* is *mutatis mutandis* van toepassing.

19. (1) Wanneer die setel van 'n raadsman vakant word, moet dit so gou moontlik gevul word deur—

- (a) die hoof van die owerheid in die geval van 'n raadslid wat deur hom aangestel is;
- (b) die algemene belastingbetalers in die geval van 'n raadslid wat deur hulle aangestel is; en
- (c) die Naturellekommissaris, met die goedkeuring van die Minister, in die geval van 'n raadslid wat deur hom aangestel is.

(2) Vir die toepassing van paragrawe (a) en (b) van subartikel (1), is die bepalinge van subartikels (2) en (3) van artikel *twaalf* en van artikels *dertien* en *veertien* *mutatis mutandis* van toepassing.

(3) Wanneer om enige ander rede as dié genoem in artikel *een-en-twintig*, die setel van 'n raadsman, aangestel deur die Naturellekommissaris of die algemene belastingbetalers, vakant word, moet die hoof van die owerheid die Naturellekommissaris dadelik skriftelik in kennis stel dat sodanige vakature ontstaan het.

20. (1) As die hoof van 'n stam- of gemeenskapsowerheid sterf of ophou om sy amp te beklee of aan hom afwesigheidsverlof toegestaan word, en 'n persoon aangestel word om tydelik in sy plek op te tree, behou alle raadsmanne van sodanige owerheid, aangestel deur sodanige hoof, behoudens die bepalinge van artikel *een-en-twintig* hulle setels asof sodanige hoof nie gesterf het of opgehou het om sy amp te beklee of afwesigheidsverlof nie aan hom toegestaan is nie.

(2) Geen raadsman van 'n stam- of gemeenskapsowerheid wat deur die algemene belastingbetalers of die Naturellekommissaris aangestel is, verloor sy setel deur die dood van, of die tydelike of permanente ontruiming van sy amp, om watter rede ookal, deur die hoof van daardie owerheid nie.

(3) As die persoon wat aangestel word om as hoof van die owerheid op te tree, 'n raadsman is, word sy setel as vakant beskou terwyl hy aldus optree, en—

- (a) as hy as raadsman deur die hoof van die owerheid aangestel is, moet hy onmiddellik 'n ander persoon tydelik as 'n raadsman in sy plek aanstel om die vakature aan te vul; of
- (b) as hy as raadsman deur die algemene belastingbetalers of deur die Naturellekommissaris aangestel is, kan sodanige belastingbetalers of amptenaar, na gelang van die geval, 'n raadsman tydelik aanstel om die vakature aan te vul.

(4) Die bepalinge van subartikels (2) en (3) van artikel *twaalf* en van artikel *dertien* is van toepassing op 'n aanstelling wat gedoen is deur die waarnemende hoof van 'n stam- of gemeenskapsowerheid of deur die algemene belastingbetalers ingevolge subartikel (3).

21. (1) Wanneer 'n kaptein of hoofman van 'n stam of gemeenskap ten opsigte waarvan 'n stam- of gemeenskapsowerheid ingestel is, in die plek van 'n kaptein of hoofman, wat gesterf het of wie se amp anders vakant geword het, aangestel word, en die hoof van sodanige owerheid word kan hy met die goedkeuring van sodanige owerheid een of meer raadsmanne aanstel as plaasvervangers van 'n gelyke getal raadsmanne wat deur sy voorganger in die

(10) Such head shall, within fourteen days after such delivery, submit to the Native Commissioner in writing a full statement of his reasons for deposing the appellant and the Native Commissioner shall, within seven days after the receipt by him of such statement, forward it to the Minister with his comments.

(11) Should the head of the authority fail to submit such statement to the Native Commissioner within the period of fourteen days provided in sub-section (10) the Native Commissioner shall, within seven days of the expiry of such period, submit the appeal to the Minister with his comments as if such statement had been submitted by the head of the authority.

(12) The provisions of sub-sections (7) and (8) of section *thirteen* shall *mutatis mutandis* apply.

19. (1) Whenever the seat of any councillor becomes vacant it shall be filled as soon as possible by—

- (a) the head of the authority in the case of a councillor appointed by him;
- (b) the general taxpayers in the case of a councillor appointed by them; and
- (c) the Native Commissioner, with the approval of the Minister, in the case of a councillor appointed by him.

(2) For the purposes of paragraphs (a) and (b) of sub-section (1) the provisions of sub-sections (2) and (3) of section *twelve* and of sections *thirteen* and *fourteen* shall *mutatis mutandis* apply.

(3) Whenever for any cause, other than that mentioned in section *twenty-one*, the seat of a councillor appointed by the Native Commissioner or the general taxpayers becomes vacant, the head of the authority shall forthwith notify the Native Commissioner in writing that such vacancy has occurred.

20. (1) If the head of a tribal or community authority dies or ceases to hold office or is granted leave of absence, and a person is appointed to act temporarily in his stead, all councillors of such authority appointed by such head shall, subject to the provisions of section *twenty-one*, retain their seats as if such head had not died or ceased to hold office or been granted leave of absence.

(2) No councillor of a tribal or community authority appointed by the general taxpayers or the Native Commissioner shall lose his seat by reason of the death or of the temporary or permanent vacation of office for any cause of the head of that authority.

(3) If the person appointed to act as head of the authority is a councillor, his seat shall be deemed to be vacant while he is so acting, and—

- (a) if he had been appointed as a councillor by the head of the authority, he shall forthwith appoint another person temporarily as a councillor in his stead to fill the vacancy; or
- (b) if he had been appointed as a councillor by the general taxpayers or by the Native Commissioner, such taxpayers or officer, as the case may be, may appoint a councillor temporarily to fill the vacancy.

(4) The provisions of sub-sections (2) and (3) of section *twelve* and of section *thirteen* shall apply to an appointment made by the acting head of a tribal or community authority or by the general taxpayers in terms of sub-section (3).

21. (1) Whenever a chief or headman of a tribe or community in respect of which a tribal or community authority has been established is appointed in the place of a chief or headman who has died or whose office has otherwise become vacant, and becomes the head of such authority, he may, with the approval of such authority, appoint one or more councillors to replace an equivalent number of councillors appointed by his predecessor in

amp aangestel is en die bepalings van subartikel (2) van artikel *twaaft* en van artikel *dertien* is op die aanstellings deur hom gedoen, van-toepassing behalwe dat—

- (a) die name van die persone wat aangestel word en van die raadsmanne wat vervang word, aan die Naturellekommissaris bekendgemaak moet word nie later nie as dertig dae na die datum waarop die kaptein of hoofman diens aanvaar het; of
- (b) wanneer 'n aanstelling gedoen word ingevolge hierdie subartikel na die verstryking van sodanige tydperk, die name van die persoon wat aangestel en van die raadsman wat vervang word, onmiddellik aan die Naturellekommissaris bekendgemaak moet word.

(2) Ondanks die bepalings van subartikel (1) bly 'n raadsman wat deur die hoof van 'n owerheid wat gesterf het of wie se amp anders vakant geword het, aangestel is, in sy amp aan totdat die nuwe voorsittende kaptein of hoofman 'n ander raadsman in sy plek aangestel het.

(3) Wanneer 'n kaptein of hoofman ter vervanging van 'n kaptein of hoofman wat ten tyde van die ontruiming van sy kapteinsamp of hoofmansamp die hoof van 'n stam- of gemeenskapsowerheid was, nie aangestel kan word nie weens die jeugdigheid van die voorgestelde opvolger in die kapteinsamp of hoofmansamp wat ontruim is, of weens sy tydelike ongeskiktheid of om enige ander rede, en 'n ander persoon as regent aangestel word of 'n persoon wat reeds as kaptein of hoofman waarneem, as regent aangestel word—

- (a) moet, in die geval van 'n kapteinsamp, of in die geval van 'n hoofmansamp wat die enigste in die gebied van sodanige owerheid is, sodanige persoon terwyl hy die amp as regent beklee, die hoof van die owerheid wees, en is die bepalings van subartikels (1) en (2) van toepassing; of
- (b) is, in die geval van 'n hoofmansamp wat nie die enigste in die gebied van die owerheid is nie, die bepalings van paragraaf (b) van subartikel (2) van artikel *elf* van toepassing en wanneer die aanwysing, in daardie paragraaf genoem, gedoen is, moet die persoon aldus aangewys, terwyl hy die amp as regent beklee, die hoof van die owerheid wees, en is die bepalings van subartikels (1) en (2) dan van toepassing.

22. (1) Behoudens die bepalings van hierdie Proklamasie moet 'n stam- of gemeenskapsowerheid—

- (a) die sake van die stamme en gemeenskappe ten opsigte waarvan dit ingestel is, in die algemeen bestuur;
- (b) bystand en leiding aan sy hoof in verband met die verrigting van sy werksaamhede verleen en die bevoegdhede uitoefen en die werksaamhede en pligte verrig, insluitende enigeen van die bevoegdhede, werksaamhede of pligte wat kragtens 'n wet aan sy hoof verleen of opgelê is, wat in ooreenstemming is met enige toepaslike Naturellereg of -gewoonte, of ingevolge enige regulasie wat deur sodanige stam- of gemeenskapsowerheid uitgeoefen of verrig moet word;
- (c) die Regering en die Gebiedsowerheid en die streeksen-distriksowerheid wat gesag het oor die gebied waarvoor sodanige stam- of gemeenskapsowerheid ingestel is, adviseer en hulp verleen in verband met sake wat betrekking het op die stoflike, sedelike en maatskaplike welsyn van die Naturelle wat in daardie gebied woon, met inbegrip van die ontwikkeling en verbetering van grond binne daardie gebied;
- (d) in die algemeen sodanige ander bevoegdhede uitoefen en sodanige ander werksaamhede en pligte verrig, insluitende dié wat betrekking het op die sake genoem in hierdie paragraaf, as wat na die mening van die Minister binne die bestek van stam- of gemeenskapsbestuur val en as hy aan daardie stam- of gemeenskapsowerheid mag opdra, en behoudens sy opdragte en enige ander regulasies uitgevaardig, naamlik:—
  - (i) Siviele en strafregtelike bevoegdheid wat by wet voorgeskryf word;
  - (ii) grondadministrasie;

office and the provisions of sub-section (2) of section *twelve* and of section *thirteen* shall apply to the appointments made by him, except that—

- (a) the names of the persons appointed and of the councillors replaced shall be notified to the Native Commissioner not later than thirty days after the date on which the chief or headman assumed duty; or
- (b) whenever an appointment is made in terms of this sub-section after the expiry of such period, the names of the person appointed and of the councillor replaced shall be notified to the Native Commissioner forthwith.

(2) Notwithstanding the provisions of sub-section (1), a councillor appointed by the head of an authority who has died or whose office has otherwise become vacant, shall continue in office until the new presiding chief or headman has appointed another councillor in his stead.

(3) Whenever a chief or headman to replace a chief or headman who, at the time of the vacation of his chieftainship or headmanship, was the head of a tribal or community authority, cannot be appointed by reason of the youthfulness of the proposed successor to the chieftainship or headmanship vacated or by reason of his temporary unfitness or for any other cause, and another person is appointed as regent or a person already acting as chief or headman is appointed as regent—

- (a) in the case of a chieftainship, or in the case of a headmanship which is the only one in the area of such authority, such person shall, while holding office as regent, be the head of the authority, and the provisions of sub-sections (1) and (2) shall apply; or
- (b) in the case of a headmanship which is not the only one in the area of such authority, the provisions of paragraph (b) of sub-section (2) of section *eleven* shall apply, and when the designation referred to in that paragraph has been made, the person so designated shall, while holding office as regent, be the head of the authority and the provisions of sub-sections (1) and (2) shall then apply.

22. (1) A tribal or community authority shall, subject to the provisions of this Proclamation—

- (a) generally administer the affairs of the tribes and communities in respect of which it has been established;
- (b) render assistance and guidance to its head in connection with the performance of his functions, and exercise such powers and perform such functions and duties, including any of the powers, functions or duties conferred or imposed upon its head under any law, as are in accordance with any applicable Native law or custom, or in terms of any regulations, required to be exercised or performed by such tribal or community authority;
- (c) advise and assist the Government and the Territorial Authority and the regional and district authority having jurisdiction in the area for which such tribal or community authority has been established, in connection with matters relating to the material, moral and social well-being of Natives resident in that area, including the development and improvement of any land within that area;
- (d) generally exercise such other powers and perform such other functions and duties, including any relating to the matters enumerated in this paragraph as, in the opinion of the Minister, fall within the sphere of tribal or community administration and as he may assign to that tribal or community authority, and subject to his directions and to any regulations made, viz.:—
  - (i) Civil and criminal jurisdiction as may be prescribed by law;
  - (ii) land administration;



- (iii) onderwys;
- (iv) ontwikkeling van 'n gemeentelike aard, insluitende die onderhoud van getrapte paaie, ry-paadjies, voetpaadjies en driewe;
- (v) die bestryding van gronderosie, insluitende grasstrookaanplanting;
- (vi) die organisasie van lokasielandtenteenstellings;
- (vii) die organisasie van Bantoeboereverenigings;
- (viii) die organisasie van gewaskweekwedstryde;
- (ix) gemeenskaplike visboerdery;
- (x) die vernietiging van ongedierte;
- (xi) die uitroeiing van onkruid;
- (xii) die bestryding van veldbrande;
- (xiii) die onderhoud en verbetering van watervoorrade;
- (xiv) sanitasie;
- (xv) die registrasie van werksoekers;
- (xvi) maatskaplike voordele vir Bantoes, soos die sifting van aansoeke, die voorlegging van aanbevelings daaromtrent aan die Naturellekommissaris en die betaling van maatskaplike pensioene namens die Regering;
- (xvii) die registrasie van geboortes en sterfgevalle;
- (xviii) die maak van reëls en regulasies in verband met sake wat betrekking het op die werksaamhede van stam- en gemeenskapsowerhede met strafregtelike sanksies;
- (xix) stabilasie, bewaring en rehabilitasie van die grond, insluitende die aanvaarding van die werksaamhede van adviserende komitees genoem in artikel *agt-en-twintig* van Proklamasie No. 116 van 1949;
- (xx) die voorkoming van die mishandeling van diere; en
- (xxi) die instelling en onderhoud van skutte.

(2) 'n Stam- of gemeenskapsowerheid het, met die goedkeuring van die Goewerneur-generaal, die bevoegdheid om 'n belasting van hoogstens een pond in een en dieselfde jaar te hef van elke persoon wat aanspreeklik is vir die betaling van algemene of plaaslike belasting of Naturelle-erfpag en wat gewoonlik in 'n gebied woon ten opsigte waarvan sodanige owerheid ingestel is.

(3) Geen sodanige belasting is van krag of regsgeldig nie, tensy dit by kennisgewing in die *Staatskoerant* bekendgemaak is.

23. Geen vonnis, beslissing of opdrag gegee of bevel uitgevaardig deur 'n hoof van 'n stam- of gemeenskapsowerheid, of die gevolmagtigde van sodanige hoof by die uitoefening van regsbevoegdheid deur of kragtens een of ander wet aan hom verleen, word ongeldig geag nie op grond dat dit uit hoofde van die toepassing van subartikel (1) van artikel *twee-en-twintig* of subartikel (1) hiervan deur genoemde hoof of gevolmagtigde, handelende op die advies of met die toestemming of onder opdrag van 'n stam- of gemeenskapsowerheid, gegee of uitgevaardig is, en 'n vonnis, beslissing of opdrag aldus gegee of bevel aldus uitgevaardig, word vir alle doeleindes geag deur genoemde hoof of gevolmagtigde gegee of uitgevaardig te gewees het.

24. (1) Die minister laat ten opsigte van elke stam- of gemeenskapsowerheid 'n tesourie instel, waarin die bedrae hieronder genoem, gestort moet word, en waaruit alle uitgawes in verband met 'n aangeleentheid binne die bevoegdheid van die betrokke owerheid aangeaan, gedek word.

(2) Elke sodanige tesourie is onder die beheer van die Minister wat op die voorwaardes wat hy goedvind en behoudens enige regulasies die beheer daarvoor of oor 'n gedeelte daarvan aan die betrokke owerheid kan oordra.

25. (1) Daar word in die tesourie van 'n stamowerheid gestort—

- (a) alle gelde en bedrae wat ooreenkomstig die erkende gewoontes van enige van die stamme of gemeenskappe ten opsigte waarvan genoemde owerheid ingestel is, of kragtens 'n regulasie, ten bate van so 'n stam of gemeenskap of van die stam- of gemeenskapsowerheid betaalbaar is;

- (iii) education;
- (iv) development of a parochial nature, including the maintenance of tracks, bridle-paths, foot-paths and drifts;
- (v) the combating of soil erosion, including grass-stripping;
- (vi) the organisation of location agricultural shows;
- (vii) the organisation of Bantu farmers' associations;
- (viii) the organisation of crop-growing competitions;
- (ix) communal fish farming;
- (x) the destruction of vermin;
- (xi) the eradication of weeds;
- (xii) the control of grass burning;
- (xiii) the maintenance and improvement of water supplies;
- (xiv) sanitation;
- (xv) the registration of work seekers;
- (xvi) Bantu social benefits, such as the screening of applications, the submission of recommendations thereon to the Native Commissioner and the payment of social pensions on behalf of the Government;
- (xvii) the registration of births and deaths;
- (xviii) the making of rules and regulations in connection with matters related to the functions of tribal and community authorities with criminal sanctions;
- (xix) stabilisation, conservation and rehabilitation of the land, including the assumption of the functions of advisory committees referred to in section *twenty-eight* of Proclamation No. 116 of 1949;
- (xx) the prevention of cruelty to animals; and
- (xxi) the establishment and maintenance of pounds.

(2) A tribal or community authority shall have power with the approval of the Governor-General to levy a rate not exceeding one pound in any one year upon each person who is liable to pay general or local tax or Native quitrent ordinarily resident in any area in respect of which such authority has been established.

(3) No such rate shall have any force or effect until it has been made known by notice in the *Gazette*.

23. No judgment, decision or direction given or order made by a head of a tribal or community authority, or the deputy of such head in the exercise of jurisdiction conferred upon him by or under any law, shall be deemed to be invalid by reason of its having, in consequence of the operation of sub-section (1) of section *twenty-two* or sub-section (1) hereof, been given or made by such head or deputy acting on the advice or with the consent or at the instance of a tribal or community authority, and any judgment, decision or direction so given or order so made shall for all purposes be deemed to have been given or made by such head or deputy.

24. (1) The Minister shall cause to be established in respect of every tribal or community authority a treasury into which shall be paid such amounts as are hereinafter specified, and from which all expenditure incurred in connection with any matter within the purview of the authority concerned shall be met.

(2) Every such treasury shall be under the control of the Minister who may on such conditions as he may deem fit, and subject to any regulations, vest the control thereof or of any portion thereof in the authority concerned.

25. (1) There shall be paid into the treasury of a tribal or community authority—

- (a) all fees and charges which, in accordance with the recognised customs of any of the tribes or communities in respect of which such authority has been established, or in terms of any regulation, are payable for the benefit of any such tribe or community or of the tribal or community authority;

- (b) alle boetes en gelde deur die hoof van die betrokke owerheid, of die gevolmagtigde van sodanige hoof, ingevorder by die uitoefening van siviele of straf-regtelike bevoegdheid by of kragtens die een of ander wet aan hom verleen;
  - (c) die opbrengs van enige heffing ingevolge subartikel (2) van artikel *twee-en-twintig* van hierdie Proklamasie opgelê aan lede van so 'n stam of gemeenskap of ingevolge enige ander wet opgelê aan so 'n stam of gemeenskap of enigeen van die lede daarvan;
  - (d) alle boetes verhaal ten opsigte van 'n versuim om voor of op die vervaldatum, soos by regulasie voorgeskryf, enige belasting gehef ingevolge die bepalings van subartikel (2) van artikel *twee-en-twintig*, te betaal;
  - (e) alle bedrae verkry uit eiendom in die besit van so 'n stam of gemeenskap;
  - (f) gelde wat deur die Minister aan so 'n owerheid toegewys word uit enige fonds wat deur hom ten bate van so 'n stam of owerheid ingevolge een of ander wet gehou word;
  - (g) geld wat die Parlement vir die doel mag bewillig en skenkings deur enigiemand ten bate van so 'n stam of gemeenskap gedoen;
  - (h) gelde wat aan so 'n stam- of gemeenskapsowerheid deur die Gebiedsoowerheid of deur die betrokke streeks- of distriksowerheid ingevolge die bepalings van hierdie Proklamasie toegewys word; en
  - (i) alle ander gelde wat uit watter bron ook al ten bate van so 'n stam of gemeenskap verkry word of wat die eiendom van die betrokke stam- of gemeenskapsowerheid is.
- (2) As 'n stam- of gemeenskapsowerheid ten opsigte van meer as een stam of gemeenskap ingestel is, kan die Minister behoudens die bepalings van enige regulasies gelas dat 'n aparte rekening vir so 'n stam of gemeenskap, of twee of meer sulke stamme of gemeenskappe saam of 'n deel van so 'n stam of gemeenskap geopen word, en bepaal watter bedrae wat in of uit die tesourie, ingestel ten opsigte van so 'n owerheid, betaalbaar is, in sodanige rekening gekrediteer of daarteen gedebiteer moet word.

### HOOFSTUK III.

#### DISTRIKSOWERHEDE.

26. Die bepalings van hierdie Hoofstuk en enige bepalings van later hoofstukke wat op distriksowerhede betrekking het, is van toepassing op enige distriksowerheid ingestel ingevolge subartikel (1) van artikel *vier* met ingang van die datum genoem in subartikel (2) van daardie artikel.

27. (1) Die hoof van 'n distriksowerheid moet—

- (a) as daar een kapteinsamp in die distrik is, die bekleër van dié kapteinsamp wees; of
- (b) as daar meer as een kapteinsamp in die distrik is, die bekleër van een van sodanige kapteinsamp te wees wat vir die doel deur die lede van so 'n owerheid met die goedkeuring van die Goewerneur-generaal benoem word; of
- (c) as daar geen kapteinsamp in die distrik is nie, 'n hoofman wees wat 'n lid van so 'n owerheid is en wat vir dié doel deur die lede van genoemde owerheid met die goedkeuring van die Goewerneur-generaal benoem word; of
- (d) as 'n distrik binne die gesagsgebied van 'n hoofkaptein val, kan die Goewerneur-generaal na oorlegpleging met sodanige kaptein gelas dat die wyse van aanstelling van die hoof van die distriksowerheid vir sodanige distrik dié moet wees wat hy bepaal.

(2) Die kaptein of hoofman aangestel as hoof ingevolge paragrawe (b) en (c) van subartikel (1), moet as hoof optree gedurende die ampstyd van die lede (uitgesonderd kapteins wat lede *ex officio* is) van die betrokke distriksowerheid, en nadat sulke lede vir 'n nuwe ampstyd aangestel is, moet 'n hoof vir genoemde tyd aangestel word soos bepaal in genoemde paragrawe.

- (b) all fines and fees collected by the head of the authority concerned, or the deputy of such head, in the exercise of civil or criminal jurisdiction conferred upon him by or under any law;
- (c) the proceeds of any levy which may be imposed upon any members of such tribe or community in terms of sub-section (2) of section *twenty-two* of this Proclamation or which may be imposed upon any such tribe or community or any of the members thereof in terms of any other law;
- (d) all fines recovered in respect of a failure to pay on or before the due date, as prescribed by regulation, any rate imposed by virtue of the provisions of sub-section (2) of section *twenty-two*;
- (e) all amounts derived from any property owned by any such tribe or community;
- (f) any moneys which may be assigned to such authority by the Minister out of any fund held by him for the benefit of any such tribe or community under any law;
- (g) any money which Parliament may appropriate for the purpose, and any donation made by any person for the benefit of any such tribe or community;
- (h) any moneys which may be allocated to any such tribal or community authority by the Territorial Authority or by the regional or district authority concerned in terms of the provisions of this Proclamation; and
- (i) all other moneys derived from any source whatsoever for the benefit of any such tribe or community or which may be the property of the tribal or community authority concerned.

(2) If a tribal or community authority has been established in respect of more than one tribe or community, the Minister may, subject to the provisions of any regulations, direct that a separate account be opened for any such tribe or community, or any two or more such tribes or communities jointly or any section of such tribe or community, and determine what moneys payable into or out of the Treasury established in respect of such authority shall be credited to or charged against any such account.

### CHAPTER III.

#### DISTRICT AUTHORITIES.

26. The provisions of this chapter, and any provisions of subsequent chapters referring to district authorities shall apply to any district authority established in terms of sub-section (1) of section *four*, from and after the date referred to in sub-section (2) of that section.

27. (1) The head of a district authority shall—

- (a) if there be one chieftainship in the district, be the occupier of such chieftainship; or
- (b) if there be more than one chieftainship in the district, be the occupier of one of such chieftainships nominated for that purpose by the members of such authority, subject to the approval of the Governor-General; or
- (c) if there be no chieftainship in the district, be a headman who is a member of such authority, nominated for that purpose by the members of the said authority, subject to the approval of the Governor-General; or
- (d) should a district fall within the area of jurisdiction of a paramount chief, the Governor-General may, after consultation with such chief, direct that the method of appointment of the head of the district authority for such district shall be as determined by him.

(2) The chief or headman appointed as head in terms of paragraphs (b) and (c) of sub-section (1) shall function as head during the period of office of the members (other than chiefs who are members *ex officio*) of the district authority concerned, and, upon the appointment of such members for a new period of office, a head shall be appointed for such period as in the said paragraphs provided.



(3) 'n Hoof van 'n distriksowerheid wie se ampstyd in daardie hoedanigheid verstryk het, kan weer aangestel word.

(4) As 'n hoof van 'n distriksowerheid weens afwesigheid of om 'n ander rede nie in staat is om op 'n vergadering daarvan voor te sit nie, moet die lede van so 'n owerheid wat op die vergadering teenwoordig is, een uit hulle geledere aanstel om op daardie vergadering voor te sit.

(5) As die hoof van 'n distriksowerheid sterf of om 'n ander rede ophou om die amp van kaptein of hoofman te beklee en 'n ander persoon aangestel word om tydelik of as regent op te tree, moet die hoof van so 'n owerheid gedurende daardie tydperk behoudens die bepalings van subartikel (2)—

- (a) as daar een kapteinsamp in die distrik is, dié persoon wees wat as waarnemende of regentkaptein aangestel is; of
- (b) as daar meer as een kapteinsamp in die distrik is, een van die persone wees wat die amp as permanente, waarnemende of regentkaptein beklee en wat benoem is soos bepaal in paragraaf (b) van subartikel (1); of
- (c) as daar geen kapteinsamp in die distrik is nie, 'n permanente, waarnemende of regenthoofman wees wat benoem is soos bepaal in paragraaf (c) van subartikel (1).

(6) Wanneer 'n nuwe kaptein of hoofman wat die pos van hoof van 'n distriksowerheid beklee, sterf of anders ophou om die amp van kaptein of hoofman te beklee en sy opvolger in die kapteinsamp of hoofmansamp aangestel word—

- (a) moet die persoon aldus aangestel die hoof van die owerheid wees as hy die enigste kaptein in die distrik is; of
- (b) as daar meer as een kaptein of geen kaptein in die distrik is nie, moet een kaptein of, waar daar geen kaptein is nie, moet een hoofman tot hoof van die owerheid benoem word vir die res van die ampstyd van die kaptein of hoofman wat vervang is ooreenkomstig die bepalings van paragrafe (b) of (c), na gelang van die geval van subartikel (1);

en daarna moet 'n persoon wat tydelik die amp van hoof van die owerheid beklee, dié amp ontruim; met dien verstande dat waar daar meer as een kaptein of geen kaptein in die distrik is nie, en 'n kaptein of hoofman as sodanig na die verstryking van die ampstyd as hoof van die owerheid van die kaptein of hoofman wat vervang is, aangestel word, sodanige aanstelling nie die ontruiming van die amp van die hoof van die owerheid wat op daardie tydstip die amp beklee, mag veroorsaak nie.

28. (1) 'n Distriksowerheid bestaan uit agt of meer lede, met inbegrip van die hoof daarvan, na gelang van die getal kapteins, as daar is, in die betrokke distrik en word saamgestel deur—

- (a) die hoofde van al die stam- of gemeenskapsowerhede in die distrik, wat vier lede uit hulle eie geledere moet aanstel op die wyse wat die Minister gelas; met dien verstande dat—
  - (i) as daar twee stam- of gemeenskapsowerhede in 'n distrik is, die hoof van elke owerheid 'n lid moet wees en in oorleg met sy owerheid 'n lid daarvan as lid van die distriksowerheid moet aanstel; en
  - (ii) as daar drie stam- of gemeenskapsowerhede in 'n distrik is, die hoofde daarvan lede moet wees en in oorleg met sodanige owerhede een lid van sodanige owerhede as lid van die distriksowerheid moet wees en as daar 'n dooiepunt ontstaan, moet die Naturellekommissaris so 'n lid aanstel.
- (b) die algemene belastingbetalers se verteenwoordigers in die stam- of gemeenskapsowerhede in genoemde distrik, wat twee lede uit hulle eie geledere moet aanstel op die wyse wat die Minister gelas;

(3) A head of a district authority whose period of office in that capacity has expired shall be eligible for reappointment.

(4) If a head of a district authority be unable, through absence or other cause, to preside at any meeting thereof, the members of such authority present at such meeting shall appoint one of their number to preside at that meeting.

(5) If the head of a district authority die or for any other reason cease to hold office as a chief or headman and another person be appointed for a temporary period to act or as regent, the head of such authority during such temporary period shall, subject to the provisions of sub-section (2)—

- (a) if there be one chieftainship in the district, be such person appointed acting or regent chief; or
- (b) if there be more than one chieftainship in the district, be one of the persons holding office as permanent, acting or regent chief, nominated as in paragraph (b) of sub-section (1) provided; or
- (c) if there be no chieftainship in the district, be a permanent acting or regent headman nominated as in paragraph (c) of sub-section (1) provided.

(6) When a new chief or headman who holds the post of head of a district authority dies or otherwise ceases to hold office as a chief or headman and his successor to the chieftainship or headmanship is appointed—

- (a) the person so appointed shall be the head of the authority if he be the sole chief in the district; or
- (b) if there be more than one chief or no chief in the district, one chief or, where there is no chief, one headman, shall be nominated as head of the authority for the remainder of the period of office of the chief or headman replaced, in accordance with the provisions of paragraphs (b) or (c), as the case may be, of sub-section (1);

whereupon any person temporarily holding office as head of the authority shall vacate such office; provided that, where there is more than one chief or no chief in the district, and a chief or headman is appointed as such after the expiry of the period of office as head of the authority of the chief or headman replaced, such appointment shall not cause the vacation of office of the head of the authority in office at the time.

28. (1) A district authority shall consist of eight or more members, including the head thereof, depending upon the number of chiefs, if any, in the district concerned, and shall be constituted by—

- (a) the heads of all tribal or community authorities in such district appointing four members from among their own number in such manner as the Minister shall direct; provided that—
  - (i) should there be two tribal or community authorities in a district, the head of each authority shall be a member and shall, in consultation with his authority, appoint a member thereof as a member of the district authority; and
  - (ii) should there be three tribal or community authorities in a district, the heads thereof shall be members and shall, in consultation with such authorities, appoint one member of such authorities to be a member of the district authority, and if a deadlock should occur, the Native Commissioner shall appoint such member;
- (b) the general taxpayers' representatives on the tribal or community authorities in such district appointing two members from among their own number in such manner as the Minister shall direct;

- (c) die betrokke Naturellekommissaris, wat twee lede uit die lede van die stam- of gemeenskapsowerhede in sy distrik met die goedkeuring van die Minister moet aanstel; en
- (d) al die aangestelde of erkende kapteins in genoemde distrik wat lede *ex officio* is.

(2) Aanstellings ingevolge paragrawe (a) en (b) van subartikel (1) moet gedoen word nie later nie as dertig dae nadat die Naturellekommissaris die Minister se opdragte daarin genoem, aan die hoofde van die betrokke stam- of gemeenskapsowerhede of aan die algemene belastingbetalers se verteenwoordigers in genoemde owerhede, na gelang van die geval, meegedeel het.

(3) As 'n aanstelling genoem in subartikel (2), nie binne die tydperk daarin bepaal, gedoen word nie, is die bepaling van artikel *veertien mutatis mutandis* van toepassing.

(4) Die bepaling van artikels *sestien* en *sewentien* is *mutatis mutandis* van toepassing op die lede wat ingevolge paragrawe (a), (b) en (c) van subartikel (1) aangestel word.

29. (1) Die ampstyd van 'n lid van 'n distriksowerheid (uitgesonderd 'n kaptein wat 'n lid *ex officio* is) is, uitgesonderd soos bepaal in artikels *sewentien* en *honderd-en-nege*, vyf jaar met ingang van die eerste dag van September 1956, en daarna, van die eerste dag van September aan die begin van elke verdere tydperk van vyf jaar; met dien verstande dat, in die geval van 'n distriksowerheid wat ingevolge subartikel (2) van artikel *vier* begin optree ooreenkomstig die bepaling van hierdie hoofstuk gedurende enige tydperk van vyf jaar, die ampstyd van so'n lid op die een-en-dertigste dag van Augustus aan die einde van sodanige tydperk van vyf jaar verstryk.

(2) 'n Lid van 'n distriksowerheid wat ophou om sy amp te beklee weens die verstryking van sy ampstyd, kan weer as lid van die distriksowerheid aangestel word as hy weer as lid van 'n stad- of gemeenskapsowerheid aangestel word.

(3) Uitgesonderd soos bepaal in subartikel (1) van hierdie arikel en in subartikel (1) van artikel *sewe-en-twintig* en behoudens spesiale pligte wat aan 'n lid deur 'n distriksowerheid opgedra word, het 'n lid van so'n owerheid wat deur die Naturellekommissaris of deur die verteenwoordigers van die algemene belastingbetalers in die stam- of gemeenskapsowerheid aangestel word, dieselfde regte, voorregte en pligte as die lede wat deur die hoofde van stam- of gemeenskapsowerhede aangestel word.

(4) 'n Hoof van 'n distriksowerheid wat 'n lid daarvan uitsluit van verrigtings waarby ander lede toegelaat word om teenwoordig te wees, of verrigtings van 'n distriksowerheid hou sonder dat so'n lid kennis ingevolge subartikel (2) van artikel *sewe-en-dertig* gegee is dat die verrigtings sal plaasvind, of wat op watter wyse ook al teen so'n lid diskrimineer, is skuldig aan 'n misdryf.

30. (1) Wanneer die setel van 'n lid van 'n distriksowerheid vakant word, moet dit so spoedig moontlik gevul word deur—

- (a) die hoofde van die betrokke stam- of gemeenskapsowerhede in die geval van 'n lid wat deur hulle aangestel is;
- (b) die verteenwoordigers van die algemene belastingbetalers in die betrokke stam- of gemeenskapsowerhede in die geval van 'n lid wat deur hulle aangestel word;
- (c) die Naturellekommissaris, met die goedkeuring van die Minister, in die geval van 'n lid wat deur hom aangestel is.

(2) Vir die toepassing van paragrawe (a) en (b) van subartikel (1), is die bepaling van artikel *veertien* en van paragrawe (a) en (b), na gelang van die geval, van subartikel (1) van artikel *agt-en-twintig mutatis mutandis* van toepassing.

(3) Wanneer om watter rede ook al die setel van 'n lid van 'n distriksowerheid, uitgesonderd 'n lid *ex officio* vakant word, moet die hoof daarvan die Naturellekommissaris skriftelik in kennis stel dat die vakature ontstaan het en daarna moet die Naturellekommissaris die stappe doen wat hy raadsaam ag om te verseker dat sodanige vakante setel sonder vertraging gevul word.

- (c) the Native Commissioner concerned appointing two members from among the members of the tribal or community authorities in his district, subject to the approval of the Minister; and
- (d) all appointed or recognised chiefs in such district being members *ex officio*.

(2) Appointments in terms of paragraphs (a) and (b) of sub-section (1) shall be made not later than 30 days after the Native Commissioner has communicated the Minister's directions mentioned therein to the heads of the tribal or community authorities concerned or to the general taxpayers' representatives on such authorities, as the case may be.

(3) If any appointment referred to in sub-section (2) be not made within the period stipulated therein, the provisions of section *fourteen* shall *mutatis mutandis* apply.

(4) The provisions of sections *sixteen* and *seventeen* shall apply *mutatis mutandis* to the members appointed under paragraphs (a), (b) and (c) of sub-section (1).

29. (1) The period of office of any member of a district authority (other than a chief who is a member *ex officio*) shall, save as in sections *seventeen* and *one hundred and nine* provided, be five years commencing on the first day of September, 1956, and thereafter on the first day of September commencing each further quinquennial period; provided that, in the case of any district authority which may, in terms of sub-section (2) of section *four*, commence to operate in accordance with the provisions of this chapter during any quinquennial period, the period of office of any such member shall expire on the thirty-first day of August ending such quinquennial period.

(2) A member of a district authority who ceases to hold office by reason of the expiry of his period of office shall, if he be reappointed as a member of a tribal or community authority, be eligible for reappointment as a member of the district authority.

(3) Save as is provided in sub-section (1) of this section and in sub-section (1) of section *twenty-seven*, and subject to any special duties which may be assigned to any member by a district authority, any member of such authority appointed by the Native Commissioner or by the general taxpayers representatives on the tribal or community authorities shall have the same rights, privileges and duties as the members appointed by the heads of tribal or community authorities.

(4) Any head of a district authority who excludes any member thereof from any proceedings at which other members are permitted to be present, or conducts any proceedings of a district authority without such member having been given notice in terms of sub-section (2) of section *thirty-seven* that the proceedings would take place, or who shall in any way discriminate against such member, shall be guilty of an offence.

30. (1) Whenever the seat of any member of a district authority becomes vacant, it shall be filled as soon as possible by—

- (a) the heads of the tribal or community authorities concerned in the case of a member appointed by them;
- (b) the general taxpayers' representatives on the tribal or community authorities concerned in the case of a member appointed by them;
- (c) the Native Commissioner, subject to the approval of the Minister, in the case of a member appointed by him.

(2) For the purposes of paragraphs (a) and (b) of sub-section (1), the provisions of section *fourteen* and of paragraphs (a) and (b), as the case may be, of sub-section (1) of section *twenty-eight* shall *mutatis mutandis* apply.

(3) Whenever for any cause the seat of any member of a district authority other than a member *ex officio* becomes vacant, the head thereof shall forthwith notify the Native Commissioner in writing that such vacancy has occurred, whereupon the Native Commissioner shall take such steps as he may deem expedient to ensure that such vacant seat is filled without delay.



31. 'n Distriksowerheid moet, behoudens die bepalings van hierdie Proklamasie—

- (a) hulp verleen met die algemene bestuur van die sake van stam- en gemeenskapsowerhede in die distrik;
- (b) algemene toesig uitoefen oor die bedrywighede van stam- en gemeenskapsowerhede in die distrik om te verseker dat die werksaamhede en pligte wat aan sulke owerhede opgedra is, sonder vertraging en doeltreffend uitgevoer word;
- (c) die Regering en die Gebiedsowerheid en die streeksowerheid wat gesag oor die distrik het, adviseer en behulpzaam wees in verband met sake aangaande die stoflike, sedelike en maatskaplike welsyn van die Naturelle wat in die distrik woon;
- (d) 'n werksaamheid of plig wat by enige ander wet as hierdie Proklamasie aan hom opgedra is, uitvoer;
- (e) behoudens die bepalings van regulasies en die opdragte van die Minister, voorsiening maak vir die bestryding van veesiektes deur die bou, instandhouding en bediening van dipbakke en op enige ander wyse wat hy nodig ag; met dien verstande dat elke beesdipbak in die gebied van so 'n owerheid wat gedurende die oorgangstydperk die eiendom van die gebiedsowerheid was of deur hom gehuur is of vir die instandhouding waarvan so 'n owerheid verantwoordelik was, sonder die betaling van enige vergoeding die eiendom van so 'n distriksowerheid word of dat so 'n distriksowerheid die huurder daarvan word of vir die instandhouding daarvan verantwoordelik is, na gelang van die geval, met ingang van die datum waarop so 'n distriksowerheid die beheer oor dipwerksaamhede in sy distrik aanvaar;
- (f) inkomste invorder en fondse uitbetaal namens die Gebiedsowerheid ooreenkomstig die bepalings van hierdie Proklamasie en regulasies ingevolge daarvan uitgevaardig en ooreenkomstig die opdragte van die voorsittende gebiedskaptein, oorgedra deur die Sekretaris en Tesourier van die Gebiedsowerheid; en het
- (g) die bevoegdheid om grond of 'n belang in grond te verkry en te besit al na hy nodig ag vir die uitvoering van sy werksaamhede en pligte; en moet
- (h) in die algemeen ander bevoegdhede uitoefen en ander werksaamhede en pligte verrig met inbegrip van dié wat betrekking het op die sake opgenoem in hierdie paragraaf, wat na die mening van die Minister binne die bestek van distriksbestuur val en wat hy aan daardie distriksowerheid opdra, en behoudens sy opdragte en regulasies uitgevaardig, nl:—
  - (i) onderwys;
  - (ii) grondbewaring;
  - (iii) klinieke;
  - (iv) verbetering van akkerbou en veeteelt en landboumetodes;
  - (v) koördinasie van grasstrookaanplanting;
  - (vi) distrikslandbouontoonstellings;
  - (vii) sekondêre studiebeurse;
  - (viii) geboue;
  - (ix) lisensiering en toewysing van terreine;
  - (x) aanmoediging van koöperatiewe Bantoe-handelsverenigings;
  - (xi) die organisering van veevendusies in samewerking met die Naturellekommissaris;
  - (xii) die stigting van markte;
  - (xiii) Bantoe-gemeenskapsentrums.

32. (1) Elke distriksowerheid moet met die goedkeuring van die Goewerneur-generaal jaarliks 'n veebelasting hef wat betaal moet word deur alle Naturelle wat beeste besit of wat vir die oomblik beheer het oor krale en opstalle waar beeste gehou word, dwarsdeur die gebied waaroor so 'n owerheid gesag het, en genoemde belasting word gehef ten opsigte van elke bees in die besit van so 'n Naturel of gehou by so 'n kraal of opstal op 'n datum wat by kennisgewing in die *Staatskoerant* vasgestel word.

31. A district authority shall, subject to the provisions of this Proclamation—

- (a) render assistance in the general administration of the affairs of tribal and community authorities in the district;
- (b) exercise a general oversight over the activities of tribal and community authorities in the district to ensure that the functions and duties entrusted to such authorities are performed with due expedition and efficiency;
- (c) advise and assist the Government and the Territorial Authority and the regional authority having jurisdiction in the district, in connection with matters relating to the material, moral and social well-being of the Natives resident in the district;
- (d) perform any function or duty entrusted to it by any law other than this Proclamation;
- (e) subject to the provisions of any regulations, and to the directions of the Minister, provide for the suppression of diseases of cattle by the construction, maintenance and operation of dipping tanks and in any other manner he may consider necessary; provided that every cattle dipping tank in the area of such authority which was, during the transitional period the property of the Territorial Authority or leased by it or for the maintenance of which such Authority was responsible, shall without payment of any consideration, become the property of such district authority or such district authority shall become the lessee thereof or be responsible for its maintenance, as the case may be, with effect from the date on which such district authority assumed the control of dipping operations in its district;
- (f) collect revenue and disburse funds on behalf of the Territorial Authority in accordance with the provisions of this Proclamation and any regulations thereunder and in accordance with the directions of the presiding territorial chief, conveyed by the secretary and treasurer of the Territorial Authority;
- (g) have power to acquire and hold land or any interest in land as it may deem necessary for the purpose of performing its functions and duties; and
- (h) generally exercise such other powers and perform such other functions and duties, including any relating to the matters enumerated in this paragraph as, in the opinion of the Minister, fall within the sphere of district administration and as he may assign to that district authority, and subject to his directions and to any regulations made, viz.:—
  - (i) Education;
  - (ii) soil conservation;
  - (iii) clinics;
  - (iv) improvement of field and animal husbandry and agricultural methods;
  - (v) co-ordination of grass-stripping;
  - (vi) district agricultural shows;
  - (vii) secondary scholarships;
  - (viii) buildings;
  - (ix) licensing and allocation of sites;
  - (x) encouragement of Bantu co-operative trading societies;
  - (xi) the organisation of stock sales in collaboration with the Native Commissioner;
  - (xii) the establishment of markets;
  - (xiii) Bantu community centres.

32. (1) Each district authority shall, subject to the approval of the Governor-General, levy annually a stock rate, to be paid by all Natives owning cattle, or who for the time being are in charge of kraals and homesteads at which cattle are kept, throughout the area of jurisdiction of such authority, which said rate shall be levied in respect of each head of cattle owned by any such Native or kept at any such kraal or homestead on a date to be fixed by notice in the *Gazette*.

(2) Elke distriksowerheid moet jaarliks by die betrokke Naturellekommissaris vir deursending aan die Hoof-naturellekommissaris, nie later nie as die een-en-dertigste dag van Maart, sy begroting van uitgawe aan dipwerk-saamhede en ander dienste waarvoor so 'n owerheid inge-volge paragraaf (e) van artikel een-en-dertig verantwoord-lik is, vir die volgende boekjaar indien, tesame met sy aan-bevelings aangaande die bedrag van die veebelasting vir daardie boekjaar, en die datum waarop dit betaalbaar is.

(3) Die Goewerneur-generaal kan genoemde bedrag of datum verander al na hy wenslik ag.

33. (1) 'n Distriksowerheid het die bevoegdheid om met die goedkeuring van die Goewerneur-generaal en behou-dens die bepalinge van artikel ses-en-negentig, 'n belasting van hoogstens een pond in een en dieselfde jaar te hef van elke persoon wat aanspreeklik is vir die betaling van algemene of plaaslike belasting of Naturelle-erfpag en wat gewoonlik in die distrik woon.

(2) Geen sodanige belasting is van krag of regsgeldig totdat dit by kennisgewing in die *Staatskoerant* bekend-gemaak is nie.

34. (1) Die Minister laat ten opsigte van elke distriks-owerheid 'n tesourie instel waarin die bedrae wat hier-onder genoem word, gestort moet word en waaruit alle uitgawe aangeaan in verband met enige saak binne die bevoegdheid van die betrokke owerheid, bestry moet word.

(2) Elke sodanige tesourie is onder die beheer van die Minister wat op die voorwaardes wat hy goedvind en behoudens enige regulasies, die beheer daarvoor of oor 'n gedeelte daarvan aan die betrokke distriksowerheid kan oordra.

(3) Alle invorderings deur elke distriksowerheid van veebelasting, dipgelde opgelê aan persone wat nie vee-belastingbetalers is nie en enige ander inkomste uit dip-werksaamhede, moet deur so 'n owerheid op 'n spesiale rekening, wat die „diprekening” van die betrokke distrik genoem word, gestort word, en alle uitgawe in verband met die dip van beeste en die voorkoming of uitroeiing van beessiektes in die gebied van so 'n owerheid, moet uit genoemde diprekening bestry word. Geen ander uit-gawe as dié wat hierin genoem word, mag uit genoemde rekening sonder die magtiging van die Minister bestry word nie.

35. In die tesourie van 'n distriksowerheid word die volgende gestort:—

- (a) Behoudens die bepalinge van subartikel (3) van artikel vier-en-dertig, die opbrengs van 'n veebelas-tig gehê ingevolge subartikel (1) van artikel twee-en-dertig, vorderings vir dip opgelê aan persone wat nie veebelastingbetalers is nie en alle ander inkomste uit dipwerksaamhede deur sodanige dis-triksowerheid uitgevoer;
- (b) die opbrengs van enige heffing wat deur so 'n distriksowerheid ingevolge subartikel (1) van artikel drie-en-dertig van hierdie Proklamasie of van enige ander wet opgelê is;
- (c) alle boetes verhaal ten opsigte van 'n versuim om voor of op die vervaldatum, soos by regulasie voor-geskryf, enige belasting wat ingevolge die bepalinge van subartikel (1) van artikel drie-en-dertig opgelê is, te betaal;
- (d) alle bedrae verkry uit eiendom in die besit van so 'n distriksowerheid;
- (e) gelde wat aan so 'n distriksowerheid deur die Minister toegewys word uit enige fonds wat deur hom ten bate van die Naturelle van die betrokke distrik as 'n geheel gehou word;
- (f) gelde wat die Parlement vir die doel bewillig en enige skenking wat deur enige persoon ten bate van die Naturelle van die betrokke distrik as 'n geheel gedoen word;
- (g) gelde wat aan so 'n distriksowerheid deur die Gebiedsowerheid of deur die betrokke streeksower-heid ingevolge die bepalinge van hierdie Proklama-sie toegewys word; en
- (h) alle ander gelde wat uit watter bron ook al verkry word ten bate van die bevolking van die betrokke distrik as 'n geheel of wat die eiendom van so 'n distriksowerheid is.

(2) Each district authority shall submit annually to the Native Commissioner concerned for transmission to the Chief Native Commissioner not later than the thirty-first day of March its estimates of expenditure on dipping operations and such other services for which such authority may be responsible in terms of paragraph (e) of section thirty-one, for the ensuing financial year, together with its recommendations as to the amount of the stock rate for such financial year and the date on which it shall become payable.

(3) The Governor-General may alter the said amount or date as he may deem desirable.

33. (1) A district authority shall have power with the approval of the Governor-General and subject to the provisions of section ninety-six to levy a rate not exceeding one pound in any one year upon each person liable to pay general or local tax or native quitrent ordinarily resident in the district.

(2) No such rate shall have any force or effect until it has been made known by notice in the *Gazette*.

34. (1) The Minister shall cause to be established in respect of every district authority a treasury into which shall be paid such amounts as are hereinafter specified, and from which all expenditure incurred in connection with any matter within the purview of the authority concerned shall be met.

(2) Every such treasury shall be under the control of the Minister who may, on such conditions as he may deem fit, and subject to any regulations, vest the control thereof or any portion thereof in the district authority concerned.

(3) All collections by each district authority of stock rate, charges for dipping imposed upon persons who are not stock ratepayers and any other revenue accruing from dipping operations shall be paid by such authority into a special account, to be termed the "dipping account" of the district concerned, and all expenditure in connection with the dipping of cattle and the prevention or eradication of cattle diseases in the area of such authority shall be met from such dipping account. No expenditure other than that specified herein shall be met from such account without the authority of the Minister.

35. There shall be paid into the treasury of a district authority—

- (a) subject to the provisions of sub-section (3) of section thirty-four, the proceeds of any stock rate levied in terms of sub-section (1) of section thirty-two, charges for dipping imposed upon persons who are not stock ratepayers and any other revenue accruing from dipping operations conducted by such district authority;
- (b) the proceeds of any levy imposed by such district authority in terms of sub-section (1) of section thirty-three of this Proclamation or of any other law;
- (c) all fines recovered in respect of a failure to pay on or before due date, as prescribed by regulation, any rates imposed by virtue of the provisions of sub-section (1) of section thirty-three;
- (d) all amounts derived from any property owned by such district authority;
- (e) any moneys which may be assigned to such district authority by the Minister out of any fund held by him for the benefit of the Natives of the district concerned as a whole;
- (f) any moneys which Parliament may appropriate for the purpose, and any donation made by any person for the benefit of the Natives of the district concerned as a whole;
- (g) any moneys which may be allocated to any such district authority by the Territorial Authority or by the regional authority concerned in terms of the provisions of this Proclamation; and
- (h) all other moneys derived from any source whatsoever for the benefit of the people of the district concerned as a whole or which may be the property of such district authority.



36. (1) 'n Distriksowerheid kan by besluit siviele gedinge in 'n geregshof instel.

(2) 'n Distriksowerheid moet in enige regsding in 'n geregshof in die naam van sy hoof *nomine officii* aanspreek of aangespreek word.

37. (1) Vergaderings van 'n distriksowerheid moet deur die hoof daarvan belê word.

(2) Daar is ses gewone vergaderings van 'n distriksowerheid wat by die setel van die Naturellekommissaris vir die distrik gehou moet word gedurende die maande Januarie, Maart, Mei, Julie, September en November in elke jaar op die dae wat van tyd tot tyd in oorleg met die Naturellekommissaris vasgestel moet word deur die hoof van die owerheid wat 'n kennisgewing van die vasgestelde datum en uur moet stuur aan elke lid, die Toesighoudende Amptenaar, die Naturellekommissaris en, wanneer so 'n owerheid 'n onderwysaangeleentheid gaan behandel, aan die Inspekteur van Bantoe-onderwys vir die betrokke distrik minstens veertien dae voor die vergadering; met dien verstande dat sodanige hoof, as daar 'n goeie rede is, 'n gewone vergadering kan laat belê gedurende 'n ander maand as die maand waarin so 'n vergadering onder gewone omstandighede ingevolge hierdie artikel gehou sou word.

(3) Die hoof van die owerheid kan, en as die Naturellekommissaris of die streeksowerheid wat gesag oor die distrik het, hom daartoe versoek, moet te eniger tyd 'n spesiale vergadering van die distriksowerheid op 'n datum wat in oorleg met die Naturellekommissaris vasgestel moet word, belê. Op so 'n vergadering mag slegs die sake wat die hoof aan hom voorlê of goedkeur, behandel word; met dien verstande dat in die geval van 'n spesiale vergadering wat op versoek van voornoemde Naturellekommissaris of streeksowerheid belê word, die sake wat so 'n spesiale vergadering nodig gemaak het, daarop behandel word.

(4) Op elke vergadering van 'n distriksowerheid moet die hoof daarvan aan die teenwoordige lede die onderwerpe meedeel wat bespreek gaan word; met dien verstande dat 'n lid op 'n gewone vergadering met die goedkeuring van die hoof enige saak binne die bestek van die werksaamhede van die distriksowerheid vir bespreking kan opper. Nadat elke onderwerp bespreek is, moet die lede van die distriksowerheid hulle menings daaroor by stemming uitspreek. Die hoof van die owerheid het sowel 'n beslissende as 'n gewone stem.

(5) Die hoof van die owerheid moet na elke vergadering 'n notule van die verrigtinge en van die besluite wat geneem is, in een van die amptelike tale van die Unie aan die Kontroleur en Ouditeur-generaal, die Hoofnaturellekommissaris, die Toesighoudende Amptenaar, die Naturellekommissaris, die hoof van die Streeksowerheid wat gesag het, en wanneer die distriksowerheid 'n onderwysaangeleentheid behandel het, aan die Inspekteur van Bantoe-onderwys vir die betrokke distrik stuur.

38. (1) As 'n stam- of gemeenskapsowerheid op so 'n wyse ingestel word dat die gebied waaroor hy gesag het, die hele distrik beslaan, het so 'n owerheid die bevoegdheid en verrig hy die werksaamhede en pligte van sowel 'n stam- of gemeenskapsowerheid as van 'n distriksowerheid ingevolge hierdie Proklamasie, asof hy albei sulke owerhede is.

(2) Ondanks die bepalinge van artikels *sewe-en-twintig* tot en met *dertig*, word die hoof en die lede van so 'n owerheid aangestel ooreenkomstig die bepalinge van Hoofstuk II met betrekking tot stam- of gemeenskapsowerhede.

(3) Behoudens die bepalinge van subartikel (2) van artikel *vyf-en-twintig* en van subartikel (3) van artikel *vier-en-dertig*, mag 'n stam- of gemeenskapsowerheid nie 'n tweede tesourie, weens die feit dat hy ook as 'n distriksowerheid optree, hê nie, tensy die Minister anders gelas.

(4) In alle ander opsigte is die bepalinge van Hoofstukke II en III van toepassing op 'n stam- of gemeenskapsowerheid wat ook as 'n distriksowerheid optree, met uitsondering van artikels *sewe-en-twintig* tot en met *dertig* en *drie-en-dertig*, en subartikels (1) en (2) van artikel *vier-en-dertig*.

36. (1) A district authority may by resolution institute civil proceedings in a court of law.

(2) A district authority shall in any legal proceedings in a court of law sue or be sued in the name of its head *nomine officii*.

37. (1) Meetings of a district authority shall be convened by the head thereof.

(2) There shall be six ordinary meetings of a district authority which shall be held at the seat of the Native Commissioner for the district during the months of January, March, May, July, September and November in each year on such days as may from time to time be fixed in consultation with the Native Commissioner by the head of the authority who shall send notice of the date and hour appointed to each member, the Supervisory Officer, the Native Commissioner and, when such authority is to deal with any educational matter, to the Inspector of Bantu Education for the district concerned at least fourteen days prior to any meeting; provided that such head may for good cause summon an ordinary meeting during a month other than the month in which such meeting would in terms of this section normally be held.

(3) At any time the head of the authority may, and if requested thereto by the Native Commissioner or the regional authority having jurisdiction in the district shall, call a special meeting of the district authority on a date to be fixed in consultation with the Native Commissioner. At any such meeting only such business as the head may lay before it or approve shall be transacted; provided that in the case of a special meeting called at the request of the Native Commissioner or regional authority aforesaid, the business necessitating such special meeting shall be transacted thereat.

(4) At each meeting of a district authority the head thereof shall inform the members present of the subjects to be discussed; provided that at any ordinary meeting any member may, with the approval of such head, bring forward for discussion any matter within the scope of the district authority's functions. After discussion of each subject the members of the district authority shall, by voting, record their opinions thereon. The head of the authority shall have a casting as well as a deliberative vote.

(5) The head of the authority shall, after each meeting forward a minute of the proceedings and of the decisions arrived at, in one of the official languages of the Union, to the Controller and Auditor-General, the Chief Native Commissioner, the Supervisory Officer, the Native Commissioner, the head of the regional authority having jurisdiction, and, when the district authority has dealt with any educational matter, to the Inspector of Bantu Education for the district concerned.

38. (1) If a tribal or community authority be established in such a manner that its area of jurisdiction comprises the whole of a district, such authority shall have the powers and shall perform the functions and duties of both a tribal or community authority and of a district authority in terms of this Proclamation, as if it were both such authorities.

(2) Notwithstanding the provisions of sections *twenty-seven* to *thirty*, inclusive, the head and the members of such authority shall be appointed according to the provisions of Chapter II relating to tribal or community authorities.

(3) Subject to the provisions of sub-section (2) of section *twenty-five* and of sub-section (3) of section *thirty-four*, a tribal or community authority shall not, unless the Minister otherwise direct, maintain a second treasury by reason of the fact that it also operates as a district authority.

(4) In all other respects the provisions of Chapters II and III shall apply to any tribal or community authority which also functions as a district authority, with the exception of sections *twenty-seven* to *thirty* inclusive and *thirty-three*, and sub-sections (1) and (2) of section *thirty-four*.

## HOOFSTUK IV.

## STREEKSOWERHEDE.

39. (1) Die Goewerneur-generaal kan 'n Bantolestreksowerheid instel ten opsigte van enige twee of meer distrikte (in elkeen waarvan daar 'n distriksowerheid ingevolge die bepalings van Hoofstuk III of van artikel *agt-en-dertig* optree); met dien verstande dat—

- (a) hy 'n distriksowerheid wat ingevolge die bepalings van Hoofstuk III optree, kan toelaat om sowel as 'n distriks- as 'n streeksowerheid op te tree, en dan is die bepalings van artikels *drie-en-vyftig* en *ses-en-vyftig* op so 'n distriksowerheid van toepassing; en
- (b) geen streeksowerheid ingestel mag word en geen distriksowerheid toegelaat word om op te tree as 'n streeksowerheid nie tot nadat die Minister die Naturelle in elke distrik ten opsigte waarvan sodanige owerheid ingestel gaan word of in die distrik waarin die distriksowerheid daarvan toegelaat gaan word om as 'n streeksowerheid op te tree, geraadpleeg het, in elke geval deur bemiddeling van die distriksowerheid en die stam- of gemeenskapsowerhede in so 'n distrik.

(2) Die distrikte ten opsigte waarvan 'n streeksowerheid ingestel is of die distrik waarvan die distriksowerheid toegelaat is om as 'n streeksowerheid op te tree, en enige verandering daarvan word by kennisgewing in die *Staatskoerant* bekendgemaak.

40. (1) Die hoof van 'n streeksowerheid moet—

- (a) as daar 'n hoofkaptein van die streek is, sodanige hoofkaptein of sy gevolmagtigde wat 'n lid van die owerheid is, wees; of
- (b) as daar geen hoofkaptein van die streek is nie, en—
  - (i) as daar een kapteinsamp in die streek is, die bekleër van sodanige kapteinsamp wees; of
  - (ii) as daar meer as een kapteinsamp in die streek is, die bekleër van een van sodanig kapteinsampe wees wat vir die doel deur lede van dié owerheid met die goedkeuring van die Goewerneur-generaal benoem is; of
  - (iii) as daar geen kapteinsamp in die streek is nie 'n hoofman wees wat 'n lid van die owerheid is en wat vir die doel deur die lede van die owerheid met die goedkeuring van die Goewerneur-generaal benoem is.

(2) Die kaptein of hoofman wat as hoofman ingevolge subparagrafe (b) (ii) of (iii) van subartikel (1) aangestel is, moet as hoof van die owerheid gedurende die ampstyd van die lede (uitgesonderd kapteins wat lede *ex officio* is) van die betrokke streeksowerheid optree en, nadat sodanige lede vir 'n nuwe ampstyd aangestel is, moet 'n hoof vir sodanige ampstyd aangestel word soos bepaal in genoemde subparagrafe.

(3) 'n Hoof wie se ampstyd in daardie hoedanigheid verstryk het, kan weer aangestel word.

(4) As 'n hoof van 'n streeksowerheid weens afwesigheid of om 'n ander rede nie in staat is om op 'n vergadering daarvan voor te sit nie, moet die lede van so 'n owerheid wat op die vergadering teenwoordig is, een uit hulle geledere aanstel om op daardie vergadering voor te sit.

(5) As die hoof van 'n streeksowerheid sterf of om 'n ander rede ophou om die amp van kaptein of hoofman te beklee en 'n ander persoon tydelik aangestel word om waar te neem of as regent, moet die hoof van die owerheid gedurende daardie tydperk behoudens die bepalings van subartikel (2)—

- (a) as die hoof die hoofkaptein van die streek was, dié persoon wees wat as waarnemende of regentkaptein aangestel is; of
- (b) as daar geen hoofkaptein van die streek is nie, en—
  - (i) as daar een kapteinsamp in die streek is, dié persoon wees wat as waarnemende of regentkaptein aangestel is; of
  - (ii) as daar meer as een kapteinsamp in die streek is, een van die persone wees wat die amp van permanente, waarnemende of regentkaptein beklee en wat benoem is soos bepaal in subparagraaf (b) (ii) van subartikel (1); of

## CHAPTER IV.

## REGIONAL AUTHORITIES.

39. (1) The Governor-General may establish a Bantu regional authority in respect of any two or more districts (in each of which a district authority is operating under the provisions of Chapter III or of section *thirty-eight*); provided—

- (a) he may permit a district authority operating under the provisions of Chapter III to function both as a district and a regional authority, whereupon the provisions of sections *fifty-three* and *fifty-six* shall apply to such district authority; and
- (b) no regional authority shall be established and no district authority shall be permitted to function as a regional authority until after the Minister has consulted the Natives in every district in respect of which such authority is to be established or in the district in which the district authority thereof is to be permitted to function as a regional authority, in each case through the district authority and the tribal or community authorities in any such district.

(2) The districts in respect of which a regional authority has been established or the district of which the district authority has been permitted to operate as a regional authority, and any modification thereof, shall be made known by notice in the *Gazette*.

40. (1) The head of a regional authority shall—

- (a) if there be a paramount chief of the region, be such paramount chief or his deputy who is a member of such authority; or
- (b) if there be no paramount chief of the region, and—
  - (i) should there be one chieftainship in the region, be the occupier of such chieftainship; or
  - (ii) should there be more than one chieftainship in the region, be the occupier of one of such chieftainships nominated for that purpose by the members of such authority, subject to the approval of the Governor-General; or
  - (iii) should there be no chieftainship in the region, be a headman, who is a member of such authority, nominated for that purpose by the members of such authority, subject to the approval of the Governor-General.

(2) The chief or headman appointed as head in terms of sub-paragraphs (b) (ii) or (iii) of sub-section (1) shall function as head of the authority during the period of office of the members (other than chiefs who are members *ex officio*) of the regional authority concerned and, upon the appointment of such members for a new period of office, a head for such period shall be appointed as in the said sub-paragraphs provided.

(3) A head whose period of office in that capacity has expired shall be eligible for reappointment.

(4) If a head of a regional authority be unable, through absence or other cause, to preside at any meeting thereof, the members of such authority present at such meeting shall appoint one of their number to preside at that meeting.

(5) If the head of a regional authority die or for any other reason cease to hold office as chief or headman and another person be appointed for a temporary period to act or as regent, the head of the authority during such temporary period shall, subject to the provisions of sub-section (2)—

- (a) if the head had been the paramount chief of the region, be such person appointed acting or regent chief; or
- (b) if there be no paramount chief of the region, and—
  - (i) should there be one chieftainship in the region, be such person appointed acting or regent chief; or
  - (ii) should there be more than one chieftainship in the region, be one of the persons holding office as permanent, acting or regent chief, nominated as in sub-paragraph (b) (ii) of sub-section (1) provided; or



- (iii) as daar geen kapteinsamp in die streek is nie, 'n permanente, waarnemende of regentshoofman wees wat benoem is soos bepaal in sub-paragraaf (b) (iii) van subartikel (1).

(6) Wanneer 'n kaptein of hoofman wat die pos van hoof van 'n streeksowerheid beklee, sterf of anders ophou om die amp van kaptein of hoofman te beklee en sy opvolger in die kapteinsamp of hoofmansamp aangestel word—

- (a) is die persoon aldus aangestel of sy gevolgmagtigde wat 'n lid van die streeksowerheid is, die hoof van die owerheid as hy die hoofkaptein is; of
- (b) is die persoon aldus aangestel, die hoof as hy die enigste kaptein van die streek is; of
- (c) as daar meer as een kaptein of geen kaptein in die streek is nie, word een kaptein of, as daar geen kaptein is nie, word een hoofman benoem as hoof van die owerheid vir die oorblywende gedeelte van die ampstyd van die kaptein of hoofman wat ooreenkomstig die bepalings van paragrafe (b) (ii) of (b) (iii), na gelang van die geval, van subartikel (1) vervang is;

en daarna moet enige persoon wat tydelik die amp van hoof van die owerheid beklee, die amp ontruim; met dien verstande dat waar daar meer as een kaptein of geen kaptein in die streek is nie en 'n kaptein of hoofman as sodanig aangestel word, na die verstryking van die ampstyd as hoof van die owerheid van die kaptein of hoofman wat vervang is, sodanige aanstelling nie die ontruiming van die amp van die hoof van die owerheid wat op daardie tydstip die amp beklee, veroorsaak nie.

41. (1) Behoudens die bepalings van subartikel (2), bestaan elke streeksowerheid uit die volgende lede, met inbegrip van sy hoof, dit wil sê—

- (a) alle aangestelde of erkende kapteins in die streek, *ex officio*;
- (b) elke hoof van die distriksowerheid in die streek wat nie 'n kaptein is nie;
- (c) een lid van elke distriksowerheid in die streek wat met die goedkeuring van die Minister deur die betrokke Naturellekommissaris aangestel is;
- (d) een lid van elke distriksowerheid in die streek wat deur die distriksowerheid aangestel is; en
- (e) een addisionele lid, wat 'n lid van 'n distriksowerheid in die streek is en wat deur die hoofkaptein van die streek of waar daar geen sodanige hoofkaptein is nie, deur die hoof van die streeksowerheid aangestel is—
- (i) voor die eerste vergadering van die streeksowerheid na sy instelling of na die begin van 'n nuwe ampstyd van sy lede (uitgesonderd *ex officio* lede), na gelang van die geval, waar sodanige hoof die hoofkaptein of sy gevolgmagtigde of die enigste kaptein in die streek sal wees; of
- (ii) op sodanige eerste vergadering in gevalle waar die hoof as sodanige deur die lede van die streeksowerheid benoem word.

(2) Waar daar in die gebied van 'n streeksowerheid 'n stam- of gemeenskapsowerheid is wat ook as 'n distriksowerheid ingevolge artikel *agt-en-dertig* optree, word die woord „distriksowerheid” in subartikel (1) geag die stam- of gemeenskapsowerheid in te sluit.

(3) 'n Aanstelling ingevolge paragraaf (d) van subartikel (1) word gedoen nie later nie as dertig dae na die ontvangs deur die hoof van die betrokke distriksowerheid van die Naturellekommissaris se skriftelike opdrag dat die owerheid die aanstelling moet doen.

(4) As 'n aanstelling genoem in subartikel (3) nie binne die tyd daarin bepaal, gedoen word nie, is die bepalings van artikel *veertien mutatis mutandis* van toepassing.

(5) Die bepalings van artikels *sestien* en *sewentien* is *mutatis mutandis* van toepassing op die lede wat in paragrafe (b), (c), (d) en (e) van subartikel (1) genoem word.

- (iii) should there be no chieftainship in the region, be a permanent, acting or regent headman nominated as in sub-paragraph (b) (iii) of sub-section (1) provided.

(6) When a chief or headman who holds the post of head of a regional authority dies or otherwise ceases to hold office a chief or headman and his successor to the chieftainship or headmanship is appointed—

- (a) the person so appointed or his deputy who is a member of the regional authority shall be the head of the authority if he be the paramount chief; or
- (b) the person so appointed shall be such head if he be the sole chief of the region; or
- (c) if there be more than one chief or no chief in the region, one chief or, if there be no chief, one headman shall be nominated as head of the authority for the remainder of the period of office of the chief or headman replaced in accordance with the provisions of paragraphs (b) (ii) or (iii), as the case may be, of sub-section (1);

whereupon any person temporarily holding office as head of the authority shall vacate such office; provided that, where there is more than one chief or no chief in the region and a chief or headman is appointed as such after the expiry of the period of office as head of the authority of the chief or headman replaced, such appointment shall not cause the vacation of office of the head of the authority in office at the time.

41. (1) Subject to the provisions of sub-section (2), each regional authority shall consist of the following members, including its head, that is to say—

- (a) all appointed or recognised chiefs in the region, *ex officio*;
- (b) each head of a district authority in the region who is not a chief;
- (c) one member of each district authority in the region appointed by the Native Commissioner concerned, subject to the approval of the Minister;
- (d) one member of each district authority in the region, appointed by such district authority; and
- (e) one additional member, being a member of a district authority in the region, appointed by the paramount chief of the region, or where there be no such paramount chief, by the head of such regional authority—
- (i) prior to the first meeting of the regional authority after its establishment or after the commencement of a new period of office of its members (excluding *ex officio* members), as the case may be, where such head is to be the paramount chief or his deputy or the sole chief in the region; or
- (ii) at such first meeting in cases where such head is nominated as such by the members of the regional authority.

(2) Wherever there is, in the area of a regional authority, any tribal or community authority which is also functioning as a district authority in terms of section *thirty-eight*, the words “district authority” in sub-section (1) shall be deemed to include such tribal or community authority.

(3) Any appointment in terms of paragraph (d) of sub-section (1) shall be made not later than 30 days after the receipt by the head of the district authority concerned of the Native Commissioner's written directions that such authority shall make such appointment.

(4) If any appointment referred to in sub-section (3) be not made within the period stipulated therein, the provisions of section *fourteen* shall *mutatis mutandis* apply.

(5) The provisions of sections *sixteen* and *seventeen* shall apply *mutatis mutandis* to the members referred to in paragraphs (b), (c), (d) and (e) of sub-section (1).

42. (1) Die ampstyd van 'n lid (uitgesonderd 'n kaptein wat 'n lid *ex officio* is) is, uitgesonderd soos bepaal in artikels *sewentien* en *honderd-en-nege*, vyf jaar met ingang van die eerste dag van September 1956 en daarna van die eerste dag van September aan die begin van elke verdere tydperk van vyf jaar; met dien verstande dat in die geval van 'n streeksowerheid wat ingevolge subartikel (1) van artikel *nege-en-dertig* ingestel word, of van 'n distriksowerheid wat ingevolge genoemde subartikel toegelaat word om op te tree as 'n streeksowerheid gedurende enige tydperk van vyf jaar, die ampstyd van so 'n lid op die een-en-dertigste dag van Augustus aan die end van die tydperk van vyf jaar verstryk.

(2) 'n Lid van 'n streeksowerheid wat weens die verstryking van sy ampstyd ophou om sy amp te beklee, kan weer aangestel word as hy weer as 'n lid van 'n distriksowerheid of van 'n stam- of gemeenskapsowerheid genoem in artikel *agt-en-dertig*, aangestel word.

(3) Uitgesonderd soos bepaal in subartikel (1) van hierdie artikel en in subartikel (1) van artikel *veertig* en behoudens enige spesiale pligte wat aan 'n lid deur 'n streeksowerheid toegewys word, het 'n aangestelde lid van so 'n owerheid dieselfde regte, voorregte en pligte as 'n lid *ex officio*.

(4) 'n Hoof van 'n streeksowerheid wat 'n lid daarvan uitsluit van verrigtings waarby ander lede toegelaat word om teenwoordig te wees of verrigtings van 'n streeksowerheid hou sonder dat so 'n lid ingevolge subartikel (2) van artikel *twee-en-vyftig* kennis gegee is dat die verrigtings sal plaasvind, of, wat op watter wyse ook al teen so 'n lid diskrimineer, is skuldig aan 'n misdryf.

43. (1) Wanneer die setel van 'n lid van 'n streeksowerheid vakant word, moet dit so spoedig moontlik gevul word op die wyse waarop so 'n lid ingevolge artikel *een-en-veertig* aangestel is, en die bepalings van artikel *veertien* is in so 'n geval *mutatis mutandis* van toepassing.

(2) Wanneer om watter rede ook al die setel van 'n lid van 'n streeksowerheid vakant word, moet die hoof daarvan die Naturellekommissaris van die distrik waarin die setel van so 'n owerheid geleë is, dadelik skriftelik in kennis stel dat so 'n vakature ontstaan het, en daarna moet die Naturellekommissaris of hoof, na gelang van die geval, die stappe doen wat hy raadsaam ag om te verseker dat die vakante setel sonder vertraging gevul word.

44. 'n Streeksowerheid moet behoudens die bepalings van hierdie Proklamasie—

- (a) hulp verleen met die algemene bestuur van die sake van laer owerhede in sy streek;
- (b) in die algemeen toesig hou oor die bedrywighede van laer owerhede in sy streek om te verseker dat die werksaamhede en pligte wat aan sulke owerhede toevertrou is, sonder vertraging en doeltreffend uitgevoer en behoorlik gekoördineer word;
- (c) die Regering en die Gebiedsowerheid adviseer en behulpsaam wees in verband met aangeleenthede wat die stoflike, sedelike en maatskaplike welsyn van die Naturelle wat in sy gebied woon, raak; en het
- (d) die bevoegdheid om die Minister deur bemiddeling van die Naturellekommissaris van die distrik waarin die setel van die streeksowerheid geleë is, te adviseer en vertoë tot hom te rig in verband met alle sake wat die algemene belange van Naturelle in sy streek raak; en met
- (e) behoudens die bepalings van regulasies en die opdragte van die Minister, voorsiening maak vir—
  - (i) die bevordering van onderwys, insluitende groot studiebeurse, in sy streek;
  - (ii) die aanleg en instandhouding van afvoerkanaale, damme, sonepaaie, vore en ander werke wat nodig is vir doeleindes van sanitasie of vir die versekering van bevredigende watervoorrade of vir die voorkoming of bestryding van gronderosie;
  - (iii) die verbetering van die algemene gesondheid van die Naturelle in die streek, insluitende hospitaaldienste;
  - (iv) die verbetering van boerdery- en landboumetodes in die algemeen;
  - (v) bosaanplanting;

42. (1) The period of office of any member (other than a chief who is a member *ex officio*) shall, save as in sections *seventeen* and *one hundred and nine* provided, be five years commencing on the first day of September, 1956, and thereafter on the first day of September commencing each further quinquennial period; provided that, in the case of any regional authority which may, in terms of sub-section (1) of section *thirty-nine*, be established, or of any district authority which may, in terms of the said sub-section, be permitted to function as a regional authority, during any quinquennial period, the period of office of any such member shall expire on the thirty-first day of August ending such quinquennial period.

(2) A member of a regional authority who ceases to hold office by the expiry of his period of office shall, if he be reappointed as a member of a district authority, or of a tribal or community authority referred to in section *thirty-eight*, be eligible for reappointment.

(3) Save as is provided in sub-section (1) of this section and in sub-section (1) of section *forty* and subject to any special duties which may be assigned to any member by a regional authority, any appointed member of such authority shall have the same rights, privileges and duties as a member *ex officio*.

(4) Any head of a regional authority who excludes any member thereof from any proceedings at which other members are permitted to be present or conducts any proceedings of a regional authority without such member having been given notice in terms of sub-section (2) of section *fifty-two* that such proceedings would take place, or who shall in any way discriminate against such member, shall be guilty of an offence.

43. (1) Whenever the seat of any member of a regional authority becomes vacant, it shall be filled as soon as possible in the manner in which such member was, in terms of section *forty-one*, appointed, and the provisions of section *fourteen* shall in such case apply *mutatis mutandis*.

(2) Whenever, for any cause, the seat of any member of a regional authority becomes vacant, the head thereof shall forthwith notify the Native Commissioner of the district in which the seat of such authority is situated in writing that such vacancy has occurred, whereupon such Native Commissioner or the head, as the case may be, shall take such steps as he may deem expedient to ensure that such vacant seat is filled without delay.

44. A regional authority shall, subject to the provisions of this Proclamation—

- (a) render assistance in the general administration of the affairs of lower authorities in its region;
- (b) exercise a general oversight over the activities of lower authorities in its region to ensure that the functions and duties entrusted to such authorities are performed with due expedition and efficiency and are properly co-ordinated;
- (c) advise and assist the Government and the Territorial Authority in connection with matters relating to the material, moral and social well-being of the Natives resident in its area;
- (d) have the power to advise and make representations to the Minister through the Native Commissioner of the district in which the seat of the regional authority is situated in regard to all matters affecting the general interests of Natives in its region;
- (e) subject to the provisions of any regulations, and to the directions of the Minister, provide for—
  - (i) the advancement of education, including major scholarships, in its region;
  - (ii) the construction and maintenance of drains, dams, zonal roads, furrows, and any works necessary for purposes of sanitation, or for ensuring satisfactory water supplies or for preventing or combating soil erosion;
  - (iii) the improvement of the general health of the Natives in the region, including hospitalisation;
  - (iv) the improvement of farming and agricultural methods generally;
  - (v) afforestation;



(f) in die algemeen ander bevoegdhede uitoefen en ander werksaamhede en pligte verrig, insluitende dié wat betrekking het op die sake in hierdie paragraaf opgenoem, wat, na die mening van die Minister, binne die bestek van streeksbestuur val en wat hy aan daardie streeksowerheid mag toewys en onder sy opdragte en behoudens regulasies uitgevaardig, nl:—

- (i) die bou in instandhouding van geboue;
- (ii) klein werke ten bate van die Naturelle in die streek wat nie onder subparagraaf (e) (ii) inbegrepe is nie;
- (iii) die vermindering van oorlas;
- (iv) die lisensiering en toewysing van terreine;
- (v) geregtelike, insluitende appelwerksaamhede.

45. (1) 'n Streeksowerheid kan verordeninge uitvaardig in verband met enige saak binne sy bevoegdheid ingevolge paragrawe (b), (e) en (f) van artikel vier-en-veertig, insluitende verordeninge waarby gelde voorgeskryf word vir dienste gelewer deur so 'n owerheid of belasting betaalbaar deur enige bepaalde klas persone ten opsigte van dienste wat deur so 'n owerheid beskikbaar gestel word en kan verordeninge uitvaardig waarby Naturellereg en -gewoonte wat sy streek raak, voorgeskryf, gewysig of herroep word.

(2) Geen sodanige verordening is van krag of regsgeldig nie totdat dit deur die Goewerneur-generaal goedgekeur en in die *Staatskoerant* bekendgemaak is, en die Goewerneur-generaal kan voordat hy 'n verordening goedkeur, dit terugverwys na die betrokke owerheid vir oorweging en dit daarna wysig op 'n wyse wat hy goetvind of addisionele verordeninge uitvaardig of bestaande verordeninge wysig of herroep.

(3) 'n Verordening wat deur die Goewerneur-generaal voor die goedkeuring daarvan ingevolge subartikel (2) gewysig word, word geag behoorlik uitgevaardig te gewees het in die gewysigde vorm deur die betrokke streeksowerheid, en 'n addisionele verordening uitgevaardig of wysiging of herroeping van 'n bestaande verordening wat deur die Goewerneur-generaal in die verlening van sodanige goedkeuring bewerkstellig word, word geag behoorlik deur daardie owerheid uitgevaardig of bewerkstellig te gewees het.

(4) Wanneer 'n streeksowerheid versuim om verordeninge uit te vaardig in verband met 'n saak genoem in paragrawe (b), (e) en (f) van artikel vier-en-veertig, wat na die mening van die Minister nodig is, kan die Minister na 'n plaaslike ondersoek in die openbaar gehou deur 'n amptenaar in die staatsdiens wat vir die doel deur hom aangewys is, waarby sodanige owerheid die reg het om gehoor te word, by skriftelike kennisgewing van die owerheid vereis om sodanige verordeninge uit te vaardig en om sodanige verordeninge vir die goedkeuring van die Goewerneur-generaal ingevolge subartikel (2) voor te lê, en as die owerheid in gebreke bly om sodanige verordeninge uit te vaardig en om hulle vir sodanige goedkeuring binne 'n tydperk van ses maande na die datum van die kennisgewing voor te lê, kan die Minister sulke verordeninge self uitvaardig.

(5) Verordeninge wat die Minister ingevolge subartikel (4) uitvaardig, word geag behoorlik deur die betrokke streeksowerheid uitgevaardig te gewees het.

46. 'n Streeksowerheid het die bevoegdheid om grond of 'n belang in grond al na hy vir die doel van die uitvoering van sy werksaamhede en pligte nodig ag, te verkry en te besit.

47. (1) 'n Streeksowerheid het die bevoegdheid om met die goedkeuring van die Goewerneur-generaal en behoudens die bepalinge van artikel ses-en-negentig, 'n belasting van hoogstens een pond in een en dieselfde jaar te hef van elke persoon wat aanspreeklik is vir die betaling van algemene of plaaslike belasting of Naturelle-erfpag en wat gewoonlik in sy streek woon.

(2) Geen sodanige belasting is van krag of regsgeldig nie totdat dit by kennisgewing in die *Staatskoerant* bekendgemaak is.

48. (1) 'n Streeksowerheid kan by besluit siviele gedinge in 'n geregshof instel.

(2) 'n Streeksowerheid kan in regsgedinge in 'n geregshof in die naam van sy hoof *nomine officii* aanspreek of aangespreek word.

(f) generally exercise such other powers and perform such other functions and duties, including any relating to the matters enumerated in this paragraph as, in the opinion of the Minister, fall within the sphere of regional administration and as he may assign to that regional authority, and subject to his directions and any regulations made, viz.:—

- (i) The construction and maintenance of buildings;
- (ii) minor works for the benefit of the Natives in the region not included in sub-paragraph (e) (ii);
- (iii) the abatement of nuisances;
- (iv) the licensing and allocation of sites;
- (v) judicial, including appellate functions.

45. (1) A regional authority may make by-laws in regard to any matter within its purview in terms of paragraphs (b), (e) and (f) of section forty-four, including by-laws prescribing fees for services rendered by such authority or rates payable by any specified class of persons in respect of services made available by such authority, and may make by-laws prescribing, amending or abrogating Native law and custom as affecting its region.

(2) No such by-law shall have any force or effect until it has been approved by the Governor-General and made known by notice in the *Gazette*, and the Governor-General may, before approving of any by-law, refer it back to the authority concerned for consideration and thereafter amend it in such manner as he may deem fit or make additional by-laws or amend or repeal any existing by-law.

(3) A by-law which is amended by the Governor-General before approval thereof under sub-section (2), shall be deemed to have been duly made in the amended form by the regional authority concerned, and any additional by-law made or amendment or repeal of an existing by-law effected by the Governor-General in giving any such approval, shall be deemed to have been duly made or effected by that authority.

(4) Whenever a regional authority fails to make by-laws in regard to any matter referred to in paragraphs (b), (e) and (f) of section forty-four, which are, in the opinion of the Minister, necessary, the Minister may, after a local enquiry held in public by an officer in the public service designated by him for the purpose, at which such authority shall be entitled to be heard, by notice in writing require that authority to make such by-laws and to submit such by-laws for the approval of the Governor-General under sub-section (2), and if that authority fail to make such by-laws and to submit them for such approval within a period of six months after the date of the notice, the Minister may himself make such by-laws.

(5) Any by-laws made by the Minister under sub-section (4) shall be deemed to have been duly made by the regional authority concerned.

46. A regional authority shall have power to acquire and hold land or any interest in land as it may deem necessary for the purpose of performing its functions and duties.

47. (1) A regional authority shall have power with the approval of the Governor-General, and subject to the provisions of section ninety-six, to levy a rate not exceeding one pound in any one year upon each person liable to pay general or local tax or Native quitrent ordinarily resident in its region.

(2) No such rate shall have any force or effect until it has been made known by notice in the *Gazette*.

48. (1) A regional authority may by resolution institute civil proceedings in a court of law.

(2) A regional authority shall in any legal proceedings in a court of law sue or be sued in the name of its head *nomine officii*.

49. (1) Die Minister laat ten opsigte van elke streeksowerheid 'n tesourie instel waarin die bedrae hieronder genoem, gestort en waaruit alle uitgawe aangegaan in verband met sake binne die bevoegdheid van die betrokke owerheid bestry moet word.

(2) Elke sodanige tesourie is onder die beheer van die Minister wat, op die voorwaardes wat hy goedvind en behoudens regulasies, beheer daaroor of oor 'n gedeelte daarvan aan die betrokke streeksowerheid kan oordra.

50. In die tesourie van 'n streeksowerheid word die volgende gestort—

(a) die opbrengs van 'n belasting deur sodanige owerheid gehef ingevolge subartikel (1) van artikel *sewen-veertig*;

(b) alle gelde of belasting betaal ingevolge 'n verordening uitgevaardig ooreenkomstig subartikel (1) van artikel *vyf-en-veertig*;

(c) alle boetes verhaal ten opsigte van oortredings van sodanige verordening of ten opsigte van 'n versuim om voor of op die vervaldatum, soos by regulasie voorgeskryf, enige belasting gehef ingevolge die bepalings van subartikel (1) van artikel *sewen-veertig*, te betaal;

(d) alle gelde wat die Parlement vir die doel bewillig, en skenkings wat ten bate van die streeksowerheid gedoen word;

(e) gelde wat aan die streeksowerheid deur die Minister toegewys word uit 'n fonds wat hy ten bate van die Naturelle van die streek as 'n geheel hou;

(f) gelde wat aan die streeksowerheid deur die Gebiedsowerheid ingevolge die bepalings van hierdie Proklamasie toegewys word; en

(g) alle ander gelde wat uit watter bron ook al ten bate van die streeksowerheid verkry word of wat die eiendom van die owerheid is.

51. Die setel van 'n streeksowerheid is 'n plek wat deur die hoofkaptein van die streek in die distrik waarin hy woon, uitgekie is; met dien verstande dat as daar geen sodanige hoofkaptein is nie, die setel op 'n plek moet wees wat deur die hoof van sodanige owerheid met die goedkeuring van die Hoofnaturellekommissaris uitgekie is.

52. (1) Vergaderings van 'n streeksowerheid word deur die hoof daarvan belê.

(2) 'n Gewone vergadering van 'n streeksowerheid moet gedurende elke kalenderkwartaal by die setel van die owerheid gehou word op die dag wat deur die hoof daarvan vasgestel word, wat kennisgewing van die vasgestelde datum en uur aan elke lid, aan die Hoofnaturellekommissaris, die Toesighoudende Amptenaar, die Naturellekommissaris van elke distrik in die streek en die voorsittende gebiedskaptein minstens een-en-twintig dae voor 'n vergadering moet stuur.

(3) Die hoof van 'n streeksowerheid kan, en as die Hoofnaturellekommissaris of die Gebiedsowerheid of die voorsittende gebiedskaptein-in-rade hom daartoe gelas, moet te eniger tyd 'n spesiale vergadering van die streeksowerheid belê. Op so 'n vergadering mag slegs die sake wat die hoof van die owerheid aan hom voorlê of goedkeur, behandel word; met dien verstande dat in die geval van 'n spesiale vergadering wat op las van die Hoofnaturellekommissaris of die Gebiedsowerheid of sy voorsittende gebiedskaptein-in-rade belê is, die sake wat so 'n vergadering nodig gemaak het, daarop behandel word.

(4) Die bepalings van subartikel (4) van artikel *sewen-dertig* is op vergaderings van 'n streeksowerheid van toepassing.

(5) Die hoof van die owerheid moet na elke vergadering 'n notule van die verrigtings en van die besluite geneem in een van die amptelike tale van die Unie aan die Kontroleur en Ouditeur-generaal, die Hoofnaturellekommissaris, die Toesighoudende Amptenaar, die Naturellekommissaris van elke distrik in die streek en die voorsittende gebiedskaptein stuur.

53. (1) 'n Distriksowerheid wat toegelaat word om ook as 'n streeksowerheid ingevolge paragraaf (a) van subartikel (1) van artikel *nege-en-dertig* op te tree, het die bevoegdheid en moet die werksaamhede en pligte uitvoer van sowel 'n distriksowerheid as 'n streeksowerheid ingevolge hierdie Proklamasie asof hy albei sodanige owerhede is.

49. (1) The Minister shall cause to be established in respect of every regional authority a treasury into which shall be paid such amounts as are hereinafter specified, and from which all expenditure incurred in connection with any matter within the purview of the authority concerned shall be met.

(2) Every such treasury shall be under the control of the Minister who may, on such conditions as he may deem fit, and subject to any regulations, vest the control thereof, or any portion thereof, in the regional authority concerned.

50. There shall be paid into the treasury of a regional authority—

(a) the proceeds of any rate levied by such authority in terms of sub-section (1) of section *forty-seven*;

(b) all fees or rates paid under any by-law made in terms of sub-section (1) of section *forty-five*;

(c) all fines recovered in respect of contraventions of any such by-law or in respect of a failure to pay on or before the due date, as prescribed by regulation, any rate imposed by virtue of the provisions of sub-section (1) of section *forty-seven*;

(d) all moneys which Parliament may appropriate for the purpose, and any donations which may be made for the benefit of the regional authority;

(e) any moneys which may be assigned to the regional authority by the Minister out of any fund held by him, for the benefit of the Natives of the region as a whole;

(f) any moneys which may be allocated to the regional authority by the Territorial Authority in terms of the provisions of this Proclamation; and

(g) all other moneys derived from any source whatsoever for the benefit of the regional authority or which may be the property of such authority.

51. The seat of a regional authority shall be a place selected by the paramount chief of the region in the district in which he resides; provided that, if there be no such paramount chief, such seat shall be at a place selected by the head of such authority with the approval of the Chief Native Commissioner.

52. (1) Meetings of a regional authority shall be convened by the head thereof.

(2) An ordinary meeting of a regional authority shall be held during each calendar quarter at the seat of such authority on such day as may be fixed by the head thereof, who shall send notice of the date and hour appointed to each member, to the Chief Native Commissioner, the Supervisory Officer the Native Commissioner of each district included in the region and the presiding territorial chief at least 21 days prior to any meeting.

(3) At any time the head of a regional authority may, and if instructed thereto by the Chief Native Commissioner or the Territorial authority or the presiding territorial chief-in-council, shall call a special meeting of the regional authority. At any such meeting only such business as the head of the authority may lay before it or approve shall be transacted; provided that in the case of a special meeting called on the instructions of the Chief Native Commissioner or the Territorial Authority or its presiding territorial chief-in-council, the business necessitating such meeting shall be transacted thereat.

(4) The provisions of sub-section (4) of section *thirty-seven* shall apply to meetings of a regional authority.

(5) The head of the authority shall, after each meeting, forward a minute of the proceedings and of the decisions arrived at, in one of the official languages of the Union, to the Controller and Auditor-General, the Chief Native Commissioner, the Supervisory Officer, the Native Commissioner of each district included in the region and the presiding territorial chief.

53. (1) A district authority permitted to function also as a regional authority in terms of paragraph (a) of sub-section (1) of section *thirty-nine* shall have the powers and shall perform the functions and duties of both a district authority and a regional authority in terms of this Proclamation, as if it were both such authorities.



(2) Ondanks die bepalings van artikels *veertig* tot en met *drie-en-veertig*, word die hoof en die lede van so 'n owerheid aangestel ooreenkomstig die bepalings van Hoofstuk III met betrekking tot distriksowerhede.

(3) 'n Distriksowerheid mag nie, tensy die Minister anders gelas, 'n tweede tesourie hê weens die feit dat hy ook as 'n streeksowerheid optree nie.

(4) In alle ander opsigte is die bepalings van Hoofstukke III en IV van toepassing op 'n distriksowerheid wat ook as 'n streeksowerheid optree, met die uitsondering van artikels *veertig* tot en met *drie-en-veertig*, en *sewe-en-veertig*, *nege-en-veertig* en *een-en-veertig*.

## HOOFSUK V.

### GEBIEDSOWERHEID.

54. Die bepalings van hierdie Hoofstuk en bepalings van latere hoofstukke met betrekking tot die Gebiedsowerheid is van toepassing op sodanige Owerheid, ingestel ingevolge subartikel (1) van artikel *vier* na die oorgangstydperk.

55. (1) Die hoof van die Gebiedsowerheid wat die voorsittende gebiedskaptein genoem word, moet, behoudens die ander bepalings van hierdie artikel, 'n lid van sodanige Owerheid wees wat benoem is by die begin van elke gewone jaarlikse vergadering daarvan deur die hoofkapteins of hulle gevolmagtigdes en ander hoofde van streeksowerhede of hulle gevolmagtigdes; met dien verstande dat as daar 'n dooiepunt in verband met sodanige benoeming ontstaan, of as sodanige hoofkapteins en ander hoofde van streeksowerhede of hulle gevolmagtigdes anders in gebreke bly om 'n voorsittende gebiedskaptein te benoem, die benoeming van 'n persoon vir daardie amp deur die Hoofnaturellekommissaris gedoen word.

(2) 'n Benoeming genoem in subartikel (1), is onderworpe aan die goedkeuring van die Goewerneur-generaal en 'n persoon aldus benoem, word geag die amp van voorsittende gebiedskaptein voorlopig te beklee in afwagting van die bekragtiging of andersins van sy benoeming deur die Goewerneur-generaal; met dien verstande dat die voorlopige voorsittende gebiedskaptein as voorsittende gebiedskaptein in alle opsigte in afwagting van die beslissing van die Goewerneur-generaal optree.

(3) As die Goewerneur-generaal die benoeming gedoen ingevolge subartikel (1) goedkeur, moet die betrokke persoon die amp beklee totdat 'n opvolger op die volgende gewone jaarlikse vergadering van die Gebiedsowerheid benoem word, tensy sy lidmaatskap van genoemde Owerheid voor die tyd eindig.

(4) As die benoeming gedoen ingevolge subartikel (1), nie deur die Goewerneur-generaal goedgekeur word nie, moet die benoemde persoon die amp van voorsittende gebiedskaptein ontruim met ingang van die datum waarop hy 'n skriftelike kennisgewing met dié strekking, onderteken deur die Hoofnaturellekommissaris, ontvang, en word hy as voorsittende gebiedskaptein vervang deur 'n ander persoon wat deur die Goewerneur-generaal in die amp aangestel word. So 'n ander persoon beklee die amp totdat 'n opvolger op die volgende gewone jaarlikse vergadering van die Gebiedsowerheid benoem is, tensy sy lidmaatskap van genoemde Owerheid voor die tyd eindig.

(5) As die voorsittende gebiedskaptein weens siekte of om 'n ander rede nie in staat is om op 'n vergadering van die Gebiedsowerheid voor te sit nie, moet die hoofkapteins en ander hoofde van streeksowerhede wat teenwoordig is, uitgesonderd gevolmagtigdes van hoofkapteins, op daardie vergadering een uit hul geledere benoem om op die vergadering voor te sit, met die goedkeuring van die Hoofnaturellekommissaris.

(6) As 'n voorsittende gebiedskaptein weens die toepassing van subartikel (2) van artikel *honderd-en-nege*, ophou om die amp van voorsittende gebiedskaptein te beklee moet 'n ander persoon as voorsittende gebiedskaptein vir die oorblywende gedeelte van sy ampstyd deur die Hoofnaturellekommissaris benoem word, tensy die Gebiedsowerheid dan sitting hou en dan is die bepalings van subartikel (1) van toepassing; met dien verstande dat in albei gevalle die benoeming aldus gedoen, aan die bepalings van subartikels (2), (3) en (4) onderworpe is.

(2) Notwithstanding the provisions of sections *forty* to *forty-three*, inclusive, the head and the members of such authority shall be appointed according to the provisions of Chapter III relating to district authorities.

(3) A district authority shall not, unless the Minister otherwise direct, maintain a second treasury by reason of the fact that it also operates as a regional authority.

(4) In all other respects the provisions of Chapters III and IV shall apply to any district authority which also functions as a regional authority, with the exception of sections *forty* to *forty-three*, inclusive, and *forty-seven*, *forty-nine* and *fifty-one*.

## CHAPTER V.

### TERRITORIAL AUTHORITY.

54. The provisions of this chapter and any provisions of subsequent chapters referring to the Territorial Authority shall apply to such Authority, established in terms of sub-section (1) of section *four*, after the transitional period.

55. (1) The head of the Territorial Authority, who shall be styled the presiding territorial chief shall, subject to the other provisions of this section, be a member of such Authority nominated at the commencement of each ordinary annual meeting thereof by the paramount chiefs or their deputies and other heads of regional authorities or their deputies; provided that, in the event of any deadlock occurring as to such nomination, or of such paramount chiefs and other heads of regional authorities or their deputies otherwise failing to nominate a presiding territorial chief, the nomination of a person for that office shall be made by the Chief Native Commissioner.

(2) Any nomination referred to in sub-section (1) shall be subject to the approval of the Governor-General, and any person so nominated shall be deemed to hold office as presiding territorial chief provisionally pending the confirmation or otherwise of his nomination by the Governor-General; provided that the provisional presiding territorial chief shall function as presiding territorial chief in all respects pending the decision of the Governor-General.

(3) If the Governor-General approve of the nomination made under sub-section (1) the person concerned shall hold office until a successor is nominated at the next ordinary annual meeting of the Territorial Authority unless his membership of such Authority previously terminate.

(4) In the event of the nomination made under sub-section (1) not being approved by the Governor-General the person nominated shall vacate office as presiding territorial chief as from the date of receipt by him of written notification to that effect signed by the Chief Native Commissioner and be replaced as presiding territorial chief by another person appointed to that office by the Governor-General. Such other person shall hold office until a successor has been nominated at the next ordinary annual meeting of the Territorial Authority unless his membership of such Authority previously terminate.

(5) Should the presiding territorial chief be unable, on account of illness or any other cause, to preside at any meeting of the Territorial Authority, the paramount chiefs and other heads of regional authorities present, excluding paramount chiefs' deputies, at that meeting shall nominate one of their number to preside at such meeting, subject to the approval of the Chief Native Commissioner.

(6) If a presiding territorial chief, by the operation of sub-section (2) of section *one hundred and nine*, ceases to hold office as presiding territorial chief, another person shall be nominated as presiding territorial chief for the remainder of his term of office by the Chief Native Commissioner, unless the Territorial Authority be in session, when the provisions of sub-section (1) shall apply; provided that, in either case, the nomination so made shall be subject to the provisions of sub-sections (2), (3) and (4).

56. (1) Die Gebiedsowerheid bestaan uit al die lede van elke streeksowerheid, met inbegrip van sy hoof; met dien verstande dat in die geval van 'n distriksowerheid wat ingevolge voorbehoudsbepaling (a) van subartikel (1) van artikel *nege-en-dertig* deur die Goewerneur-generaal toegelaat is om as sowel 'n distriksowerheid as 'n streeksowerheid op te tree, die volgende lede van so 'n distriksowerheid lede van die Gebiedsowerheid moet wees, dit wil sê—

- (a) alle aangestelde of erkende kapteins in die betrokke distrik, *ex officio*; of
- (b) die hoof wat nie 'n kaptein is nie; en
- (c) een lid van genoemde distriksowerheid wat met die goedkeuring van die Minister deur die betrokke Naturellekommissaris aangestel is; en
- (d) een lid van genoemde distriksowerheid wat deur so 'n owerheid aangestel is; en
- (e) een lid van genoemde distriksowerheid wat deur die hoofkaptein wat in die betrokke distrik woon, of, as daar nie so een is nie, deur die hoof van so 'n owerheid aangestel is.

(2) Vir die toepassing van paragrawe (d) en (e) van die voorbehoudebepaling van subartikel (1), is die bepalings van artikel *veertien mutatis mutandis* van toepassing.

57. Uitgesonderd soos in hierdie Proklamasie bepaal, en behoudens enige spesiale pligte wat aan 'n lid deur die Gebiedsowerheid toegewys word, het alle lede van genoemde Owerheid gelyke regte, voorregte en pligte.

58. Die bepalings van artikels *sestien* en *sewentien* is *mutatis mutandis* op enige lid (uitgesonderd 'n kaptein wat 'n lid *ex officio* is) van die Gebiedsowerheid van toepassing.

59. Die Gebiedsowerheid moet, behoudens die bepalings van hierdie Proklamasie—

- (a) hulp met die algemene bestuur van die sake van laer owerhede verleen;
- (b) in die algemeen toesig hou oor die bedrywighede van laer owerhede om te verseker dat die werksaamhede en pligte wat aan sulke owerhede toevertrou is, sonder vertraging en doeltreffend uitgevoer en behoorlik gekoördineer word;
- (c) die Regering adviseer en behulpsaam wees in verband met sake rakende die stoflike, sedelike en maatskaplike welsyn van die Naturelle wat in sy gebied woon; en het
- (d) die bevoegdheid om die Minister deur bemiddeling van die Hoofnaturellekommissaris te adviseer en versoë tot hom te rig in verband met alle sake wat die algemene belange van die Naturelle in sy gebied raak; en moet
- (e) behoudens die bepalings van regulasies, en die opdragte van die Minister, voorsiening maak vir—
  - (i) die instelling en instandhouding van landbou-skole en die bevordering van die landbou;
  - (ii) die publikasie van 'n landboutydskrif;
  - (iii) die beskikbaarstelling van landboustudiebeurse aan enige landbouskool wat deur hom in stand gehou word;
  - (iv) onderwys;
  - (v) die opleiding van doofstomme en blinde Bantoe-kindere;
  - (vi) die aanmoediging van boomaanplanting en die aanleg en instandhouding van plantasies;
  - (vii) die aanmoediging van en hulpverlening aan Bantoe-koöperatiewe kredietverenigings;
  - (viii) hulpverlening, geldelik en anders, aan organisasies wat met maatskaplike welsyn, sport en ontspanning te doen het;
  - (ix) algemene hulpverlening in verband met die bevordering van die gesondheid en die behandeling van siektes, insluitende die behandeling van tuberkulose, hospitaaldienste en toekennings aan gesondheidsverenigings;
  - (x) die aanleg, instandhouding, beskerming, herstel en verbetering van paaie;
  - (xi) die bou van brûe en spoelbrûe;

56. (1) The Territorial Authority shall consist of all the members of each regional authority, including its head; provided that, in the case of any district authority which has, in terms of proviso (a) of sub-section (1) of section *thirty-nine*, been permitted by the Governor-General to function both as a district authority and as a regional authority, the following members of such district authority shall be members of the Territorial Authority, that is to say—

- (a) all appointed or recognised chiefs in the district concerned, *ex officio*; or
- (b) the head who is not a chief; and
- (c) one member of the said district authority appointed by the Native Commissioner concerned, subject to the approval of the Minister; and
- (d) one member of the said district authority appointed by such authority; and
- (e) one member of the said district authority appointed by the paramount chief resident in the district concerned, or, if there be none such, by the head of such authority.

(2) For the purposes of paragraphs (d) and (e) of the proviso to sub-section (1) the provisions of section *fourteen* shall *mutatis mutandis* apply.

57. Save as is provided in this Proclamation, and subject to any special duties which may be assigned to any member by the Territorial Authority, all members of such Authority shall have equal rights, privileges and duties.

58. The provisions of sections *sixteen* and *seventeen* shall *mutatis mutandis* apply to any member (other than a chief who is a member *ex officio*) of the Territorial Authority.

59. The Territorial Authority shall, subject to the provisions of this Proclamation—

- (a) render assistance in the general administration of the affairs of lower authorities;
- (b) exercise a general oversight over the activities of lower authorities to ensure that the functions and duties entrusted to such authorities are performed with due expedition and efficiency and are properly co-ordinated;
- (c) advise and assist the Government in connection with matters relating to the material, moral and social well-being of the Natives resident in its area;
- (d) have the power to advise and make representations to the Minister through the Chief Native Commissioner in regard to all matters affecting the general interests of Natives in its area;
- (e) subject to the provisions of any regulations, and to the directions of the Minister, provide for—
  - (i) the establishment and maintenance of agricultural schools and the advancement of agriculture;
  - (ii) the publication of an agricultural journal;
  - (iii) the provision of agricultural scholarships tenable at any agricultural school maintained by it;
  - (iv) education;
  - (v) the training of Bantu deaf-mute and blind children;
  - (vi) the encouragement of the planting of trees and the establishment and maintenance of plantations;
  - (vii) encouraging and assisting Bantu co-operative credit societies;
  - (viii) assistance, financial and otherwise, to organisations concerned with social welfare, sport and recreation;
  - (ix) general assistance in regard to the promotion of health and the treatment of disease, including the treatment of tuberculosis, hospitalisation and grants to health societies;
  - (x) the construction, maintenance, preservation, repair and improvement of roads;
  - (xi) the construction of bridges and causeways;



- (xii) die handhawing deur regstappe van die regte van die publiek op enige publieke pad of deurgangsreg waarvan die bestaan deur die Gebiedsowerheid vasgestel word en wat, na hy bevind, gesluit of versper is deur watter persoon of persone ook al; met dien verstande dat niks in hierdie paragraaf opgevat moet word in die sin dat dit die Gebiedsowerheid verplig om van sodanige regstappe gebruik te maak nie;
  - (xiii) watervoorrade buite die hulpbronne van laer owerhede;
  - (xiv) die bou en instandhouding van geboue; en
  - (xv) die bestryding van alle uitgawes weens enige werksaamheid, plig of diens waarvoor die Gebiedsowerheid verantwoordelik is, insluitende die uitgawe aan die invordering van sy inkomste, die koste van regsadvies en regsdinge, toekennings waartoe wettige magtiging verleen is, salarisse en toelaes van sy wettig aangestelde personeel, toelaes aan sy lede ooreenkomstig regulasies en alle ander bestuurskoste wat wettig aangegaan is; en
- (f) in die algemeen ander bevoegdhede uitoefen en ander werksaamhede en pligte verrig wat, na die mening van die Minister, binne die bestek van gebiedsbestuur val en wat hy aan die Gebiedsowerheid mag toewys, en onder sy opdragte en behoudens regulasies uitgevaardig.

60. (1) Die Gebiedsowerheid kan regulasies uitvaardig in verband met enige saak wat binne die bestek van sy werksaamhede en bevoegdheid val, insluitende regulasies waarby gelde vir dienste gelewer deur genoemde Owerheid of belasting betaalbaar deur 'n bepaalde klas persone ten opsigte van dienste deur genoemde Owerheid beskikbaar gestel, voorgeskryf word, en kan regulasies uitvaardig vir die welsyn en bevordering van die bevolking wat in sy gebied woon oor ander sake wat die Goewerneur-generaal van tyd tot tyd mag goedkeur.

(2) Geen sodanige regulasie is van krag en regsgeldig nie totdat dit deur die Goewerneur-generaal goedgekeur en in die *Staatskoerant* bekendgemaak is, en die Goewerneur-generaal kan, voordat hy 'n regulasie goedkeur, dit na die Gebiedsowerheid vir oorweging terugverwys en dit daarna wysig op 'n wyse wat hy goevind of addisionele regulasies uitvaardig of enige bestaande regulasie wysig of herroep.

(3) 'n Regulasie wat deur die Goewerneur-generaal gewysig word voordat dit ingevolge subartikel (2) goedgekeur is, word geag behoorlik in die gewysigde vorm deur die Gebiedsowerheid uitgevaardig te gewees het en enige addisionele regulasie uitgevaardig of wysiging of herroeping van 'n bestaande regulasie bewerkstellig deur die Goewerneur-generaal by die verlenging van genoemde goedkeuring, word geag behoorlik deur daardie Owerheid uitgevaardig of bewerkstellig te gewees het.

(4) Wanneer die Gebiedsowerheid versuim om regulasies in verband met enige saak uit te vaardig soos bepaal in subartikel (1) wat na die mening van die Minister nodig is, kan die Minister na 'n plaaslike ondersoek wat in die openbaar gehou moet word deur 'n amptenaar in die Staatsdiens deur hom vir die doel aangewys, waarby genoemde Owerheid die reg het om deur bemiddeling van die voorsittende gebiedskaptein-in-rade gehoor te word, by skriftelike kennisgewing dié Owerheid verplig om sodanige regulasies vir die goedkeuring van die Goewerneur-generaal ingevolge subartikel (2) uit te vaardig, en as genoemde Owerheid in gebreke bly om sulke regulasies uit te vaardig en om hulle vir sodanige goedkeuring binne 'n tydperk van ses maande na die datum van die kennisgewing voor te lê, kan die Minister sulke regulasies self uitvaardig.

(5) Regulasies wat die Minister ingevolge subartikel (4) uitvaardig, word geag behoorlik deur die Gebiedsowerheid uitgevaardig te gewees het.

61. Behoudens die bepalings van artikels *sewentig, ses-en-sewentig*, en *ses-en-negentig*, is die bepalings van artikels *ses-en-veertig* en *sewe-en-veertig mutatis mutandis* op die Gebiedsowerheid van toepassing.

(xii) the assertion by legal process of the rights of the public to any public road or right-of-way which the Territorial Authority shall ascertain to exist, and shall find to have been closed or obstructed by any person or persons whatsoever; provided that nothing in this paragraph shall be construed as requiring the Territorial Authority to resort to such legal process;

(xiii) water supplies outside the resources of lower authorities;

(xiv) the construction and maintenance of buildings; and

(xv) meeting all expenditure arising out of any function, duty or service for which the Territorial Authority shall be responsible, including the expenses of the collection of its revenue, the cost of legal advice and proceedings, grants lawfully authorised, salaries and allowances of its lawfully appointed staff, allowances to its members in accordance with regulations and all other administration charges lawfully incurred; and

(f) generally exercise such other powers and perform such other functions and duties as, in the opinion of the Minister, fall within the sphere of territorial administration, and as he may assign to the Territorial Authority, and subject to his directions and any regulations made.

60. (1) The Territorial Authority may make regulations in regard to any matter falling within the scope of its functions and powers, including regulations prescribing fees for services rendered by such Authority or rates payable by any specified class of persons in respect of services made available by such Authority, and may make regulations for the welfare and advancement of the people resident in its area upon such other matters as may, from time to time, be approved by the Governor-General.

(2) No such regulation shall have any force and effect until it has been approved by the Governor-General and made known by notice in the *Gazette*, and the Governor-General may, before approving of any regulation, refer it back to the Territorial Authority for consideration and thereafter amend it in such manner as he may deem fit or make additional regulations or amend or repeal any existing regulation.

(3) A regulation which is amended by the Governor-General before approval thereof under sub-section (2), shall be deemed to have been duly made in the amended form by the Territorial Authority and any additional regulation made or amendment or repeal of an existing regulation effected by the Governor-General in giving any such approval, shall be deemed to have been duly made or effected by that Authority.

(4) Whenever the Territorial Authority fails to make regulations in regard to any matter as provided in sub-section (1) which are, in the opinion of the Minister necessary, the Minister may, after a local enquiry held in public by an officer in the public service designated by him for the purpose, at which such Authority shall be entitled to be heard through the presiding territorial chief-in-council, by notice in writing require that Authority to make such regulations for the approval of the Governor-General under sub-section (2), and if that Authority fail to make such regulations and to submit them for such approval within a period of six months after the date of the notice, the Minister may himself make such regulations.

(5) Any regulations made by the Minister under sub-section (4) shall be deemed to have been duly made by the Territorial Authority.

61. Subject to the provisions of sections *seventy, seventy-six* and *ninety-six*, the provisions of sections *forty-six* and *forty-seven* shall *mutatis mutandis* apply to the Territorial Authority.

62. Behoudens die bepalings van artikel *agt-en-negentig* is die gebied waaroor die Gebiedsowerheid gesag het, al die gebiede wat, soos in artikel *twee* beskryf, binne die distrikte genoem in paragrawe (a) tot (d) van daardie artikel, val.

63. Elke jaar word daar op Umtata een gewone vergadering van die Gebiedsowerheid gehou wat op 'n datum moet begin wat met die goedkeuring van die Hoofnatrelekommissaris deur die voorsittende gebiedskaptein vasgestel moet word en die vergadering moet deur sodanige kaptein belê word.

64. Die voorsittende gebiedskaptein kan, en as die Hoofnatrelekommissaris hom daartoe gelas, moet te eniger tyd 'n spesiale vergadering van die Gebiedsowerheid belê op 'n datum wat met die goedkeuring van die Hoofnatrelekommissaris deur sodanige kaptein vasgestel moet word en op sodanige vergadering mag slegs die sake wat sodanige kaptein aan hom voorlê of goedkeur, behandel word; met dien verstande dat as sodanige vergadering in opdrag van die Hoofnatrelekommissaris belê word, die sake wat die belegging van die vergadering nodig gemaak het, behandel moet word.

65. Die voorsittende gebiedskaptein moet minstens een-en-twintig dae voor 'n vergadering van die Gebiedsowerheid die lede van genoemde Owerheid, die Hoofnatrelekommissaris en die Toesighoudende Amptenaar in kennis laat stel van die datum en die uur wat vasgestel is vir, en van die sake wat behandel sal word op genoemde vergadering.

66. Op elke vergadering van die Gebiedsowerheid moet die lede wat teenwoordig is, hulle mening oor die onderwerp wat oorweeg word deur stemming te kenne gee. Die voorsittende gebiedskaptein het sowel 'n beslissende as 'n gewone stem.

67. (1) Die voorsittende gebiedskaptein-in-rade saamgestel ingevolge artikel *sewentig*, moet oor alle sake wat by 'n sitting van die Gebiedsowerheid behandel is, beraadslaag en sy mening daaroor uitspreek.

(2) Daarna is die voorsittende gebiedskaptein daarvoor verantwoordelik om die nodige opdragte te gee of om aansoek te doen om die nodige magtiging in verband met enige sodanige saak; met dien verstande dat 'n saak wat by 'n sitting van die Gebiedsowerheid behandel is en aan enige Staatsdepartement of Administrasie of 'n Provinsiale Administrasie voorgelê moet word, aan die Hoofnatrelekommissaris gestuur moet word.

68. (1) 'n Woordelike verslag van die verrigtings van elke sitting van die Gebiedsowerheid moet in een van die amptelike tale van die Unie opgestel word en na sodanige sitting moet 'n afskrif van sodanige verslag, wat 'n notule van die verrigtings en van die besluite geneem op elke dag waarop sodanige sitting gehou is, moet bevat, aan die Minister en die Sekretaris van Naturellesake deur bemiddeling van die Hoofnatrelekommissaris, die Kontroleur en Ouditeur-generaal, die Hoofnatrelekommissaris, die Toesighoudende Amptenaar, die Naturelekommissaris in elke distrik in genoemde Owerheid se gebied, elke lid van genoemde Owerheid en aan sodanige ander persone of liggame as wat die voorsittende gebiedskaptein mag beslis of die Hoofnatrelekommissaris mag versoek, gestuur word.

(2) Wanneer 'n saak aan die Hoofnatrelekommissaris ingevolge die voorbehoudsbepaling van subartikel (2) van artikel *sewe-en-sestig* gestuur word, moet so 'n saak vergesel gaan van drie afskrifte van die betrokke uittreksels uit die woordelike verslag genoem in subartikel (1) hiervan.

## HOOFSTUK VI.

### BESTUUR.

69. Die voorsittende gebiedskaptein is die hoof-uitvoerende amptenaar van die Gebiedsowerheid.

70. Die voorsittende gebiedskaptein maak, saam met elke hoofkaptein en ander hoofde van elke streeksowerheid, uitgesonderd 'n gevolmagtigde van 'n hoofkaptein, 'n uitvoerende komitee uit (wat die voorsittende gebieds-

62. Subject to the provisions of section *ninety-eight*, the area of jurisdiction of the Territorial Authority shall be all areas described in section *two* as fall within the districts mentioned in paragraphs (a) to (d) of that section.

63. There shall be held at Umtata in every year one ordinary meeting of the Territorial Authority, to commence on a date to be fixed by the presiding Chief territorial chief, with the approval of the Chief Native Commissioner, and such meeting shall be convened by such chief.

64. At any time the presiding territorial chief may and, if so directed by the Chief Native Commissioner, shall call a special meeting of the Territorial Authority on a date fixed by such chief with the approval of the Chief Native Commissioner, and at such meeting only such business as such chief may lay before it or approve shall be transacted; provided that, if such meeting be called on the directions of the Chief Native Commissioner, the business necessitating the calling of the meeting shall be transacted.

65. The presiding territorial chief shall, not less than 21 days prior to any meeting of the Territorial Authority, cause the members of such Authority, the Chief Native Commissioner and the Supervisory Officer to be informed of the date and hour fixed for, and of the business to be transacted at such meeting.

66. At every meeting of the Territorial Authority the members present shall, by voting, record their opinions upon the subject under consideration. The presiding territorial chief shall have a casting as well as a deliberative vote.

67. (1) The presiding territorial chief-in-council constituted under section *seventy* shall deliberate upon all matters dealt with at any session of the Territorial Authority and shall express its views thereon.

(2) Thereafter the presiding territorial chief shall be responsible for giving any necessary directions or applying for any necessary authority in regard to any such matter; provided that any matter dealt with at any session of the Territorial Authority which requires to be submitted to any Government Department or Administration or any Provincial Administration shall be forwarded to the Chief Native Commissioner.

68. (1) A verbatim report of the proceedings of every session of the Territorial Authority in one of the official languages of the Union shall be made and, after such session, a copy of such report, which shall include a minute of the proceedings and of the decision arrived at on each day on which such session was held, shall be forwarded to the Minister and the Secretary for Native Affairs through the Chief Native Commissioner, the Controller and Auditor-General, the Chief Native Commissioner, the Supervisory Officer, the Native Commissioner of each district in such Authority's area, each member of such Authority and to such other persons or bodies as the presiding territorial chief shall decide or the Chief Native Commissioner shall request.

(2) When forwarding any matter to the Chief Native Commissioner in terms of the proviso to sub-section (2) of section *sixty-seven*, such matter shall be accompanied by three copies of a relevant extract of the verbatim report referred to in sub-section (1) hereof.

## CHAPTER VI.

### ADMINISTRATION.

69. The presiding territorial chief shall be the Chief Executive Officer of the Territorial Authority.

70. The presiding territorial chief shall, together with each paramount chief and other heads of each regional authority, excluding any deputy of a paramount chief, constitute an executive committee (to be styled the presid-



kaptein-in-rade genoem word) wat verantwoordelik is vir die bestuur en beheer van die sake van die Gebiedsoverheid hierin genoem, dit wil sê—

(a) *Personeel.*

- (i) Aanstelling, dissipline en ontslag van pensioeneerbare werknemers van die Gebiedsoverheid.
- (ii) Die voorskryf van skale van salarisse, lone en toelaes en ander besoldiging van werknemers van die Gebiedsoverheid.
- (iii) Die voorskryf van afwesigheidsverlof en ander voorregte van werknemers van die Gebiedsoverheid.
- (iv) Die toewysing en tydelike afstaan van personeel aan laer owerhede (artikel vier-en-tagtig).

(b) *Onderwys.*

Toekennings aan onderwysinrigtings.

(c) *Landbou.*

- (i) Stigting van nuwe landbouinrigtings.
- (ii) Nuwe geboue vir landbouinrigtings.
- (iii) Verkryging van en beskikking oor plase.
- (iv) Aanleg en verkryging van en beskikking oor plantasies en plantasiedepots.
- (v) Vaststelling van plantasietariewe.
- (vi) Vaststelling van tariewe van gelde vir stoetvee.

(d) *Publieke werke.*

- (i) Oorweging van tenders vir enige nuwe diens waarvan die laagste tender meer as £100 is.

(e) *Finansieel.*

- (i) Verlening van magtiging tot magasynvoorskotte bo £500.
- (ii) Verlening van magtiging tot onvoorsiene uitgawe of oorskrydings van poste in afwagting van die goedkeuring van die Minister.
- (iii) Verlening van magtiging tot die belegging van gebiedsoverheidsfondse, oortrekking van sy bankrekening, leen van geld in die naam van die Gebiedsoverheid of die verpanding van sy eiendom.

(f) *Algemeen.*

- (i) Verkryging van en beskikking oor grond.
- (ii) Oorweging van besluite van die Gebiedsoverheid (artikel sewe-en-sestig).
- (iii) Instelling van regsgedinge (artikel honderd).
- (iv) Verlening van magtiging tot werke en dienste (artikel agt-en-negentig).
- (v) Oordrag van eiendom aan laer owerhede (artikel honderd-en-een).
- (vi) Enige ander saak wat die Hoof-uitvoerende Amptenaar na die voorsittende gebiedskaptein-in-rade verwys.
- (vii) Enige ander saak van watter aard ook al wat die Hoofnaturellekommissaris na die voorsittende gebiedskaptein-in-rade verwys.

71. Vier lede, insluitende die voorsittende gebiedskapteins, maak 'n kworum van die Uitvoerende Komitee uit.

72. Die lede van die Uitvoerende Komitee, insluitende die voorsittende gebiedskaptein, ontvang dié besoldiging vir die bywoning van sy vergaderings wat die Minister na oorlegpleging met die Gebiedsoverheid by regulasie voorskryf.

73. Geen lid van die Gebiedsoverheid is onbevoeg om as sodanig sitting te neem weens sy lidmaatskap van die Uitvoerende Komitee nie.

74. (1) Die Uitvoerende Komitee vergader een maal elke twee maande en op ander tye wat die voorsittende gebiedskaptein bepaal.

(2) Vergaderings van die Uitvoerende Komitee word belê deur die voorsittende gebiedskaptein wat minstens veertien dae voor 'n vergadering die lede van die komitee, asook die Hoofnaturellekommissaris en die Toesighoudende Amptenaar in kennis moet stel van die sake wat op die vergadering behandel sal word.

(3) Op vergaderings van die Uitvoerende Komitee tree die Hoof-uitvoerende Amptenaar, of, by sy afwesigheid, 'n lid van genoemde komitee deur hom aangestel, as voor-sitter op.

ing territorial chief-in-council) responsible for the administration and control of such affairs of the Territorial Authority as are specified herein, that is to say—

(a) *Establishments.*

- (i) Appointment, discipline and dismissal of pensionable employees of the Territorial Authority.
- (ii) Prescribing the scales of salaries, wages and allowances and other remuneration of employees of the Territorial Authority.
- (iii) Prescribing leave of absence and other privileges of employees of the Territorial Authority.
- (iv) The allocation and secondment of staff to lower authorities (section eighty-four).

(b) *Education.*

- (i) Grants to educational institutions.

(c) *Agriculture.*

- (i) Establishment of new agricultural institutions.
- (ii) New agricultural institution buildings.
- (iii) Acquisition and disposal of farms.
- (iv) Establishment, acquisition and disposal of plantations and plantation depots.
- (v) Fixing of plantation tariffs.
- (vi) Fixing of tariff of fees for stud stock.

(d) *Public Works.*

- (i) Consideration of tenders for any service, the lowest tender for which is over £100.

(e) *Financial.*

- (i) Authorisation of Stores Advances in excess of £500.
- (ii) Authorisation of unforeseen expenditure or excesses on votes pending the approval of the Minister.
- (iii) Authorisation of investment of Territorial Authority funds, overdrawing its banking account, borrowing of money in the name of the Territorial Authority or pledging its property.

(f) *General.*

- (i) Acquisition and disposal of land.
- (ii) Consideration of Territorial Authority resolutions (section sixty-seven).
- (iii) Institution of legal proceedings (section one hundred).
- (iv) Authorisation of works and services (section ninety-eight).
- (v) Transfer of property to lower authorities (section one hundred and one).
- (vi) Any other matter which the Chief Executive Officer may refer to the presiding territorial chief-in-council.
- (vii) Any other matter whatsoever which the Chief Native Commissioner may refer to the presiding territorial chief-in-council.

71. Four members, including the presiding territorial chief, shall form a quorum of the Executive Committee.

72. The members of the Executive Committee, including the presiding territorial chief, shall receive such remuneration for attendance at its meetings as the Minister may, after consultation with the Territorial Authority, prescribe by regulation.

73. No member of the Territorial Authority shall be disqualified from sitting as such by reason of his membership of the Executive Committee.

74. (1) The Executive Committee shall meet once every two months and at such other times as the presiding territorial chief shall determine.

(2) Meetings of the Executive Committee shall be convened by the presiding territorial chief who shall, not less than fourteen days prior to any meeting, cause the members of the Committee, as well as the Chief Native Commissioner and the Supervisory Officer, to be informed of the date and hour fixed for, and the business to be transacted at, such meeting.

(3) Meetings of the Executive Committee shall be presided over by the Chief Executive Officer, or, in his absence, by a member of such Committee appointed by it.

(4) Vrae wat in die Uitvoerende Komitee geopper word, word by 'n meerderheid van stemme van die teenwoordige lede beslis, en die persoon wat op 'n vergadering voorsit, het sowel 'n beslissende as 'n gewone stem. Die Hoofuitvoerende Amptenaar kan enige besluit van die Uitvoerende Komitee na die Hoofnaturellekommissaris vir finale beslissing deur die Minister verwys.

(5) Na elke vergadering van die Uitvoerende Komitee moet die Hoofuitvoerende Amptenaar 'n notule van die verrigtings van die Komitee en van die besluite daarop geneem aan die Kontroleur en Ouditeur-generaal, die Hoofnaturellekommissaris en die Toesighoudende Amptenaar stuur.

75. Die Uitvoerende Komitee kan reëls maak vir die leiding van sy verrigtings, wat egter aan die goedkeuring van die Minister onderworpe is.

76. Ondanks die bepalinge van artikel sewentig, kan die Hoofuitvoerende Amptenaar, waar die omstandighede sodanig is dat onverwyld optrede nodig is, en na oorlegpleging met die Toesighoudende Amptenaar, enige saak wat in daardie artikel genoem word, behandel sonder om dit eers na die Uitvoerende Komitee te verwys; met dien verstande egter dat hy enige stappe wat hy aldus doen, aan die Uitvoerende Komitee op sy eersvolgende vergadering moet rapporteer.

## HOOFSTUK VII.

### AMPTENARE EN WERKNEMERS.

77. (1) Die Minister kan 'n amptenaar in die Staatsdiens, wat die Toesighoudende Amptenaar genoem word, aanstel om in 'n adviserende en toesighoudende hoedanigheid in verband met die Gebiedsowerheid en enige laer owerheid ingestel ingevolge hierdie Proklamasie, op te tree.

(2) Elke Naturellekommissaris moet, benewens die Toesighoudende Amptenaar, in 'n adviserende en toesighoudende hoedanigheid optree ten opsigte van elke distrik, stam- of gemeenskapsowerheid in sy distrik en enige streeksowerheid waarvan die hoofkantoor in sy distrik geleë is.

(3) Die Hoofnaturellekommissaris het die bevoegdheid om enige voorgestelde optrede deur die voorsittende gebiedskaptein wat of in daardie hoedanigheid of as Hoofuitvoerende Amptenaar of in rade optree, of deur die sekretaris en tesourier op te skort as sodanige optrede na sy mening ongeldig, in stryd met openbare beleid of anders onwenslik is, in afwagting van die verwysing van sodanige voorgestelde optrede na die Minister vir sy beslissing; met dien verstande dat die Toesighoudende Amptenaar die omstandighede van enige optrede ingevolge hierdie subartikel aan die Gebiedsowerheid op sy volgende gewone vergadering moet rapporteer.

(4) Die Minister kan aan enige ander amptenaar in die Staatsdiens die bevoegdhede, werksaamhede en pligte wat hy in verband met die bestuur van die sake van Bantoeowerhede ingestel ingevolge hierdie Proklamasie, goedvind, toewys en opla.

78. (1) Die Minister, enige lid van die Naturellesake-kommissie, die Sekretaris van Naturellesake, die Hoofnaturellekommissaris, die Toesighoudende Amptenaar en enige ander amptenaar gemagtig deur die Minister, die Sekretaris van Naturellesake of die Hoofnaturellekommissaris, kan enige vergadering van 'n Bantoeowerheid ingestel ingevolge hierdie Proklamasie, en van die Voorsittende Gebiedskaptein-in-rade bywoon en kan op so 'n vergadering in 'n adviserende hoedanigheid aan die beraadslagings deelneem, maar nie 'n stem uitbring nie.

(2) 'n Naturellekommissaris kan enige vergadering van die streeksowerheid waarvan die gebied waaroor hy gesag het, sy distrik insluit, van die distriksowerheid vir sy distrik en van enige stam- of gemeenskapsowerheid binne sy distrik bywoon, en kan op so 'n vergadering aan die beraadslagings in 'n adviserende hoedanigheid deelneem, maar nie 'n stem uitbring nie. Dit is die plig van 'n Naturellekommissaris om, as die Hoofnaturellekommissaris hom daartoe gelas, enige vergadering van die Gebiedsowerheid of enige ander Bantoeowerheid by te woon.

(4) Questions arising in the Executive Committee shall be determined by a majority of votes of the members present and the person presiding at any meeting shall have a casting as well as a deliberative vote. The Chief Executive Officer may refer any resolution of the Executive Committee to the Chief Native Commissioner for final decision by the Minister.

(5) After each meeting of the Executive Committee the Chief Executive Officer shall forward a minute of the proceedings of the Committee and of the decisions made thereat to the Controller and Auditor-General, the Chief Native Commissioner and the Supervisory Officer.

75. The Executive Committee may make rules for the conduct of its proceedings, which shall, however, be subject to the approval of the Minister.

76. Notwithstanding the provisions of section seventy, the Chief Executive Officer may, where the circumstances are such as to render prompt action necessary, and after consultation with the Supervisory Officer, deal with any matter referred to in that section without prior reference to the Executive Committee; provided, however, that he shall report any action so taken by him to the Executive Committee at its next ensuing meeting.

## CHAPTER VII.

### OFFICERS AND EMPLOYEES.

77. (1) The Minister may appoint an officer in the public service to be styled the Supervisory Officer, to act in an advisory and supervisory capacity in relation to the Territorial Authority and any lower authority established in terms of this Proclamation.

(2) Each Native Commissioner shall, in addition to the Supervisory Officer, act in an advisory and supervisory capacity in relation to each district, tribal or community authority in his district and any regional authority the headquarters of which are situated in his district.

(3) The Chief Native Commissioner shall have power to suspend any proposed action by the presiding territorial chief acting either in that capacity or as Chief Executive Officer or in council or by the secretary and treasurer if, in his opinion, such action would be invalid, contrary to public policy or otherwise undesirable, pending reference of such proposed action to the Minister for his decision; provided that the Supervisory Officer shall report the circumstances of any action taken in terms of this sub-section to the Territorial Authority at its next ordinary meeting.

(4) The Minister may assign to and impose on any other officer of the public service such powers, functions and duties as he may think fit in connection with the administration of the affairs of Bantu authorities established under this Proclamation.

78. (1) The Minister, any member of the Native Affairs Commission, the Secretary for Native Affairs, the Chief Native Commissioner, the Supervisory Officer and any other officer deputed by the Minister, the Secretary for Native Affairs or the Chief Native Commissioner, may attend any meeting of any Bantu authority established under this Proclamation and of the presiding territorial chief-in-council and may take part in the deliberations at any such meeting in an advisory capacity, but not exercise a vote.

(2) A Native Commissioner may attend any meeting of the regional authority of which the area of jurisdiction includes his district, of the district authority for his district and of any tribal or community authority within his district, and may take part in the deliberations at any such meeting in an advisory capacity, but not exercise a vote. It shall be the duty of a Native Commissioner, if so directed by the Chief Native Commissioner, to attend any meeting of the Territorial Authority or any other Bantu authority.



(3) Die Streekdirekteur van Bantoe-onderwys vir die Transkeise Gebiede, die Inspekteur van Bantoe-onderwys vir die betrokke gebied en enige amptenaar deur engeen van hulle gemagtig, kan enige vergadering van 'n Bantoe-owerheid bywoon wanneer 'n onderwysaangeleentheid op so 'n vergadering bespreek gaan word en kan in 'n adviserende hoedanigheid aan die beraadslagings oor so 'n aangeleentheid deelneem, maar nie 'n stem uitbring nie.

79. (1) Die Goewerneur-generaal kan enige bevoegdheid of gesag wat in hierdie Proklamasie aan hom verleen is, aan die Minister oordra.

(2) Die Minister kan enige bevoegdheid of gesag wat in hierdie Proklamasie aan hom verleen is, aan enige amptenaar in die Staatsdiens al na hy goetvind, oordra behoudens die opdragte wat hy wenslik ag.

80. (1) Die voorsittende gebiedskaptein-in-rade moet 'n persoon aanstel wat die sekretaris en tesourier van die Owerheid genoem word.

(2) Die sekretaris en tesourier is aan die Hoof-uitvoerende Amptenaar aanspreeklik vir die invordering van alle inkomste en ander bedrae wat aan die Gebiedsowerheid toekom, uitgesonderd plaaslike belasting en Naturelle-erfpag wat aan genoemde Owerheid ingevolge artikel elf van die Naturelle Belasting en Ontwikkeling wet, 1925 (Wet No. 41 van 1925), betaal word, vir die uitbetaling van sy fondse en in die algemeen vir die bestuur van sy sake behoudens die bepalings van hierdie Proklamasie.

(3) Die sekretaris en tesourier moet 'n rekening in die naam van die Gebiedsowerheid by 'n bank hou wat deur genoemde Owerheid goedgekeur word.

81. Behoudens die bepalings van artikels sewentig en ses-en-sewentig, kan die Hoof-uitvoerende Amptenaar—

- (a) persone, uitgesonderd amptenare van die Staatsdiens, aanstel vir die verrigting van die werksaamhede en die uitvoering van die pligte in verband met die bestuur van die sake van die Gebiedsowerheid, al na hy goetvind;
- (b) So 'n persoon ontslaan, beboet, sy rang of sy salaris verlaag weens versuim om sy werksaamhede en pligte tot tevredenheid van die Hoof-uitvoerende Amptenaar uit te voer of om enige ander rede;
- (c) vereis dat die waarborg wat hy van tyd tot tyd nodig ag, deur of namens 'n werknemer wat ingevolge hierdie Proklamasie vir die bestuur van die sake van die Gebiedsowerheid aangestel word, verskaf word;
- (d) enige persoon wat ingevolge paragraaf (a) aangestel is, tydelik uit sy diens skors. 'n Persoon wat uit sy diens geskors is, is nie geregtig tot die ontvangs van enige salaris, toelae of ander besoldiging vir die tydperk van sy skorsing nie; met dien verstande dat die Hoof-uitvoerende Amptenaar na goetdunke kan gelas dat die geheel of 'n gedeelte van sodanige salaris, toelae of ander besoldiging aan so 'n persoon betaal word;
- (e) na hy goetvind die dissipline van werknemers van die Gebiedsowerheid beheer.

82. Alle werknemers wat ingevolge die bepalings van enige wet wat by hierdie Proklamasie herroep word, aangestel is, word geag behoorlik ingevolge hierdie Proklamasie aangestel te wees.

83. Elke Bantoe-owerheid ingestel ingevolge hierdie Proklamasie, word vir die toepassing van die Korruptie Verhinderings Wet, 1918 (Wet No. 4 van 1918), geag 'n „plaaslik bestuur” te wees.

84. (1) Na die oorgangstydperk kan die Gebiedsowerheid op 'n besluit van sy voorsittende gebiedskaptein-in-rade, enige nie-pensioeneerbare werknemer in sy diens, met inbegrip van 'n nie-pensioeneerbare werknemer wat reeds ingevolge artikel vyf tydelik afgestaan is, aan 'n laer owerheid toewys, en daarna word so 'n werknemer 'n werknemer van genoemde laer owerheid.

(2) Die gebiedsowerheid kan na die oorgangstydperk op 'n besluit van sy voorsittende gebiedskaptein-in-rade en op die voorwaardes wat genoemde kaptein-in-rade voorskryf, enige pensioeneerbare werknemer in sy diens tydelik aan 'n laer owerheid afstaan of 'n werknemer wat

(3) The Regional Director of Bantu Education for the Transkeian Territories, the Inspector of Bantu Education for the area concerned and any officer deputed by either of them may attend any meeting of any Bantu authority when any educational matter is to be discussed at such meeting, and may take part, in an advisory capacity, in the deliberations on such matter, but not exercise a vote.

79. (1) The Governor-General may delegate any power or authority vested in him in this Proclamation to the Minister.

(2) The Minister may delegate any power or authority granted him in this Proclamation to any officer of the public service as he may deem fit, subject to any directions he may consider desirable.

80. (1) The presiding territorial chief-in-council shall appoint a person to be styled the secretary and treasurer of such Authority.

(2) The secretary and treasurer shall be responsible to the Chief Executive Officer for the collection of all revenue and other dues accruing to the Territorial Authority, other than local tax and Native quitrent paid to such Authority in terms of section eleven of the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925), for the disbursement of its funds and generally for the management of its affairs, subject to the provisions of this Proclamation.

(3) The secretary and treasurer shall keep an account in the name of the Territorial Authority with a bank to be approved by such Authority.

81. Subject to the provisions of sections seventy and seventy-six the Chief Executive Officer may—

- (a) appoint persons, other than officers of the public service, for the discharge of such functions and the performance of such duties in connection with the administration of Territorial Authority affairs as he may think fit;
- (b) dismiss, fine, de-grade or reduce the salary of any such person for failure to carry out his functions and duties to the satisfaction of the Chief Executive Officer or for any other reason;
- (c) require such security as he may from time to time deem necessary to be furnished by or on behalf of any employee appointed under this Proclamation for the administration of Territorial Authority affairs;
- (d) temporarily suspend from duty any person appointed under paragraph (a). A person suspended from duty shall not be entitled to receive any salary, allowance or other emoluments for the period of his suspension; provided that the Chief Executive Officer may in his discretion order the payment to such person of the whole or a portion of such salary, allowance or other emoluments;
- (e) control as he may deem fit the discipline of employees of the Territorial Authority.

82. All employees appointed under the provisions of any law repealed by this Proclamation shall be deemed to have been duly appointed under this Proclamation.

83. Each Bantu authority established under this Proclamation shall be deemed to be a “local authority” for the purposes of the Prevention of Corruption Act, 1918 (Act No. 4 of 1918).

84. (1) After the transitional period the Territorial Authority may, on a resolution of its presiding territorial chief-in-council, allocate any non-pensionable employee in its service, including any non-pensionable employee already seconded in terms of section five, to any lower authority, whereupon such employee shall become an employee of such lower authority.

(2) The Territorial Authority after the transitional period may, on a resolution of its presiding territorial chief-in-council and on such conditions as such chief-in-council may prescribe, second any pensionable employee in its service to a lower authority or continue the second-

reeds ingevolge artikel vyf aan 'n laer owerheid tydelik afgestaan is, nog langer aldus afstaan; met dien verstande dat sodanige laer owerheid verantwoordelik is vir—

- (a) die betaling van die salaris en toelaes van so 'n werknemer teen die skale wat deur die voorsittende gebiedskaptein-in-rade vasgestel word; en
- (b) die invordering, op die laaste werkdag van elke maand, van die pensioenbydraes wat deur so 'n werknemer betaalbaar is, soos deur die sekretaris en tesourier van die Gebiedsowerheid meegedeel, en vir die aanstuur daarvan, saam met gelyke bedrae wat die £1-vir-£1-bydraes daarop verteenwoordig, aan die sekretaris en tesourier van die Gebiedsowerheid op dieselfde dag.

## HOOFSUK VIII.

### ODITERING EN FINANSIES.

85. Die boekjaar van alle Bantoe-owerhede ingestel ingevolge hierdie Proklamasie loop van 1 Julie in 'n jaar tot 30 Junie in die volgende jaar.

86. Na die publikasie van die kennisgewing genoem in subartikel (3) van artikel vier, moet die Gebiedsowerheid voortgaan om die tesourie wat van die Algemene Raad na sy instelling na hom oorgeplaas is, in stand te hou; met dien verstande dat—

- (a) die beheer en werking van genoemde tesourie onderworpe is aan die opdragte wat die Minister mag uitreik en aan regulasies; en
- (b) behoudens die bepalinge van artikel sewe-en-tagtig, die Reserwefonds, Motorversekeringsfonds, Rekening van die Staatsskuld-kommissarisse, Voorskot-rekening van die Suid-Afrikaanse Spoorweë, Pensioenfondstrekening, Pensioenbydraerekening, Rekening vir Vergoedingsvorderings, Aanvullende Kasrekening, Remiserekening, Magasynvoorskot-rekening, Voorskot-rekening en enige ander fonds, afwagtingsrekening en grootboekrekening wat deur die Gebiedsowerheid aan die einde van die oorgangstydperk gehou word, nog steeds gehou moet word tot tyd en wyl die voorsittende gebiedskaptein-in-rade, met die goedkeuring van die Toesighoudende Amptenaar en behoudens enige regulasie, besluit dat die behoefte aan so 'n fonds, afwagtingsrekening of grootboekrekening nie langer bestaan nie.

87. Nadat 'n datum by kennisgewing gepubliseer in die Staatskoerant ingevolge subartikel (2) van artikel vier ten opsigte van enige distriksowerheid vasgestel is, moet die sekretaris en tesourier van die Gebiedsowerheid so spoedig moontlik na genoemde datum aan die tesourie van genoemde distriksowerheid vir krediet van die spesiale rekening genoem in subartikel (3) van artikel vier-en-dertig, enige saldo betaal wat in die krediet van die dip-rekening, gehou deur die Gebiedsowerheid ten opsigte van die distrik waarvoor sodanige distriksowerheid ingestel is, staan; met dien verstande dat as daar 'n nadelige saldo op sodanige rekening op daardie datum is, die totale bedrag van daardie nadelige saldo 'n debetbedrag is wat deur sodanige distriksowerheid aan die Gebiedsowerheid verskuldig is wat aan die Gebiedsowerheid uit die opbrengs van enige veebelasting of ander dipinkomste wat aan so 'n spesiale rekening toekom, terugbetaal moet word.

88. In die tesourie van die Gebiedsowerheid moet die volgende gestort word—

- (a) die opbrengs van 'n belasting wat deur genoemde Owerheid ingevolge artikel een-en-sestig gehef word;
- (b) die opbrengs van die algemene heffing opgelê by Goewermentskennisgewing No. 418 van 1955, soos gewysig, en genoem in subartikel (3) van artikel drie;
- (c) alle plaaslike belasting en erfpag betaal aan die Gebiedsowerheid ingevolge artikel elf van die Naturelle Belasting en Ontwikkeling Wet, 1925 (Wet No. 41 van 1925), gelees met subartikel (2) van artikel drie van hierdie Proklamasie;

ment of any such employee already seconded in terms of section five to any lower authority; provided that such lower authority shall be responsible for—

- (a) the payment of the salary and allowances of such employee at the rates fixed by the presiding territorial chief-in-council; and
- (b) the collection, on the last working day of each month, of any pension contributions payable by such employee, as notified by the secretary and treasurer of the Territorial Authority, and for the transmission thereof, together with equivalent amounts representing the £1 for £1 contributions thereon, on the same day to the secretary and treasurer of the Territorial Authority.

## CHAPTER VIII.

### AUDIT AND FINANCE.

85. The financial year of all Bantu authorities established under this Proclamation shall be from the 1st July in any year to the 30th June in the following year.

86. Upon publication of the notice referred to in sub-section (3) of section four the Territorial Authority shall continue to maintain the treasury transferred to it from the General Council upon its establishment; provided that—

- (a) the conduct and operation of such treasury shall be subject to any directions which the Minister may issue and to any regulations; and
- (b) subject to the provisions of section eighty-seven, the Reserve Fund, Motor Insurance Fund, Public Debt Commissioners Account, South African Railways Advances Account, Pension Fund Account, Pension Contributions Account, Surcharges Account, Supplementary Cash Account, Remittances Account, Stores Advances Account, Advances Account, and any other fund, suspense account and ledger account maintained by the Territorial Authority at the conclusion of the transitional period shall continue to be maintained until such time as the presiding territorial chief-in-council, with the approval of the Supervisory Officer and subject to any regulation, resolve that the need for any such fund, suspense account or ledger account no longer exists.

87. Upon the fixing of a date by notice published in the Gazette in terms of sub-section (2) of section four in respect of any district authority, the secretary and treasurer of the Territorial Authority shall, as soon as possible after such date, pay to the treasury of such district authority, for credit to the special account referred to in sub-section (3) of section thirty-four, any balance standing to the credit of the dipping account maintained by the Territorial Authority in respect of the district for which such district authority was established; provided that, should there be a debit balance on such account on such date, the total amount of that debit balance shall be a debt due to the Territorial Authority by such district authority, to be repaid to the Territorial Authority from the proceeds of any stock rate or other dipping revenue accruing to such special account.

88. There shall be paid into the treasury of the Territorial Authority—

- (a) the proceeds of any rate levied by such Authority in terms of section sixty-one;
- (b) the proceeds of the general levy imposed by Government Notice No. 418 of 1955, as amended, and referred to in sub-section (3) of section three;
- (c) all local tax and quitrent paid to the Territorial Authority in terms of section eleven of the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925), read with sub-section (2) of section three of this Proclamation;



- (d) inkomste ontvang uit plantasies, plantasiedepots en landbouinrigtings, plase of depots deur sodanige Owerheid gehou, uit sy landboutydskrif, rente op sy beleggings, en subsidies ontvang vir die instandhouding van paaie en die opbrengs van agterstallige gesondheidsbelasting ingevolge Goewermenskennisgewing No. 418 van 1955;
- (e) alle bedrae verkry uit eiendom in die besit van die Gebiedsowerheid;
- (f) gelde wat die Parlement vir die doel mag bewillig, en enige skenkings wat ten bate van die Gebiedsowerheid gedoen mag word;
- (g) gelde wat aan die Gebiedsowerheid deur die Minister toegewys mag word uit enige fonds deur hom gehou ten bate van die Naturelle van die Transkeise Gebiede as geheel; en
- (h) alle ander bedrae verkry uit enige bron van watter aard ook al ten bate van die Gebiedsowerheid of wat die eiendom van genoemde Owerheid mag wees.

89. Die Gebiedsowerheid kan 'n reserwefonds of -fondse stig vir enige spesiale doel of doeleindes waaraan geld wettig deur hom bestee kan word deur die bewilliging van tyd tot tyd daaraan van gelde wat die Gebiedsowerheid mag goedkeur.

90. (1) Die Minister kan as hy dit wenslik ag, gelas dat 'n werksaamheid, bevoegdheid of plig aan 'n owerheid ingevolge hierdie Proklamasie toegewys, oorgedra word aan 'n werksaamheid, plig of bevoegdheid moet word van 'n laer of hoër owerheid; met dien verstande dat as sodanige werksaamheid, plig of bevoegdheid uitgawe (uitgesonderd uitgawe aan dipwerksaamhede) meebring wat, voor die vasgestelde datum, deur die Algemene Raad bestry is, die Gebiedsowerheid, binne die bestek van beskikbare fondse, in sy jaarlikse geldelike bewilligings voorsiening moet maak vir die bedrag wat sodanige uitgawe verteenwoordig, om toegewys en betaal te word aan die owerheid aan wie, ooreenkomstig die Minister se opdragte, genoemde bevoegdheid, werksaamheid of plig toegewys is.

(2) Die Gebiedsowerheid kan op 'n besluit van die voorsittende gebiedskaptein-in-rade en met die goedkeuring van die Hoofnaturellekommissaris, aan enige laer owerheid die verantwoordelikheid toewys vir die uitvoering van enige werk of diens wat binne die bestek van die werksaamhede van die Gebiedsowerheid ingevolge hierdie Proklamasie val en waarvoor die Algemene Raad voor die vasgestelde datum verantwoordelik was, en moet daarna in so 'n geval deur middel van sy jaarlikse gemagtigde bewilligings en binne die bestek van beskikbare fondse, aan so 'n laer owerheid die fondse betaal wat vir die uitvoering van sodanige werk of diens nodig is.

(3) Fondse wat ingevolge subartikels (1) en (2) deur die Gebiedsowerheid aan 'n laer owerheid betaal word en fondse wat deur die Gebiedsowerheid aan 'n laer owerheid uit hoofde van die toewysing aan so 'n laer owerheid, ingevolge enige ander bepalings van hierdie Proklamasie, van 'n plig, werksaamheid of bevoegdheid wat tevore deur die Algemene Raad voor die vasgestelde datum verrig of uitgeoefen is, betaal word, word behoudens regulasies ingevolge hierdie Proklamasie geag toekennings aan sodanige laer owerheid deur die Gebiedsowerheid te wees.

(4) 'n Streeksowerheid kan met die goedkeuring van die Hoofnaturellekommissaris, of 'n distriksowerheid met die goedkeuring van die Naturellekommissaris, aan 'n laer owerheid in die gebied waarvoor sodanige streeks- of distriksowerheid ingestel is, die uitvoering van enige werk of diens binne die bestek van die werksaamhede van so 'n streeks- of distriksowerheid, na gelang van die geval, uitgesonderd die dip van beeste of die uitroeijing van siektes onder beeste, toewys en kan met dergelike goedkeuring enige fondse aan so 'n laer owerheid vir uitgawe aan sodanige werk of diens of vir enige ander wettige doel toewys.

91. (1) Gelde ingesamel of ontvang deur 'n Bantoeowerheid vir sy doeleindes moet, behoudens die bepalings van subartikel (2) en ooreenkomstig regulasies wat van tyd tot tyd ingevolge hierdie Proklamasie uitgevaardig word, aangewend word vir die werke of dienste wat binne die bestek van die bevoegdhede, werksaamhede en pligte

- (d) revenue received from plantations, plantation depots and agricultural institutions, farms or depots maintained by such Authority, from its agricultural journal, interest on its investments, and subsidies received for road maintenance and the proceeds of arrear health rate payable in terms of Government Notice No. 418 of 1955;
- (e) all amounts derived from any property owned by the Territorial Authority;
- (f) any moneys which Parliament may appropriate for the purpose, and any donations which may be made for the benefit of the Territorial Authority;
- (g) any moneys which may be assigned to the Territorial Authority by the Minister out of any fund held by him, for the benefit of the Natives of the Transkeian Territories as a whole; and
- (h) all other amounts derived from any source whatsoever for the benefit of the Territorial Authority or which may be the property of such Authority.

89. The Territorial Authority may establish a reserve fund or funds for any special purpose or purposes upon which money may lawfully be expended by it by the appropriation thereto from time to time of such moneys as the Territorial Authority may approve.

90. (1) The Minister may, as he may deem desirable, direct that a function, power or duty assigned in terms of this Proclamation to any authority shall be transferred to and become a function, duty or power of a lower or higher authority; provided that, if such function, duty or power involve expenditure (excluding expenditure on dipping operations) which was, prior to the fixed date, met by the General Council, the Territorial Authority shall, within the scope of funds available, provide in its annual financial appropriations for the amount representing such expenditure to be allocated and paid to the authority to which, in terms of the Minister's directions, the said power, function or duty has been assigned.

(2) The Territorial Authority may, on a resolution of the presiding territorial chief-in-council, and subject to the approval of the Chief Native Commissioner, assign to any lower authority the responsibility for the carrying out of any work or service falling within the purview of the functions of the Territorial Authority in terms of this Proclamation, and for which, prior to the fixed date, the General Council was responsible, and shall thereafter in such case, through its annual authorised appropriations and within the scope of funds available, allocate and pay to such lower authority the funds necessary for the carrying out of such work or service.

(3) Any funds paid by the Territorial Authority to any lower authority in terms of sub-sections (1) and (2), and any funds paid by the Territorial Authority to any lower authority by reason of the assignment to such lower authority, in terms of any other provisions of this Proclamation, of any duty, function or power previously performed, or exercised by the General Council prior to the fixed date shall be deemed, subject to any regulations under this Proclamation, to be grants made by the Territorial Authority to such lower authority.

(4) A regional authority may, with the approval of the Chief Native Commissioner, or a district authority with the approval of the Native Commissioner, assign to any lower authority in the area for which such regional or district authority was established the carrying out of any work or service within the scope of the functions of such regional authority or district authority, as the case may be, excluding the dipping of cattle or the eradication of diseases among cattle, and may, with the like approval, allocate any funds to such lower authority for expenditure on such work or service or for any other lawful purpose.

91. (1) Moneys raised or received by any Bantu authority for its purposes shall, subject to the provisions of sub-section (2) and in accordance with such regulations as may from time to time be made under this Proclamation, be appropriated to such works or services as fall within the scope of the powers, functions and duties of

van sodanige owerheid ingevolge hierdie Proklamasie val of vir wettige uitgawe aangegaan in die uitoefening of verrigting van sodanige bevoegdhede, werksaamhede en pligte.

(2) Gelde wat ingevolge subartikel (1) aangewend moet word is in die geval van elke soort owerheid onderworpe aan goedkeuring soos volg, dit wil sê—

(a) 'n Stam- of gemeenskapsowerheid—

- (i) waar die totale bedrag wat bestee moet word, nie meer as £500 is nie: aan die goedkeuring van die betrokke Naturellekommissaris; of
- (ii) waar die totale bedrag wat bestee moet word, meer as £500 is, maar nie meer as £1,500 nie: aan die goedkeuring van die Hoofnaturellekommissaris; of
- (iii) waar die totale bedrag wat bestee moet word, meer as £1,500 is: aan die goedkeuring van die Sekretaris van Naturellesake;

(b) 'n distriksowerheid;

- (i) in die geval van aanwendings vir dipwerksaamhede, waar uitgawe uit 'n diprekening ingevolge subartikel (3) van artikel vier-entertig bestry word: aan die goedkeuring van die Sekretaris van Naturellesake; en
- (ii) in die geval van ander aanwendings: aan die goedkeuring van die Naturellekommissaris, die Hoofnaturellekommissaris of die Sekretaris van Naturellesake, soos bepaal in paragraaf (a);

(c) 'n streeksowerheid: aan die goedkeuring van die Sekretaris van Naturellesake; en

(d) die Gebiedsowerheid: aan die goedkeuring van die Minister; met dien verstande dat die Minister se goedkeuring van 'n aanwending vir 'n boekjaar deur die Gebiedsowerheid ten opsigte van werke en dienste uitgevoer deur die Algemene Raad voor die vasgestelde datum en toegewys ingevolge hierdie Proklamasie aan 'n laer owerheid, geag word goedkeuring te wees van die aanwendingsvoorstelle van so 'n laer owerheid voorgelê aan die Gebiedsowerheid ooreenkomstig regulasies ingevolge hierdie Proklamasie ten opsigte van sodanige werke en dienste en ingesluit in sodanige goedgekeurde aanwending deur die Gebiedsowerheid.

92. (1) Die rekenings van die Gebiedsowerheid en van alle streeks- en distriksowerhede moet deur die Kontroleur en Ouditeur-generaal van die Unie geouditeer word ingevolge die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), en elke jaarlikse ontheffingsertifikaat uitgereik deur die Kontroleur en Ouditeur-generaal aan die sekretaris en tesourier van so 'n owerheid, moet aan die betrokke owerheid op sy eerste vergadering na sodanige uitreiking voorgelê word.

(2) Die Toesighoudende Amptenaar of 'n lid van sy personeel deur hom gemagtig, moet met gereelde tussenpose 'n ouditering van die Gebiedsowerheid uitvoer; met dien verstande dat sodanige amptenaar, of 'n lid van sy personeel deur hom gemagtig, die boeke en rekenings van 'n ander owerheid kan ouditeer as hy dit wenslik ag.

(3) Die Naturellekommissaris of 'n lid van sy personeel deur hom gemagtig, moet met gereelde tussenpose 'n ouditering van die boeke en rekenings van die distriksowerheid vir sy distrik uitvoer.

(4) Die Naturellekommissaris van die distrik waarin die setel van 'n streeksowerheid geleë is, of 'n lid van sy personeel deur hom gemagtig, moet 'n ouditering van die boeke en rekenings van genoemde owerheid uitvoer.

(5) Die ouditerings genoem in subartikels (2), (3) en (4), moet uitgevoer word bo en behalwe dié wat deur die Kontroleur en Ouditeur-generaal van die Unie uitgevoer word.

(6) Die ouditering van die boeke en rekenings van 'n stam- of gemeenskapsowerheid moet geskied soos by regulasie voorgeskryf.

93. (1) Die Toesighoudende Amptenaar, of 'n persoon behoorlik deur hom gemagtig, het toegang tot alle rekords, boeke, bewysstukke, dokumente, kontant, seëls, effekte of

such authority under this Proclamation or to lawful expenditure incurred in the exercise or performance of such powers, functions and duties.

(2) Moneys to be appropriated in terms of sub-section (1) shall, in the case of each type of authority, be subject to approval as follows, that is to say—

(a) any tribal or community authority—

- (i) where the total amount to be expended does not exceed £500: to the approval of the Native Commissioner concerned; or
- (ii) where the total amount to be expended exceeds £500 but does not exceed £1,500: to the approval of the Chief Native Commissioner; or
- (iii) where the total amount to be expended exceeds £1,500: to the approval of the Secretary for Native Affairs;

(b) any district authority—

- (i) in the case of appropriations for dipping operations, where expenditure is met from a dipping account in terms of sub-section (3) of section thirty-four: to the approval of the Secretary for Native Affairs; and
- (ii) in the case of other appropriations: to the approval of the Native Commissioner, the Chief Native Commissioner or the Secretary for Native Affairs, as in paragraph (a) provided;

(c) any regional authority: to the approval of the Secretary for Native Affairs; and

(d) the Territorial Authority: to the approval of the Minister;

provided that the Minister's approval of any appropriation for any financial year by the Territorial Authority in respect of works and services carried out by the General Council prior to the fixed date and assigned in terms of this Proclamation to any lower authority shall be deemed to constitute approval of the appropriation proposals of any such lower authority submitted to the Territorial Authority in accordance with regulations under this Proclamation in respect of such works and services and included in such approved appropriation by the Territorial Authority.

92. (1) The accounts of the Territorial Authority and of all regional and district authorities shall be audited by the Controller and Auditor-General of the Union, in terms of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), and each yearly certificate of discharge issued by the Controller and Auditor-General to the secretary and treasurer of any such authority shall be laid before the authority concerned at its first meeting after such issue.

(2) The Supervisory Officer or any member of his staff deputed by him shall at regular intervals carry out an audit of the books and accounts of the Territorial Authority; provided that such officer, or a member of his staff deputed by him, may, if he considers it desirable, audit the books and accounts of any other authority.

(3) The Native Commissioner or any member of his staff deputed by him shall at regular intervals carry out an audit of the books and accounts of the district authority for his district.

(4) The Native Commissioner of the district in which the seat of any regional authority is situated or any member of his staff deputed by him shall carry out an audit of the books and accounts of such authority.

(5) The audits referred to in sub-sections (2), (3) and (4) shall be in addition to those conducted by the Controller and Auditor-General of the Union.

(6) The audit of the books and accounts of any tribal or community authority shall be as prescribed by regulation.

93. (1) The Supervisory Officer, or any person duly authorised by him shall have access to all records, books, vouchers, documents, cash, stamps, securities or stores of



voorrade van 'n Bantoe-owerheid; en die Naturellekommissaris, of 'n persoon behoorlik deur hom gemagtig, het toegang tot alle rekords, boeke, bewysstukke, dokumente, kontant, seëls, effekte of voorrade van die streeksowerheid wie se setel in sy distrik is of van die distriksowerheid of die stam- of gemeenskapsowerheid of -owerhede in sy distrik.

(2) 'n Persoon wat enigeen van die artikels in subartikel (1) hiervan opgenoem, in sy bewaring het en wat weier of opsetlik versuim of nalaat om aan die Toesighoudende Amptenaar, die Naturellekommissaris of enige persoon behoorlik deur een van hulle gemagtig, toegang daartoe te verleen soos bepaal in daardie subartikel, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(3) As die Hof 'n persoon ingevolge die bepalings van subartikel (2) hiervan skuldig bevind, kan hy die beskuldigde beveel om enigeen van die artikels in subartikel (1) hiervan opgenoem, te lewer aan enige persoon wat in sodanige bevel genoem word.

94. Die bepalings van artikel *nege* van die Naturelle Belasting en Ontwikkeling Wet, 1925 (Wet No. 41 van 1925) en die regulasies ingevolge genoemde Wet uitgevaardig vir die verhaal van agterstallige belasting, is *mutatis mutandis* van toepassing op die verhaal van enige belasting gehef deur 'n Bantoe-owerheid ingevolge die bepalings van hierdie Proklamasie, wat vir meer as drie maande na die vervaldatum agterstallig mag wees; en die gelde van die Geregsbode of ander behoorlik gemagtigde amptenaar, om alle koste te dek, is soos in genoemde Wet en regulasies voorgeskryf; met dien verstande dat in die geval van 'n veebelasting, die eienaar van die beeste wat op die tyd toe die belasting opgeloo het, by 'n kraal of opstal onder die beheer van 'n ander persoon gehou is, gesamentlik en afsonderlik met sodanige ander persoon aanspreeklik is vir die belasting verskuldig ten opsigte van sodanige beeste, en as sodanige ander persoon in gebreke bly om te betaal, kan die agterstallige belasting verhaal word op die eienaar op die wyse wat in hierdie artikel voorgeskryf word.

95. Die Minister kan op die besluit van die Gebieds-owerheid of van 'n streeks-, distriks- of stam- of gemeenskapsowerheid en wanneer hy daarvan oortuig is dat alle beskikbare middels aangewend is vir die verhaal van enige agterstallige belasting, agterstallige veebelasting of enige ander inkomste wat aan so 'n owerheid verskuldig is, en daar op bevredigende wyse bewys word dat daar geen vooruitsig op die verkryging van betaling is nie, gelas dat die bedrag as onverhaalbaar afgeskryf word.

96. Geen belasting gehef ingevolge hierdie Proklamasie deur enige owerheid (uitgesonderd 'n veebelasting gehef deur 'n distriksowerheid of 'n belasting betaalbaar ingevolge Goewermenskennisgewing No. 418 van 1955) en betaalbaar in enige jaar, is op die persone wat woon in die gebied van 'n laer owerheid waarin 'n belasting (uitgesonderd sodanige veebelasting of belasting betaalbaar ingevolge Goewermenskennisgewing No. 418 van 1955) reeds deur sodanige laer owerheid gehef en betaalbaar is gedurende dieselfde jaar, van toepassing nie, tensy sodanige laer owerheid daarin toegestem het.

## HOOFSTUK IX.

### DIVERSE BEVOEGDHEDE EN PLIGTE.

97. Alle verliese of tekorte weens bedrog, diefstal of ander oorsaak, moet onmiddellik deur die Hoofuitvoerende Amptenaar of sekretaris en tesourier van die Gebiedsowerheid of deur die voorsittende kaptein of hoofman of die tesourier van 'n streeks- of distriksowerheid, na gelang van die geval, aan die Kontroleur en Ouditeur-generaal rapporteer word.

98. (1) Die Gebiedsowerheid kan enige werk of diens wat binne die bestek van sy werksaamhede val, in samewerking met 'n Provinsiale Raad of met 'n Staatsdepartement of Administrasie of met enige ander party onderneem op die voorwaardes en op die wyse wat deur die voorsittende gebiedskaptein-in-rade goedgekeur word.

any Bantu authority; and the Native Commissioner, or any person duly authorised by him, shall have access to all records, books, vouchers, documents, cash, stamps, securities or stores of the regional authority whose seat is in his district or of the district authority or the tribal or community authority or authorities in his district.

(2) Any person who, having the custody of any of the articles enumerated in sub-section (1) hereof and who refuses or wilfully fails or neglects to give the Supervisory Officer, the Native Commissioner or any person duly authorised by one of them access thereto as provided in that sub-section shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or, in default of payment, to imprisonment for a period not exceeding three months.

(3) Upon convicting any person under the provisions of sub-section (2) hereof the Court may order the accused to deliver to any person named in such order any of the articles enumerated in sub-section (1) hereof.

94. The provisions of section *nine* of the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925), and the regulations framed under the said Act, for the recovery of arrear taxes, shall apply *mutatis mutandis* to the recovery of any rate levied by any Bantu authority under the provisions of this Proclamation which may be in arrear for more than three months after the due date; and the fees of the Messenger of the Court or other duly authorised officer, to cover all costs, shall be as prescribed in the said Act and regulations; provided that in the case of a stock rate the owner of any cattle, which at the time of the accrual of the rate were kept at a kraal or homestead in charge of another person, shall be liable jointly and severally with such other person for the rate due in respect of such cattle, and in default of payment by such other person the arrear rate may be recovered from such owner in the manner prescribed in this section.

95. The Minister may, upon the resolution of the Territorial Authority, or of any regional, district or tribal or community authority and when he is satisfied that all available means have been used for the recovery of any arrear rate, arrear stock rate, or any other revenue due to such authority, and it is satisfactorily shown that there is no prospect of securing payment, direct that such amount shall be written off as irrecoverable.

96. No rate levied in terms of this Proclamation by any authority (excluding a stock rate levied by a district authority or a rate payable in terms of Government Notice No. 418 of 1955) and payable in any year shall apply to the persons resident in the area of any lower authority in which area a rate (excluding such stock rate or rate payable in terms of Government Notice No. 418 of 1955) has already been levied by such lower authority and is payable during the same year, unless such lower authority has consented thereto.

## CHAPTER IX.

### MISCELLANEOUS POWERS AND DUTIES.

97. Any loss or deficiency through fraud, theft or other cause shall be reported immediately by the Chief Executive Officer or secretary and treasurer of the Territorial Authority or by the presiding chief or headman or the treasurer of a regional or district authority, as the case may be, to the Controller and Auditor-General.

98. (1) The Territorial Authority may undertake any work or service falling within the scope of its functions in conjunction with a Provincial Council or with any Government Department or Administration or with any other party on such terms and in such manner as may be approved by the presiding territorial chief-in-council.

(2) Die Gebiedsowerheid kan werke buite die gebied waaroor hy gesag het ten bate van die Naturellebevolking binne sodanige gebied aanlê, bou en in stand hou; met dien verstande dat geen sodanige werk of diens sonder die goedkeuring van die voorsittende gebiedskaptein-in-rade onderneem mag word nie.

99. (1) Ondanks anderluidende bepalings in hierdie Proklamasie, is dit wettig dat enige werksaamheid, bevoegdheid of plig wat binne die bevoegdheid van 'n Bantoe-owerheid val, deur 'n hoër Bantoe-owerheid verrig, uitgeoefen of uitgevoer word; met dien verstande—

(a) dat die gebied waarvoor die betrokke laer Bantoe-owerheid ingestel is, deel moet uitmaak van die gebied waarvoor die hoër Bantoe-owerheid wat sodanige werksaamheid, bevoegdheid of plig ingevolge hierdie subartikel verrig, uitoeven of uitvoer, gesag het; en

(b) dat behoudens voorbehoudsbepaling (a), as die Minister aldus gelas, 'n hoër owerheid enigeen van of al die werksaamhede, bevoegdhede of pligte van 'n laer owerheid vir die tydperk wat hy bepaal, moet verrig, uitoeven of uitvoer.

(2) 'n Bantoe-owerheid kan enige werk of diens in samewerking met enige ander Bantoe-owerheid onderneem, mits die werk of diens binne die bestek van die werksaamhede van elke sodanige owerheid val.

100. (1) Die Gebiedsowerheid kan met die goedkeuring van die voorsittende gebiedskaptein-in-rade, regsdinge in 'n geregshof instel.

(2) Die Gebiedsowerheid moet in enige regsding in 'n geregshof in die naam van die voorsittende gebiedskaptein-in-rade *nomine officii* aanspreek of aangespreek word.

101. Die Gebiedsowerheid kan met die goedkeuring van die voorsittende gebiedskaptein-in-rade die eiendomsreg op enige eiendom, roerend en onroerend, wat in sy besit is, sonder die betaling van enige vergoeding aan 'n laer Bantoe-owerheid oordra; met dien verstande dat in die geval van onroerende goed—

(a) sodanige oordrag van eiendomsreg slegs op 'n streeks- of 'n distriksowerheid van toepassing is; en

(b) die bepalings van subartikel (3) van artikel vyf *mutatis mutandis* van toepassing is.

102. Die Goewerneur-generaal kan vir die toepassing van hierdie Proklamasie enige kaptein magtig om die titel van hoofkaptein te aanvaar uit hoofde van die grootte van, of die Naturellebevolking in die gebied waaroor hy gesag het, die verantwoordelikhede verbonde aan sy amp van kaptein, die kapteins onder hom wat as sodanig aangestel of erken is binne die gebied waarvoor hy gesag het of om enige ander rede wat na die mening van die Goewerneur-generaal geldig is. Die Goewerneur-generaal kan sodanige magtiging te eniger tyd intrek.

103. (1) 'n Hoofkaptein is geregtig om enige vergadering van 'n Bantoe-owerheid wat in die gebied waarvoor hy gesag het, soos in sy aanstellingsbrief bepaal, gehou word, by te woon en om aan die besprekings op 'n vergadering wat hy aldus bywoon, deel te neem.

(2) 'n Hoofkaptein wat 'n vergadering ingevolge subartikel (1) bywoon, kan op so 'n vergadering voorsit; met dien verstande dat die bepalings van hierdie subartikel nie van toepassing is nie op 'n vergadering van die Gebiedsowerheid waarvan so 'n hoofkaptein nie die voorsittende gebiedskaptein is nie.

(3) 'n Kaptein wat die hoof van 'n streeksowerheid is, is geregtig om enige vergadering van 'n distriksowerheid of van 'n stam- of gemeenskapsowerheid wat gehou word in die gebied waarvoor sodanige streeksowerheid ingestel is, by te woon en om aan die besprekings op so 'n vergadering deel te neem.

(4) 'n Kaptein binne wie se gesagsgebied soos in sy aanstellingsbrief bepaal, daar twee of meer stam- of gemeenskapsowerhede ingestel is, is geregtig om enige vergadering van so 'n owerheid by te woon en om aan sy besprekings deel te neem en om op so 'n vergadering voor te sit.

(5) Die hoof van 'n owerheid wat 'n kaptein is, kan 'n gevolmagtigde uit die geledere van sodanige owerheid aanstel om op enige vergadering daarvan voor te sit.

(2) The Territorial Authority may construct and maintain works beyond its area of jurisdiction for the benefit of the Native people within such area of jurisdiction; provided that no such work or service shall be undertaken without the approval of the presiding territorial chief-in-council.

99. (1) Notwithstanding anything contained in this Proclamation it shall be lawful for any function, power or duty falling within the purview of any Bantu authority to be performed or exercised by a higher Bantu authority; provided—

(a) that the area for which the lower Bantu authority concerned was established shall form part of the area of jurisdiction of the higher Bantu authority which performs or exercises such function, power or duty in terms of this sub-section; and

(b) that, subject to proviso (a), if the Minister so direct, any higher authority shall perform or exercise any or all the functions, powers or duties of a lower authority for such period as he may determine.

(2) Any Bantu authority may undertake any work or service in conjunction with any other Bantu authority; provided that such work or service falls within the scope of the functions of each such authority.

100. (1) The Territorial Authority may, with the approval of the presiding territorial chief-in-council, institute civil proceedings in a court of law.

(2) The Territorial Authority shall, in any legal proceedings in a court of law sue or be sued in the name of the presiding territorial chief-in-council *nomine officii*.

101. The Territorial Authority may, with the approval of the presiding territorial chief-in-council, transfer the ownership of any property, movable and immovable, owned by it, without payment of any consideration, to any lower Bantu authority; provided that, in the case of immovable property—

(a) such transfer of ownership shall apply only to a regional or a district authority; and

(b) the provisions of sub-section (3) of section five shall *mutatis mutandis* apply.

102. The Governor-General may, for the purposes of this Proclamation, authorise any chief to assume the title of paramount chief by reason of the extent of, or the Native population in, his area of jurisdiction, the responsibilities attaching to his office of chief, the chief's subordinate to him appointed or recognised as such within his area of jurisdiction or for any other reason which, in the opinion of the Governor-General, is valid. The Governor-General may at any time cancel such authority.

103. (1) A paramount chief shall be entitled to attend any meeting of any Bantu authority held in his area of jurisdiction, as specified in his letter of appointment, and to take part in the discussions at any meeting so attended.

(2) A paramount chief attending a meeting in terms of sub-section (1) may preside at such meeting; provided that the provisions of this sub-section shall not apply to a meeting of the Territorial Authority of which such paramount chief is not the presiding territorial chief.

(3) A chief who is head of a regional authority shall be entitled to attend any meeting of any district authority or of any tribal or community authority held in the area for which such regional authority is established and to take part in the discussions at such meeting.

(4) A chief within whose area of jurisdiction, as specified in his letter of appointment, are established two or more tribal or community authorities shall be entitled to attend any meeting of any such authority, to take part in its discussions and to preside at any such meeting.

(5) The head of any authority who is a chief may appoint a deputy from among the members of such authority to preside at any meeting thereof.



104. (1) Elke streeksowerheid moet op sy eerste vergadering wat na sy instelling gehou word, vier van sy lede aanstel om, saam met sy hoof, lede te wees van sy uitvoerende komitee, wat gedurende die tye tussen vergaderings van sodanige owerheid verantwoordelik is vir die bestuur of afhandeling van die sake wat binne die bestek van daardie owerheid val en wat van tyd tot tyd deur genoemde owerheid aan die komitee toevertrou word; met dien verstande dat sodanige hoof—

(a) waar die omstandighede sodanig is dat onmiddellike optrede nodig is, enige ander sake van sodanige owerheid na sy streeksuitvoerende komitee vir die nodige optrede kan verwys; en

(b) enige optrede van die uitvoerende komitee na die streeksowerheid op sy volgende vergadering moet verwys.

(2) Die bepalings van subartikel (1) is *mutatis mutandis* van toepassing op elke distriksowerheid wat by hierdie Proklamasie ingestel word, behalwe dat die d'striksuitvoerende komitee van sodanige owerheid uit die hoof daarvan en drie ander lede van genoemde owerheid bestaan.

(3) Die hoof van die betrokke streeks- of distriksowerheid of sy gevolmagtigde moet op enige vergadering van sy uitvoerende komitee voorsit; met dien verstande dat, as sodanige hoof of sy gevolmagtigde in gebreke bly om 'n vergadering van sodanige komitee by te woon, die teenwoordige lede een uit hulle geledere as voorsitter vir die doel van so 'n vergadering kan aanstel.

(4) Vergaderings van 'n streeks- of distriksuitvoerende komitee moet deur die hoof van die betrokke streeks- of distriksowerheid met minstens sewe dae kennisgewing belê word.

(5) Drie lede van 'n streeksuitvoerende komitee of van 'n distriksuitvoerende komitee maak 'n kworum uit.

(6) Enige vakature in 'n streeks- of distriksuitvoerende komitee moet deur die betrokke streeks- of distriksowerheid uit sy geledere op die vergadering wat op die ontstaan van sodanige vakature volg, aangevul word.

(7) Ingeval van versuim om enige lid van 'n streeks- of distriksuitvoerende komitee aan te stel soos bepaal in subartikels (1) of (6), kan die Minister sodanige persoon of persone al na hy goedvind, aanstel.

## HOOFTUK X.

### REGULASIES.

105. (1) Die Goewerneur-generaal kan van tyd tot tyd regulasies wat nie met hierdie Proklamasie in stryd is nie, uitvaardig vir die bestuur van die sake van Bantoeowerhede ten opsigte van die volgende sake:—

(i) prosedure op vergaderings van Bantoe-owerhede;

(ii) betaling van toelaes, insluitende vervoertoelaes, aan lede van Bantoe-owerhede;

(iii) die aanstelling en die bepaling van die aanstellingsvoorwaardes en die pligte van werknemers van distriks- en streeksowerhede en van die Gebiedsowerheid;

(iv) die omskrywing van die bestek van enige plig, bevoegdheid of werksaamheid wat uitgevoer, uitgeoefen of verrig moet word deur 'n Bantoe-owerheid ingevolge hierdie Proklamasie en die wyse waarop sodanige plig, bevoegdheid of werksaamheid uitgevoer, uitgeoefen of verrig moet word;

(v) die wyse waarop veebelastings gehef ingevolge hierdie Proklamasie, aangeslaan en ingevorder moet word, die metode van die registrasie van beeste vir die doeleindes van die heffing en ander sake in verband met uitgawe aan dipwerksaamhede;

(vi) voorrade, inkomste- en uitgawebegrotings en ouditering, boekhouding en die beheer oor tesourieë en uitgawe;

(vii) die voorskryf van die tye vir die betaling van belastingen en gelde gehef of voorgeskryf ingevolge hierdie Proklamasie en die omstandighede waaronder of voorwaardes waarop enige persoon van die aanspreeklikheid vir die betaling daarvan vrygestel kan word;

104. (1) Each regional authority shall, at its first meeting held after its establishment, appoint four of its members to be, together with its head, members of its regional executive committee, which shall be responsible, in the intervals between meetings of such authority, for the conduct or disposal of such business falling within the scope of that authority as may from time to time be entrusted to such committee by the said authority; provided that such head—

(a) may, where the circumstances are such as to render prompt action necessary, refer any other business of such authority to its regional executive committee for necessary action; and

(b) shall report any action taken by the executive committee to the regional authority at its next meeting.

(2) The provisions of sub-section (1) shall *mutatis mutandis* apply to each district authority established by this Proclamation, except that the district executive committee of such authority shall consist of the head thereof and three other members of the said authority.

(3) The head of the regional or district authority concerned or his deputy shall preside at any meeting of its executive committee; provided that, should such head or his deputy fail to attend any meeting of such committee, the members present may appoint one of their number to be chairman for the purpose of such meeting.

(4) Meetings of a regional or district executive committee shall be convened by the head of the regional or district authority concerned on not less than seven days' notice.

(5) Three members of a regional executive committee or of a district executive committee shall form a quorum.

(6) Any vacancy on a regional or district executive committee shall be filled by the regional or district authority concerned from among its members at the meeting following the occurrence of such vacancy.

(7) In the case of failure to appoint any member of a regional or district executive committee as in sub-sections (1) or (6) provided, the Minister may appoint such person or persons as he may deem fit.

## CHAPTER X.

### REGULATIONS.

105. (1) The Governor-General may from time to time make regulations not inconsistent with this Proclamation, for the administration of the affairs of Bantu authorities, in respect of any of the following matters:—

(i) Procedure at meetings of Bantu authorities;

(ii) payment of allowances, including transport allowances, to members of Bantu authorities;

(iii) the appointment and the determination of the conditions of appointment and duties of employees of district and regional authorities and of the Territorial Authority;

(iv) the definition of the scope of any duty, power or function to be carried out, exercised or performed by any Bantu authority in terms of this Proclamation and the manner in which such duty, power or function shall be carried out, exercised or performed;

(v) the manner of assessment and collection of stock rates levied under this Proclamation, the method of registration of cattle for the purposes of the levy and other matters relating to expenditure on dipping operations.

(vi) stores, estimates of revenue and expenditure, and audit, accounting and the control of treasuries and expenditure;

(vii) prescribing the times for the payment of rates and fees levied or prescribed under this Proclamation and the circumstances under which or the conditions subject to which any person may be exempted from liability for the payment thereof;

(viii) ander sake wat die Goewerneur-generaal van tyd tot tyd goedkeur om die doeltreffende werking van hierdie Proklamasie te verseker, waarby die algemene geldigheid van die bevoegdhede wat by hierdie paragraaf verleen word, nie deur die bepalings van die vorige paragrawe beperk word nie.

(2) Verskillende regulasies kan uitgevaardig word ten opsigte van verskillende soorte Bantoe-owerhede of ten opsigte van verskillende gebiede onder dieselfde owerheid of ten opsigte van sake rakende verskillende stamme of gemeenskappe onder dieselfde owerheid.

(3) By regulasies wat ingevolge hierdie artikel uitgevaardig word, kan strawwe voorgeskryf word vir enige oortreding daarvan of versuim om daaraan te voldoen, hoogstens 'n boete van vyftig pond of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens drie maande, en kan bepaal word dat enige boete opgelê en verhaal, in die tesourie van 'n Bantoe-owerheid gestort moet word.

106. Wanneer die hof 'n straf oplê aan 'n persoon wat skuldig bevind word aan 'n oortreding van 'n regulasie uitgevaardig ingevolge artikel *sestig* en *honderd-en-vyf* of van 'n verordening uitgevaardig ingevolge artikel *vyf-en-veertig*, kan die hof bowendien uitspraak gee ten gunste van die Gebiedsowerheid of 'n laer owerheid teen die oortreder vir 'n bedrag wat hy as billike vergoeding aan sodanige Gebiedsowerheid of laer owerheid beskou vir enige verlies wat hy gely of uitgawe wat hy aangegaan het ten gevolge van sodanige oortreding, en genoemde uitspraak moet uitgevoer word op dieselfde wyse asof dit in 'n siviele geding in 'n magistratshof gegee is.

## HOOFSTUK XI.

### ALGEMEEN EN AANVULLEND.

107. Alle eiendom, roerend en onroerend, wat wettig verkry is vir die doeleindes van 'n gebieds-, streeks- of distriksowerheid, hetsy deur die invordering van inkomste of deur uitgawe ingevolge die bepalings van hierdie Proklamasie, of deur toekenning, skenking of 'n ander manier, berus by onderskeidelik sodanige Gebieds-, streeks- of distriksowerheid en onroerende eiendom moet behoorlik geregistreer word.

108. (1) Geen lid van 'n Bantoe-owerheid mag enige salaris, toelae, geld of beloning vir enige plig of diens wat deur hom in sy hoedanigheid van lid verrig word, aanneem nie; uitgesonderd in ooreenstemming met die tarief wat die Minister opstel; ook mag geen sodanige lid 'n kontrakteur wees vir 'n Bantoe-owerheid waarvan hy 'n lid is, of 'n regstreekse of onregstreekse belang hê in 'n kontrak wat met so 'n owerheid aangegaan is nie.

(2) 'n Kaptein wat 'n *ex officio* lid van 'n Bantoe-owerheid is, word die setel van so 'n lid *ipso facto* ontruim en moet gevul word op die wyse wat by hierdie Proklamasie voorgeskryf word.

109. (1) 'n Lid van 'n Bantoe-owerheid wat sy setel in so 'n owerheid ontruim weens die verstryking van sy ampstyd of om watter ander rede ook al, verloor *ipso facto* sy setel in enige ander Bantoe-owerheid waarvan hy 'n lid is, en daarna word die setels aldus ontruim, gevul op die wyse wat by hierdie Proklamasie voorgeskryf word.

(2) 'n Kaptein wat 'n *ex officio* lid van 'n Bantoe-owerheid is, ontruim *ipso facto* sy setel in so 'n owerheid waarvan hy 'n lid is as hy ophou om 'n kaptein te wees en moet enige amp wat hy as voorsittende amptenaar in so 'n owerheid beklee, ontruim.

110. Ondanks die ontbinding van die Algemene Raad soos bepaal in artikel *vier*, word die Algemene Raad se Gekonsolideerde Vaste Omsendinstruksies, soos van tyd tot tyd gewysig, geag deur die Gebiedsowerheid uitgereik te gewees het, en die bepalings daarvan is *mutatis mutandis* op die Gebiedsowerheid en enige streeks- of distriksowerheid en die werknemers van sodanige owerhede van toepassing totdat genoemde Instruksies vervang word deur vaste instruksies wat deur die Minister of deur die Gebiedsowerheid of enige streeks- of distriksowerheid uitgereik word.

(viii) such other matters as may from time to time be approved by the Governor-General to ensure the effective operation of this Proclamation, the generality of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs.

(2) Different regulations may be made in respect of different types of Bantu authorities or in respect of different areas under the same authority or in respect of matters affecting different tribes or communities under the same authority.

(3) Any regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of fifty pounds, or in default of payment, imprisonment for a period not exceeding three months and may provide that any fine imposed and recovered shall be paid to the treasury of any Bantu authority.

106. In imposing any penalty upon any person convicted of a breach of any regulation made in terms of sections *sixty* and *one hundred and five* or of any by-law made in terms of section *forty-five*, the court may in addition enter judgment in favour of the Territorial Authority or a lower authority against the offender for such amount as it may deem to be fair compensation to such Territorial Authority or lower authority for any loss or expense suffered by it in consequence of such breach, and the said judgment shall be executed in the same manner as if it had been given in a civil action in a magistrate's court.

## CHAPTER XI.

### GENERAL AND SUPPLEMENTARY.

107. All property, movable and immovable, lawfully acquired for Territorial, regional or district authority purposes whether by the collection of revenue or by expenditure under the provisions of this Proclamation, or by grant, donation or other means, shall vest in such Territorial, regional or district authority respectively and immovable property shall be duly registered.

108. (1) No member of any Bantu authority may accept any salary, allowance, fee or reward for any duty or service performed by him in his capacity as a member, except in accordance with such tariff as may be framed by the Minister, nor shall any such person become a contractor with any Bantu authority of which he is a member or be interested directly or indirectly in any contract entered into with such authority.

(2) In case of any contravention by any member of the provisions of sub-section (1) the seat of such member shall, *ipso facto*, be vacated and shall be filled in the manner prescribed by this Proclamation.

109. (1) A member of any Bantu authority who vacates his seat on such authority by reason of expiry of his period of office or for any other cause whatsoever shall, *ipso facto*, lose his seat on any other Bantu authority of which he is a member, whereupon the seats so vacated shall be filled in the manner prescribed by this Proclamation.

(2) A chief who is an *ex officio* member of any Bantu authority shall, upon his ceasing to be a chief, *ipso facto*, vacate his seat on each such authority of which he is a member and shall vacate any office he may hold as presiding officer on any such authority.

110. Notwithstanding the disestablishment of the General Council as in section *four* provided, the General Council's Consolidated Standing Circular Instructions, as amended from time to time, shall be deemed to have been issued by the Territorial Authority and its provisions shall, *mutatis mutandis*, apply to the Territorial Authority and any regional or district authority and the employees of such authorities until such Instructions have been superseded by standing instructions issued by the Minister or by the Territorial Authority or any regional or district authority.



111. (1) Iedereen wat 'n verordening uitgevaardig deur 'n streeksowerheid ingevolge artikel vyf-en-veertig of 'n regulasie uitgevaardig deur die Gebiedsowerheid ingevolge artikel sestig, oortree of in gebreke bly om daaraan te voldoen, is skuldig aan 'n misdryf.

(2) Iedereen wat skuldig is aan 'n misdryf soos by hierdie Proklamasie bepaal, is, waar geen ander straf vasgestel is nie, by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(3) 'n Boete wat ingevolge hierdie Proklamasie opgelê en ingevorder word, moet in die tesourie van die Gebiedsowerheid gestort word.

112. As daar by die toepassing van hierdie Proklamasie of enige ander wet gevind word dat daar 'n teenstrydigheid tussen hierdie Proklamasie en so 'n ander wet bestaan of dat 'n bepaling van hierdie Proklamasie of so 'n ander wet aanleiding tot administratiewe moeilikheid gee, kan die Goewerneur-generaal by Proklamasie in die *Staatskoerant* die mate vasstel waarin so 'n ander wet of hierdie Proklamasie in enige gebied van die Transkeise Gebiede van toepassing moet wees en wel op 'n wyse wat hy nodig ag om die teenstrydigheid of moeilikheid uit die weg te ruim.

113. (1) Ondanks enige ander bepaling van hierdie Proklamasie, kan die Goewerneur-generaal behoudens die bepalings van hierdie Proklamasie met betrekking tot oorlegpleging, enige streeks-, distriks- of stam- of gemeenskapsowerheid ontbind, 'n Bantoe-owerheid in die plek daarvan instel, die gesagsgebied van 'n Bantoe-owerheid ingestel ingevolge hierdie Proklamasie, verander deur so 'n gebied te vergroot of te verklein, enige twee of meer owerhede amalgameer of op enige ander wyse hoe ook al die gesagsgebied van so 'n owerheid op so 'n wyse wysig dat 'n doeltreffender werking van so 'n owerheid of sulke owerhede verkry word; met dien verstande dat benewens die oorlegpleging genoem in hierdie subartikel, 'n Bantoe-owerheid wat deur enige voorgestelde verandering ingevolge daarvan geraak sal word, ook geraadpleeg moet word.

(2) Behoudens die bepalings van hierdie Proklamasie, kan die Minister—

(a) enige aanstelling of benoeming doen wat die plig of werksaamheid van 'n Bantoe-owerheid of die hoof daarvan of van enige uitvoerende komitee was om ingevolge hierdie Proklamasie te doen, as so 'n owerheid, hoof of komitee, nadat die Minister hom aangesê het om so 'n aanstelling of benoeming te doen, in gebreke gebly het om dit binne die tydperk deur hom bepaal, te doen;

(b) reëlings tref wat hy goedvind vir die uitvoering van enige plig of die verrigting van enige werksaamheid of uitoefening van enige bevoegdheid wat ingevolge hierdie Proklamasie aan 'n Bantoe-owerheid, of aan sy hoof of aan 'n uitvoerende komitee opgedra is, as so 'n owerheid, hoof of komitee, nadat die Minister hom aangesê het om so 'n plig uit te voer of so 'n werksaamheid te verrig of so 'n bevoegdheid uit te oefen, in gebreke gebly het om dit binne die tydperk deur hom bepaal, te doen.

114. Enige ooreenkoms wat voor die vasgestelde datum tussen die Algemene Raad en 'n ander persoon aangegaan is, word, vanaf genoemde datum geag 'n ooreenkoms te wees wat tussen die Gebiedsowerheid en sodanige persoon aangegaan is.

115. In hierdie Proklamasie, tensy onbestaanbaar met die samehang, beteken—

„Bantoe-owerheid”, die Gebiedsowerheid of 'n streeks-, distriks- of stam- of gemeenskapsowerheid ingestel volgens hierdie Proklamasie of sommige van hulle of almal, volgens die samehang;

„Kaptein”, 'n persoon behoorlik aangestel of erken as 'n kaptein ingevolge subartikel (7) van artikel twee van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), en tensy die samehang anders aandui, ook 'n hoofkaptein en 'n persoon aangestel ingevolge subartikel (8) van daardie artikel om tydelik in die plek van 'n kaptein op te tree;

111. (1) Any person who contravenes or fails to comply with any by-law made by a regional authority under section forty-five or any regulation made by the Territorial Authority under section sixty shall be guilty of an offence.

(2) Any person guilty of an offence as provided by this Proclamation shall, where no other punishment is stipulated, be liable on conviction to a fine not exceeding fifty pounds or, in default of payment, imprisonment for a period not exceeding three months.

(3) Any fine imposed in terms of this Proclamation and collected shall be paid to the treasury of the Territorial Authority.

112. If, in the application of this Proclamation or any other law, any conflict is found to exist between this Proclamation and such other law, or any provision of this Proclamation or any such other law is found to give rise to administrative difficulty, the Governor-General may, by Proclamation in the *Gazette*, determine the extent to which such other law or this Proclamation shall apply in any area of the Transkeian Territories, in any manner he may deem necessary to remove the conflict or difficulty.

113. (1) Notwithstanding any other provision of this Proclamation the Governor-General may, subject to the provisions of this Proclamation relating to consultation, disestablish any regional, district or tribal or community authority, establish any Bantu authority in place thereof, amend the area of jurisdiction of any Bantu authority established under this Proclamation by adding to or reducing such area, amalgamate any two or more authorities or in any other way whatsoever, so adjust the area of jurisdiction of any such authority as to secure the more efficient operation of such authority or such authorities; provided that, in addition to the consultation referred to in this sub-section, any Bantu authority which will be affected by any proposed change in terms thereof shall also be consulted.

(2) Subject to the provisions of this Proclamation the Minister may—

(a) make any appointment or nomination which it was the duty or function of any Bantu authority or its head or of any executive committee to make in terms of this Proclamation, if such authority, head or committee, after having been called upon by him to make such appointment or nomination, has failed to do so within the period stipulated by him; and

(b) make such arrangements as he may deem fit for the carrying out of any duty or the exercise of any function or power assigned under this Proclamation to any Bantu authority, or to its head or to any executive committee, if such authority, head or committee, after having been called upon by him to carry out such duty or to exercise such function or power, has failed to do so within the period stipulated by him.

114. Any agreement entered into prior to the fixed date between the General Council and any person shall, from such date, be deemed to be an agreement entered into between the Territorial Authority and such person.

115. In this Proclamation, unless inconsistent with the context—

“Bantu authority” shall mean the Territorial Authority or a regional, district or tribal or community authority established under this Proclamation or some or all of them, according to the context;

“chief” shall mean a person duly appointed or recognised as a chief under sub-section (7) of section two of the Native Administration Act, 1927 (Act No. 38 of 1927), and, unless the context indicates otherwise, includes a paramount chief and any person appointed under sub-section (8) of that section to act temporarily in the place of a chief;

“Chief Native Commissioner” shall mean the Chief Native Commissioner of the Transkeian Territories, appointed under section two of the Native Administration Act, 1927 (Act No. 38 of 1927), and shall include the Assistant Chief Native Commissioner;

„Hoofnaturellekommissaris”, die Hoofnaturellekommissaris van die Transkeise Gebiede, aangestel ingevolge artikel twee van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), en ook die Assistent-hoofnaturellekommissaris;

„Gemeenskapsowerheid”, ’n Bantoestam- of gemeenskapsowerheid ingestel ingevolge artikel tien;

„raadsman”, ’n persoon aangestel as ’n lid van ’n stam- of gemeenskapsowerheid;

„distrik”, ’n Magistraatsdistrik genoem in paragrawe (a) tot (d) van artikel twee, en, wanneer gebruik in verband met ’n distriksowerheid, die gebiede van die magistraatsdistrik waarvoor daardie owerheid ingestel is;

„distriksowerheid”, ’n Bantoedistriksowerheid ingestel ingevolge subartikel (1) van artikel vier en ook ’n stam- of gemeenskapsowerheid wat ook as ’n distriksowerheid ingevolge subartikel (1) van artikel agt-en-dertig optree;

„distriksraad”, ’n distriksraad ingestel ingevolge artikel vier van Proklamasie No. 65 van 1953 en ontbind ingevolge subartikel (1) van artikel vier van hierdie Proklamasie;

„Uitvoerende Komitee”, volgens samehang, of die Uitvoerende Komitee van die Gebiedsowerheid wat gedurende die oorgangstydperk uit hoofde van die bepalings van subartikel (3) van artikel vier optree, of die Uitvoerende Komitee, genoem die voorsittende gebiedskaptein-in-rade, wat ingevolge artikel sewentig ingestel is en na die oorgangstydperk optree; of ’n uitvoerende komitee van ’n streeks- of ’n distriksowerheid;

„vasgestelde datum”, die eerste dag van September 1956, genoem in subartikel (1) van artikel drie;

„Algemene Raad”, die Verenigde Algemene Raad van die Transkeise Gebiede ingestel by Proklamasie No. 279 van 1930 en ontbind ingevolge subartikel (1) van artikel vier van hierdie Proklamasie;

„algemene belastingbetaler”, ’n persoon wat ingevolge subartikel (1) van artikel twee van die Naturelle Belasting en Ontwikkeling Wet, 1925 (Wet No. 41 van 1925), aanspreeklik is vir die betaling van algemene belasting en ook ’n persoon wat vrygestel is van die betaling van algemene belasting om die redes uiteengesit in paragraaf (a) van subartikel (1) van artikel vier van genoemde Wet.

„hoofman”, ’n hoofman behoorlik aangestel ingevolge subartikel (8) van artikel twee van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927) of ’n hoofman aangestel ingevolge subartikel (8) van artikel elf van hierdie Proklamasie, en ook ’n persoon aangestel ingevolge sodanige bepalings om tydelik in die plek van so ’n hoofman op te tree;

„hoër owerheid”, ’n soort Bantoe-owerheid wat ’n hoër status het as ’n ander soort daarvan; die status van elke soort, in orde van voorrang, is: ’n Gebiedsowerheid, ’n streeksowerheid, ’n distriksowerheid en ’n stam- of gemeenskapsowerheid; en „laer owerheid” het ’n ooreenstemmende betekenis;

„lokasie”, die lokasie of wyk ten opsigte waarvan ’n hoofman aangestel is;

„plaaslike belasting”, die belasting genoem in subartikel (2) van artikel twee van die Naturelle Belasting en Ontwikkeling Wet, 1925 (Wet No. 41 van 1925);

„Minister”, die Minister van Naturellesake;

„Naturelle-erfpag”, die Naturellegrondrente soos omskryf in artikel negentien van die Naturelle Belasting en Ontwikkeling Wet, 1925 (Wet No. 41 van 1925);

„hoofkaptein”, ’n kaptein genoem in artikel honderden-twee;

„voorsittende gebiedskaptein-in-rade”, die uitvoerende komitee, ingestel ingevolge artikel sewentig;

„streek”, een of meer van die distrikte genoem in paragrawe (a) tot (d) van artikel twee, wat die geheel uitmaak van die gebied waarvoor ’n streeksowerheid ingestel is, en „streeks-” het ’n ooreenstemmende betekenis;

„community authority” shall mean a Bantu tribal or community authority established under section ten;

„councillor” shall mean a person appointed as a member of a tribal or community authority;

„district” shall mean any magisterial district mentioned in paragraphs (a) to (d) of section two, and, when used in relation to a district authority, shall mean the areas of the magisterial district for which that authority has been established;

„district authority” shall mean a Bantu district authority established under sub-section (1) of section four and shall include a tribal or community authority which also operates as a district authority in terms of sub-section (1) of section thirty-eight;

„district council” shall mean a district council established under section four of Proclamation No. 65 of 1953 and disestablished under sub-section (1) of section four of this Proclamation;

„Executive Committee” shall mean, according to the context, either the Executive Committee of the Territorial Authority operating during the transitional period by virtue of the provisions of sub-section (3) of section four or the executive committee, styled the presiding territorial chief-in-council, established under section seventy and operating after the transitional period, or an executive committee of a regional or a district authority;

„fixed date” shall mean the first day of September, 1956, referred to in sub-section (1) of section three;

„General Council” shall mean the United Transkeian Territories General Council established by Proclamation No. 279 of 1930 and disestablished under sub-section (1) of section four of this Proclamation;

„general taxpayer” shall mean a person liable to pay general tax in terms of sub-section (1) of section two of the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925), and shall include a person who is exempted from the payment of general tax for the causes set out in paragraph (a) of sub-section (1) of section four of such Act;

„headman” shall mean a headman duly appointed in terms of sub-section (8) of section two of the Native Administration Act, 1927 (Act No. 38 of 1927), or a headman appointed in terms of sub-section (8) of section eleven of this Proclamation, and shall include any person appointed under such provisions to act temporarily in the place of such a headman;

„higher authority” shall mean a type of Bantu authority higher in status than another type thereof, the status of each type in order of precedence being the Territorial Authority, a regional authority, a district authority and a tribal or community authority; and „lower authority” shall bear a corresponding meaning;

„location” shall mean the location or ward in respect of which a headman has been appointed;

„local tax” shall mean the tax referred to in sub-section (2) of section two of the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925);

„Minister” shall mean the Minister of Native Affairs;

„Native quitrent” shall mean the Native quitrent defined in section nineteen of the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925);

„paramount chief” shall mean a chief referred to in section one hundred and two;

„presiding territorial chief-in-council” shall mean the executive committee, established under section seventy;

„region” shall mean one or more of the districts mentioned in paragraphs (a) to (d) of section two forming the whole of the area for which a regional authority has been established, and „regional” shall bear a corresponding meaning;



„streeksowerheid”, ’n Bantostreeksowerheid ingestel ingevolge subartikel (1) van artikel *nege-en-dertig*, en ook ’n distriksowerheid wat ingevolge voorbehoudsbepaling (a) van subartikel (1) van artikel *nege-en-dertig* toegelaat is om as ’n streeksowerheid op te tree;

„Toesighoudende Amptenaar”, die amptenaar aangestel ingevolge subartikel (1) van artikel *sewe-en-sewentig*;

„sekretaris en tesourier”, wanneer sonder kwalifikasie gebruik, die sekretaris en tesourier van die Gebiedsowerheid wat gedurende die oorgangstydperk optree en wat in subartikels (1) en (2) van artikel *nege* genoem word, of die sekretaris en tesourier van die Gebiedsowerheid wat na die oorgangstydperk optree en wat ingevolge subartikel (1) van artikel *tagtig* aangestel is, volgens die samehang;

„Gebiedsowerheid”, die Transkeise Gebiedsowerheid ingestel ingevolge subartikel (1) van artikel *vier*;

„oorgangstydperk”, die tydperk vanaf die vasgestelde datum tot die datum genoem in subartikel (3) van artikel *vier*;

„stam”, ook ’n deel van ’n stam, of ’n substam of clan, of deel van ’n substam of clan.

116. Hierdie Proklamasie kan vir alle doeleindes aangehaal word as die Proklamasie op Transkeise Bantowerhede.

GOD BEHOEDE DIE KONINGIN.

Gegee onder my Hand en Grootseël te Pretoria, op hede die Sestiende dag van Augustus Eenduisend Negehonderd Ses-en-vyftig.

E. G. JANSEN,  
Goewerneur-generaal.

Op las van Sy Eksellensie die  
Goewerneur-generaal-in-rade.

H. F. VERWOERD.

„regional authority” shall mean a Bantu regional authority established under sub-section (1) of section *thirty-nine* and shall include a district authority permitted to function as a regional authority in terms of proviso (a) of sub-section (1) of section *thirty-nine*;

„secretary and treasurer”, when used without qualification, shall mean the secretary and treasurer of the Territorial Authority operating during the transitional period and referred to in sub-sections (1) and (2) of section *nine*, or the secretary and treasurer of the Territorial Authority operating after the transitional period, appointed under sub-section (1) of section *eighty*, according to the context;

„Supervisory Officer” shall mean the officer appointed in terms of sub-section (1) of section *seventy-seven*;

„Territorial Authority” shall mean the Transkeian Territorial Authority established under sub-section (1) of section *four*;

„transitional period” shall mean the period from the fixed date to the date referred to in sub-section (3) of section *four*;

„tribe” shall include a section of a tribe, or a sub-tribe or clan, or a section of a sub-tribe or clan.

116. This Proclamation may be cited for all purposes as the Transkeian Bantu Authorities Proclamation.

GOD SAVE THE QUEEN.

Given under my Hand and Great Seal at Pretoria on this Sixteenth day of August, One thousand Nine hundred and Fifty-six.

E. G. JANSEN,  
Governor-General.

By Command of His Excellency the  
Governor-General-in-Council.

H. F. VERWOERD.



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