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CAPE TOWN, 19TH JUNE, 1957.

KAAPSTAD, 19 JUNIE 1957.

PRYS 6d. [No. 5888.

DEPARTMENT OF THE PRIME MINISTER.

The following Government Notice is published for general information:-

. 891.] [19th June, 1957.
It is hereby notified that His Excellency the Officer ministering the Government has been pleased to assent to the following Acts, which are hereby published for general information:-

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HOUSE OF ASSEMBLY.

14th June, 1957.

The following Bill, having been introduced into the House of Assembly, is published in accordance with Standing Order No. 163 (1).

J. M. HUGO,
Clerk of the House of Assembly.

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DEPARTEMENT VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:-

No. 891.] [19 Junie 1957.
Hierby word bekend gemaak dat dit Sy Eksellensie die Amtenaar belas met die Uitoefening van die Uitvoerende Gesag behaag het om sy goedkeuring te heg aan onderstaande Wette wat hierby ter algemene inligting gepubliseer word:-

BLADSY
No. 45 van 1957: Wysigingswet op die Hartebeestpoort-besproeiingskema (Krokodilrivier), 1957
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No. 46 van 1957: Wysigingswet op Staatsondersteunde Inrigtings, 1957
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No. 53 van 1957: Wet op Vervoerdienste vir Naturelle, 1957
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VOLKSRAAD.

14 Junie 1957.

Die volgende Wetsontwerp, ingedien in die Volksraad, word gepubliseer ingevolge artikel 163 (1) van die Reglement van Orde.

J. M. HUGO,
Klerk van die Volksraad.

BLADSY
VW. 89—'57: Wysigingswetsontwerp op die Strafregh, 1957
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No. 45, 1957.]

ACT

To amend the Hartebeestpoort Irrigation Scheme (Crocodile River) Act, 1914.

(English text signed by the Officer Administering the Government.)

(Assented to 11th June, 1957.)

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

Amendment of section 5 of Act 32 of 1914, as amended by section 12 of Act 37 of 1943, section 19 of Act 46 of 1944 and section 2 of Act 22 of 1948.

1. (1) Section *five* of the Hartebeestpoort Irrigation Scheme (Crocodile River) Act, 1914 (hereinafter referred to as the principal Act), is hereby amended—

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

“(1) (a) The Minister may from time to time assess rates (in this Act referred to as irrigation rates) on land which may be irrigated with water supplied, abstracted or distributed from the works or from a public stream or any natural channel (as defined in section *one* of the Water Act, 1956 (Act No. 54 of 1956)) in the Hartebeestpoort Government Water Control Area, or assess charges for water so abstracted, supplied or distributed for the irrigation of such land, or assess both such rates and such charges, and may also from time to time assess charges in respect of water supplied under section *five bis* to any local authority or irrigation board or any other person, and may recover the rates or charges so assessed from the owners of the said land or, as the case may be, from the local authority, irrigation board or person concerned.

(b) No such rates or charges shall be assessed in respect of such extent of any private riparian land as is capable of being irrigated, from private irrigation works which existed on the first day of December, 1913, by means of that portion of the normal flow to which such land is entitled.

(c) The director shall cause the lands mentioned in paragraph (b) to be surveyed by a competent land surveyor and shewn on an approved diagram and cause one copy thereof to be lodged with the registrar of deeds in charge of the deeds registry at Pretoria, and one copy to be given to the owner of the land in question.

(d) Upon receipt of such diagram and the title deed of the owner of the land, the said registrar shall endorse on such title deed that the land is entitled to the exemption referred to in paragraph (b).

(e) No such rates or charges shall be payable by the State.”;

(b) by the insertion in sub-section (2) after the word “rates” wherever it occurs of the words “or charges”;

(c) by the substitution in paragraph (a) of sub-section (3) for the words “prescribed by regulation” of the words “or charges assessed in terms of sub-section (1)”;

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

“(4) The provisions of paragraph (b) of sub-section (1) and sub-sections (2) and (4) of section *sixty-six* of the Water Act, 1956 (Act No. 54 of 1956), shall *mutatis mutandis* apply in respect of any rates or charges assessed in terms of this section.”.

(2) Anything done under any provision of proviso (b) or (c) to sub-section (1) of section *five* of the principal Act prior to the commencement of this Act, shall be deemed to have been done

No. 45, 1957.]

WET

Tot wysiging van die „Hartebeestpoort Besproeiingsschema (Krokodilrivier) Wet 1914.”

*(Engelse teks deur die Amtenaar belas met die
Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur 11 Junie 1957.)*

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

1. (1) Artikel *vyf* van die „Hartebeestpoort Besproeiings-schema (Krokodilrivier) Wet 1914” (hieronder die Hoofwet genoem), word hierby gewysig— Wysiging van artikel 5 van Wet 32 van 1914, soos gewysig deur artikel 12 van Wet 37 van 1943, artikel 19 van Wet 46 van 1944 en artikel 2 van Wet 22 van 1948.

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

„(1) (a) De Minister kan van tijd tot tijd belastingen (in deze Wet besproeiingsbelasting genoemd) heffen op grond die met water uit de werken of uit een openbare stroom of een natuurlike bedding (zoals in artikel één van de Waterwet, 1956 (Wet No. 54 van 1956), omschreven) in het Hartebeestpoort Staatswaterbeheergebied verschaft, uitgenomen of verdeeld, besproeid kan worden, of vorderingen heffen voor water voor het besproeien van die grond aldus verschaft, uitgenomen of verdeeld, of beide zodanige belastingen en zodanige vorderingen heffen, en kan ook van tijd tot tijd vorderingen heffen ten opzichte van water ingevolge artikel *vijf bis* aan een plaatselike overheid of besproeiingsraad of andere persoon verschaft, en kan de aldus geheven belastingen of vorderingen op de eigenaars van bedoelde grond of, naар gelang van het geval, op de betrokken plaatselike overheid, besproeiingsraad of persoon verhalen.

(b) Zodanige belastingen of vorderingen worden niet geheven ten opzichte van zulk een oppervlakte van private oevergrond als uit private besproeiingswerken die op de eerste dag van December 1913 bestonden, door middel van dat gedeelte van de normale stroming waarop die grond gerechtigd is, besproeid kan worden.

(c) De direkteur laat de in paragraaf (b) bedoelde gronden door een bevoegde landmeter opmeten en op een goedgekeurde kaart aantonen, en laat één afschrift daarvan bij de registrateur van akten in bevel van de registratiekantoor van akten te Pretoria indienen en één afschrift aan de eigenaar van de betrokken grond leveren.

(d) Bij ontvangst van die kaart en de transportakte van de eigenaar van de grond tekent bedoelde registrateur op die transportakte aan dat de grond op de in paragraaf (b) bedoelde vrijstelling gerechtigd is.

(e) Zodanige belastingen en vorderingen zijn niet door de Staat betaalbaar.”;

(b) deur in sub-artikel (2) na die woord „besproeiingsbelasting” en na die woord „belasting” die woord „of vorderingen” in te voeg;

(c) deur in paragraaf (a) van sub-artikel (3) die woord „bij regulatie voorgeschreven belasting” deur die woord „ingevolge sub-artikel (1) geheven belastingen of vorderingen” te vervang; en

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

„(4) De bepalingen van paragraaf (b) van sub-artikel (1) en sub-artikels (2) en (4) van artikel *zes en zestig* van de Waterwet, 1956 (Wet No. 54 van 1956), zijn *mutatis mutandis* van toepassing met betrekking tot belastingen of vorderingen ingevolge dit artikel geheven.”.

(2) Enigets voor die inwerkingtreding van hierdie Wet ingevolge 'n bepaling van voorbehoudsbepaling (b) of (c) by sub-artikel (1) van artikel *vyf* van die Hoofwet gedoen, word

Amendment of section *5bis* of Act 32 of 1914, as inserted by section 3 of Act 22 of 1948.

Amendment of section 6 of Act 32 of 1914, as amended by section 4 of Act 22 of 1948.

Substitution of section 7 of Act 32 of 1914, as amended by section 11 of Act 21 of 1928, section 20 of Act 46 of 1944 and section 5 of Act 22 of 1948.

Amendment of section 10 of Act 32 of 1914, as amended by section 112 of Act 32 of 1917 and section 6 of Act 22 of 1948.

Amendment of section 15 of Act 32 of 1914, as amended by section 8 of Act 22 of 1948.

Amendment of section 16 of Act 32 of 1914.

Short title.

under the corresponding provision of paragraph (c) or (d) of that sub-section as substituted by sub-section (1) of this section.

2. Section *five bis* of the principal Act is hereby amended by the insertion in sub-section (2) after the words "irrigation rates" of the words "or charges".

3. Section *six* of the principal Act is hereby amended by the insertion after the word "rates" of the words "or charges".

4. The following section is hereby substituted for section *seven* of the principal Act:

"Quantity of water which may be supplied annually from the works for use for agricultural purposes (as defined in section *one* of the Water Act, 1956 (Act No. 54 of 1956)) upon any land (including land within the area of jurisdiction of any local authority or irrigation board or under the control of any person) included in a schedule prepared in terms of sub-section (7) of section *sixty-three* of the Water Act, 1956 (Act No. 54 of 1956), which quantity shall not exceed 158,600 cubic feet per morgen per annum in respect of the extent of land referred to in sub-paragraph (v) of paragraph (a) of the said sub-section, and the Minister may, on such conditions and subject to the payment of such rates and such charges as he may assess in terms of sub-section (1) of section *five*, supply from the works for such use upon the said land such quantities of water, in addition to the quantity so determined, as he may deem fit."

5. Section *ten* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "assessed and payable in manner fixed by regulation" of the word "payable"; and
- (b) by the insertion in sub-section (3) after the word "rates" wherever it occurs of the words "or charges".

6. Section *fifteen* of the principal Act is hereby amended—

- (a) by the substitution for paragraph (c) of the following paragraph:
"(c) the method of assessing and recovering irrigation rates or charges under section *five*"; and
- (b) by the repeal of paragraph (d).

7. Section *sixteen* of the principal Act is hereby amended by the insertion in paragraph (f) after the word "rates" of the words "or charges".

8. This Act shall be called the Hartebeestpoort Irrigation Scheme (Crocodile River) Amendment Act, 1957.

geag ingevolge die ooreenstemmende bepaling van paragraaf (c) of (d) van daardie sub-artikel, soos deur sub-artikel (1) van hierdie artikel vervang, gedoen te gewees het.

2. Artikel vyf bis van die Hoofwet word hierby gewysig deur Wysiging van artikel 5bis van Wet 32 van 1914, in sub-artikel (2) na die woord „besproeiingsbelasting” die woorde „of vorderingen” in te voeg.

Wysiging van artikel 3 van Wet 22 van 1948.

3. Artikel ses van die Hoofwet word hierby gewysig deur na Wysiging van artikel 6 van die woord „besproeiingsbelasting” die woorde „of vorderingen” in te voeg.

Wet 32 van 1914, soos gewysig deur artikel 4 van Wet 22 van 1948.

4. Artikel sewe van die Hoofwet word hierby deur die Vervanging van artikel 7 van volgende artikel vervang:

7. De Minister bepaalt de hoeveelheid water dat „Hoeveelheid water jaarliks uit de werken verschaft kan worden voor dat voor gebruik voor landbouwdoeleinden (zoals in artikel gebruik voor één van de Waterwet, 1956 (Wet No. 54 van 1956), landbouwdoeleinden omschreven) op enige grond (met inbegrip van verschafft grond binnen het rechtsgebied van een plaatselijke overheid of besproeiingsraad of onder het beheer van enige persoon) die opgenomen is in een lijst ingevolge sub-artikel (7) van artikel drie en zestig van de Waterwet, 1956 (Wet No. 54 van 1956), opgesteld, zullende die hoeveelheid ten opzichte van de oppervlakte van grond in sub-paragraaf (v) van paragraaf (a) van dat sub-artikel bedoeld 158,600 kubieke voet per morg per jaar niet te boven gaan, en de Minister kan, op de voorwaarden en onderworpen aan de betaling van belastingen en vorderingen ingevolge sub-artikel (1) van artikel vijf door hem geheven, uit de werken voor zodanig gebruik op bedoelde grond zulke hoeveelheden water benevens de aldus bepaalde hoeveelheid verschaffen als hem goeddunkt.”.

5. Artikel tien van die Hoofwet word hierby gewysig—
 (a) deur in sub-artikel (1) die woord „wordt besproeiingsbelasting opgelegd en is op de bij regulatie vastgestelde wijze” deur die woord „is besproeiingsbelasting” te vervang; en
 (b) deur in sub-artikel (3) na die woord „besproeiingsbelasting” orals waar dit voorkom die woorde „of vorderingen” in te voeg.

Wysiging van artikel 10 van Wet 32 van 1914, soos gewysig deur artikel 112 van Wet 32 van 1917 en artikel 6 van Wet 22 van 1948.

6. Artikel vyftien van die Hoofwet word hierby gewysig—
 (a) deur paragraaf (c) deur die volgende paragraaf te vervang:
 „(c) de wijze van aanslag en verhaal van besproeiingsbelasting of vorderingen ingevolge artikel vijf;” en
 (b) deur paragraaf (d) te skrap.

Wysiging van artikel 15 van Wet 32 van 1914, soos gewysig deur artikel 8 van Wet 22 van 1948.

7. Artikel sextien van die Hoofwet word hierby gewysig deur Wysiging van in paragraaf (f) na die woord „belasting” die woerde „of vorderingen” in te voeg.

Wysiging van artikel 16 van Wet 32 van 1914.

8. Hierdie Wet heet die Wysigingswet op die Hartebeestpoort-besproeiingskema (Krokodilrivier), 1957.

No. 46, 1957.]

ACT

To amend the State-aided Institutions Act, 1931.

(Afrikaans text signed by the Officer Administering
the Government.)

(Assented to 12th June, 1957.)

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

Amendment of
section 5 of
Act 23 of 1931.

1. Section *five* of the State-aided Institutions Act, 1931, is hereby amended by the addition of the following sub-section after sub-section (2):

“(3) A board may, subject to the approval of the Minister, determine during what hours and under what conditions and restrictions the public or any group of persons or persons belonging to a particular race or class may visit an institution or portion thereof and what admission charges shall be payable.”.

Amendment of
section 7 of
Act 23 of 1931
as amended by
section 2 of
Act 48 of 1954.

2. Section *seven* of the State-aided Institutions Act, 1931, is hereby amended by the deletion of paragraph (e) of sub-section (1).

Short title.

3. This Act shall be called the State-aided Institutions Amendment Act, 1957.

No. 46, 1957.]

WET

Tot wysiging van die Wet op Staatsondersteunde Inrigtings, 1931.

*(Afrikaanse teks deur die Amtenaar belas met die
Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur 12 Junie 1957.)*

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

1. Artikel *vyf* van die Wet op Staatsondersteunde Inrigtings, Wysiging van
1931, word hierby gewysig deur die volgende sub-artikel na artikel 5 van
sub-artikel (2) in te voeg:

„(3) 'n Raad kan, onderworpe aan goedkeuring van die
Minister, bepaal gedurende watter ure en onder watter
voorwaardes en beperkings die publiek of enige groep
personne of persone van 'n bepaalde ras of klas 'n inrigting
of gedeelte daarvan mag besoek en watter toegangsgelde
betaal moet word.”.

2. Artikel *sewe* van die Wet op Staatsondersteunde Inrigtings, Wysiging van
1931, word hierby gewysig deur paragraaf (e) van sub-artikel
(1) te skrap.
Wysiging van
artikel 7 van
Wet 23 van 1931
soos deur artikel
2 van Wet 48 van
1954 gewysig.

3. Hierdie Wet heet die Wysigingswet op Staatsondersteunde **Kort titel**.
Inrigtings, 1957.

No. 53, 1957.]

ACT

To provide for the payment of contributions by employers towards the cost of transport services for their native employees, and for the establishment of a Native Transport Services Account; to amend the Motor Carrier Transportation Act, 1930, the Natives (Urban Areas) Consolidation Act, 1945, and the Native Services Levy Act, 1952; and to provide for other incidental matters.

*(English text signed by the Officer Administering
the Government.)
(Assented to 14th June, 1957.)*

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

Definitions.

1. (1) In this Act, unless the context otherwise indicates—
 - (i) "account" means the Native Transport Services Account established under section *seven*; (vi)
 - (ii) "adult native" means a native who has reached the age of eighteen years; (ix)
 - (iii) "commission" means the National Transport Commission appointed under section *three* of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948); (iii)
 - (iv) "contribution" means the contribution referred to in section *three*; (i)
 - (v) "declared area" means a declared area as defined in section *two*; (viii)
 - (vi) "employer" means a person who employs one or more adult male natives, and includes the Union Government, the South African Railways and Harbours Administration and any provincial administration; (x)
 - (vii) "inspector" means an inspector appointed under section *six*; (ii)
 - (viii) "Minister" means the Minister of Transport; (iv)
 - (ix) "native" means any person who is a member of an aboriginal race or tribe of Africa; (v)
 - (x) "urban local authority" means—
 - (a) any municipal council, borough council, town council or village council, or any town board, village management board, local board, health board or health committee; and
 - (b) any other body contemplated in paragraph (vi) of section *eighty-five* of the South Africa Act, 1909, having jurisdiction in an area in respect of which or of a portion of which the Minister has in terms of paragraph (b) of sub-section (1) of section *two* declared the provisions of this Act to be applicable. (vii)
- (2) Whenever in any proceedings under this Act doubt arises as to whether—
 - (a) any person is a native, such person shall be presumed to be a native; or
 - (b) any native has reached the age of eighteen years, such native shall be presumed to have reached that age, unless the contrary is proved.

**Application
of Act.**

2. (1) This Act shall, subject to the provisions of sub-section (2), apply in respect of every declared area, that is to say—
 - (a) any area under the jurisdiction of an urban local authority referred to in paragraph (a) of the definition of "urban local authority" in sub-section (1) of section *one*, within which more than twenty thousand natives reside together with any area in respect of which that urban local authority has by proclamation under sub-section (1) of section *twenty-three* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), been required to exercise any of the powers mentioned in the lastmentioned sub-section; and
 - (b) any other area under the jurisdiction of such an urban local authority, or area or portion of an area under the jurisdiction of any other body contemplated by paragraph (vi) of section *eighty-five* of the South Africa Act, 1909, which the Minister may, after consultation with the commission and such urban

No. 53, 1957.]

WET

Om voorsiening te maak vir die betaling van bydraes deur werkgewers tot die koste van vervoerdienste vir hul naturelle-werknemers, en vir die instelling van 'n Rekening vir Naturellevervoerdienste; tot wysiging van die Motortransportwet, 1930, die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, en die Wet op Heffings vir Naturelledienste, 1952; en om vir ander bykomstige aangeleenthede voor-siening te maak.

*(Engelse teks deur die Amtenaar belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur 14 Junie 1957.)*

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

1. (1) Tensy uit die samehang anders blyk, beteken in Woordbepaling hierdie Wet—

- (i) „bydrae” die bydrae in artikel *drie* bedoel; (iv)
 - (ii) „inspekteur” 'n inspekteur kragtens artikel *ses* aan-gestel; (vii)
 - (iii) „kommissie” die Nasionale Vervoerkommissie kragtens artikel *drie* van die Wet op die Koördinering van Vervoer, 1948 (Wet No. 44 van 1948), benoem; (iii)
 - (iv) „Minister” die Minister van Vervoer; (viii)
 - (v) „naturel” iemand wat tot 'n inboorlingras of -stam van Afrika behoort; (ix)
 - (vi) „rekening” die Rekening vir Naturellevervoerdienste by artikel *sewe* ingestel; (i)
 - (vii) „stedelike plaaslike bestuur”—
 - (a) 'n munisipale raad, stadsraad of dorpsraad, of 'n stadsbestuur of dorpsbestuursraad of plaaslike bestuur, gesondheidsraad of gesondheidskomitee; en
 - (b) enige ander liggaam in paragraaf (vi) van artikel *vyf-en-tagtig* van die „Zuid-Afrika Wet, 1909”, beoog, wat regsmag besit in 'n gebied ten opsigte waarvan of van 'n gedeelte waarvan die Minister kragtens paragraaf (b) van sub-artikel (1) van artikel *twee* die bepalings van hierdie Wet van toepassing verklaar het; (x)
 - (viii) „verklaarde gebied” 'n verklaarde gebied soos in artikel *twee* omskryf; (v)
 - (ix) „volwasse naturel” 'n naturel wat die ouderdom van agtien jaar bereik het; (ii)
 - (x) „werkewer” 'n persoon wat een of meer volwasse manlike naturelle in diens het, en ook die Unieregering, die Suid-Afrikaanse Spoerweg- en Hawens-administrasie en 'n provinsiale administrasie. (vi)
- (2) Wanneer daar by 'n geding kragtens hierdie Wet, twyfel ontstaan of—
- (a) 'n persoon 'n naturel is, word vermoed dat sodanige persoon 'n naturel is; of
 - (b) 'n naturel die ouderdom van agtien jaar bereik het, word vermoed dat sodanige naturel daardie ouderdom bereik het,
- tensy die teendeel bewys word.

2. (1) Hierdie Wet is, behoudens die bepalings van sub-artikel (2), van toepassing ten opsigte van elke verklaarde gebied, te wete—

- (a) enige gebied onder die regsmag van 'n stedelike plaaslike bestuur in paragraaf (a) van die omskrywing van „stedelike plaaslike bestuur” in sub-artikel (1) van artikel *een* bedoel, waarin daar meer dan twintigduisend naturelle woon tesame met 'n gebied ten opsigte waarvan daardie stedelike plaaslike bestuur by proklamasie kragtens sub-artikel (1) van artikel *drie-en-twintig* van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), gelas is om van die in laasbedoelde sub-artikel genoemde bevoegdhede uit te oefen; en
- (b) enige ander gebied onder die regsmag van so 'n stedelike plaaslike bestuur, of gebied of deel van 'n gebied onder die regsmag van 'n ander in paragraaf (vi) van artikel *vyf-en-tagtig* van die „Zuid-Afrika Wet, 1909”, beoogde liggaam, wat die Minister, na oorleg-pleging met die kommissie en bedoelde stedelike plaaslike bestuur of die betrokke ander liggaam,

local authority or other body concerned, by notice in the *Gazette* declare to be an area in respect of which the provisions of this Act shall apply.

(2) The Minister may, after consultation with the commission, by notice in the *Gazette*—

- (a) exempt any area referred to in paragraph (a) of sub-section (1) from the operation of this Act, or withdraw any such exemption;
- (b) repeal any notice issued under paragraph (b) of that sub-section in respect of any area under the jurisdiction of an urban local authority referred to in paragraph (a) of the definition of "urban local authority" in that sub-section; or
- (c) repeal or amend any notice issued under paragraph (b) of that sub-section in respect of any other area.

(3) Any notice issued under paragraph (b) of sub-section (1) of section two of the Native Services Levy Act, 1952 (Act No. 64 of 1952), in respect of an area under the jurisdiction of an urban local authority to which the Minister of Native Affairs has given any direction under section five of that Act, which is in force at the commencement of this Act, shall be deemed to be also a notice issued under paragraph (b) of sub-section (1) of this section declaring the said area to be an area in respect of which the provisions of this Act shall apply.

(4) An urban local authority which is in terms of section forty of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), co-operating with any other urban local authority in carrying out or complying with all or any of the provisions of that Act, may, on such conditions as may be approved by the Minister, after consultation with the commission, and made known by notice in the *Gazette*, co-operate with that other urban local authority in carrying out or complying with any provision of this Act.

Payment of contributions to special native transport account.

3. (1) Every employer within a declared area shall pay to the urban local authority concerned for the benefit of the special native transport account, to be opened by that local urban authority in terms of section five, and such local urban authority shall itself pay into that account, a contribution determined according to the number of days on which work is performed in the service of that employer or that local authority, as the case may be, by adult male natives, and calculated at the rate of six pence (or such higher or lower rate as the Minister may, after consultation with the commission, fix by notice in the *Gazette* in respect of that declared area) for every six days of the aggregate number of days on which work is so performed: Provided any higher rate so fixed shall not exceed one shilling for every six days of the aggregate number of days on which work is so performed.

(2) No contribution shall be payable in respect of—

- (a) any domestic servant employed by a private householder; or
- (b) any adult male native for whom his employer provides accommodation approved by any competent authority having jurisdiction in the area in which that accommodation is situated if no charge is made for such accommodation apart from any amount permitted by a determination under the Wage Act, 1937 (Act No. 44 of 1937), or an agreement under the Industrial Conciliation Act, 1956 (Act No. 28 of 1956).

(3) The Minister may, after consultation with the commission, by notice in the *Gazette* prescribe that in the case of any declared area specified in the notice contributions shall not be payable, or shall be payable at such reduced rate as may be so specified, in respect of adult male natives employed in any particular class of employment or in respect of any particular class of natives.

(4) In calculating the amount of the contribution payable by any employer (including any urban local authority) in respect of any period for which payment is required to be made—

- (a) the aggregate number of days on which work was performed in the service of that employer by adult male natives during that period shall be taken as the

by kennisgewing in die *Staatskoerant* tot 'n gebied ten opsigte waarvan die bepalings van hierdie Wet van toepassing is, mag verklaar.

(2) Die Minister kan, na oorlegpleging met die kommissie, by kennisgewing in die *Staatskoerant*—

- (a) 'n in paragraaf (a) van sub-artikel (1) bedoelde gebied van die toepassing van hierdie Wet vrystel, of sodanige vrystelling intrek;
- (b) enige kennisgewing herroep wat kragtens paragraaf (b) van daardie sub-artikel uitgevaardig is ten opsigte van 'n gebied onder die regsmag van 'n stedelike plaaslike bestuur in paragraaf (a) van die omskrywing van „stedelike plaaslike bestuur“ in daardie sub-artikel bedoel; of
- (c) 'n kragtens paragraaf (b) van daardie sub-artikel uitgevaardigde kennisgewing ten opsigte van enige ander gebied, herroep of wysig.

(3) Enige kennisgewing wat kragtens paragraaf (b) van sub-artikel (1) van artikel *twoe* van die Wet op Heffings vir Naturelle-dienste, 1952 (Wet No. 64 van 1952), uitgevaardig is ten opsigte van 'n gebied onder die gesag van 'n stedelike plaaslike bestuur waaraan die Minister van Naturellesake 'n opdrag kragtens artikel *vyf* van daardie Wet gegee het, en wat by die inwerkintreding van hierdie Wet van krag is, word geag ook 'n kennisgewing te wees wat kragtens paragraaf (b) van sub-artikel (1) van hierdie artikel uitgevaardig is en waarby bedoelde gebied verklaar word 'n gebied te wees ten opsigte waarvan die bepalings van hierdie Wet van toepassing is.

(4) 'n Stedelike plaaslike bestuur wat kragtens artikel *veertig* van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), met 'n ander stedelike plaaslike bestuur saamwerk in verband met die uitvoering of nakoming van een of meer van die bepalings van daardie Wet, kan op die voorwaardes wat deur die Minister na oorlegpleging met die kommissie goedgekeur en by kennisgewing in die *Staatskoerant* bekendgemaak mag word, met daardie ander stedelike plaaslike bestuur saamwerk in verband met die uitvoering of nakoming van 'n bepaling van hierdie Wet.

3. (1) Elke werkewer binne 'n verklaarde gebied moet aan die betrokke stedelike plaaslike bestuur, ten bate van die spesiale naturellevervoerrekening wat ooreenkomsdig artikel *vyf* deur daardie stedelike plaaslike bestuur aangelê moet word, 'n bydrae betaal, en so 'n stedelike plaaslike bestuur moet self in bedoelde rekening 'n bydrae betaal, wat bepaal word volgens die aantal dae waarop werk in die diens van daardie werkewer of daardie stedelike plaaslike bestuur, al na die geval, deur volwasse manlike naturelle verrig word, en bereken word teen die skaal van ses pennies (of so 'n hoër of laer skaal as wat die Minister in die geval van daardie verklaarde gebied na oorlegpleging met die kommissie by kennisgewing in die *Staatskoerant* mag vasstel) vir elke ses dae van die totale aantal dae waarop werk aldus verrig word: Met dien verstande dat 'n aldus vasgestelde hoër skaal nie een sjieling vir elke ses dae van die totale aantal dae waarop werk aldus verrig word, te bove gaan nie.

Betaling van
bydraes tot
spesiale
naturelle-
vervoerrekening.

(2) Geen bydrae word betaal nie ten opsigte van—

- (a) 'n huisbediende in diens van 'n private huiseienaar; of
- (b) 'n volwasse manlike naturel vir wie sy werkewer huisvesting verskaf wat goedgekeur is deur 'n bevoegde owerheid wat regsmag besit in die gebied waarin daardie huisvesting geleë is, indien geen bedrag vir daardie huisvesting bereken word nie, afgesien van enige bedrag wat ingevolge 'n vasstelling onder die Loonwet, 1937 (Wet No. 44 van 1937), of 'n ooreenkoms onder die Wet op Nywerheidsversoening, 1956 (Wet No. 28 van 1956), toegeelaat word.

(3) Die Minister kan, na oorlegpleging met die kommissie, by kennisgewing in die *Staatskoerant* voorskryf dat, in die geval van 'n verklaarde gebied in die kennisgewing vermeld, bydraes ten opsigte van volwasse manlike naturelle werksaam in werk van een of ander bepaalde soort, of ten opsigte van naturelle van een of ander bepaalde kategorie, nie betaalbaar is nie of betaalbaar is teen die verminderde skaal aldus vermeld.

(4) By die berekening van die bedrag van die bydrae betaalbaar deur 'n werkewer (insluitende 'n stedelike plaaslike bestuur) ten opsigte van 'n tydperk waarvoor betaling moet geskied—

- (a) word die totale aantal dae waarop gedurende daardie tydperk werk in die diens van daardie werkewer deur volwasse manlike naturelle verrig is, geneem as die som van die onderskeie totale aantal dae

sum of the respective total numbers of days on which work was so performed by each adult male native who was in the service of that employer at any time during that period;

(b) every period of—

(i) five days on which work is performed by adult male natives in the service of an employer who regularly employs such natives on not more than five days in each week; or

(ii) seven days on which work is performed by such natives in the service of an employer who regularly employs such natives on seven days in each week,

shall be counted as six days;

(c) any fraction of five, six or seven days of the said aggregate number of days (according to the number of days per week on which adult male natives are regularly employed by the employer concerned) shall be counted as six days.

(5) If in any proceedings under this Act it is proved that—

(a) any contract of service entered into between an employer and a native was in terms of any law relating to the registration of contracts of service entered into by natives, registered by such employer; or

(b) particulars of a contract of service entered into between an employer and a native were in terms of sub-section (1) of section *eight* of the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952), lodged with a native commissioner,

it shall be presumed, until the contrary is proved, that such native performed work in the service of such employer on every day throughout the period during which such contract of service remained so registered or, as the case may be, remained in existence according to the records kept by such native commissioner.

**Prohibition
on deductions
from wages.**

4. An employer shall not reduce or deduct any amount from the salary, wages or allowances or terminate the employment of any adult male native by reason of the fact that such employer is required to pay any contribution.

**Establish-
ment of
special
native
transport
accounts.**

5. (1) An urban local authority shall, as soon as contributions become payable to or by it under this Act, open a special native transport account in which all such contributions and all other amounts which may become payable to or by that local authority under this Act, shall be deposited and from which shall be paid—

(a) to the Secretary for Transport, all amounts which the Minister may from time to time direct that urban local authority to pay to the said Secretary; and

(b) to that local authority, such amounts in respect of the administration expenses of the said account as the Minister may, after consultation with the commission, from time to time direct.

(2) Any amounts payable in pursuance of a direction under sub-section (1) shall be paid at such times as the Minister may determine.

(3) (a) Any moneys which at the commencement of this Act are payable to the Secretary for Transport in pursuance of a direction by the Minister of Native Affairs under section *five* of the Native Services Levy Act, 1952 (Act No. 64 of 1952), shall be deemed to be so payable in pursuance of a direction by the Minister under sub-section (1) of this section.

(b) Any moneys which, but for the repeal by section *eleven* of this Act, of section *five* of the Native Services Levy Act, 1952, would have been payable to the Secretary for Transport in pursuance of a direction by the Minister of Native Affairs under the said section *five* in respect of any period prior to the commencement of this Act in respect of which contributions are at such commencement payable under that Act by any urban local authority or by any employer to that urban local authority, shall for the purposes of paragraph (a) be deemed to be payable to the Secretary for Transport at the commencement of this Act.

waarop werk aldus verrig is deur elke volwasse manlike naturel wat te eniger tyd gedurende daardie tydperk in die diens van daardie werkewer was;

- (b) word elke tydperk van—
 - (i) vyf dae waarop deur volwasse manlike naturelle werk verrig word in die diens van 'n werkewer wat sodanige naturelle gereeld op hoogstens vyf dae in elke week in diens het; of
 - (ii) sewe dae waarop deur sodanige naturelle werk verrig word in die diens van 'n werkewer wat sodanige naturelle gereeld op sewe dae in elke week in diens het,
- (c) as ses dae gereken;

- (5) Indien dit in 'n geding kragtens hierdie Wet bewys word dat—
- (a) 'n dienskontrak tussen 'n werkewer en 'n naturel aangegaan, deur die werkewer geregistreer is ingevolge 'n wet betreffende die registrasie van dienskonakte deur naturelle aangegaan; of
 - (b) besonderhede van 'n dienskontrak tussen 'n werkewer en 'n naturel aangegaan, ingevolge sub-artikel (1) van artikel *agt* van die Naturelle (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952 (Wet No. 67 van 1952), by 'n naturellekommissaris ingelewer is,

word dit vermoed, totdat die teendeel bewys word, dat daardie naturel werk in die diens van daardie werkewer verrig het op elke dag dwarsdeur die tydperk gedurende welke daardie dienskontrak aldus geregistreer gebly het of, na gelang van die geval, volgens die aantekeninge wat daardie naturellekommissaris hou, bly bestaan het.

4. 'n Werkewer mag nie die salaris, loon of toelae van 'n Verbod op vermindering van lone. Vermindering van lone.

5. (1) 'n Stedelike plaaslike bestuur moet, sodra bydraes ingevolge hierdie Wet aan of deur hom betaalbaar word, 'n Instelling van spesiale naturelle-vervoerrekenings. spesiale naturelle-vervoerrekenings.

- (a) aan die Sekretaris van Vervoer, alle bedrae wat die Minister daardie stedelike plaaslike bestuur van tyd tot tyd mag gelas om aan bedoelde Sekretaris te betaal; en
- (b) aan daardie plaaslike bestuur, sodanige bedrae ten opsigte van die administrasiekoste van bedoelde rekening as wat die Minister van tyd tot tyd na oorlegpleging met die kommissie mag gelas.

(2) Enige bedrae uit hoofde van 'n lasgewing kragtens sub-artikel (1) betaalbaar, moet betaal word op die tye wat die Minister bepaal.

- (3) (a) Enige gelde wat by die inwerkingtreding van hierdie Wet uit hoofde van 'n opdrag deur die Minister van Naturellesake kragtens artikel *vyf* van die Wet op Heffings vir Naturelledienste, 1952 (Wet No. 64 van 1952), aan die Sekretaris van Vervoer betaalbaar is, word geag uit hoofde van 'n lasgewing deur die Minister kragtens sub-artikel (1) van hierdie artikel aldus betaalbaar te wees.
- (b) Enige gelde wat, as artikel *vyf* van die Wet op Heffings vir Naturelledienste, 1952, nie deur artikel *elf* van hierdie Wet herroep was nie, ingevolge 'n opdrag deur die Minister van Naturellesake kragtens bedoelde artikel *vyf* aan die Sekretaris van Vervoer betaalbaar sou gewees het ten opsigte van 'n tydperk voor die inwerkingtreding van hierdie Wet ten opsigte waarvan bydraes by bedoelde inwerkingtreding ingevolge daardie Wet deur 'n stedelike plaaslike bestuur of deur 'n werkewer aan daardie stedelike plaaslike bestuur betaalbaar is, word by die toepassing van paragraaf (a) geag by die inwerkingtreding van hierdie Wet aan die Sekretaris van Vervoer betaalbaar te wees.

**Appointment
of
inspectors.**

(4) All moneys paid to the Secretary for Transport in terms of this section shall be paid into the Consolidated Revenue Fund and shall be dealt with as prescribed in section *seven*.

**Establish-
ment of
Native
Transport
Services
Account.**

6. An urban local authority to which contributions are payable may appoint one or more inspectors who shall exercise such powers and perform such functions and duties as may be prescribed by regulation under this Act.

7. (1) There is hereby established a Native Transport Services Account into which shall be paid—

(a) at such times during each financial year and in such manner as the Secretary to the Treasury may determine, an amount equal to the total amount paid into the Consolidated Revenue Fund during that year in terms of section *five* and such other amounts as are or may from time to time become payable into the account; and

(b) all moneys in the Native Transport Services Account, established under section *seventeen bis* of the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), at the commencement of this Act.

(2) The account shall be administered by the commission, which may in its discretion, but subject to the provisions of sub-sections (5) and (6), apply the moneys therein to—

(a) the payment of subsidies or the granting of loans to any person who conveys native passengers for reward to, from or within the area of jurisdiction of any urban local authority which has been required under section *five* to pay amounts to the Secretary for Transport, in order to enable such person to provide an efficient transport service at a reasonable charge to the native users thereof;

(b) assisting natives directly or indirectly to defray the cost of using a transport service to, from or within the area of jurisdiction of any such urban local authority, in order to enable such natives to enjoy an efficient transport service at a reasonable charge to such natives, or to the payment of contributions towards the cost of so assisting natives;

(c) the payment of the administration expenses of the account as determined from time to time by agreement between the Minister of Finance and the Minister;

(d) the payment of the cost of any investigation or examination which the commission considers necessary in connection with any payment or proposed payment under paragraph (a) or (b), or any loan or proposed loan under paragraph (a), and which is undertaken on the instructions of the commission by any person who is not in the full-time employment of the State.

(3) Any payment made by the commission under paragraph (a) or (b) of sub-section (2) may, subject to the provisions of sub-section (6), be made—

(a) subject to such conditions as the commission may consider necessary to impose, and to the right of the commission at any time to vary or cancel any such condition or add further conditions to those already imposed;

(b) in respect of any past period, but not from a date earlier than that on which amounts became payable under the Native Services Levy Act, 1952, to the Secretary for Transport in respect of the urban local authority to, from or within whose area of jurisdiction the transport service in respect of which such payment is to be made is operating or will operate or, in the case of an urban local authority in respect of which no amount has become so payable, from a date earlier than that on which contributions in respect of that urban local authority have become payable under this Act.

(4) Any loan made by the commission under paragraph (a) of sub-section (2) may, subject to the provisions of sub-section (6), be made on any such conditions as the commission may consider necessary to impose, and the commission may at any time vary or cancel any such condition or add further conditions to those already imposed.

(5) The moneys paid into the account in terms of sub-section (1) in respect of any particular urban local authority, shall not be applied to any purpose connected with a transport

(4) Alle gelde ingevolge hierdie artikel aan die Sekretaris van Vervoer betaal, word in die Gekonsolideerde Inkomstefonds gestort en volgens voorskrif van artikel *sewe* mee gehandel.

6. 'n Stedelike plaaslike bestuur waaraan bydraes betaalbaar is, kan een of meer inspekteurs aanstel wat die bevoegdhede uitoefen en die werksaamhede en pligte verrig wat by regulasie kragtens hierdie Wet voorgeskryf word. Aanstelling van inspekteurs.

7. (1) Hierby word 'n Rekening vir Naturellevervoerdienste ingestel waarin— Instelling van Rekening vir naturellevervoerdienste.

(a) op die tye gedurende elke boekjaar en op die wyse wat die Sekretaris van die Tesourie bepaal, 'n bedrag gestort word gelyk aan die totale bedrag gedurende daardie jaar ingevolge artikel *vyf* in die Gekonsolideerde Inkomstefonds betaal, en die ander bedrae wat van tyd tot tyd aan die rekening betaalbaar is of word; en

(b) alle gelde gestort word wat by die inwerkingtreding van hierdie Wet in die by artikel *sewentien bis* van die Motortransportwet, 1930 (Wet No. 39 van 1930), ingestelde Rekening vir Naturellevervoerdienste is.

(2) Die rekening word bestuur deur die kommissie wat na goeddunke, maar behoudens die bepalings van sub-artikels (5) en (6), die gelde daarin kan bestee vir—

(a) die betaling van subsidies of die toestaan van lenings aan enige persoon wat naturellepassasiers teen vergoeding vervoer na, van of binne die regsgebied van 'n stedelike plaaslike bestuur wat kragtens artikel *vyf* gelas is om bedrae aan die Sekretaris van Vervoer te betaal, ten einde bedoelde persoon in staat te stel om 'n doeltreffende vervoerdiens teen 'n billike tarief vir die naturellegebruikers daarvan te verskaf;

(b) die verlening van regstreekse of onregstreekse hulp aan naturelle om die koste te betaal van die gebruik van 'n vervoerdiens na, van of binne die regsgebied van so 'n stedelike plaaslike bestuur, ten einde bedoelde naturelle in staat te stel om 'n doeltreffende vervoerdiens teen redelike tariewe vir daardie naturelle te kan geniet, of vir die betaling van bydraes tot die koste om aldus hulp aan naturelle te verleen;

(c) die betaling van die administrasiekoste van die rekening soos van tyd tot tyd by ooreenkoms tussen die Minister van Finansies en die Minister bepaal;

(d) die betaling van die koste van enige navræe of ondersoek wat die kommissie in verband met 'n betaling of voorgestelde betaling ingevolge paragraaf (a) of (b) of 'n lening of voorgestelde lening ingevolge paragraaf (a) nodig ag, en wat in opdrag van die kommissie onderneem word deur iemand wat nie in die voltydse diens van die Staat is nie.

(3) Enige betaling kragtens paragraaf (a) of (b) van sub-artikel (2) deur die kommissie gedoen, kan, behoudens die bepalings van sub-artikel (6), geskied—

(a) onderworpe aan die voorwaardes wat die kommissie nodig vind om op te lê, en aan die reg van die kommissie om so 'n voorwaarde te eniger tyd te verander of in te trek of om verdere voorwaardes op te lê benewens dié wat reeds opgelê is;

(b) ten opsigte van 'n tydperk wat verstryk het, maar nie vanaf 'n vroeër datum nie as die datum waarop ingevolge die Wet op Heffings vir Naturelleledienste, 1952, bedrae aan die Sekretaris van Vervoer betaalbaar geword het ten opsigte van die stedelike plaaslike bestuur na, van of binne wie se regsgebied die vervoerdiens ten opsigte waarvan die betaling moet geskied, voorsien word of sal word of, in die geval van 'n stedelike plaaslike bestuur ten opsigte waarvan geen sodanige bedrag aldus betaalbaar geword het nie, vanaf 'n vroeër datum as die datum van wanneer af bydraes ten opsigte van daardie stedelike plaaslike bestuur ingevolge hierdie Wet betaalbaar geword het.

(4) Enige lening kragtens paragraaf (a) van sub-artikel (2) deur die kommissie toegestaan, kan, behoudens die bepalings van sub-artikel (6), verleen word op die voorwaardes wat die kommissie nodig ag om op te lê, en die kommissie kan te eniger tyd so 'n voorwaarde verander of intrek of verdere voorwaardes oplê benewens dié wat reeds opgelê is.

(5) Die gelde wat ingevolge sub-artikel (1) ten opsigte van 'n bepaalde stedelike plaaslike bestuur in die rekening inbetaal word, word nie vir 'n doel verbonde aan 'n vervoerdiens binne

service within the area of jurisdiction of any other urban local authority, unless the service concerned also serves the area under the jurisdiction of the first-mentioned urban local authority.

(6) The commission shall obtain the approval of the Minister before making any payment under paragraph (a) or (b) of sub-section (2), including any payment made under paragraph (b) of sub-section (3) in respect of a past period, or granting any loan under paragraph (a) of sub-section (2), or imposing any conditions under paragraph (a) of sub-section (3) or sub-section (4), or varying or cancelling any such condition or adding further conditions to those already imposed.

(7) The commission shall pay out of the account into the Consolidated Revenue Fund at such times and in such instalments as the Minister of Finance may, after consultation with the Minister, determine, an amount equal to the sum of any non-interest bearing recoverable advances paid on or after the first day of April, 1950, out of moneys appropriated by Parliament for the purpose, to any person who is the holder of a motor carrier certificate issued in terms of the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), authorizing the conveyance of native passengers for reward by means of a motor vehicle upon a specified route to, from or within the area of jurisdiction of any urban local authority.

Keeping and audit of accounts.

8. The commission shall deposit with the Paymaster-General all moneys received by it on behalf of the account, keep proper accounting records in respect of all accruals to and payments from the account, and in respect of every financial year prepare and submit to the Controller and Auditor-General for examination statements in respect of the account in such form as the Secretary to the Treasury may, in consultation with the Controller and Auditor-General, determine.

Offences and penalties.

9. (1) Any person who—

- (a) contravenes or fails to comply with any provision of this Act or any regulation made thereunder;
- (b) in any statement or particulars which he is in terms of any such regulation required to submit, furnishes information which is false in any material particular, knowing the same to be false;
- (c) falsely holds himself out to be an inspector; or
- (d) obstructs or interferes with an inspector in the exercise of his powers or the performance of his functions or duties in terms of any regulation made under this Act or refuses or fails to comply with any requirement made by an inspector in the exercise of such powers or the performance of such functions or duties,

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

(2) The court convicting any person of an offence which consisted of—

- (a) the failure to pay any amount which was payable by him by way of contribution, may in addition to any penalty imposed in respect of that offence, order the person convicted to pay to the urban local authority to which such amount was payable, an amount equal to the amount which was so payable, plus an additional amount not exceeding ten per cent. thereof or ten shillings, whichever is the greater;

- (b) a contravention of any provision of section *four*, may, in addition to any penalty imposed in respect of that offence, order the person convicted to pay to any adult male native in respect of whom the offence was committed, by way of compensation for loss suffered by that native in consequence of such offence, an amount not exceeding ten pounds,

and any such order may be executed as if it were a civil judgment in favour of the urban local authority or native concerned, as the case may be, and against the person convicted.

(3) Notwithstanding anything to the contrary contained in any law, a magistrate's court shall have jurisdiction to impose any penalty or make any order provided for in this section.

(4) Any fine recovered or bail estreated in respect of a contravention of this Act shall accrue to the urban local authority concerned and shall be paid into the relevant account referred to in sub-section (1) of section *five*.

die regsgebied van 'n ander stedelike plaaslike bestuur bestee nie, tensy die betrokke diens ook die gebied onder die regsmag van eersbedoelde stedelike plaaslike bestuur bedien.

(6) Die kommissie moet die Minister se goedkeuring verkry voordat hy enige betaling kragtens paragraaf (a) of (b) van sub-artikel (2) maak, met inbegrip van 'n betaling wat kragtens paragraaf (b) van sub-artikel (3) gemaak word ten opsigte van 'n tydperk wat verstryk het, of enige lening kragtens paragraaf (a) van sub-artikel (2) toestaan, of enige voorwaardes kragtens paragraaf (a) van sub-artikel (3) of sub-artikel (4) oplê, of so 'n voorwaarde verander of intrek of verdere voorwaardes oplê benewens dié wat reeds opgelê is.

(7) Die kommissie moet uit die rekening in die Gekonsolideerde Inkomstefonds, en wel op die tye en in die paaiemente wat die Minister van Finansies na oorlegpleging met die Minister bepaal, 'n bedrag inbetaal gelyk aan die som van enige nie-rentedraende verhaalbare voorskotte op of na die eerste dag van April 1950 uit gelde deur die Parlement vir die doel bewillig, toegestaan aan iemand wat die houer is van 'n motortransportertifikaat kragtens die Motortransportwet, 1930 (Wet No. 39 van 1930), uitgereik, waarby die vervoer van naturellepassasiers teen vergoeding deur middel van 'n motorvoertuig op 'n bepaalde roete na, van of binne die regsgebied van 'n stedelike plaaslike bestuur gemagtig word.

8. Die kommissie moet alle geldie deur hom ten behoeve Hou en audit van die rekening ontvang by die Betaalmeester-generaal stort, van rekenings, behoorlike rekenings hou ten opsigte van alle bedrae wat die rekening toeval en wat daaruit betaal word, en ten opsigte van elke boekjaar state in die vorm deur die Sekretaris van die Tesourie in oorleg met die Kontroleur en Ouditeur-generaal bepaal, ten opsigte van die rekening opmaak en vir ondersoek aan die Kontroleur en Ouditeur-generaal stuur.

9. (1) Iemand wat—

Misdrywe en strawwe.

- (a) 'n bepaling van hierdie Wet of 'n daaronder uitgevaardigde regulasie oortree of versuum om daaraan te voldoen;
- (b) in 'n opgawe of besonderhede wat hy ingevolge so 'n regulasie moet indien, inligting verstrek wat in 'n wesentlike opsig vals is, met die wete dat dit vals is;
- (c) valslik voorgee dat hy 'n inspekteur is; of
- (d) 'n inspekteur by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede of pligte ingevolge 'n kragtens hierdie Wet uitgevaardigde regulasie hinder of belemmer, of weier of versuum om te voldoen aan 'n vereiste deur 'n inspekteur by die uitoefening van bedoelde bevoegdhede of die verrigting van bedoelde werksaamhede of pligte gestel,

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

(2) Die hof wat iemand veroordeel weens 'n misdryf wat bestaan het uit—

- (a) die versuum om 'n bedrag te betaal wat by wyse van bydrae deur hom verskuldig was, kan benewens enige straf ten opsigte van daardie misdryf opgelê, die veroordeelde beveel om aan die stedelike plaaslike bestuur waaraan bedoelde bedrag betaalbaar was 'n bedrag te betaal gelyk aan die bedrag wat aldus betaalbaar was, plus 'n addisionele bedrag van hoogstens tien persent daarvan of tien sjielings, na gelang van watter die grootste is;
- (b) 'n oortreding van 'n bepaling van artikel vier, kan, benewens enige straf ten opsigte van daardie misdryf opgelê, die veroordeelde beveel om aan enige volwasse manlike naturel ten opsigte van wie die misdryf gepleeg is, 'n bedrag van hoogstens tien pond te betaal by wyse van vergoeding vir verlies ten gevolge van bedoelde misdryf deur daardie naturel gely,

en so 'n bevel kan ten uitvoer gelê word asof dit 'n siviele vonnis ten gunste van die betrokke stedelike plaaslike bestuur of naturel, al na die geval, en teen die veroordeelde was.

(3) Ondanks andersluidende wetsbepalings is 'n magistraatshof bevoeg om enige boete op te lê of bevel uit te vaardig waarvoor in hierdie artikel voorsiening gemaak word.

(4) Elke boete wat verhaal of borgtog wat verbeur word in verband met 'n oortreding van hierdie Wet, val die betrokke stedelike plaaslike bestuur toe en word in die betrokke in sub-artikel (1) van artikel vyf bedoelde rekening betaal.

Regulations.

10. (1) The Minister may make regulations, not inconsistent with this Act, as to—

- (a) the times at which and the manner in which contributions payable by or to any urban local authority shall be paid, the particulars to be lodged with any such urban local authority by any employer when making payment of any contribution payable by him, and the form in which such particulars shall be furnished;
- (b) the records to be kept by employers (including urban local authorities) of adult male natives in respect of whom contributions are payable;
- (c) the determination of the amount of contribution payable where satisfactory records from which such amount may be determined are not available;
- (d) the powers, functions and duties of inspectors,

and generally as to any other matter in regard to which it may be necessary to make regulations in order to ensure the effective administration of this Act.

(2) Any regulation made under this section shall be laid upon the Tables of both Houses of Parliament within fourteen days after promulgation thereof if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session, and shall, if both Houses of Parliament pass resolutions disapproving thereof or of any provision thereof during the session in which it is so laid upon the said Tables, cease to have effect to the extent to which it is so disapproved of, on the day on which the last of such resolutions is passed.

**Amendment
of laws.**

11. (1) Subject to the provisions of sub-section (2), the laws mentioned in the Schedule are hereby amended to the extent set out in the third column of that Schedule.

(2) Any subsidy paid or loan granted or arrangement or payment made or condition imposed or amount deposited or record kept or anything done under any provision of section *seventeen bis* or *seventeen ter* of the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), shall be deemed to have been paid, granted, made, imposed, deposited, kept or done under the corresponding provision of this Act.

(3) The Native Transport Services Account established by section *seventeen bis* of the Motor Carrier Transportation Act, 1930, is hereby abolished.

**Short title
and commence-
ment.**

12. This Act shall be called the Native Transport Services Act, 1957, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

10. (1) Die Minister kan regulasies uitvaardig wat nie met Regulasies hierdie Wet onbestaanbaar is nie, aangaande—

- (a) die tye wanneer en die wyse waarop bydraes wat aan of deur 'n stedelike plaaslike bestuur betaalbaar is, betaal moet word, die besonderhede wat deur 'n werkewer aan so 'n stedelike plaaslike bestuur verstrek moet word wanneer betaling van 'n deur hom betaalbare bydrae geskied, en die vorm waarin sodanige besonderhede verstrek moet word;
- (b) die aantekenings wat deur werkgewers (met inbegrip van stedelike plaaslike besture) gehou moet word van volwasse manlike naturelle ten opsigte van wie bydraes betaalbaar is;
- (c) die vasstelling van die bedrag van die bydrae betaalbaar waar bevredigende aantekeninge daaruit daardie bedrag vasgestel kan word, nie beskikbaar is nie;
- (d) die bevoegdhede, werksaamhede en pligte van inspekteurs,

en oor die algemeen aangaande enige ander aangeleenthed in verband waarmee dit nodig mag wees om regulasies uit te vaardig ten einde die doeltreffende uitvoering van hierdie Wet te verseker.

(2) Enige regulasie kragtens hierdie artikel uitgevaardig, word binne veertien dae na afkondiging daarvan in albei Huike van die Parlement ter Tafel gelê as die Parlement dan in gewone sitting is, of as die Parlement dan nie in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting, en as beide Huike van die Parlement besluite neem waarby so 'n regulasie of enige bepaling daarvan aangekeur word tydens die sitting gedurende welke dit aldus ter Tafel gelê word, hou dit op om van krag te wees in die mate waarin dit aldus aangekeur word op die dag waarop die laaste van bedoelde besluite geneem word.

11. (1) Die wette in die Bylae genoem, word, behoudens die Wysiging van bepalings van sub-artikel (2), hierby gewysig vir sover in die wette. derde kolom van daardie Bylae aangedui.

(2) Enige subsidie betaal of lening toegestaan of reëling getref of betaling gemaak of voorwaarde opgelê of bedrag gestort of aantekening gehou of enigets gedoen ingevolge 'n bepaling van artikel *sewentien bis* of *sewentien ter* van die Motortransportwet, 1930 (Wet No. 39 van 1930), word geag kragtens die ooreenstemmende bepaling van hierdie Wet betaal, toegestaan, getref, gemaak, opgelê, gestort, gehou of gedoen te gewees het.

(3) Die Rekening vir Naturellevervoerdienste by artikel *sewentien bis* van die Motortransportwet, 1930, ingestel, word hierby afgeskaf.

12. Hierdie Wet heet die Wet op Vervoerdienste vir Naturelle, Kort titel en inwerkingtreding. 1957, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die Staatskoerant bepaal.

Schedule.**LAWS AMENDED.**

No. and Year of Law.	Title.	Extent of amendment.
No. 39 of 1930.	Motor Carrier Transportation Act, 1930.	By the repeal of sections 17bis and 17ter.
No. 25 of 1945.	Natives (Urban Areas) Consolidation Act, 1945.	By the repeal of paragraph (c) of sub-section (3) <i>bis</i> of section nineteen.
No. 64 of 1952.	Native Services Levy Act, 1952.	By the deletion in sub-section (1) of section <i>three</i> of the words "and six pence", the repeal of section <i>five</i> and paragraph (a) of sub-section (2) of section <i>eleven</i> , and the substitution in the long title for the words "safety and transport" of the words "and safety".

Bylae.

GEWYSIGDE WETTE.

No. en jaar van Wet.	Titel.	In hoeverre gewysig.
No. 39 van 1930.	Motortransportwet, 1930.	Deur artikels 17bis en 17ter te herroep.
No. 25 van 1945.	Naturelle (Stadsgebiede) Konsolidasiewet, 1945.	Deur paragraaf (c) van sub-artikel (3)bis van artikel negentien te herroep.
No. 64 van 1952.	Wet op Heffings vir Naturelledienste, 1952.	Deur in sub-artikel (1) van artikel drie die woorde „en ses pennies“ te skrap, artikel vyf en paragraaf (a) van sub-artikel (2) van artikel elf te herroep, en in die lang titel die woorde „veiligheid en vervoer“ deur die woorde „en veiligheid“ te vervang.

BILL

To amend the Prisons and Reformatories Act, 1911, the Magistrates' Courts Act, 1944, and the Criminal (Procedure Act, 1955.

(Introduced by the MINISTER OF JUSTICE.)

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

Insertion of sections 46bis, 46ter and 46quat in Act 13 of 1911.

1. The following sections are hereby inserted in the Prisons and Reformatories Act, 1911, after section *forty-six*:

"Periodical imprisonment."

46bis. A person who has, under the provisions of any law, been sentenced to periodical imprisonment, shall be periodically detained in a convict prison or gaol, in the manner prescribed by regulation and shall perform such labour as may be so prescribed.

Imprisonment for corrective training.

46ter. A person who has, under the provisions of any law, been sentenced to imprisonment for corrective training, shall be detained in a convict prison or gaol for a period of at least two years but not exceeding four years, to be determined in accordance with the regulations, and shall perform such labour and undergo such training as may be prescribed by regulation.

Imprisonment for the prevention of crime.

46quat. A person who has, under the provisions of any law, been sentenced to imprisonment for the prevention of crime, shall be detained in a convict prison or gaol for a period of at least five years but not exceeding eight years, to be determined in accordance with the regulations, and shall perform such labour and undergo such training as may be prescribed by regulation.”.

Amendment of section 47 of Act 13 of 1911.

2. Section *forty-seven* of the Prisons and Reformatories Act, 1911, is hereby amended by the substitution in sub-section (1) for the words “with hard labour in a convict prison or gaol” of the words “and shall perform labour in a convict prison or gaol for at least nine years and thereafter”.

Amendment of section 88 of Act 13 of 1911.

3. Section *eighty-eight* of the Prisons and Reformatories Act, 1911, is hereby amended by the substitution in sub-section (1) for paragraph (r) of the following paragraphs:

“(r) as to the manner in which sentences of imprisonment (including periodical imprisonment, imprisonment for corrective training and imprisonment for the prevention of crime), spare diet, corporal punishment, solitary confinement, or any other sentences are to be carried out;

(r)*bis.* as to the release of persons undergoing sentences of imprisonment for corrective training or imprisonment for the prevention of crime.”.

Insertion of section 90bis in Act 13 of 1911.

4. The following section is hereby inserted in the Prisons and Reformatories Act, 1911, after section *ninety*:

"Transfer of persons from reformatory to convict prison or gaol."

90bis. (1) Notwithstanding anything contained in the Children's Act, 1937 (Act No. 31 of 1937), or any other law, the Minister as defined in the said Act, may, in consultation with the Minister, by order in writing transfer to a convict prison or gaol designated by the Minister any person detained in a reformatory governed by that Act, if, in his opinion such person is a type of person who is not amenable to training in a reformatory.

(2) A person transferred to a convict prison or gaol in terms of sub-section (1) shall for all purposes

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WETSONTWERP

Tot wysiging van die „Wet op Gevangenissen en Verbetergestichten, 1911”, die Magistraatshowewet, 1944, en die Strafproseswet, 1955.

(Ingedien deur die MINISTER VAN JUSTISIE.)

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

- 1.** Die volgende artikels word hierby in die „Wet op Gevangenissen en Verbetergestichten, 1911”, ná artikel *ses-en-veertig* ingevoeg:
 5 „Periodieke gevengenis.” **46bis.** Een persoon die uit krachte van een wet met periodieke gevengenis gestraft is, wordt periodiek in een bandietetronk of tronk vastgezet, op de bij regulatie voorgeschreven wijze en verricht arbeid die aldus voorgeschreven wordt.
 10 **Gevangenis voor korrektieve opleiding.** **46ter.** Een persoon die uit krachte van een wet met gevengenis voor korrektieve opleiding gestraft is, wordt in een bandietetronk of tronk vastgezet voor een tijdperk van minstens twee jaren maar vier jaren niet te boven gaande, dat overeenkomstig de regulaties bepaald wordt, en verricht arbeid en ondergaat opleiding zoals bij regulatie voorgeschreven.
 15 **20 Gevangenis ter voorkoming van misdaad.** **46quat.** Een persoon die uit krachte van een wet met gevengenis ter voorkoming van misdaad gestraft is, wordt in een bandietetronk of tronk vastgezet voor een tijdperk van minstens vijf jaren maar acht jaren niet te boven gaande, dat overeenkomstig de regulaties bepaald wordt en verricht arbeid en ondergaat opleiding zoals bij regulatie voorgeschreven.”
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 30 **2. Artikel *sewe-en-veertig* van die „Wet op Gevangenissen en Verbetergestichten, 1911”, word hierby gewysig deur in sub-artikel (1) die woorde „gedurende het behagen van de Gouverneur-generaal in een bandietetronk of tronk vastgezet en aan harde arbeid gestelt” deur die woorde „vastgezet en verricht arbeid in een bandietetronk of tronk voor minstens negen jaren en daarna gedurende het behagen van de Gouverneur-generaal” te vervang.
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 3. Artikel *agt-en-tagtig* van die „Wet op Gevangenissen en Verbetergestichten, 1911”, word hierby gewysig deur in sub-artikel (1) paragraaf (r) deur die volgende paragrawe te vervang:
 40 „(r) betrekkelik de wijze van uitvoering van vonnissen tot gevengenis (met inbegrip van periodieke gevengenis, gevengenis voor korrektieve opleiding en gevengenis ter voorkoming van misdaad), schraal rantsoen, lijfstraffen, eenzame opsluiting of andere vonnissen;
 45 (r)bis betrekkelik de invrijheidstelling van personen die vonnissen tot gevengenis voor korrektieve opleiding of gevengenis ter voorkoming van misdaad ondergaan.”.
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 55 **4. Die volgende artikel word hierby in die „Wet op Gevangenissen en Verbetergestichten, 1911”, ná artikel *negentig* ingevoeg:**
 „Overplaatsing van personen van verbetergesticht naар bandietetronk of tronk.” **90bis.** (1) Ondanks andersluidende bepalingen van de „Kinderwet, 1937” (Wet No. 31 van 1937), of van enige andere wet, kan de Minister zoals in genoemde Wet omschreven, in overleg met de Minister, een persoon die in een door die Wet beheersd verbetergesticht aangehouden wordt, bij schriftelik bevel naar een door de Minister aangewezen bandietetronk of tronk overplaatsen, indien naar zijn oordeel die persoon een type persoon is die niet voor opleiding in een verbetergesticht vatbaar is.
 60 (2) Een persoon die overeenkomstig sub-artikel (1) naar een bandietetronk of tronk overgeplaatst is,**

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be released from the provisions of the said Act and shall become subject, *mutatis mutandis*, to all the provisions of this Act as if he had on the date of his transfer been sentenced to imprisonment for corrective training: Provided that he shall not under this section be detained under this Act for a period beyond the date upon which he would normally have been released from the reformatory had he not been transferred.”.

Substitution of section 89 of Act 32 of 1944.

5. The following section is hereby substituted for section 10 *eighty-nine* of the Magistrates' Courts Act, 1944:

- “Jurisdiction in respect of offences.
- 89.** (1) The court, other than the court of a regional division, shall have jurisdiction over all offences except treason, murder and rape.
 (2) The court of a regional division shall have 15 jurisdiction over all offences except treason and murder.”.

Substitution of section 92 of Act 32 of 1944, as amended by section 21 of Act 40 of 1952.

6. The following section is hereby substituted for section *ninety-two* of the Magistrates' Courts Act, 1944:

- “Limits of jurisdiction in the matter of punishments.
- 92.** Save as otherwise in this Act or in any other 20 law specially provided, the court, whenever it may punish a person for an offence—
 (a) by imprisonment, may impose a sentence of 25 imprisonment for a period not exceeding six months, where the court is not the court of a regional division, or not exceeding five years, where the court is the court of a regional division;
 (b) by fine, may impose a fine not exceeding one hundred pounds, where the court is not the court 30 of a regional division, or not exceeding five hundred pounds, where the court is the court of a regional division;
 (c) by whipping, may impose a sentence of whipping 35 with a cane only.”.

Amendment of section 93^{ter} of Act 32 of 1944.

7. Section *ninety-three ter* of the Magistrates' Courts Act, 1944, is hereby amended—

- (a) by the substitution in sub-section (2) for the expression “two hundred and twenty-eight of the Criminal Procedure and Evidence Act, 1917 (Act No. 31 of 1917)” 40 of the expression “one hundred and eighty-nine of the Criminal Procedure Act, 1955 (Act No. 56 of 1955)”;
 (b) by the addition at the end thereof of the following sub-section:
 “(5) The provisions of sub-sections (1), (2) and (5) 45 of section one hundred and ten of the Criminal Procedure Act, 1955, shall *mutatis mutandis* apply where an assessor referred to in this section dies or becomes in the opinion of the presiding judicial officer incapable 50 of continuing to act as an assessor.”.

Substitution of section 94 of Act 32 of 1944.

8. The following section is hereby substituted for section *ninety-four* of the Magistrates' Courts Act, 1944:

- “Cases remitted for trial or sentence.
- 94.** When a case in which a preparatory examination has been held, has been remitted for trial or sentence, the court to which it has been remitted 55 shall deal therewith as prescribed in the Criminal Procedure Act, 1955, and may, in respect of each offence or count to which the remittal refers, impose a sentence which it could have imposed at a summary trial, if the remittal is expressed to be under 60 the ordinary jurisdiction of such court, or impose such a sentence, subject to the increased jurisdiction conferred by section *ninety-five*, if the remittal is expressed to be under such increased jurisdiction.”.

Amendment of section 96 of Act 32 of 1944, as amended by section 25 of Act 40 of 1952 and section 25 of Act 62 of 1955.

9. Section *ninety-six* of the Magistrates' Courts Act, 1944, 65 is hereby amended by the substitution in sub-section (1) for the expression “Criminal Procedure and Evidence Act, No. 31 of 1917” of the expression “Criminal Procedure Act, 1955”.

- wordt voor alle doeleinden van de bepalingen van genoemde Wet ontheven en wordt *mutatis mutandis* aan alle bepalingen van deze Wet onderworpen gesteld als of hij op de datum zijner overplaatsing tot gevangenis voor korrektieve opleiding gevonnist was: Met dien verstande dat hij niet uit krachte van dit artikel ingevolge deze Wet aangehouden wordt voor een tijdperk na de datum waarop hij, indien hij niet overgeplaatst ware, in de gewone loop van zaken uit het verbetergesticht vrijgelaten zou zijn geweest.”.
- 5. Artikel *nege-en-tagting* van die Magistraatshowewet, 1944,** Vervanging van word hierby deur die volgende artikel vervang: artikel 89 van Wet 32 van 1944.
- „*Jurisdiksie ten aansien van misdrywe.* **89.** (1) Die hof, behalwe die hof van 'n streek-afdeling, hetregsbevoegdheid ten opsigte van alle misdrywe behalwe hoogverraad, moord en verkrating.
- (2) Die hof van 'n streekafdeling hetregsbevoegdheid ten opsigte van alle misdrywe behalwe hoogverraad en moord.”.
- 6. Artikel *twee-en-negentig* van die Magistraatshowewet, 1944,** Vervanging van word hierby deur die volgende artikel vervang: artikel 92 van Wet 32 van 1944, soos „*Perke van jurisdiksie ten aansien van strawwe.* **92.** Behoudens andersluidende uitdruklike bepaling in hierdie Wet of in 'n ander wet, kan die hof, wanneer die hof 'n persoon weens 'n misdryf kan straf—
- (a) met gevangenisstraf, gevangenisstraf vir 'n tijdperk van hoogstens ses maande ople, waar die hof nie die hof van 'n streek-afdeling is nie, of van hoogstens vyf jaar, waar die hof die hof van 'n streek-afdeling is;
- (b) met boete, 'n boete van hoogstens honderd pond ople, waar die hof nie die hof van 'n streek-afdeling is nie, of van hoogstens vyfhonderd pond, waar die hof die hof van 'n streek-afdeling is;
- (c) met lyfstraf, slegs lyfstraf met 'n rottang ople.”.
- 7. Artikel *drie-en-negentig ter* van die Magistraatshowewet, 1944,** Wysiging van word hierby gewysig— artikel 93ter van Wet 32 van 1944.
- (a) deur in sub-artikel (2) die uitdrukking „*twee honderd agt-en-twintig* van die „Wet op de Kriminale Procedure en Bewijslevering, 1917” (Wet No. 31 van 1917)” deur die uitdrukking „*honderd nege-en-tagting* van die Strafproseswet, 1955 (Wet No. 56 van 1955)” te vervang;
- (b) deur aan die end daarvan die volgende artikel by te voeg:
- „(5) Die bepaling van sub-artikels (1), (2) en (5) van artikel *honderd-en-tien* van die Strafproseswet, 1955, is *mutatis mutandis* van toepassing waar 'n assessor in hierdie artikel vermeld, te sterwe kom of volgens die oordeel van die presiderende regterlike amptenaar onbekwaam word om verder as assessor te dien.”.
- 55. 8. Artikel *vier-en-negentig* van die Magistraatshowewet, 1944,** Vervanging van word hierby deur die volgende artikel vervang: artikel 94 van Wet 32 van 1944.
- „*Terugverwysde sake vir verhoor of vonnis.* **94.** Wanneer 'n saak waarin 'n voorlopige ondersoek gehou is, vir verhoor of vonnis terugverwys is, handel die hof waarna dit terugverwys is daarmee soos in die Strafproseswet, 1955, voorgeskryf en kan die hof ten opsigte van elke misdryf of aanklag waarop die terugverwysing betrekking het, 'n vonnis ople wat die hof by 'n summiere verhoor sou kon opgele het, indien die terugverwysing beregting ingevolge die gewone jurisdiksie van daardie hof vereis, of so 'n vonnis ople, onderworpe aan die verhoogde jurisdiksie by artikel *vyf-en-negentig* verleen, indien die terugverwysing beregting ingevolge daardie verhoogde jurisdiksie vereis.”.
- 70. 9. Artikel *ses-en-negentig* van die Magistraatshowewet, 1944,** Wysiging van word hierby gewysig deur in sub-artikel (1) die uitdrukking „Wet op de Kriminale Procedure en Bewijslevering”, No. 31 van 1917” deur die uitdrukking „Strafproseswet, 1955” te vervang. artikel 96 van Wet 32 van 1944, soos by artikel 25 van Wet 40 van 1952 en artikel 25 van Wet 62 van 1955 gewysig.

Amendment of section 100 of Act 32 of 1944, as amended by section 26 of Act 40 of 1952.

Amendment of section 101 of Act 32 of 1944.

Amendment of section 102 of Act 3 of 1944.

Amendment of section 103 of Act 32 of 1944.

Amendment of section 114 of Act 32 of 1944.

Substitution of section 8 of Act 56 of 1955.

Amendment of section 22 of Act 56 of 1955.

Amendment of section 117 of Act 56 of 1955.

Amendment of section 119 of Act 56 of 1955.

10. Section *one hundred* of the Magistrates' Courts Act, 1944, is hereby amended by the insertion in sub-section (1) after the word "imprisonment" of the words "other than periodical imprisonment".

11. Section *one hundred and one* of the Magistrates' Courts Act, 1944, is hereby amended—

- (a) by the deletion of the words "whether with or without hard labour";
- (b) by the addition at the end thereof of the following sub-section, the existing section becoming sub-section 10 (1):

"(2) The court may refuse to release any person on bail for the purposes of sub-section (1), in respect of a sentence of a fine, or in default of payment imprisonment, if it is satisfied that such person is able to pay the fine."

12. Section *one hundred and two* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution in sub-section (1) for the expression "Criminal Procedure and Evidence Act, No. 31 of 1917" of the expression "Criminal Procedure Act, 20 1955".

13. Section *one hundred and three* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution in sub-section (1) for the expression "Criminal Procedure and Evidence Act, No. 31 of 1917" of the expression "Criminal Procedure Act, 25 1955".

14. Section *one hundred and fourteen* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) Nothing in this Act contained shall be construed as affecting the operation of the Criminal Procedure Act, 1955."

15. The following section is hereby substituted for section *eight* of the Criminal Procedure Act, 1955 (hereinafter referred to as the principal Act):

8. (1) The attorney-general, or with his consent stopping prosecutions or the consent of the presiding judicial officer, any person delegated under section *six* or designated under section *seven*, may, at any time before conviction, stop any prosecution commenced at the public instance within the area of jurisdiction of the attorney-general.

(2) An accused who has pleaded to the charge in respect whereof the prosecution has so been stopped, shall be entitled to a verdict of acquittal in respect of that charge."

16. Section *twenty-two* of the principal Act is hereby amended by the addition at the end of sub-section (1) of the following paragraphs:

"(n) any person reasonably suspected of having failed to observe any condition imposed in postponing the passing of sentence or in suspending the operation of any sentence under this Act;

(o) any person reasonably suspected of having failed to pay any fine or portion thereof on the date fixed by order of court under this Act;

(p) any person who fails to surrender himself in order that he may undergo periodical imprisonment when and where he is required to do so under an order of court or under the laws relating to prisons and gaols."

17. Section *one hundred and seventeen* of the principal Act is hereby amended by the addition at the end of sub-section (2) of the words "and of all persons who from information furnished in their applications for registration as voters are clearly exempt from serving as jurors".

18. Section *one hundred and nineteen* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) Whenever a jury will be required for the trial of criminal cases in a superior court, the sheriff or his deputy shall summon as many jurors as the attorney-general may direct."

10. Artikel *honderd* van die Magistraatshowewet, 1944, word hierby gewysig deur in sub-artikel (1) na die woord „gevangenisstraf” die woorde „behalwe periodieke gevangenisstraf” in te voeg. Wysiging van artikel 100 van Wet 32 van 1944, soos by artikel 26 van Wet 40 van 1952 gewysig.

5 11. Artikel *honderd-en-een* van die Magistraatshowewet, 1944, word hierby gewysig— Wysiging van artikel 101 van Wet 32 van 1944.

- (a) deur die woorde „met of sonder dwangarbeid” te skrap;
 - (b) deur die volgende sub-artikel aan die end daarvan by te voeg, terwyl die bestaande artikel sub-artikel (1) word:
- 10 „(2) Die hof kan weier om 'n persoon vir die doel-eindes van sub-artikel (1) op borgtog vry te laat, ten opsigte van 'n vonnis van 'n boete, of by wanbetaling gevengenisstraf, indien die hof oortuig is dat dié persoon in staat is om die boete te betaal.”

15 12. Artikel *honderd-en-twee* van die Magistraatshowewet, 1944, word hierby gewysig deur in sub-artikel (1) die uitdrukking „Wet op de Kriminele Procedure en Bewijslevering”, No. 31 van 1917” deur die uitdrukking „Strafproseswet, 1955” te vervang. Wysiging van artikel 102 van Wet 32 van 1944.

20 13. Artikel *honderd-en-drie* van die Magistraatshowewet, 1944, word hierby gewysig deur in sub-artikel (1) die uitdrukking „Wet op de Kriminele Procedure en Bewijslevering”, No. 31 van 1917” deur die uitdrukking „Strafproseswet, 1955” te vervang. Wysiging van artikel 103 van Wet 32 van 1944.

25 14. Artikel *honderd-en-veertien* van die Magistraatshowewet, 1944, word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang: Wysiging van artikel 114 van Wet 32 van 1944.

„(1) Die bepalings van hierdie Wet raak nie die toepassing van die Strafproseswet, 1955, nie.”

30 15. Artikel *agt* van die Strafproseswet, 1955 (hieronder die Vervanging van Hoofwet genoem), word hierby deur die volgende artikel 56 van 1955 vervang:

„Bevoegdheid om vervolgingsstop te sit. 8. (1) Die prokureur-generaal, of met sy toestemming of die toestemming van die regterlike amptenaar wat voorsit, iemand ingevolge artikel ses aangestel of ingevolge artikel sewe aangewys, kan, te eniger tyd voor skuldigbevinding, 'n vervolging stopsit wat van staatsweë binne die regsgebied van die prokureur-generaal begin is.

40 (2) 'n Beskuldigte wat op 'n aanklag ten opsigte waarvan die vervolging aldus stopgesit is, gepleit het, is ten opsigte van daardie aanklag op vrysspraak geregtig.”

45 16. Artikel *twee-en-twintig* van die Hoofwet word hierby gewysig deur die volgende paragrawe aan die end van sub-artikel (1) by te voeg: Wysiging van artikel 22 van Wet 56 van 1955.

- „(n) wat op redelike gronde daarvan verdink word dat hy in gebreke gebly het om 'n voorwaarde na te kom wat by die uitstel van die oplegging van 'n vonnis of by die opskorting van die tenuitvoerlegging van 'n vonnis ingevolge hierdie Wet, opgelê is;
- (o) wat op redelike gronde daarvan verdink word dat hy in gebreke gebly het om 'n boete of 'n gedeelte daarvan op die datum wat by hofbevel ingevolge hierdie Wet bepaal is, te betaal;
- (p) wat in gebreke bly om hom oor te gee sodat hy periodieke gevangenisstraf kan ondergaan wanneer en waar hy verplig is om dit te doen ingevolge 'n hofbevel of ingevolge die wetsbepalings op gevangenis en tronke.”.

55 17. Artikel *honderd-en-sewentien* van die Hoofwet word hierby gewysig deur aan die end van sub-artikel (2) die woorde „en van alle persone wat volgens inligting in hul aansoeke om registrasie as kiesers verstrek, klaarblyklik van diens as jurielede vrygestel is.” Wysiging van artikel 117 van Wet 56 van 1955.

60 18. Artikel *honderd-en-negentien* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang: Wysiging van artikel 119 van Wet 56 van 1955.

70 „(1) Wanneer 'n jurie nodig sal wees vir die verhoor van straf sake in 'n hoërhof, dagvaar die balju of sy adjunk soveel jurielede as wat die prokureur-generaal gelas.”.

Insertion of
section 179bis in
Act 56 of 1955.

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

“Defect in indictment or charge cured by evidence.”

179bis. Whenever an indictment or charge in respect of any offence is defective for want of the averment of any matter which is an essential ingredient of the offence, the defect shall be cured by evidence at the trial in respect of the offence proving the presence of such a matter which should have been averred, unless the want of such averment was brought to the notice of the court before judgement or unless on appeal the court of appeal is satisfied that the accused has been prejudiced thereby in his defence.”.

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Insertion of
sections 303bis
and 303ter in Act
56 of 1955.

20. The following sections are hereby inserted in the principal Act after section *three hundred and three*:

“Proof of previous convictions after conviction of offences referred to in Part I of the Third Schedule.”

303bis. (1) Whenever an accused has pleaded guilty to or has been found guilty of an offence referred to in Part I of the Third Schedule, the court shall not pass sentence on the accused for such offence, whether or not any previous conviction has been proved against him, unless the prosecutor produces to the court a certificate purporting to be issued by the South African Criminal Bureau, which indicates the previous convictions recorded in the records of the said Bureau against the accused or indicates that no previous convictions have so been recorded.

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(2) If the said certificate indicates any previous conviction which, if proved against the accused, would result in the compulsory imposition of a prescribed punishment on him, the court shall, notwithstanding anything to the contrary in this Chapter contained, afford the prosecutor an opportunity of proving the said previous conviction.

303ter. (1) The rules contained in the Fifth Schedule shall be observed by a court when taking previous convictions into account in imposing any sentence on a person convicted by it of an offence.

(2) The Governor-General may by proclamation in the *Gazette* amend or withdraw the rules contained in the Fifth Schedule or add new rules thereto.”.

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Amendment of
section 304 of Act
56 of 1955.

21. Section *three hundred and four* of the principal Act is hereby amended by the addition of the following sub-section at the end thereof, the existing section becoming sub-section 45 (1):

“(2) A telegram purporting to have been sent by any officer referred to in sub-section (1) or by any officer of any court, in reply to a request by the court for particulars relating to anything contained in such a record, photograph or document, shall likewise be admissible in evidence in any criminal proceedings and be *prima facie* proof of the facts set forth in such telegram.”.

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Substitution of
section 329 of
Act 56 of 1955.

22. The following section is hereby substituted for section *three hundred and twenty-nine* of the principal Act:

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“Nature of punishments. **329.** (1) The following sentences may subject to the provisions of this Act and of any other law and of the common law be passed upon a person convicted of an offence, namely—

- (a) sentence of death;
- (b) imprisonment with or without solitary confinement and spare diet;
- (c) periodical imprisonment;
- (d) imprisonment for corrective training;
- (e) imprisonment for the prevention of crime;
- (f) declaration as an habitual criminal;
- (g) fine;
- (h) detention at a farm colony;
- (i) detention at an inebriate reformatory;
- (j) whipping;
- (k) putting the accused under recognizance with conditions.”.

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(2) Save as is otherwise specially provided in this Act, nothing therein contained shall be construed—

19. Die volgende artikel word hierby in die Hoofwet ná artikel *honderd nege-en-sewentig* ingevoeg:
Invoeging van artikel 179bis in Wet 56 van 1955.

„Gebrek in akte van beskuldiging of aanklag ten opsigte van 'n misdryf gebrekkig is weens gebrek aan die bewering van enigiets wat 'n wesenlike bestanddeel van die misdryf is, word die gebrek by die verhoor ten opsigte van die misdryf deur getuienis herstel.
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179bis. Wanneer 'n akte van beskuldiging of aanklag ten opsigte van 'n misdryf gebrekkig is weens gebrek aan die bewering van enigiets wat 'n wesenlike bestanddeel van die misdryf is, word die gebrek by die verhoor ten opsigte van die misdryf deur getuienis herstel wat die aanwesigheid bewys van so iets wat beweer moes word, tensy die gebrek aan dié bewering vóór uitspraak onder die aandag van die hof gebring is of tensy by appèl die hof van appèl oortuig is dat die beskuldigde by sy verdediging daardeur benadeel is.”.

20. Die volgende artikels word hierby in die Hoofwet ná artikel *drie-honderd-en-drie* ingevoeg:
Invoeging van artikels 303bis en 303ter in Wet 56 van 1955.

„Bewys van vorige skuldigbevindings na skuldigbevinding aan misdrywe in Deel I van die Derde Bylae vermeld.
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303bis. (1) Wanneer 'n beskuldigde aan 'n misdryf in Deel I van die Derde Bylae vermeld, skuldig gepleit het of skuldig bevind is, lê die hof die beskuldigde nie 'n straf weens dié misdryf op nie, hetsy 'n vorige skuldigbevinding teen hom bewys is al dan nie, tensy die aanklaer aan die hof 'n sertifikaat voorlê wat deur die Suid-Afrikaanse Kriminele Buro uitgereik heet te wees, en wat die vorige skuldigbevindings aantoon wat in die stukke van genoemde Buro teen die beskuldigde opgeteken is of wat aantoon dat geen vorige skuldigbevinding aldus opgeteken is nie.

(2) Indien genoemde sertifikaat 'n vorige skuldigbevinding aantoon wat, indien dit teen die beskuldigde bewys word, die verpligte oplegging van 'n voorgeskrewe straf op hom tot gevolg sou hê, verleen die hof, ondanks andersluidende bepalings van hierdie Hoofstuk, die geleentheid aan die aanklaer om genoemde vorige skuldigbevinding te bewys.

Reëls met betrekking tot vorige skuldigbevindings wat in aanmerking geneem moet word by die oplegging van straf.
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303ter. (1) Die reëls in die Vyfde Bylae vervat moet deur 'n hof nagekom word wanneer die hof vorige skuldigbevindings in aanmerking neem by die oplegging van 'n straf op iemand deur die hof aan 'n misdryf skuldig bevind.
 (2) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* die reëls in die Vyfde Bylae vervat, wysig of herroep of nuwe reëls daarby voeg.”.

21. Artikel *drie-honderd-en-vier* van die Hoofwet word hierby gewysig deur die volgende sub-artikel aan die end daarvan by te voeg, terwyl die bestaande artikel sub-artikel (1) word:
Wysiging van artikel 304 van Wet 56 van 1955.

„(2) 'n Telegram wat deur 'n in sub-artikel (1) vermelde beämpte of deur 'n beämpte van een of ander hof afgestuur heet te wees, in antwoord op 'n versoek deur die hof om besonderhede met betrekking tot enigiets in so 'n register, foto of stuk vervat, is insgelyks in 'n strafsaak as getuienis toelaatbaar, en is *prima facie* bewys van die feite in die telegram uiteengesit.”.

22. Artikel *drie-honderd nege-en-twintig* van die Hoofwet word hierby deur die volgende artikel vervang:
Vervanging van artikel 329 van Wet 56 van 1955.

„Aard van strawwe.
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329. (1) Die volgende strawwe kan behoudens die bepalings van hierdie Wet en van 'n ander wetsbepaling en van die gemenereg iemand wat aan 'n misdryf skuldig bevind word, opgelê word; naamlik—
 (a) die doodvonnis;
 (b) gevangenisstraf met of sonder alleenopsluiting en skraal rantsoen;
 (c) periodieke gevangenisstraf;
 (d) gevangenisstraf vir korrektiewe opleiding;
 (e) gevangenisstraf ter voorkoming van misdaad;
 (f) verklaring tot gewoontemisdadiger;
 (g) boete;
 (h) aanhouding in 'n boerderykolonie;
 (i) aanhouding in 'n dronkaardsasiel;
 (j) lyfstraf;
 (k) die beskuldigde onder borgakte met voorwaardes stel.
 (2) Behoudens andersluidende uitdruklike bepalings in hierdie Wet, word geen bepaling van hierdie Wet uitgelê asof dit—

- (a) as authorizing any court to impose for any offence any sentence other than, or in excess of, the sentence which by law it is competent for that court to impose for that offence; or
- (b) as derogating from the authority specially conferred on any court by any law to impose any other punishment or to impose any forfeiture in addition to any other punishment.”.

Amendment of
section 330 of Act
56 of 1956.

23. Section *three hundred and thirty* of the principal Act is hereby amended by the insertion at the beginning thereof of 10 the following sub-section, the existing section becoming sub-section (2):

“(1) Sentence of death may be passed by a superior court only and shall be passed by such a court upon a person convicted before or by it of murder, and may be 15 passed by such a court upon a person convicted before or by it of treason or rape: Provided that where a woman is convicted of the murder of her newly born child, or where a person under eighteen years of age is convicted of murder or where the jury, in convicting the accused of 20 murder, expresses, in terms of sub-section (2) of section *one hundred and forty-one*, the opinion that there are extenuating circumstances, or in the case of a trial without a jury, where the court is of opinion that there are extenuating circumstances, the court may impose any sentence 25 other than the death sentence.”.

Insertion of sec-
tion 333bis in Act
56 of 1955.

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

“Interpre-
tation of
certain
provisions
in laws
relating to
imprison-
ment and
fines.

333bis. (1) In construing any provision of any law, in so far as it prescribes or confers the power 30 to prescribe a punishment for any offence thereunder, any reference in that law—

- (a) to imprisonment with or without any form of labour, shall be construed as a reference to imprisonment only; 35
- (b) to any period of imprisonment of less than three months which may not be exceeded in imposing or prescribing a sentence of imprisonment, shall be construed as a reference to a period of imprisonment of three months; 40
- (c) to any fine of less than twenty-five pounds, which may not be exceeded in imposing or prescribing a fine, shall, subject to the provisions of sub-section (2), be construed as a reference to a fine of twenty-five pounds. 45

(2) The provisions of paragraph (c) of sub-section (1) shall not apply in relation to any offence cognizable in the first instance only by a court which has no jurisdiction to impose a sentence of imprisonment.”. 50

Amendment of
section 334 of
Act 56 of 1955.

25. Section *three hundred and thirty-four* of the principal Act is hereby amended—

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

“(1) Subject to the provisions of sub-sections (2) 55 and (2)*bis*, a person liable to a sentence of imprisonment for life or for any period, may be sentenced to imprisonment for any shorter period, and a person liable to a sentence of a fine of any amount may be sentenced to a fine of any lesser amount.”; 60

- (b) by the deletion in sub-section (2) of the words “or imprisonment with compulsory labour, as distinguished from imprisonment with or without compulsory labour,”;

- (c) by the insertion after sub-section (2) of the following 65 sub-section:

“(2)*bis* Whenever a court convicts a person of any offence punishable by imprisonment (whether with or without any other punishment), it shall, if such person is not then undergoing any punishment of 70 imprisonment, in imposing a sentence of imprisonment (whether as direct or alternative punishment) upon such person, impose a sentence of imprisonment of a period which, either alone or together with any other direct or alternative punishment of imprison- 75 ment simultaneously imposed by such court upon such person in respect of any offence, is at least thirty days.”;

- 5 (a) aan 'n hof bevoegdheid verleen om vir 'n misdryf 'n ander of 'n hoër straf op te lê as die straf wat daardie hof regtens bevoeg is om vir daardie misdryf op te lê nie; of
 10 (b) afbreuk doen aan die bevoegdheid wat spesiaal aan 'n hof by wetlike voorskrif verleent word om 'n ander straf op te lê of om benewens 'n ander straf verbeurdverklaring te gelas nie.”.

23. Artikel *driehonderd-en-dertig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel aan die begin daarvan in te voeg, terwyl die bestaande artikel sub-artikel (2) word:

15 ,,(1) Die doodvonnis kan slegs deur 'n hoërhof opgelê word en moet deur so 'n hof iemand opgelê word wat voor of deur dié hof aan moord skuldig bevind word, en kan deur so 'n hof iemand opgelê word wat voor of deur dié hof weens hoogverraad of verkragting skuldig bevind word: Met dien verstande dat wanneer 'n vrou skuldig bevind word aan moord op haar pasgebore kind, of wanneer iemand onder die ouderdom van agtien jaar aan moord skuldig bevind word, of waar die jurie, by skuldigbevinding van die beskuldigde aan moord, kragtens sub-artikel (2) van artikel *honderd een-en-veertig* die mening uitspreek dat daar versagtende omstandighede is, of in die geval van 'n verhoor sonder 'n jurie, waar die hof van oordeel is dat daar versagtende omstandighede is, die hof 'n ander vonnis as die doodvonnis kan ople.”.

24. Die volgende artikel word hierby in die Hoofwet ná artikel *driehonderd drie-en-dertig* ingevoeg:

Invoeging van artikel 333bis in Wet 56 van 1955.

30 „Uitleg van 333bis. (1) By die uitleg van 'n bepaling in een sekere bepalings in wette met betrekking tot gevange-nisstraf en boetes. (a) na gevengenisstraf met of sonder een of ander vorm van arbeid, as 'n verwysing na slegs gevengenisstraf uitgelê;
 35 (b) na 'n tydperk van gevengenisstraf vir minder as drie maande wat by die oplegging of voor-skryf van gevengenisstraf nie te bowe gegaan mag word nie, as 'n verwysing na 'n tydperk van gevengenisstraf vir drie maande uitgelê;
 40 (c) na 'n boete van minder as vyf-en-twintig pond, wat by die oplegging of voorskryf van 'n boete nie te bowe gegaan mag word nie, behoudens die bepaling van sub-artikel (2) as 'n verwysing na 'n boete van vyf-en-twintig pond uitgelê.
 45 (2) Die bepaling van paragraaf (c) van sub-artikel (1) is nie van toepassing nie met betrekking tot 'n misdryf wat in die eerste instansie beregbaar is slegs deur 'n hof wat nie regbsbevoegdheid het om gevengenisstraf op te lê nie.”.

25. Artikel *driehonderd vier-en-dertig* van die Hoofwet, word hierby gewysig—

Wysiging van artikel 334 van Wet 56 van 1955.

55 (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:
 60 ,,(1) Behoudens die bepaling van artikels (2) en (2)*bis*, kan iemand wat met lewenslange gevengenisstraf of met gevengenisstraf vir 'n tydperk strafbaar is, tot gevengenisstraf vir 'n korter tydperk veroordeel word, en kan iemand wat met 'n boete van enige bedrag strafbaar is, tot 'n boete van 'n kleiner bedrag veroordeel word.”;
 65 (b) deur in sub-artikel (2) die woorde „of gevengenisstraf met dwangarbeid, in teenstelling met gevengenisstraf met of sonder dwangarbeid,” te skrap;
 70 (c) deur ná sub-artikel (2) die volgende sub-artikel in te voeg:
 75 ,,(2)*bis* Wanneer 'n hof 'n persoon aan 'n misdryf met gevengenisstraf (hetsy met of sonder 'n ander direkte of alternatiewe straf) strafbaar, skuldig bevind, moet dié hof, indien daardie persoon nie dan gevengenisstraf ondergaan nie, by die oplegging van gevengenisstraf (hetsy as direkte of alternatiewe straf) op daardie persoon, gevengenisstraf ople vir 'n tydperk wat, hetsy alleen of saam met 'n ander direkte of alternatiewe gevengenisstraf wat terselfdertyd deur dié hof op daardie persoon ten opsigte van een of ander misdryf opgelê word, minstens dertig dae is.”;

(d) by the substitution for sub-section (3) of the following sub-section:

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"(3) Notwithstanding anything to the contrary contained in any law, but subject to the provisions of sub-section (5), any court which sentences a person to a period of imprisonment without the option of a fine shall be competent to order that during that period or any portion thereof the imprisonment shall be on spare diet and in solitary confinement.";

(e) by the deletion in sub-section (4) of the words "whether 10 with or without compulsory labour,";

(f) by the substitution for sub-section (5) of the following sub-section:

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"(5) Save as provided in sections *thirty-five* and *thirty-six* of the Prisons and Reformatories Act, 1911 (Act No. 13 of 1911), no person shall be sentenced to imprisonment on spare diet and in solitary confinement if the period of such imprisonment alone or together with any unexpired portion of any sentence of imprisonment without the option of a fine imposed 20 on him would exceed six months.".

Insertion of
sections 334bis,
334ter and 334quat
in Act 56 of 1955.

26. The following sections are hereby inserted in the principal Act after section *three hundred and thirty-four*:

"*Periodical imprisonment.* 334bis. (1) The Minister may by notice in the *Gazette*, declare any area to be an area in which a 25 court may impose a punishment of periodical imprisonment.

(2) Whenever, in any such area, a court convicts a person of any offence other than an offence specified in the Fourth Schedule or an offence in 30 respect of which the imposition of a prescribed punishment on the person convicted thereof is compulsory, it may, in lieu of any other punishment, sentence such person to undergo, in accordance with the laws relating to prisons and gaols, 35 periodical imprisonment for periods of not less than two hundred hours and not exceeding one thousand hours in the aggregate.

(3) A court shall, in imposing a sentence of periodical imprisonment upon a person, order him 40 to surrender himself on the date and at the time and place specified in such order, in order that he may undergo such imprisonment.

(4) Any person who—
(a) without lawful excuse, proof whereof shall be 45 on such person, fails to surrender himself in order that he may undergo periodical imprisonment, when and where he is required to do so under an order made under sub-section (3), or under the laws relating to prisons 50 and gaols; or

(b) so surrenders himself, while under the influence of intoxicating liquor or narcotic drugs, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding 55 three months.

(5) If, before the expiration of any sentence of periodical imprisonment imposed upon any person for any offence, such person is undergoing a punishment of any other form of detention imposed by 60 any court, any magistrate before whom such person is brought, shall set aside the unexpired portion of the sentence of periodical imprisonment and, after considering the evidence recorded in respect of such offence, may impose in lieu of such 65 unexpired portion, any punishment within the limits of his punitive jurisdiction and of any punishment prescribed by any law as a punishment for such offence.

334ter. (1) Subject to the provisions of sub- 70 sections (2) and (3), a court which convicts a person of one or more offences, may, if it is satisfied that the said person requires training and treatment for his reformation, impose in lieu of any other punishment for such offence or offences, a sentence of 75 imprisonment for corrective training.

(2) Subject to the provisions of sub-section (3), a court which convicts a person of an offence referred to in any Group of Part I of the Third

Imprison-
ment for
corrective
training.

(d) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Ondanks andersluidende wetsbepalings maar behoudens die bepalings van sub-artikel (5), is 'n hof wat iemand tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete veroordeel, bevoeg om te beveel dat gedurende daardie tydperk of 'n gedeelte daarvan die gevangenisstraf op skraal rantsoen en met alleenopsluiting moet wees.”;

10 (e) deur in sub-artikel (4) die woorde „met of sonder dwangarbeid,” te skrap;

(f) deur sub-artikel (5) deur die volgende sub-artikel te vervang:

15 „(5) Behoudens die bepalings van artikels *vyf-en-dertig* en *ses-en-dertig* van die 'Wet op Gevangenissen en Verbetergestichten, 1911' (Wet No. 13 van 1911), word niemand veroordeel tot gevangenisstraf op skraal rantsoen en met alleenopsluiting nie indien die tydperk van dié gevangenisstraf alleen of saam met 'n onverstreke gedeelte van gevangenisstraf sonder die keuse van 'n boete hom opgelê, ses maande te bowe sou gaan.”.

20 26. Die volgende artikels word hierby in die Hoofwet na artikel *driehonderd vier-en-dertig* ingevoeg:

Invoeging van
artikels 334bis,
334ter en 334quat
in Wet 56 van
1955.

25 „Periodiese 334bis. (1) Die Minister kan by kennisgewing in gevangenis-straf. die *Staatskoerant*, 'n gebied, 'n gebied verklaar waarin 'n hof periodieke gevangenisstraf kan ople.

30 (2) Wanneer in so 'n gebied 'n hof iemand skuldig bevind aan 'n ander misdryf as 'n misdryf in die Vierde Bylae genoem of 'n misdryf ten opsigte waarvan die oplegging van 'n voorgeskrewe straf op die persoon wat daaraan skuldig bevind word, verpligtend is, kan die hof, in die plek van enige ander straf, so iemand veroordeel om, ooreenkomsdig die wetsbepalings op gevangenis en tronke, periodieke gevangenisstraf vir tydperke van minstens tweehonderd uur en hoogstens duisend uur in die geheel te ondergaan.

35 (3) By die oplegging van periodieke gevangenis-straf op iemand, beveel die hof hom om hom op die datum, tyd en plek in die bevel genoem, oor te gee sodat hy dié gevangenisstraf kan ondergaan.

40 (4) Iemand wat—

45 (a) sonder regmatige verskoning, waarvan die bewyslas op hom rus, in gebreke bly om hom oor te gee sodat hy periodieke gevangenisstraf kan ondergaan wanneer en waar hy ingevolge 'n bevel kragtens sub-artikel (3), of kragtens die wetsbepalings op gevangenis en tronke uitgevaardig, verplig is om dit te doen; of

50 (b) hom aldus oorgee terwyl hy onder die invloed van bedwelmende drank of verdowingsmiddels is,

55 is aan 'n misdryf skuldig en by skuldigbevinding met gevangenisstraf vir 'n tydperk van hoogstens drie maande strafbaar.

60 (5) Indien, voor die verstryking van periodieke gevangenisstraf wat 'n persoon weens 'n misdryf opgelê is, daardie persoon 'n straf van 'n ander vorm van aanhouding deur 'n hof opgelê, ondergaan, moet 'n magistraat voor wie hy gebring word, die onverstreke gedeelte van die periodieke gevangenisstraf tersyde stel en kan die magistraat, na oorweging van die getuenis ten opsigte van genoemde misdryf genotuleer, in die plek van daardie onverstreke gedeelte, 'n straf ople wat binne die perke val van sy strafbevoegdheid en van 'n straf by 'n wetsbepaling voorgeskryf as 'n straf vir daardie misdaad.

65 70 Gevangenis-straf vir korrektiewe opleiding. 334ter. (1) Behoudens die bepalings van sub-artikels (2) en (3), kan 'n hof wat 'n persoon aan een of meer misdrywe skuldig bevind, indien die hof oortuig is dat genoemde persoon opleiding en behandeling vir sy verbetering nodig het, in die plek van enige ander straf vir daardie misdryf of misdrywe, gevangenisstraf vir korrektiewe opleiding ople.

75 (2) Behoudens die bepalings van sub-artikel (3), word 'n hof wat 'n persoon skuldig bevind aan 'n misdryf in 'n Groep van Deel I van die Derde

Schedule in regard to which it has jurisdiction, is authorized and required, unless in its opinion the offence calls for the imposition of the death sentence or a sentence which entails imprisonment for a period exceeding four years, to impose in lieu of any other punishment for such offence and any other offences of which the accused is simultaneously convicted, a sentence of imprisonment for corrective training—

- (a) if he is proved to have been ordered previously, before or after the commencement of this Act, either in the Union or elsewhere, to be sent to a reformatory as defined in section one of the Children's Act, 1937 (Act No. 31 of 1937), in respect of offences of which at least two are offences included in such Group; or
- (b) if he is proved to have been sentenced, previously, before or after the commencement of this Act, either in the Union or elsewhere, to imprisonment for periods of at least twelve months in the aggregate, as punishment (whether direct or alternative) for offences of which at least three are offences included in such Group.

(3) A sentence of imprisonment for corrective training shall not be imposed on a person under the age of nineteen years or for an offence in respect of which the imposition of the death sentence or a sentence which entails imprisonment for a period exceeding four years on the person convicted thereof is compulsory.

(4) Notwithstanding anything to the contrary contained in the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), or in any other law, a magistrate's court presided over by a person who holds or has held a substantive appointment as magistrate or additional magistrate shall have jurisdiction to impose a sentence of imprisonment for corrective training.

(5) A person sentenced to imprisonment for corrective training shall be dealt with in accordance with the laws relating to prisons and gaols.

Imprisonment for the prevention of crime. 334*quat.* (1) Subject to the provisions of sub-sections (2) and (3), a superior court or the court of a regional division which convicts a person of an offence referred to in any Group of Part I of the Third Schedule in regard to which it has jurisdiction, may, if the said person is proved previously to have been convicted of an offence included in such Group, impose in lieu of any other punishment for the first-mentioned offence and any other offences of which the accused is simultaneously convicted, a sentence of imprisonment for the prevention of crime.

(2) Subject to the provisions of sub-section (3), a superior court or the court of a regional division which convicts a person of an offence referred to in any Group of Part I of the Third Schedule in regard to which it has jurisdiction, is authorized and required, unless in its opinion the offence calls for the imposition of the death sentence or a sentence which entails imprisonment for a period exceeding eight years, to impose in lieu of any other punishment for such offence and any other offences of which the accused is simultaneously convicted, a sentence of imprisonment for the prevention of crime—

- (a) if he is proved to have been sentenced previously to imprisonment for corrective training; or
- (b) if he is proved to have been sentenced previously, before or after the commencement of this Act, either in the Union or elsewhere, to imprisonment for periods of at least thirty-six months in the aggregate, as punishment (whether direct or alternative) for offences of which at least three are offences included in such Group.

(3) A sentence of imprisonment for the prevention of crime shall not be imposed on a person under the age of nineteen years or for an offence in respect

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| | Bylae vermeld, ten opsigte waarvan die hofregsbevoegdheid het, gemagtig en verplig tensy na die oordeel van die hof die misdryf die oplegging vereis van die doodvonnis of 'n straf wat gevangerisstraf meebring vir 'n tydperk wat vier jaar te bowe gaan, om in die plek van enige ander straf vir daardie misdryf en ander misdrywe waaraan die beskuldigde terselfdertyd skuldig bevind word, gevangerisstraf vir korrektiewe opleiding op te lê— |
| 5 | (a) indien dit bewys word dat dit voorheen, vóór of ná die inwerkingtreding van hierdie Wet, hetsy in die Unie of elders, beveel is dat hy na 'n verbeteringshuis soos in artikel een van die Kinderwet, 1937 (Wet No. 31 van 1937) omskryf, verwys moet word, ten opsigte van misdrywe waarvan minstens twee misdrywe is wat by daardie Groep ingesluit word; of |
| 10 | (b) indien dit bewys word dat hy voorheen, vóór of ná die inwerkingtreding van hierdie Wet, hetsy in die Unie of elders, veroordeel is tot gevangerisstraf vir tydperke van minstens twaalf maande in die geheel, as straf (hetsy direk of as alternatief) weens misdrywe waarvan minstens drie misdrywe is wat by daardie Groep ingesluit word. |
| 15 | (3) Gevangenisstraf vir korrektiewe opleiding word nie opgelê nie op iemand onder die ouderdom van negentien jaar of weens 'n misdryf ten opsigte waarvan die oplegging van die doodvonnis of 'n straf wat gevangerisstraf meebring vir 'n tydperk wat vier jaar te bowe gaan, op die persoon wat daaraan skuldig bevind word, verpligtend is. |
| 20 | (4) Ondanks andersluidende bepalings van die Magistraatshowewet, 1944 (Wet No. 32 van 1944) of van 'n ander wet, het 'n magistraatshof waarby iemand voorsit wat 'n vaste betrekking as magistraat of addisionele magistraat beklee of beklee het, regsbevoegdheid om gevangerisstraf vir korrektiewe opleiding op te lê. |
| 25 | (5) Met iemand wat tot gevangerisstraf vir korrektiewe opleiding veroordeel is, word gehandel ooreenkomsdig die wetsbepalings op gevangerisse en tronke. |
| 30 | Gevangenis-straf ter voorkoming van misdaad. 334 ^{quat.} (1) Behoudens die bepalings van sub-artikels (2) en (3), kan 'n hoërhof of die hof van 'n streek-afdeling wat 'n persoon aan 'n misdryf in 'n Groep van Deel I van die Derde Bylae vermeld, ten opsigte waarvan die hofregsbevoegdheid het, skuldig bevind, indien dit bewys word dat genoemde persoon voorheen aan 'n misdryf wat by daardie Groep ingesluit word, skuldig bevind is, in die plek van enige ander straf vir eersgenoemde misdryf en ander misdrywe waaraan hy terselfdertyd skuldig bevind word, gevangerisstraf ter voorkoming van misdaad op lê. |
| 35 | (2) Behoudens die bepalings van sub-artikel (3), word 'n hoërhof of die hof van 'n streek-afdeling wat 'n persoon skuldig bevind aan 'n misdryf in 'n Groep van Deel I van die Derde Bylae vermeld, ten opsigte waarvan die hofregsbevoegdheid het, gemagtig en verplig, tensy na die oordeel van die hof die misdryf die oplegging vereis van die doodvonnis of 'n straf wat gevangerisstraf meebring vir 'n tydperk wat agt jaar te bowe gaan, om in die plek van enige ander straf vir daardie misdryf en ander misdrywe waaraan die beskuldigde terselfdertyd skuldig bevind word, gevangerisstraf ter voorkoming van misdaad op te lê— |
| 40 | (a) indien dit bewys word dat hy voorheen tot gevangerisstraf vir korrektiewe opleiding veroordeel is; of |
| 45 | (b) indien dit bewys word dat hy voorheen, vóór of ná die inwerkingtreding van hierdie Wet, hetsy in die Unie of elders, veroordeel is tot gevangerisstraf vir tydperke van minstens ses-en-dertig maande in die geheel, as straf (hetsy direk of as alternatief) weens misdrywe waarvan minstens drie misdrywe is wat by daardie Groep ingesluit word. |
| 50 | (3) Gevangenisstraf ter voorkoming van misdaad word nie opgelê nie op iemand onder die ouderdom van negentien jaar of weens 'n misdryf ten opsigte |
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of which the imposition of the death sentence or a sentence which entails imprisonment for a period exceeding eight years on the person convicted thereof is compulsory.

(4) A person sentenced to imprisonment for the prevention of crime shall be dealt with in accordance with the laws relating to prisons and gaols.”.

**Substitution
of section 335 of
Act 56 of 1955.**

27. The following section is hereby substituted for section *three hundred and thirty-five* of the principal Act:

335. (1) Subject to the provisions of sub-sections (2) and (3), a superior court which convicts a person of one or more offences, may, if it is satisfied that the said person habitually commits offences, declare him an habitual criminal, in lieu of the 15 imposition of any other punishment for the offence or offences of which he is convicted.

(2) Subject to the provisions of sub-section (3), a superior court or the court of a regional division which convicts a person of an offence referred to in 20 any Group of Part I of the Third Schedule in regard to which it has jurisdiction, is authorized and required, unless in its opinion the offence calls for the imposition of the death sentence, to declare the said person an habitual criminal, in lieu of the 25 imposition of any other punishment for such offence and any other offences of which the accused is simultaneously convicted—

- (a) if he is proved to have been sentenced previously to imprisonment for the prevention of crime; or 30
- (b) if he is proved to have been declared an habitual criminal previously, before or after the commencement of this Act, either in the Union or elsewhere; or
- (c) if he is proved to have been sentenced previously, 35 before or after the commencement of this Act, either in the Union or elsewhere, to imprisonment for periods of at least sixty months in the aggregate as punishment (whether direct or alternative) for offences of which 40 at least three are offences included in such Group.

(3) No person shall be declared an habitual criminal if he is under the age of nineteen years or if the offence of which he has been convicted 45 is an offence in respect of which the imposition of the death sentence on the person convicted is compulsory.

(4) A person declared an habitual criminal shall be dealt with in accordance with the laws relating 50 to prisons and gaols.”.

**Amendment of
section 336 of Act
56 of 1955.**

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

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

“(1) Save as otherwise provided in this Act, a court which convicts any person of any offence punishable by a fine (whether with or without any other direct or alternative punishment) is authorized and required, in imposing a fine upon such person, to impose, as 60 a punishment alternative to such fine, a sentence of imprisonment of any period within the limits of its punitive jurisdiction: Provided that, subject to the provisions of sub-section (3), the period of such alternative sentence of imprisonment shall not, either 65 alone or together with any period of imprisonment imposed as a direct punishment, exceed the longest period of imprisonment prescribed by any law as a punishment (whether direct or alternative) for such offence.”;

(b) by the deletion of sub-section (2).

**Amendment of
section 339 of
Act 56 of 1955.**

29. Section *three hundred and thirty-nine* of the principal Act is hereby amended by the deletion of the words “with or without compulsory labour”.

waarvan die oplegging van die doodvonnis of 'n straf wat gevangenisstraf meebring vir 'n tydperk wat agt jaar te bove gaan, op die persoon wat daaraan skuldig bevind word, verpligtend is.

5 (4) Met iemand wat tot gevangenisstraf ter voorkoming van misdaad veroordeel is, word gehandel ooreenkomsdig die wetsbepalings op gevangenisse en tronke.”.

27. Artikel *drie-honderd vyf-en-dertig* van die Hoofwet Vervanging van artikel 335 van Wet 56 van 1955.

10 word hierby deur die volgende artikel vervang:

„Verklaring 335. (1) Behoudens die bepalings van sub-artikels van sekere persone tot gewoonte-misdadigers. (2) en (3), kan 'n hoërhof wat 'n persoon aan een of meer misdrywe skuldig bevind, indien die hof oortuig is dat genoemde persoon uit gewoonte misdrywe pleeg, hom 'n gewoontemisdadiger verklaar, in plaas van die oplegging van enige ander straf vir die misdryf of misdrywe waaraan hy skuldig bevind word.

15 (2) Behoudens die bepalings van sub-artikel (3), word 'n hoërhof en 'n hof van 'n streek-afdeling wat 'n persoon skuldig bevind aan 'n misdryf in 'n Groep van Deel I van die Derde Bylae vermeld, ten opsigte waarvan die hofregsbevoegdheid het, gemagtig en verplig, tensy na die oordeel van die hof die misdryf die oplegging van die doodvonnis vereis, om genoemde persoon 'n gewoontemisdadiger te verklaar, in die plek van die oplegging van enige ander straf vir daardie en ander misdrywe waaraan die beskuldigde terselfdertyd skuldig bevind word—

20 (a) indien dit bewys word dat hy voorheen tot gevangenisstraf ter voorkoming van misdaad veroordeel is; of

25 (b) indien dit bewys word dat hy voorheen, vóór of ná die inwerkingtreding van hierdie Wet, hetsy in die Unie of elders, 'n gewoontemisdadiger verklaar is; of

30 (c) indien dit bewys word dat hy voorheen, vóór of ná die inwerkingtreding van hierdie Wet, hetsy in die Unie of elders, veroordeel is tot gevangenisstraf vir tydperke van minstens sestig maande in die geheel, as straf (hetsy direk of as alternatief) weens misdrywe waarnaan minstens drie misdrywe is wat by daardie Groep ingesluit word.

35 (3) Niemand word 'n gewoontemisdadiger verklaar nie indien hy onder die ouderdom van negentien jaar is of indien die misdryf waaraan hy skuldig bevind is 'n misdryf is ten opsigte waarvan die oplegging van die doodvonnis op die persoon wat daaraan skuldig bevind word, verpligtend is.

40 (4) Met iemand wat 'n gewoontemisdadiger verklaar is, word gehandel ooreenkomsdig die wetsbepalings op gevangenisse en tronke.”.

55 28. Artikel *drie-honderd ses-en-dertig* van die Hoofwet word Wysiging van artikel 336 van Wet 56 van 1955.

hierby gewysig—

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

60 „(1) Behoudens andersluidende bepalings van hierdie Wet, word 'n hof wat iemand skuldig bevind aan 'n misdryf wat met 'n boete strafbaar is (hetsy met of sonder 'n ander direkte of alternatiewe straf) gemagtig en verplig om by die oplegging van 'n boete op so iemand, gevangenisstraf vir 'n tydperk wat binne sy strafbevoegdheid val, as 'n alternatiewe straf vir so 'n boete op te lê: Met dien verstande dat behoudens die bepalings van sub-artikel (3), die tydperk van die alternatiewe gevangenisstraf, hetsy alleen of tesame met 'n ander tydperk van gevangenisstraf wat as direkte straf opgelê word, nie die langste tydperk van gevangenisstraf wat by 'n wetsbepaling as 'n straf (hetsy direk of as alternatief) vir so 'n misdryf voorgeskryf word, te bove gaan nie.”;

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

70 75 29. Artikel *drie-honderd nege-en-dertig* van die Hoofwet word Wysiging van artikel 339 van Wet 56 van 1955.

hierby gewysig deur die woorde „met of sonder dwangarbeid” te skrap.

Amendment of
section 342 of Act
56 of 1955.

30. Section *three hundred and forty-two* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "*three hundred and twenty-nine*" of the words "*three hundred and thirty*".

Substitution of
section 344 of Act
56 of 1955.

31. The following section is hereby substituted for section *three hundred and forty-four* of the principal Act:

"*Discretion of court in relation to whipping.*" **344.** (1) When any person may be sentenced by a court to a whipping, that punishment may, subject to the provisions of sub-section (2), be inflicted in addition to, or in substitution for, any other punishment to which he may otherwise be sentenced, and the number of strokes to be inflicted, not exceeding ten, shall, subject to the provisions of any other law, be in the discretion of the court which shall specify in the sentence the number of strokes which are to be imposed.

(2) No person shall for the same offence be punished by a fine and by whipping."

Insertion of sec-
tions 344bis, 344ter
and 344quat, in
Act 56 of 1955.

32. The following sections are hereby inserted in the principal Act after section *three hundred and forty-four*: 20

"*Sentence of whipping to be imposed by inferior courts in certain cases only.*" **344bis.** Subject to the provisions of section *three hundred and forty-four ter*, whipping shall only be imposed by an inferior court—

- (a) in the case of a first conviction for—
 - (i) assault of an aggravated or indecent nature or with intent to do grievous bodily harm or with intent to commit any other offence;
 - (ii) culpable homicide, bestiality or an act of gross indecency committed by one male person with another or any attempt to commit any such offence; or
 - (iii) any statutory offence for which whipping may be imposed as a punishment, unless it is expressly provided that whipping shall only be imposed as a punishment on a second or subsequent conviction;
- (b) in the case of a second or subsequent conviction for an offence committed within a period of three years after the former conviction. 40

Sentence of
whipping
shall be
imposed for
certain
offences.

344ter. (1) Subject to the provisions of section *three hundred and forty-four and three hundred and forty-six*, any person convicted of an offence mentioned in Part II of the Third Schedule, shall be sentenced to whipping, unless he is proved previously to have been sentenced to a whipping other than whipping referred to in section *three hundred and forty-five*, or unless he is dealt with under section *three hundred and thirty-four ter*, *three hundred and thirty-four quat*, *three hundred and thirty-five*, *three hundred and forty-two* or *three hundred and forty-five*. 45

(2) The Minister may by notice in the *Gazette* add any offence to Part II of the Third Schedule, if a resolution authorizing him so to add such offence is passed by both Houses of Parliament. 55

Procedure
when sen-
tence of
whipping by
superior
court pre-
vented from
being ex-
ecuted.

344quat. In any case in which a sentence by a superior court of whipping is wholly or partly prevented on grounds of health from being executed, the person sentenced to a whipping shall be kept in custody until that sentence is revised by the court which passed it or if that court is not sitting, by the provincial division concerned, and the court may in its discretion either remit the sentence of whipping or sentence such person, in lieu of whipping or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for a period not exceeding twelve months, which period of imprisonment may be in addition to any other punishment to which the person may have been sentenced for the same offence." 70

Amendment of
section 346 of Act
56 of 1955.

33. Section *three hundred and forty-six* of the principal Act is hereby amended by the insertion in sub-section (1) after the word "female" of the words "and no person over the age of fifty years".

30. Artikel *driehonderd twee-en-veertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „*driehonderd nege-en-twintig*“ deur die woorde „*driehonderd-en-dertig*“ te vervang. Wysiging van artikel 342 van Wet 56 van 1955.

5 31. Artikel *driehonderd vier-en-veertig* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 344 van Wet 56 van 1955.

„Diskresie 10 344. (1) Wanneer iemand deur 'n hof met van hof met lyfstraf gestraf kan word, kan daardie straf, behoudens die bepalings van sub-artikel (2), opgelê word benewens of ter vervanging van 'n ander straf wat hom anders opgelê kan word, en die aantal houe van hoogstens tien wat toegedien moet word, berus, behoudens enige ander wetsbepalings, by die diskresie van die hof wat die aantal houe wat toegedien moet word, in die vonnis bepaal.
 15 (2) Niemand word vir dieselfde misdryf met 'n boete en lyfstraf gestraf nie.“.

32. Die volgende artikels word hierby in die Hoofwet ná Invoeging van artikels 344bis, 344ter en 344quat artikel *driehonderd vier-en-veertig* ingevoeg:

20 „Lyfstraf 20 344bis. Behoudens die bepalings van artikel in Wet 56 van word deur drie-honderd vier-en-veertig ter, word lyfstraf deur 1955.
 laerhove slegs in sekere gevallen opgelê.
 (a) in die geval van 'n eerste skuldigbevinding weens—

- 25 (i) aanranding onder verswarende omstandighede of van 'n onsedelike aard of met die opset om ernstig te beseer of met die opset om 'n ander misdryf te pleeg;
 (ii) strafbare manslag, bestialiteit of 'n growwe onsedelike daad deur 'n manspersoon met 'n ander gepleeg of 'n poging om so 'n misdryf te pleeg; of
 30 (iii) 'n wetteregtelike misdryf waarvoor lyfstraf as straf opgelê kan word, tensy dit uitdruklik bepaal word dat lyfstraf slegs as 'n straf by 'n tweede of daaropvolgende skuldigbevinding opgelê word;
 35 (b) in die geval van 'n tweede of daaropvolgende skuldigbevinding weens 'n misdryf wat binne 'n tydperk van drie jaar ná die vorige skuldigbevinding gepleeg is.

40 45 Lyfstraf moet vir sekere misdrywe opgeleë word. 344ter. (1) Behoudens die bepalings van artikels *driehonderd vier-en-veertig* en *driehonderd ses-en-veertig*, moet 'n persoon wat aan 'n misdryf in Deel II van die Derde Bylae skuldig bevind word tot lyfstraf veroordeel word, tensy dit bewys word dat hy voorheen veroordeel is tot ander lyfstraf as lyfstraf in artikel *driehonderd vyf-en-veertig* vermeld, of tensy teenoor hom kragtens artikel *driehonderd vier-en-dertig ter*, *driehonderd vier-en-dertig quat*, *driehonderd vyf-en-dertig*, *driehonderd twee-en-veertig* of *driehonderd vyf-en-veertig* opgetree word.

50 55 344ter. (2) Die Minister kan by kennisgewing in die Staatskoerant een of ander misdryf by Deel II van die Derde Bylae byvoeg, indien 'n besluit wat hom magtig om so 'n misdryf aldus by te voeg deur albei Huise van die Parlement aangeneem word.

60 65 Procedure 344quat. In 'n geval waarin 'n vonnis deur 'n hoérhof tot lyfstraf om gesondheidsredes in die geheel of gedeeltelik nie ten uitvoer gelê kan word nie, word die persoon wat daartoe gevonniss is in bewaring gehou totdat daardie vonnis deur die hof wat dit opgelê het of, indien daardie hof nie in sitting is nie, deur die betrokke provinsiale afdeling, hersien is, en kan die hof, na goeddunke, die vonnis tot lyfstraf kwytself of genoemde persoon, in die plek van die lyfstraf of in die plek van soveel van die lyfstraf as wat nie ten uitvoer gelê is nie, tot gevangenisstraf veroordeel vir 'n tydperk van hoogstens twaalf maande, watter tydperk van gevangenisstraf benewens enige ander straf kan wees waartoe die persoon vir dieselfde misdryf veroordeel kon gewees het.“.

70 75 33. Artikel *driehonderd ses-en-veertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woorde „vrou“ artikel 346 van die woorde „en geen persoon bô die ouderdom van vyftig jaar“ in te voeg. Wysiging van artikel 346 van Wet 56 van 1955.

Amendment of
section 347 of Act
56 of 1955.

34. Section *three hundred and forty-seven* of the principal Act is hereby amended by the substitution for the words "regulations made under the law governing prisons or gaols" of the words "laws governing prisons and gaols".

Amendment of
section 348 of Act
56 of 1955.

35. Section *three hundred and forty-eight* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "three months" of the words "one year" and for the words "one month" of the words "three months".

Amendment of
section 352 of Act
56 of 1955.

36. Section *three hundred and fifty-two* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (2) after the words "prescribed punishment" of the expression "(other than a punishment prescribed by section *three hundred and thirty-four ter, three hundred and thirty-four quat* or *three hundred and thirty-five*)" and by the deletion 15 in the said sub-section of the expression "subject to the provisions of sub-section (2) of section *three hundred and thirty-five*";
- (b) by the insertion in paragraph (a) of sub-section (3) after the words "whether as to" of the words "the 20 entering by the accused into his own recognizances, with or without sureties, in the amount of such fine or such portion, for the payment of that amount or as to";
- (c) by the addition at the end of sub-section (3) of the 25 following paragraph:
 - (c) If the conditions upon which any recognizance under paragraph (a) was given are not observed by the person who gave it, the court may declare the recognizance to be forfeited and such declaration of forfeiture shall have the effect of a judgment in a civil action in that court.".

Amendment of
section 353 of Act
56 of 1955.

37. Section *three hundred and fifty-three* of the principal Act is hereby amended by the deletion of the words "with or without an alternative period of imprisonment," and of the 35 words "with the consent of the person convicted,".

Repeal of section
354 of Act 56 of
1955.

38. Section *three hundred and fifty-four* of the principal Act is hereby repealed.

Substitution of
section 355 of Act
56 of 1955.

39. The following section is hereby substituted for section *three hundred and fifty-five* of the principal Act:

"**355.** The Governor-General may from time to time by proclamation in the *Gazette* remove from or add to any Group of Part I of the Third Schedule any offence mentioned in the proclamation."

Amendment of
section 356 of Act
56 of 1955.

40. Section *three hundred and fifty-six* of the principal Act is hereby amended by the substitution in paragraph (a) for the word "fifty-two" of the word "fifty-three".

Amendment of
section 374 of Act
56 of 1955.

41. Section *three hundred and seventy-four* of the principal Act is hereby amended by the deletion of the words "with or without compulsory labour".

Amendment of
section 391 of Act
56 of 1955.

42. Section *three hundred and ninety-one* of the principal Act is hereby amended by the substitution in sub-section (1) for the word "Fifth" of the word "Sixth" and for the word "fourth" of the word "third".

Amendment of
the Third Sched-
ule to Act 56 of
1955.

43. The Third Schedule to the principal Act is hereby amended—

- (a) by the substitution for Part I of the following Part:

"PART I.

**OFFENCES, ON CONVICTION WHEREOF THE OFFENDER
SHALL IN CERTAIN CIRCUMSTANCES BE SEN- 60
TENCED TO IMPRISONMENT FOR CORRECTIVE
TRAINING UNDER SECTION *THREE HUNDRED
AND THIRTY-FOUR TER* OR TO IMPRISON-
MENT FOR THE PREVENTION OF CRIME UNDER
SECTION *THREE HUNDRED AND THIRTY- 65
FOUR QUAT*, OR BE DECLARED AN HABITUAL
CRIMINAL UNDER SECTION *THREE HUNDRED
AND THIRTY-FIVE*."**

34. Artikel *driehonderd sewe-en-veertig* van die Hoofwet Wysiging van word hierby gewysig deur die woorde „regulasies uitgevaardig artikel 347 van kragtens die wetsbepalings op gevangenis of tronke“ deur Wet 56 van 1955. die woorde „wetsbepalings op gevangenis en tronke“ te vervang.

35. Artikel *driehonderd agt-en-veertig* van die Hoofwet Wysiging van word hierby gewysig deur in sub-artikel (2) die woorde „drie artikel 348 van maande“ deur die woorde „een jaar“ te vervang en die woorde „een maand“ deur die woorde „drie maande“ te vervang.

10 36. Artikel *driehonderd twee-en-vyftig* van die Hoofwet word Wysiging van hereby gewysig— artikel 352 van Wet 56 van 1955.

(a) deur in sub-artikel (2) na die woorde „voorgeskrewe straf“ die uitdrukking „(behalwe 'n by artikel *drie-honderd vier-en-dertig ter, drie-honderd vier-en-dertig quat* of *drie-honderd vyf-en-dertig* voorgeskrewe straf)“ in te voeg en deur in genoemde sub-artikel die uitdrukking „behoudens die bepalings van sub-artikel (2) van artikel *drie-honderd vyf-en-dertig*“ te skrap;

(b) deur in paragraaf (a) van sub-artikel (3) na die woorde „met betrekking tot“ die woorde „die aangaan deur die beskuldigde van 'n borgakte met of sonder borge, vir die bedrag van daardie boete of daardie gedeelte, ter betaling van daardie bedrag of met betrekking tot“;

(c) deur aan die end van sub-artikel (3) die volgende paragraaf by te voeg:

(c) Indien die voorwaardes waarop 'n borgakte kragtens paragraaf (a) aangegaan is, nie deur die persoon wat dit aangegaan het, nagekom word nie, kan die hof die borgakte verbeurd verklaar en het die verbeurdverklaring die uitwerking van 'n vonnis in 'n siviele saak in daardie hof.“.

37. Artikel *driehonderd drie-en-vyftig* van die Hoofwet word Wysiging van hereby gewysig deur die woorde „met of sonder 'n alternatiewe tydperk van gevangenisstraf“ en die woorde „met die toestemming van die veroordeelde persoon“ te skrap.

38. Artikel *driehonderd vier-en-vyftig* van die Hoofwet word Hierroeping van hereby herroep.

40 39. Artikel *driehonderd vyf-en-vyftig* van die Hoofwet word Vervanging van hereby deur die volgende artikel vervang:

„Wysiging van Deel I tyd by proklamasie in die Staatskoerant 'n misdryf van Derde Bylae. van Deel I van die Derde Bylae skrap of daarby voeg.“.

40. Artikel *driehonderd ses-en-vyftig* van die Hoofwet word Wysiging van hereby gewysig deur in paragraaf (a) die woorde „twee-en-vyftig“ deur die woorde „drie-en-vyftig“ te vervang.

50 41. Artikel *driehonderd vier-en-sewentig* van die Hoofwet Wysiging van word hereby gewysig deur die woorde „met of sonder dwang-arbeid“ te skrap.

42. Artikel *driehonderd een-en-negentig* van die Hoofwet Wysiging van word hereby gewysig deur in sub-artikel (1) die woorde „Vyfde“ deur die woorde „Sesde“ en die woorde „vierde“ deur die woorde „derde“ te vervang.

43. Die Derde Bylae by die Hoofwet word hierby gewysig— (a) deur Deel I deur die volgende Deel te vervang:

Wysiging van Derde Bylae by Wet 56 van 1955.

„DEEL I.

60 MISDRYWE, BY SKULDIGBEVINDING WAARAAN DIE OORTREDER ONDER SEKERE OMSTANDIGHEDE VERDORDEEL MOET WORD TOT GEVANGENISSTRAF VIR KORREKTIEWE OPLEIDING KRAGTENS ARTIKEL *DRIEHONDERD VIER-EN-DERTIG TER OF TOT GEVANGENISSTRAF TER VOORKOMING VAN MISDAAD* KRAGTENS ARTIKEL *DRIEHONDERD VIER-EN-DERTIG QUAT*, OF 'N GEWOONTE-MISDADIGER KRAGTENS ARTIKEL *DRIEHONDERD VYF-EN-DERTIG* VERKLAAR MOET WORD.

Group I.

Murder.	
Rape.	
Culpable homicide involving an assault.	
Robbery.	5
Assault with intent to commit murder, rape, robbery or sodomy, or to do grievous bodily harm.	
Indecent assault.	
Arson.	
Malicious injury to property.	10
Public violence.	
Sedition.	
Any conspiracy, incitement or attempt to commit any of the offences in this Group.	

Group II. 15

Rape.	
Assault with intent to commit rape or sodomy.	
Indecent assault.	
Abduction.	
Incest.	20
Bestiality.	
Sodomy.	
Criminal <i>injuria</i> which involves an indecent act.	
Any conspiracy, incitement or attempt to commit any of the offences in this Group.	25

Group III.

Breaking or entering any premises with intent to commit an offence, either under the common law or under any statutory provision.	
Receiving stolen property knowing it to have been stolen.	30
Robbery.	
Theft.	
Extortion.	
Fraud.	35
Forgery or uttering a forged instrument knowing it to be forged.	
Any conspiracy, incitement or attempt to commit any of the offences in this Group.	

Group IV. 40

Abortion.	
Disposing of the body of a child with intent to conceal the fact of its birth.	
Abduction.	
Any conspiracy, incitement or attempt to commit any of the offences in this Group.	45

Group V.

Defeating or obstructing the course of justice.	
Perjury.	
Bribery.	50
Any conspiracy, incitement or attempt to commit any of the offences in this Group.	

Group VI.

Extortion.	
Bribery.	
Fraud.	55
Forgery or uttering a forged instrument knowing it to be forged.	
Any conspiracy, incitement or attempt to commit any of the offences in this Group.	60

Group VII.

Treason.	
Sedition.	
Public violence.	
Any conspiracy, incitement or attempt to commit any of the offences in this Group.";	65

Groep I.

- 5 Moord.
 Verkragting.
 Strafbare manslag waarby aanranding betrokke is.
 Roof.
 Aanranding met die opset om moord, verkragting,
 roof of sodomie te pleeg, of om ernstig te beser.
 Onsedelike aanranding.
 Brandstigting.
 10 Opsetlike saakbeskadiging.
 Openbare geweld.
 Oproer.
 Enige sameswering, uitlokking of poging om enig-
 een van die misdrywe in hierdie Groep te pleeg.

Groep II.

- 15 Verkragting.
 Aanranding met die opset om verkragting of
 sodomie te pleeg.
 Onsedelike aanranding.
 20 Ontvoering.
 Bloedskande.
 Bestialiteit.
 Sodomie.
 25 Strafregtelike *injuria* waarby 'n onsedelike daad
 betrokke is.
 Enige sameswering, uitlokking of poging om enigeen
 van die misdrywe in hierdie Groep te pleeg.

Groep III.

- 30 Oopbrek of betreding van 'n perseel met die opset
 om 'n oortreding te pleeg, hetsy ingevolge die gemene-
 reg of ingevolge 'n wetteregtelike bepaling.
 Ontvangs van gesteelde goed wetende dat dit
 gesteel is.
 35 Roof.
 Diefstal.
 Afpersing.
 Bedrog.
 Vervalsing en uitgifte van 'n vervalste stuk wetende
 dat dit vervals is.
 40 Enige sameswering, uitlokking of poging om enigeen
 van die misdrywe in hierdie Groep te pleeg.

Groep IV.

- 45 Vrugafdrywing.
 Die wegdoen met die lyk van 'n kind met die doel
 om die feit van sy geboorte te verberg.
 Ontvoering.
 Enige sameswering, uitlokking of poging om enigeen
 van die misdrywe in hierdie Groep te pleeg.

Groep V.

- 50 Dwarsboming of belemmering van die verloop van
 die geregt.
 Myneed.
 Omkopery.
 55 Enige sameswering, uitlokking of poging om enigeen
 van die misdade in hierdie Groep te pleeg.

Groep VI.

- Afpersing.
 Omkopery.
 Bedrog.
 60 Vervalsing en uitgifte van 'n vervalste stuk wetende
 dat dit vervals is.
 Enige sameswering, uitlokking of poging om enigeen
 van die misdrywe in hierdie Groep te pleeg.

Groep VII.

- 65 Hoogverraad.
 Oproer.
 Openbare geweld.
 Enige sameswering, uitlokking of poging om enigeen
 van die misdrywe in hierdie Groep te pleeg.";

(b) by the substitution for the heading to Part II of the following heading:

"OFFENCES, ON CONVICTION WHEREOF THE OFFENDER
SHALL BE SENTENCED TO WHIPPING UNDER
SECTION THREE HUNDRED AND FORTY-
FOUR TER.".

Amendment of
Fourth Schedule
to Act 56 of 1955.

44. The Fourth Schedule to the principal Act is hereby amended by the insertion in the heading thereto after the word "SECTION" of the words "THREE HUNDRED AND THIRTY-FOUR BIS OR".

10

Insertion of
Fifth Schedule
in Act 56 of 1955,
the existing Fifth
Schedule becoming
the Sixth
Schedule.

45. The following Schedule is hereby inserted in the principal Act after the Fourth Schedule, the existing Fifth Schedule becoming the Sixth Schedule:

"Fifth Schedule.

RULES WHICH, IN TERMS OF SECTION THREE HUNDRED 15 AND THREE TER, SHALL BE OBSERVED WHEN TAKING PREVIOUS CONVICTIONS INTO ACCOUNT IN IMPOSING ANY SENTENCE.

1. No previous conviction shall be taken into account in imposing any sentence on an accused, if, after the date 20 of such a conviction or the date of expiration of a period equal to any period or periods of imprisonment or detention imposed on him on or before the first-mentioned date as a punishment (whether direct or alternative), whichever is the later date, a period of ten years has 25 elapsed in respect of which he has not been proved to have committed any offence.

2. Where there are more counts than one in any charge, a conviction on each count shall be treated as a separate conviction.

30

3. When an accused has been convicted of more offences than one on the same day, a conviction of each offence shall be treated as a separate conviction.

4. In calculating any period of imprisonment—

(a) twenty hours periodical imprisonment shall be 35 equal to imprisonment for one day;

(b) one week shall be equal to seven days;

(c) thirty days shall be equal to one month;

(d) imprisonment for corrective training shall be equal to imprisonment for a period of two years; 40

(e) imprisonment for the prevention of crime shall be equal to imprisonment for a period of five years;

(f) declaration as an habitual criminal shall be equal to imprisonment for a period of nine years. 45

5. If the date of commission of an offence has not been proved, the date alleged in the charge shall be deemed to be the date of commission of the offence, or if a period is alleged in the charge, the date of commencement of that period shall be deemed to be the date of commission of 50 the offence."

Short title and
commencement.

46. This Act shall be called the Criminal Law Amendment Act, 1957, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(b) deur die opskrif by Deel II deur die volgende opskrif te vervang:

MISDRYWE, BY SKULDIGBEVINDING WAARAAN DIE OORTREDER KAGTENS ARTIKEL **DRIEHONDERD VIER-EN-VEERTIG TER TOT LYFSTRAF VER-ORDEEL MOET WORD.”**

44. Die Vierde Bylae by die Hoofwet word hierby gewysig Wysiging van
deur in die opskrif daarby ná die woord „ARTIKEL” die woorde Vierde Bylae by
„DRIEHONDERD VIER-EN-DERTIG BIS OF” in te voeg. Wet 56 van 1955.

10 - 45. Die volgende Bylae word hierby in die Hoofwet ná die Vierde Bylae by
Vierde Bylae ingevoeg, terwyl die bestaande Vyfde Bylae die Wet 56 van 1955,
Sesde Bylae word:
terwyl die be-
staande Vyfde
Bylae die Sesde
Bylae word.

,,Vyfde Bylae.

15 REËLS WAT INGEVOLGE ARTIKEL DRIEHONDERD-EN-DRIE TER, NAGEKOM MOET WORD WANNEER VORIGE SKULDIGBEVINDINGS BY DIE OPLEGGING VAN 'N STRAF IN AANMERKING GENEEM WORD.

20 1. Geen vorige skuldigbevinding word by die oplegging van 'n straf op 'n beskuldigde in aanmerking geneem nie, indien, ná die datum van so 'n skuldigbevinding of die datum van verstryking van 'n tydperk wat gelykstaande is met 'n tydperk of tydperke van gevangenisstraf of aanhouding hom op of vóór eersgenoemde datum as straf (hetso direk of as alternatief) opgelê, watter datum ook al die jongste is, 'n tydperk van tien jaar verloop het ten opsigte waarvan dit nie bewys is dat hy 'n misdryf gepleeg het nie.

30 2. Waar daar meer as een hoof in 'n aanklag voorkom, word 'n skuldigbevinding op elke hoof as 'n afsonderlike skuldigbevinding beskou.

35 3. Wanneer 'n beskuldigde aan meer as een misdryf op dieselfde dag skuldig bevind word, word 'n skuldigbevinding aan elke misdryf as 'n afsonderlike skuldigbevinding beskou.

40 4. By die berekening van 'n tydperk van gevangenisstraf is—
(a) twintig uur periodieke gevangenisstraf gelyk aan een dag gevangenisstraf;
(b) een week gelyk aan sewe dae;
(c) dertig dae gelyk aan een maand;
(d) gevangenisstraf vir korrektiewe opleiding gelyk aan gevangenisstraf vir 'n tydperk van twee jaar;
(e) gevangenisstraf ter voorkoming van misdaad gelyk aan gevangenisstraf vir 'n tydperk van vyf jaar;
(f) verklaring tot 'n gewoontemisdadiger gelyk aan gevangenisstraf vir 'n tydperk van nege jaar.

45 5. Indien die datum waarop 'n misdaad gepleeg is, nie bewys is nie, word die datum in die aanklag beweer, geag die datum te wees waarop die misdaad gepleeg is, of indien 'n tydperk in die aanklag beweer word, word die datum waarop daardie tydperk begin, geag die datum te wees waarop die misdryf gepleeg is.

50 46. Hierdie Wet heet die Wysigingswet op die Strafreg, 1957, Kort titel en
55 en tree in werking op 'n datum deur die Goewerneur-generaal inwerkingtreding
by proklamasie in die *Staatskoerant* bepaal.