

EXTRAORDINARY



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DEPARTMENT OF THE PRIME MINISTER.

The following Government Notice is published for general information:

No. 925.] [28th June, 1957.

It is hereby notified that His Excellency the Officer Administering the Government has been pleased to assent to the following Acts, which are hereby published for general information:

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DEPARTEMENT VAN DIE EERSTE MINISTER.

Onderstaande Goewermmentskennisgewing word ter algemene inligting gepubliseer:—

No. 925.] [28 Junie 1957.

Hierby word bekend gemaak dat dit Sy Eksellensie die Amptenaar 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:

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No. 48, 1957.]

ACT

To amend the Merchant Shipping (Certificates of Competency) Act, 1925.

*(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 8 of Act
45 of 1925.

1. Section *eight* of the Merchant Shipping (Certificates of Competency) Act, 1925 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the words "Commissioner of Customs" of the words "Secretary for Transport or such officer of the public service as the said Secretary may designate".

Amendment of
section 16 of Act
45 of 1925.

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

(a) by the insertion at the commencement of sub-section (1) of the following paragraph, the existing sub-section (1) becoming paragraph (b):

"(a) The Governor-General may at any port in the Union appoint an officer of the public service (hereinafter referred to as an authorized officer) for the purpose of carrying out the provisions of this section.";

(b) by the substitution in the said paragraph (b) for the words "a principal officer of Customs at any port in the Union" of the words "any authorized officer" and for the words "such principal officer of Customs" of the words "such authorized officer";

(c) by the substitution in sub-section (2) for the words "A principal officer of Customs" of the words "Any authorized officer"; and

(d) by the substitution in sub-section (3) for the words "a principal customs" of the words "any authorized".

Amendment of
section 18 of Act
45 of 1925.

3. Section *eighteen* of the principal Act is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

"(2) Any Minister of State may delegate any power conferred upon him by virtue of this Act (except the power to make rules under sub-section (2) of section *five*) to any officer of the public service."

Amendment of
section 19 of Act
45 of 1925, as
amended by sec-
tion 1 of Act
42 of 1934.

4. Section *nineteen* of the principal Act is hereby amended by the insertion after the definition of "officer" of the following definition:

"'public service' means the public service according to the provisions of section *one* of the Public Service Act, 1923 (Act No. 27 of 1923);".

Short title.

5. This Act shall be called the Merchant Shipping (Certificates of Competency) Amendment Act, 1957, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

No. 48, 1957.]

WET

Tot wysiging van die „Koopvaardij (Certifikaten van Bekwaamheid) Wet, 1925”.

(Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 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 *agt* van die „Koopvaardij (Certifikaten van Wysiging van Bekwaamheid) Wet, 1925” (hieronder die Hoofwet genoem), artikel 8 van Wet word hierby gewysig deur die woorde „Kommissaris van 45 van 1925. Doeane” deur die woorde „Sekretaris van Vervoer of een door die Sekretaris aangeweesen beambte van de Staatsdienst” te vervang.
2. Artikel *sestien* van die Hoofwet word hierby gewysig— Wysiging van
 - (a) deur aan die begin van sub-artikel (1) die volgende artikel 16 van paragraaf in te voeg, terwyl die bestaande sub-artikel Wet 45 van 1925. (1) paragraaf (b) word:

„(a) De Goeverneur-generaal kan bij enige haven in de Unie een beambte van de Staatsdienst (hieronder een gemachtigde beambte genoemd) voor de uitvoering van de bepalingen van dit artikel, aanstellen.”;
 - (b) deur in bedoelde paragraaf (b) die woorde „de Hoofd-doeanebeambte van een haven in de Unie” deur die woorde „een gemachtigde beambte” te vervang en deur die woorde „zulke Hoofd-doeanebeambte” deur die woorde „de gemachtigde beambte” te vervang;
 - (c) deur in sub-artikel (2) die woorde „Een Hoofd-doeanebeambte” deur die woorde „Een gemachtigde beambte” te vervang; en
 - (d) deur in sub-artikel (3) die woord „Hoofd-doeanebeambte” deur die woorde „gemachtigde beambte” te vervang.
3. Artikel *agtien* van die Hoofwet word hierby gewysig Wysiging van deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel 18 van artikel sub-artikel (1) word: Wet 45 van 1925.

„(2) Een Minister van Staat kan een uit hoofde van deze Wet aan hem verleende bevoegdheid (uitgezonderd de bevoegdheid om krachtens sub-artikel (2) van artikel vijf regels te maken) aan een beambte van de Staatsdienst delegeren.”.
4. Artikel *negentien* van die Hoofwet word hierby gewysig Wysiging van deur na die omskrywing van „scheepsofficier” die volgende artikel 19 van omskrywing in te voeg: Wet 45 van 1925, soos gewysig deur artikel 1 van Wet 42 van 1934.

„„Staatsdienst” de Staatsdienst volgens de bepalingen van artikel een van de Staatsdienst Wet, 1923 (Wet No. 27 van 1923);”.
5. Hierdie Wet heet die Wysigingswet op Koopvaardy Kort titel. (Sertifikate van Bekwaamheid), 1957, en tree in werking op ’n datum wat die Goewerneur-generaal by proklamasie in die Staatskoerant bepaal.

No. 52, 1957.]

ACT**To amend the Motor Carrier Transportation Act, 1930.***(Afrikaans 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:—Insertion of
section 13ter
in Act 39 of 1930.**1.** The following section is hereby inserted in the Motor Carrier Transportation Act, 1930, after section *thirteen bis*:“Prohibition
or restriction
of motor
carrier
transporta-
tion in
certain
circum-
stances.

13ter. (1) Notwithstanding anything to the contrary contained in this Act, the Minister may, whenever the holder of a motor carrier certificate has discontinued wholly or in part any motor carrier transportation authorized by that certificate—

- (a) prohibit the board or any local board concerned from authorizing any other person to carry on, whether under a motor carrier certificate or otherwise, any motor carrier transportation which in the opinion of the board or such local board will provide or is intended to provide for the conveyance of persons for whose conveyance the carrying on of the motor carrier transportation provided for in that certificate was authorized, or of any class of such persons; or
- (b) direct that the carrying on of any such motor carrier transportation by any other person shall not be authorized otherwise than in accordance with and subject to such conditions and restrictions as the Minister may determine.

(2) The Minister may at any time withdraw any prohibition imposed or direction issued by him under sub-section (1), or withdraw or vary any condition or restriction determined by him under paragraph (b) of that sub-section or determine additional conditions or restrictions in connection with any direction under that paragraph.”.

Short title.

2. This Act shall be called the Motor Carrier Transportation Amendment Act, 1957.

No. 52, 1957.]

WET

Tot wysiging van die Motortransportwet, 1930.*(Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 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. Die volgende artikel word hierby na artikel *dertien bis* in die Motortransportwet, 1930, ingevoeg:

Invoeging van
artikel 13*ter* in
Wet 39 van 1930.

„Verbod of
beperking
van motor-
transport
onder
sekere
omstandig-
hede.

13*ter*. (1) Ondanks andersluidende bepalings van hierdie Wet, kan die Minister, wanneer die houer van 'n motortransportsertifikaat enige motortransport wat deur daardie sertifikaat gemagtig word in geheel of ten dele gestaak het—

(a) die raad of enige betrokke plaaslike raad verbied om enige ander persoon te magtig om, hetsy ingevolge 'n motortransportsertifikaat of andersins, enige motortransport te dryf wat volgens die oordeel van die raad of bedoelde plaaslike raad sal voorsien of bedoel is om te voorsien vir die vervoer van persone vir die vervoer van wie die dryf van die motortransport waarvoor in bedoelde sertifikaat voorsiening gemaak word, gemagtig was, of van enige kategorie van daardie persone; of

(b) gelas dat die dryf van sodanige motortransport deur enige ander persoon nie gemagtig mag word nie, dan alleen ooreenkomstig en onderworpe aan die voorwaardes en beperkings wat die Minister bepaal.

(2) Die Minister kan te eniger tyd 'n verbod of lasgewing wat hy kragtens sub-artikel (1) opgelê of gegee het, intrek of 'n voorwaarde of beperking wat hy kragtens paragraaf (b) van daardie sub-artikel bepaal het, intrek of wysig, of addisionele voorwaardes of beperkings in verband met 'n lasgewing kragtens daardie paragraaf bepaal.”.

2. Hierdie Wet heet die Wysigingswet op Motortransport, Kort titel. 1957.

No. 55, 1957.]

ACT

To amend the South-West Africa Constitution Act, 1925.

(English text signed by the Officer Administering the Government.)
(Assented to 19th 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 4 of Act 42 of 1925.

1. Section *four* of the South-West Africa Constitution Act, 1925 (hereinafter referred to as the principal Act), is hereby amended by the addition at the end of sub-section (1) of the following proviso:

“Provided that a member who is deputy administrator or acts as administrator shall only have the votes assigned to the Administrator.”.

Amendment of section 17 of Act 42 of 1925, as amended by section 6 of Act 19 of 1940 and section 11 of Act 23 of 1949.

2. Section *seventeen* of the principal Act is hereby amended by the insertion in paragraph (*d*) of sub-section (2) after the words “Executive Committee” of the words “or the holding by a member of the Executive Committee of the office of deputy administrator or acting administrator”.

Amendment of section 22 of Act 42 of 1925, as amended by section 15 of Act 23 of 1949.

3. Section *twenty-two* of the principal Act is hereby amended by the addition at the end of sub-section (2) of the following proviso:

“Provided that a member of the Executive Committee who is a member of the Assembly and is deputy administrator or acts as administrator, shall retain his right to vote as a member of the Assembly.”.

Amendment of section 44 of Act 42 of 1925, as substituted by section 22 of Act 23 of 1949, and amended by section 1 of Act 55 of 1951.

4. Section *forty-four* of the principal Act is hereby amended by the substitution for sub-section (5) of the following sub-section:

“(5) The publication in the *Gazette* of any Act of Parliament, or of any proclamation, notice, regulation, rule or order, or of anything done, under or in pursuance of such an Act, shall for all purposes be deemed to be publication thereof in the *Official Gazette* of the territory, unless the publication in the *Gazette* contains an indication to the contrary.”.

Short title.

5. This Act shall be called the South-West Africa Constitution Amendment Act, 1957.

No. 55, 1957.]

WET

Om die „Zuidwest-Afrika Konstitutie Wet, 1925” te wysig.

(Engelse teks deur die Amptenaar Belas met die Uitoefening
van die Uitvoerende Gesag geteken.)
(Goedgekeur op 19 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 vier van die „Zuidwest-Afrika Konstitutie Wet, 1925” (hieronder die Hoofwet genoem) word hierby gewysig deur aan die end van sub-artikel (1) die volgende voorbehoudsbepaling by te voeg:

Wysiging van artikel 4 van Wet 42 van 1925.

„Met dien verstande dat een lid dat vice-administrateur is of als administrateur optreedt, slechts de aan de Administrateur toegewezen stemmen heeft.”.

2. Artikel sewentien van die Hoofwet word hierby gewysig deur in paragraaf (d) van sub-artikel (2) na die woorde „Uitvoerend Komitee” die woorde „of het bekleden door een lid van het Uitvoerend Komitee van het ambt van vice-administrateur of waarnemend administrateur” in te voeg.

Wysiging van artikel 17 van Wet 42 van 1925, soos deur artikel 6 van Wet 19 van 1940 en artikel 11 van Wet 23 van 1949 gewysig.

3. Artikel twee-en-twintig van die Hoofwet word hierby gewysig deur aan die end van sub-artikel (2) die volgende voorbehoudsbepaling by te voeg:

Wysiging van artikel 22 van Wet 42 van 1925, soos deur artikel 15 van Wet 23 van 1949 gewysig.

„Met dien verstande dat een lid van het Uitvoerend Komitee dat een lid van de Vergadering is en een vice-administrateur is of als administrateur optreedt, zijn stem als lid van de Vergadering behoudt.”.

4. Artikel vier-en-veertig van die Hoofwet word hierby gewysig deur sub-artikel (5) deur die volgende sub-artikel te vervang:

Wysiging van artikel 44 van Wet 42 van 1925, soos deur artikel 22 van Wet 23 van 1949 vervang en deur artikel 1 van Wet 55 van 1951 gewysig.

„(5) De publikatie in de Staatskoerant van een Wet van het Parlement, of van een proklamatie, kennisgeving, regulatie, regel of order, of van iets gedaan, krachtens of ingevolge zulk een Wet, wordt voor alle doeleinden geacht publikatie daarvan in de Officiële Koerant van het gebied te zijn, tenzij de publikatie in de Staatskoerant een tegenovergestelde aanduiding bevat.”.

5. Hierdie Wet heet die Wysigingswet op die Konstitusie Kort titel. van Suidwes-Afrika, 1957.

No. 56, 1957.]

ACT

To consolidate the laws relating to the establishment of the office of the State Attorney and matters incidental thereto.

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

(Assented to 20th 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:—

Establishment
of office of
State Attorney.

1. (1) There shall be established in Pretoria under the control of the Minister of Justice an office called the office of the State Attorney.

(2) Branches of the State Attorney's office may from time to time and subject to like control, be established at other places in the Union.

(3) The office of the State Attorney for the Union, and any branch thereof, existing at the commencement of this Act, shall be deemed to have been established under this section.

Appointments
in the office
of the State
Attorney and
branches thereof.

2. (1) The Minister of Justice may, subject to the laws governing the public service—

(a) appoint as State Attorney a person admitted and entitled to practise as an attorney in any one of the superior courts of the Union, who shall be in charge of the office of the State Attorney established under this Act;

(b) appoint a person qualified as aforesaid to be in charge of any branch of such office, and such other persons as may be necessary for the proper performance of the business of the said office or any branch thereof.

(2) The creation, grading and classification of all posts on the establishment of the State Attorney's office and any branch thereof and the remuneration and conditions of service, including retiring benefits, of all persons occupying such posts shall be governed by the laws governing the public service.

(3) Any person holding office as State Attorney at the commencement of this Act, and any person holding an appointment in the office of the State Attorney or in any branch thereof at such commencement, shall be deemed to have been appointed under this section.

(4) The Minister of Justice may require any person appointed or deemed to have been appointed under this section, to carry out and exercise such powers, duties and functions, in addition to performing the functions hereinafter prescribed, as the said Minister may prescribe and as such person may be qualified to perform.

(5) Anything to the contrary notwithstanding in any law, practice or custom in force or prevailing in any part of the Union, the State Attorney and any person holding an appointment in the State Attorney's office, or in any branch thereof, may, notwithstanding that he is an attorney, notary or conveyancer, receive a salary in respect of all services rendered or to be rendered by him under his appointment.

Functions of
State Attorney's
Office.

3. (1) The functions of the office of the State Attorney and of its branches shall be the performance in any court or in any part of the Union of such work on behalf of the Government of the Union as is by law, practice or custom performed by attorneys, notaries and conveyancers or by parliamentary agents: Provided that the functions in regard to his duties as parliamentary agent shall be subject to the Standing Rules of the respective Houses of Parliament.

(2) There may also be performed at the State Attorney's office or at any of its branches like functions for or on behalf of the administration of any province and for or on behalf of the South African Railways and Harbours Administration, subject to such terms and conditions as may be arranged between the Minister of Justice and the administration concerned.

No. 56, 1957.]

WET

Tot samevatting van die wetsbepalings op die instelling van die Staatsprokureurskantoor en aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 20 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) Daar word onder die beheer van die Minister van Justisie 'n kantoor bekend as die Staatsprokureurskantoor in Pretoria ingestel. Instelling van Staatsprokureurskantoor.
- (2) Takke van die Staatsprokureurskantoor kan van tyd tot tyd, onderworpe aan dieselfde beheer, in ander plekke in die Unie ingestel word.
- (3) Die Staatsprokureurskantoor vir die Unie, en enige tak daarvan, wat by die inwerkingtreding van hierdie Wet bestaan, word geag kragtens hierdie artikel ingestel te gewees het.
2. (1) Die Minister van Justisie kan, behoudens die wetsbepalings op die staatsdiens— Aantellings in die Staatsprokureurskantoor en takke daarvan.
 - (a) 'n persoon wat toegelaat en geregtig is om in een van die hoërhowe van die Unie as prokureur te praktiseer, as Staatsprokureur aanstel, wat in beheer van die kragtens hierdie Wet ingestelde Staatsprokureurskantoor is;
 - (b) iemand wat soos voormeld bevoeg is, aan die hoof van enige tak van bedoelde kantoor aanstel, benewens die ander persone wat vir die behoorlike verrigting van die werksaamhede van bedoelde kantoor of 'n tak daarvan nodig mag wees.
- (2) Die instelling, gradering en klassifikasie van alle poste op die diensstaat van die Staatsprokureurskantoor en enige tak daarvan, en die besoldiging en diensvoorwaardes, met inbegrip van uitdienstredingsvoordele, van alle persone wat daardie poste beklee, word ingevolge die wetsbepalings op die staatsdiens gereël.
- (3) Iemand wat by die inwerkingtreding van hierdie Wet die amp van Staatsprokureur beklee, en iemand wat by bedoelde inwerkingtreding 'n betrekking in die Staatsprokureurskantoor of in enige tak daarvan beklee, word geag kragtens hierdie artikel aangestel te gewees het.
- (4) Die Minister van Justisie kan gelas dat iemand wat kragtens hierdie artikel aangestel is of geag word te wees, benewens die werksaamhede hieronder voorgeskryf, ook die magte, pligte en werksaamhede uitvoer en verrig wat daardie Minister voorskryf en waartoe so iemand bevoeg mag wees.
- (5) Ondanks andersluidende bepalinge van enige wet, praktyk of gebruik wat in enige deel van die Unie geld of in swang is, kan die Staatsprokureur en enige persoon wat 'n betrekking in die Staatsprokureurskantoor of in 'n tak daarvan beklee, al is hy 'n prokureur, notaris of akte-uitmaker, 'n salaris ontvang ten opsigte van alle dienste wat ingevolge sy aanstelling deur hom gelewer word of staan te word.
3. (1) Die werksaamhede van die Staatsprokureurskantoor en van die takke daarvan bestaan uit die verrigting in enige hof of in enige deel van die Unie van werk ten behoeve van die Regering van die Unie wat volgens wet, praktyk of gebruik deur prokureurs, notarisse en akte-uitmakers of deur parlementêre agente verrig word: Met dien verstande dat die werksaamhede met betrekking tot sy pligte as parlementêre agent met inagneming van die reglement van orde van die onderskeie Huise van die Parlement uitgevoer word. Werksaamhede van Staatsprokureurskantoor.
- (2) Daar kan ook by die Staatsprokureurskantoor of by enige tak daarvan soortgelyke werksaamhede vir of ten behoeve van die administrasie van 'n provinsie en vir of ten behoeve van die Suid-Afrikaanse Spoorweg- en Hawensadministrasie verrig word, en wel onderworpe aan die bedinge en voorwaardes waarop deur die Minister van Justisie en die betrokke administrasie ooreengekom word.

(3) There may also be performed at the State Attorney's office or at any of its branches, if the Minister of Justice so directs, like functions in or in connection with any matter in which the Government or such an administration as aforesaid, though not a party, is interested or concerned, or in or in connection with any matter where, in the opinion of the Minister of Justice, it is in the public interest that such functions be performed at the said office or at one of its branches.

Rights, privileges and duties of persons performing functions under Act.

4. The rights, privileges and duties of an attorney, notary or conveyancer lawfully performing functions described in section *three*, shall, except as is specially provided by this Act, include any of the rights, privileges and duties respectively possessed by or imposed on an attorney, notary or conveyancer practising in the province of the Union where such functions are being performed.

Functions of notaries and conveyancers to be performed by notaries and conveyancers only.

5. The said functions, in so far as they are functions which by law, custom or practice can be performed by an attorney, a notary or a conveyancer only, shall be performed by an attorney, a notary or a conveyancer (as the case may be) admitted and entitled to practise in the province of the Union where such functions are being performed.

Recovery of costs when work performed at State Attorney's office.

6. (1) In every application, motion, action, suit or other legal proceedings of a civil nature in or before any court in or in connection with which the State Attorney, or any person employed in the State Attorney's office or a branch thereof and admitted and entitled to practise as aforesaid, has appeared, or in any matter wherein he or any such person has acted in the performance of any of the said functions, fees and costs may be taxed and recovered in the same manner as if such functions had been performed by a practitioner in private practice, and notwithstanding any provision in the Stamp Duties and Fees Act, 1911 (Act No. 30 of 1911), or in any other law, any document filed, lodged, registered or issued by the State Attorney or any person employed in the State Attorney's office or any branch thereof shall be subject to the stamp duty and any fee of office to which it would have been subject if it had been filed, lodged, registered or issued by a practitioner in private practice.

(2) Any fees and costs recovered shall be paid into the Consolidated Revenue Fund.

Right to exercise function at places where no fixed office.

7. Notwithstanding anything to the contrary in any law, practice or custom, the State Attorney and any person employed in his office and admitted and entitled to practise as aforesaid and any person nominated by him and likewise admitted and entitled to practise may, subject to the provisions of sections *four* and *five*, exercise his functions in any court in the Union though he may have no fixed office or branch office at the place where such court sits.

Employment of correspondents by State Attorney and matters incidental thereto.

8. (1) The State Attorney shall be entitled in the exercise of his functions aforesaid to instruct and employ as correspondent any attorney or other qualified person to act in any legal proceedings or matters in any place in the same way and, *mutatis mutandis*, subject to the same rules, terms and conditions as govern attorneys in private practice, and shall be entitled to receive and recover from such correspondent the same allowances as he would be entitled to do if he were an attorney in private practice.

(2) Any allowances recovered shall be paid into the Consolidated Revenue Fund, and any such correspondent shall be entitled to accept such employment and make such allowances.

Regulations.

9. The Governor-General may make regulations, not inconsistent with this Act—

- (a) defining the qualifications, powers, duties and jurisdiction of persons who may be appointed under this Act;
- (b) prescribing the places within the Union at which branches of the office of the State Attorney shall be established and the number of persons who may be employed at any such branch;

(3) Ook kan, indien die Minister van Justisie dit gelas, by die Staatsprokureurskantoor of by 'n tak daarvan soortgelyke werksaamhede verrig word in of in verband met enige aangeleentheid waarby die Regering of so 'n voormelde administrasie, hoewel geen party nie, belang het of betrokke is, of in of in verband met enige aangeleentheid waar dit volgens die oordeel van die Minister van Justisie, in die openbare belang is dat die betrokke werksaamhede by bedoelde kantoor of by 'n tak daarvan verrig word.

4. Die regte, voorregte en pligte van 'n prokureur, notaris of akte-uitmaker wat wettiglik die in artikel drie beskrewe werksaamhede verrig, sluit, behoudens spesiale bepalings in hierdie Wet, enige van die regte, voorregte en pligte in wat onderskeidelik berus by of opgelê word aan 'n prokureur, notaris of akte-uitmaker wat praktiseer in die provinsie van die Unie waar bedoelde werksaamhede verrig word.

Regte, voorregte en pligte van persone wat werksaamhede kragtens hierdie Wet verrig.

5. Bedoelde werksaamhede word, vir sover dit werksaamhede is wat volgens wet, gebruik of praktyk slegs deur 'n prokureur, 'n notaris of 'n akte-uitmaker verrig kan word, verrig deur 'n prokureur, 'n notaris of 'n akte-uitmaker (na gelang van die geval) wat toegelaat en geregtig is om te praktiseer in die provinsie van die Unie waar bedoelde werksaamhede verrig word.

Werksaamhede van notaris en akte-uitmakers moet slegs deur notaris en akte-uitmakers verrig word.

6. (1) In verband met elke aansoek, mosie, aksie, saak of ander geregtelike proses van 'n siviele aard in of voor 'n hof, waarin of in verband waarmee die Staatsprokureur of iemand in diens by die Staatsprokureurskantoor of 'n tak daarvan, wat toegelaat en geregtig is om soos voormeld te praktiseer, verskyn het, of in verband met 'n aangeleentheid in verband waarmee hy of so 'n persoon vir die verrigting van enige van bedoelde werksaamhede opgetree het, kan honoraria en koste op dieselfde wyse getakseer en verhaal word asof bedoelde werksaamhede deur 'n praktisyn in 'n private praktyk verrig was, en ondanks die bepalings van die „Zegelwet, 1911” (Wet No. 30 van 1911), of van enige ander wet, geld ten opsigte van 'n dokument wat deur die Staatsprokureur of deur 'n persoon in diens in die Staatsprokureurskantoor of 'n tak daarvan, ingedien, ingelewer, geregistreer of uitgereik word, die seëlregte en kantoorgelde wat ten opsigte daarvan sou gegeld het indien dit deur 'n praktisyn in 'n private praktyk ingedien, ingelewer, geregistreer of uitgereik was.

Verhaal van koste waar werk deur Staatsprokureurskantoor verrig is.

(2) Honoraria en koste wat verhaal word, moet in die Gekonsolideerde Inkomstefonds gestort word.

7. Ondanks andersluidende bepalings van enige wet, praktyk of gebruik, kan die Staatsprokureur en iemand in diens in sy kantoor, wat toegelaat en geregtig is om soos voormeld te praktiseer, en 'n deur hom aangewese persoon wat insgelyks toegelaat en geregtig is om te praktiseer, behoudens die bepalings van artikels vier en vyf, sy werksaamhede in enige hof in die Unie uitoefen al het hy geen vaste kantoor of takkantoor op die plek waar bedoelde hof sit nie.

Reg om werksaamhede te verrig op plekke waar geen vaste kantoor is nie.

8. (1) Die Staatsprokureur is by die uitoefening van sy voormelde werksaamhede geregtig om 'n prokureur of ander gekwalifiseerde persoon as korrespondent opdrag te gee en aan te stel om in regsdinge of sake in enige plek op te tree op dieselfde wyse en *mutatis mutandis* onderworpe aan dieselfde reëls, bedinge en voorwaardes as wat vir 'n prokureur in private praktyk geld, en is geregtig om van so 'n korrespondent die toelaes te ontvang en te verhaal waartoe hy geregtig sou wees indien hy 'n prokureur in private praktyk was.

Aanstelling van korrespondente deur Staatsprokureur en daarmee in verband staande aangeleenthede.

(2) Alle verhaalde toelaes word in die Gekonsolideerde Inkomstefonds gestort, en so 'n korrespondent is geregtig om so 'n aanstelling te aanvaar en sodanige toelaes af te staan.

9. Die Goewerneur-generaal kan regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie—

Regulasies.

- waarby die kwalifikasies, bevoegdhede, pligte en jurisdiksie omskryf word van persone wat kragtens hierdie Wet aangestel mag word;
- waarby die plekke in die Unie voorgeskryf word waar takke van die Staatsprokureurskantoor ingestel moet word, asook die aantal persone wat by so 'n tak in diens geneem mag word;

(c) as to the instruction and employment of attorneys, notaries and conveyancers, by or on behalf of the State Attorney;

(d) providing for—

- (i) a minimum period for which a person who has completed his service under articles to the State Attorney or a professional assistant in the office, or a branch of the office, of the State Attorney, shall serve the State in such office or in any branch of such office, which period may vary according to the period of service under such articles;
- (ii) an amount (which may vary according to the period served in such office or in any such branch under such articles or after completion of service thereunder) which any person who fails to complete his service under articles to the State Attorney or such professional assistant, or so to serve the State for the period so provided for, may be required to pay to the State; and
- (iii) the recovery of any amount which is so required to be paid,

and generally for the better carrying out of the objects and purposes of this Act.

Repeal of Acts.

10. (1) Subject to the provisions of sub-section (2), the State Attorney Act, 1925 (Act 25 of 1925), the State Attorney Amendment Act, 1955 (Act 10 of 1955), and section *one* of the State Attorney Amendment Act, 1957, are hereby repealed.

(2) Any regulation made and any other action taken under any provision of a law repealed by sub-section (1), shall be deemed to have been made or taken under the corresponding provision of this Act.

Short title.

11. This Act shall be called the State Attorney Act, 1957.

(c) betreffende opdragte aan en aanstelling van prokureurs, notaris en akte-uitmakers deur of ten behoewe van die Staatsprokureur;

(d) waarby voorsiening gemaak word vir—

(i) 'n minimum tydperk waarvoor iemand wat sy diens onder leerkontrak by die Staatsprokureur of 'n professionele assistent in die kantoor, of 'n tak van die kantoor, van die Staatsprokureur voltooi het, die Staat in daardie kantoor of in 'n tak van daardie kantoor moet dien, watter tydperk na gelang van die tydperk van diens onder bedoelde leerkontrak kan wissel;

(ii) 'n bedrag (wat kan wissel na gelang van die tydperk in bedoelde kantoor of in so 'n tak onder so 'n leerkontrak of na voltooiing van diens daaronder gedien) wat van iemand wat versuim om sy diens onder leerkontrak by die Staatsprokureur of so 'n professionele assistent te voltooi, of die Staat vir die aldus bepaalde tydperk aldus te dien, vereis kan word om aan die Staat te betaal; en

(iii) die verhaal van enige bedrag waarvan betaling aldus vereis word,

en in die algemeen om uitvoering van die oogmerke en doelstellings van hierdie Wet beter te kan verwesenlik.

10. (1) Behoudens die bepalings van sub-artikel (2), word die „Staatsprokureur Wet, 1925” (Wet 25 van 1925), die Staatsprokureur-wysigingswet, 1955 (Wet 10 van 1955) en artikel een van die Wysigingswet op die Staatsprokureur, 1957, hierby herroep. Herroeping van wette.

(2) Enige regulasie uitgevaardig en enige ander stappe gedoen kragtens 'n bepaling van 'n by sub-artikel (1) herroepe wet, word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgevaardig of gedoen te gewees het.

11. Hierdie Wet heet die Wet op die Staatsprokureur, 1957. Kort titel.

No.57, 1957.]

ACT

To amend the Group Areas Act, 1950.

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

(Assented to 20th 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 1 of Act 41 of 1950, as amended by section 1 of Act 65 of 1952 and section 1 of Act 68 of 1955.

1. Section one of the Group Areas Act, 1950 (hereinafter referred to as the principal Act) is hereby amended—

- (a) by the substitution in paragraph (f) of the definition of "controlling interest" in sub-section (1) for the words "claim arising from" of the words "interest acquired by any person arising out of the grant by him of";
- (b) by the insertion in sub-section (1) after the definition of "controlling interest" of the following definition: " 'deeds registry', in relation to immovable property referred to in paragraph (b) of the definition of 'owner', means the office of De Beers Consolidated Mines, Limited, or the office of the Town Clerk of Kimberley, according to whether the relevant lease or licence is registered in the one or the other of those offices;";
- (c) by the insertion in the definition of "immovable property" in sub-section (1) after the word "right" where it occurs for the third time of the words "and also any immovable property referred to in paragraph (b) of the definition of 'owner'", and after the word "eleven" of the words "not being a lease or licence referred to in paragraph (b) of that definition";
- (d) by the insertion in the definition of "Minister" in sub-section (1) after the word "group" where it occurs for the sixth time of the words "any area referred to in sub-section (1) of section three bis if such area is declared an area for future occupation or future ownership by members of the native group or of any group defined under sub-section (2) of section two consisting of members of the native group", and after the word "group" where it occurs for the last time of the words "and to any determination under section thirteen in favour of a member of the native group or of a group defined under sub-section (2) of section two consisting of members of the native group," and by the substitution in that definition for the words "twenty, twenty-six" of the words "and twenty, sub-section (1) of section twenty-six, sections";
- (e) by the insertion in sub-section (1) after the definition of "Minister" of the following definitions:
 - " 'mortgage' includes a cession *in securitatem debiti* of any lease or licence referred to in paragraph (b) of the definition of 'owner';
 - 'mortgagee' includes the holder of a cession *in securitatem debiti* of any lease or licence referred to in paragraph (b) of the definition of 'owner';
 - 'officer in charge of a deeds registry', in relation to immovable property referred to in paragraph (b) of the definition of 'owner', means the Secretary of De Beers Consolidated Mines, Limited, or the Town Clerk of Kimberley, according to whether the relevant lease or licence is registered in the office of De Beers Consolidated Mines, Limited, or in the office of the said Town Clerk;
 - 'owner' means, in relation to—
 - (a) immovable property other than such property as is referred to in paragraph (b), the person in whose name that property is registered;

No. 57, 1957.]

WET

Tot wysiging van die Wet op Groepsgebiede, 1950.

(Engelse teks deur die Amptenaar Belas met die Uitoefening
van die Uitvoerende Gesag geteken.)
(Goedgekeur op 20 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 een van die Wet op Groepsgebiede, 1950 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur in sub-artikel (1) na die omskrywing van „Administrateur” die volgende omskrywing in te voeg:

„amptenaar aan die hoof van ’n registrasiekantoor’, met betrekking tot onroerende goed in paragraaf (b) van die omskrywing van „eienaar” bedoel, die Sekretaris van De Beers Consolidated Mines, Limited, of die Stadsklerk van Kimberley, na gelang die betrokke huur of lisensie in die kantoor van De Beers Consolidated Mines, Limited, of in die kantoor van bedoelde Stadsklerk geregistreer is;”;

(b) deur in paragraaf (f) van die omskrywing van „beheersende belang” in sub-artikel (1) die woorde „vordering uit hoofde” deur die woorde „belang deur iemand verkry uit hoofde van die verstrekking deur hom” te vervang;

(c) deur in die omskrywing van „Minister” in sub-artikel (1) na die woord „bestaan” waar dit die tweede maal voorkom die woorde „’n in sub-artikel (1) van artikel drie bis bedoelde gebied indien daardie gebied verklaar word tot ’n gebied vir toekomstige okkupasie of toekomstige grondbesit deur lede van die naturellegroep of van ’n kragtens sub-artikel (2) van artikel twee omskrewen groep wat uit lede van die naturellegroep bestaan,” en voor die woorde „’n verwysing” waar hulle die eerste maal voorkom die woorde „en tot ’n aanwysing kragtens artikel dertien ten gunste van ’n lid van die naturellegroep of van ’n kragtens sub-artikel (2) van artikel twee omskrewen groep wat uit lede van die naturellegroep bestaan,” in te voeg, en die woorde „twintig, ses-en-twintig” deur die woorde „en twintig, sub-artikel (1) van artikel ses-en-twintig, artikels” te vervang;

(d) deur in die omskrywing van „onroerende goed” in sub-artikel (1) na die woord „wees” die woorde „en ook onroerende goed in paragraaf (b) van die omskrywing van „eienaar” bedoel” in te voeg, en die woorde „huur of onderhuur” waar dit die tweede maal voorkom deur die woorde „ander huur of onderhuur as ’n huur of lisensie in paragraaf (b) van genoemde omskrywing bedoel,” te vervang;

(e) deur in sub-artikel (1)—

(i) na die omskrywing van „beheersende belang” die volgende omskrywing in te voeg:

„eienaar”, met betrekking tot—

(a) ander onroerende goed as onroerende goed in paragraaf (b) bedoel, die persoon in wie se naam daardie goed geregistreer is;

(b) onroerende goed wat deel uitmaak van die plaas Alexanderfontein of die plaas Bultfontein in die distrik Kimberley, en wat besit word uit hoofde van ’n huur of lisensie waarvolgens die huurder of lisensiehouer en sy regsopvolgers geregtig is om die goed te okkupeer, die persoon wat in die registrasiekantoor as huurder of lisensiehouer van daardie goed geregistreer is;”;

(ii) na die omskrywing van „raad” die volgende omskrywing in te voeg:

„registrasiekantoor”, met betrekking tot onroerende goed in paragraaf (b) van die

Wysiging van artikel 1 van Wet 41 van 1950, soos gewysig deur artikel 1 van Wet 65 van 1952 en artikel 1 van Wet 68 van 1955.

- (b) immovable property forming part of the farm Alexanderfontein or the farm Bultfontein in the district of Kimberley and held under a lease or licence which entitles the lessee or licensee and his successors in title to occupy such property, the person registered in the deeds registry as the lessee or licensee of that property;";
- (f) by the substitution in sub-section (2) for the words "claim against that company arising from" of the words "interest in that company arising out of the grant by him of"; and
- (g) by the insertion after sub-section (2) of the following sub-sections:

"(3) A cession of any lease or licence referred to in paragraph (b) of the definition of 'owner' in sub-section (1) which is registered in a deeds registry, or any other disposal of any rights under such a lease or licence, other than a cession *in securitatem debiti*, shall for the purposes of this Act be deemed to be a disposal of the immovable property to which the lease or licence relates, and the registration in the deeds registry of such a cession, other than a cession *in securitatem debiti*, shall, for the said purposes, be deemed to be a transfer to the cessionary of the said immovable property.

(4) The Governor-General may by proclamation in the *Gazette* declare that, subject to such exceptions as may be specified in the proclamation, any provision of this Act relating to the occupation of land or premises shall apply also with reference to any person who is at any time present in or on any land or premises or in or on any land or premises situated in an area specified in the proclamation or any land or premises other than land or premises situated in an area so specified for a substantial period of time or for the purpose of attending any place of public entertainment or partaking of any refreshment at a place where refreshments are served or as a member of or guest in any club as if his presence constituted occupation of such land or premises."

Amendment of section 3 of Act 41 of 1950, as amended by section 3 of Act 65 of 1952, section 2 of Act 68 of 1955 and section 1 of Act 29 of 1956.

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

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

"(a) declare—

- (i) that as from a date specified in the proclamation the area defined in the proclamation shall be an area for occupation by members of the group specified therein; and
- (ii) that as from a date similarly specified, which shall be a date not less than one year after the date of publication of the proclamation, the provisions of section *four* shall apply with reference to such area; or"; and

- (b) by the addition at the end of that section of the following sub-section:

"(5) The provisions of section *four* shall as from the date specified in any proclamation under sub-paragraph (i) of paragraph (a) of sub-section (1), apply *mutatis mutandis* with reference to the occupation of land or premises in the area to which the proclamation relates, by any person who did not occupy such land or premises on the said date."

(2) Any proclamation issued under paragraph (a) of sub-section (1) of section *three* of the principal Act, prior to the commencement of this section, shall have effect as if it were—

- (a) a proclamation under sub-paragraph (i) of the said paragraph, as substituted by sub-section (1) specifying the date of commencement of this section as the date with effect from which the area defined in the proclamation shall be an area for occupation by members of the group concerned; and

omskrywing van „eienaar” bedoel, die kantoor van De Beers Consolidated Mines, Limited, of die kantoor van die Stadsklerk van Kimberley, na gelang die betrokke huur of lisensie in die een of die ander van daardie kantore geregistreer is;” en

- (iii) na die omskrywing van „statutêre liggaam” die volgende omskrywings in te voeg:
 „,verband’ ook ’n sessie *in securitatem debiti* van ’n huur of lisensie in paragraaf (b) van die omskrywing van „eienaar” bedoel;
 ,verbandhouer’ ook die houer van ’n sessie *in securitatem debiti* van ’n huur of lisensie in paragraaf (b) van die omskrywing van „eienaar” bedoel;”;
- (f) deur in sub-artikel (2) die woorde „vordering teen” deur die woorde „belang in” te vervang en na die woord „lening” die woorde „deur hom” in te voeg; en
- (g) deur na sub-artikel (2) die volgende sub-artikels in te voeg:

„(3) ’n Sessie van ’n in paragraaf (b) van die omskrywing van „eienaar” in sub-artikel (1) bedoelde huur of lisensie, wat in ’n registrasiekantoor geregistreer is, of enige ander vervreemding van regte uit hoofde van so ’n huur of lisensie, behalwe ’n sessie *in securitatem debiti*, word by die toepassing van hierdie Wet geag ’n vervreemding te wees van die onroerende goed waarop die huur of lisensie betrekking het, en die registrasie van so ’n sessie, behalwe ’n sessie *in securitatem debiti*, in die registrasiekantoor word by bedoelde toepassing geag ’n oordrag van bedoelde onroerende goed aan die sessionaris te wees.

(4) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* verklaar dat, behoudens die uitsonderings in die proklamasie vermeld, enige bepaling van hierdie Wet met betrekking tot die okkupasie van grond of ’n perseel ook van toepassing is met betrekking tot ’n persoon wat te eniger tyd in of op enige grond of perseel, of in of op grond of ’n perseel geleë in ’n gebied in die proklamasie vermeld, of ander grond of ’n ander perseel as grond of ’n perseel geleë in so ’n gebied, aanwesig is vir ’n aansienlike tydperk of met die doel om ’n openbare vermaaklikheidsplek by te woon of om verversings te geniet op ’n plek waar verversings bedien word of as ’n lid van of gas in ’n klub, asof sy aanwesigheid op okkupasie van bedoelde grond of perseel neerkom.”.

2. (1) Artikel drie van die Hoofwet word hierby gewysig—

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

„(a) verklaar—

- (i) dat vanaf ’n datum in die proklamasie vermeld, die in die proklamasie omskrewe gebied ’n gebied vir okkupasie deur lede van die daarin vermelde groep is; en
- (ii) dat vanaf ’n datum insgelyks vermeld, wat ’n datum minstens ’n jaar na die datum van publikasie van die proklamasie is, die bepalings van artikel vier met betrekking tot bedoelde gebied geld; of ”; en

- (b) deur aan die end van daardie artikel die volgende sub-artikel by te voeg:

„(5) Die bepalings van artikel vier is vanaf die datum in ’n proklamasie kragtens sub-paragraaf (i) van paragraaf (a) van sub-artikel (1) vermeld, *mutatis mutandis* van toepassing met betrekking tot die okkupasie van grond of ’n perseel in die gebied waarop die proklamasie betrekking het, deur iemand wat daardie grond of perseel nie op bedoelde datum geokkupeer het nie.”.

- (2) ’n Proklamasie wat voor die inwerkingtreding van hierdie artikel kragtens paragraaf (a) van sub-artikel (1) van artikel drie van die Hoofwet uitgevaardig is, geld asof dit—

- (a) ’n proklamasie uitgevaardig kragtens sub-paragraaf (i) van bedoelde paragraaf (soos deur sub-artikel (1) vervang) was, waarby die datum van inwerkingtreding van hierdie artikel vermeld word as die datum van wanneer af die in die proklamasie omskrewe gebied ’n gebied vir okkupasie deur lede van die betrokke groep is; en

Wysiging van artikel 3 van Wet 41 van 1950, soos gewysig deur artikel 3 van Wet 65 van 1952, artikel 2 van Wet 68 van 1955 en artikel 1 van Wet 29 van 1956.

- (b) a proclamation under sub-paragraph (ii) of the said paragraph (as so substituted) declaring that as from the date specified therein the provisions of section four shall apply with reference to the said area.

Amendment of section 3bis of Act 41 of 1950, as inserted by section 4 of Act 65 of 1952.

3. (1) Section *three bis* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-sections:

“(1) The Governor-General may, whenever it is deemed expedient, by proclamation in the *Gazette* define an area and declare—

(a) that such area shall be an area for future occupation by members of the group specified in the proclamation; or

(b) that such area shall be an area for future ownership by members of the group so specified.

(1) *bis*. Proclamations under paragraphs (a) and (b) of sub-section (1) may be issued also in respect of the same area.”.

(2) Any proclamation issued prior to the commencement of this section, under sub-section (1) of section *three bis* of the principal Act, shall be deemed to have been issued under paragraph (a) of that sub-section as substituted by this section.

Amendment of section 4 of Act 41 of 1950, as amended by section 5 of Act 65 of 1952 and section 4 of Act 68 of 1955.

4. Section *four* of the principal Act is hereby amended—

(a) by the insertion in sub-section (1) after the word “under” where it occurs for the first time of the words “sub-paragraph (ii) of”;

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

“(2) The provisions of sub-section (1) shall not render it unlawful for any disqualified person to occupy land or premises—

(a) as a *bona fide* servant or employee of the State or a statutory body;

(b) as a *bona fide* visitor for a total of not more than ninety days in any calendar year of any person lawfully residing on the land or premises or as a *bona fide* guest in an hotel;

(c) as a domestic servant of any person lawfully occupying the land or premises: Provided that the provisions of this paragraph shall apply in respect of any group area or part of a group area only if the Governor-General has by proclamation in the *Gazette* declared them to apply in respect of that group area or part thereof, and only to the extent and subject to the conditions, if any, which may be specified in the proclamation;

(d) as a *bona fide* patient in a hospital, asylum or similar institution controlled by the State or a statutory body or in any such institution which was in existence at the commencement of this Act and which is aided by the State, or as an inmate of a prison, work colony, inebriate home or similar institution so controlled.”; and

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

“(2)*bis* (a) The Governor-General may by proclamation in the *Gazette* exempt from the operation of sub-section (1) disqualified persons of any class or group, either generally or in relation to land or premises situated in any particular area or lawfully occupied by persons of any other class or group or persons of any particular other class or group or in relation to land or premises other than land or premises situated in any particular area or to any class of such land or premises.

(b) An exemption under paragraph (a) shall not apply in respect of the occupation of land or premises by a disqualified person occupying such land or premises otherwise than in accordance with and subject to such reservations and conditions as may be determined by the Governor-General and specified in the relevant proclamation.”.

- (b) 'n proklamasie uitgevaardig kragtens sub-paragraaf (ii) van bedoelde paragraaf (soos aldus vervang) was, waarby verklaar word dat vanaf die daarin vermelde datum die bepalings van artikel vier met betrekking tot bedoelde gebied van toepassing is.

3. (1) Artikel drie bis van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikels te vervang:

Wysiging van artikel 3bis van Wet 41 van 1950, soos ingevoeg deur artikel 4 van Wet 65 van 1952.

„(1) Die Goewerneur-generaal kan, wanneer dit raadsaam geag word, by proklamasie in die *Staatskoerant* 'n gebied omskryf en verklaar—

(a) dat daardie gebied 'n gebied vir toekomstige okkupasie deur lede van die in die proklamasie vermelde groep is; of

(b) dat daardie gebied 'n gebied vir toekomstige grondbesit deur lede van die aldus vermelde groep is.

(1)bis Proklamasies kragtens paragrafe (a) en (b) van sub-artikel (1) kan ook ten opsigte van dieselfde gebied uitgevaardig word.”.

(2) 'n Proklamasie wat voor die inwerkingtreding van hierdie artikel kragtens sub-artikel (1) van artikel drie bis van die Hoofwet uitgevaardig is, word geag kragtens paragraaf (a) van daardie sub-artikel, soos deur hierdie artikel vervang, uitgevaardig te gewees het.

4. Artikel vier van die Hoofwet word hierby gewysig—

Wysiging van artikel 4 van Wet 41 van 1950, soos gewysig deur artikel 5 van Wet 65 van 1952 en artikel 4 van Wet 68 van 1955.

(a) deur in sub-artikel (1) na die woord „kragtens” die woorde „sub-paragraaf (ii) van” in te voeg;

(b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Die bepalings van sub-artikel (1) maak dit nie vir 'n onbevoegde persoon onwettig om grond of 'n perseel te okkupeer nie—

(a) as 'n *bona fide*-dienaar of -werknemer van die Staat of 'n statutêre liggaam;

(b) as 'n *bona fide*-besoeker vir hoogstens negentig dae in die geheel in enige kalenderjaar van 'n persoon wat die grond of perseel wettiglik bewoon of as 'n *bona fide*-gas in 'n hotel;

(c) as 'n huisbediende van 'n persoon wat die grond of perseel wettiglik bewoon: Met dien verstande dat die bepalings van hierdie paragraaf ten opsigte van 'n groepsgebied of gedeelte van 'n groepsgebied van toepassing is slegs as die Goewerneur-generaal hulle by proklamasie in die *Staatskoerant* ten opsigte van daardie groepsgebied of gedeelte daarvan van toepassing verklaar het, en dan alleen vir sover in die proklamasie bepaal en onderworpe aan die voorwaardes (as daar is) wat daarin vermeld word;

(d) as 'n *bona fide*-pasiënt in 'n hospitaal, gestig of soortgelyke inrigting beheer deur die Staat of 'n statutêre liggaam of in so 'n inrigting wat by die inwerkingtreding van hierdie Wet bestaan het en wat deur die Staat ondersteun word, of as 'n inwoner van 'n gevangenis, werkkolonie, tuis vir dranksugtiges of soortgelyke inrigting wat aldus beheer word.”; en

(c) deur na sub-artikel (2) die volgende sub-artikel in te voeg:

„(2)bis (a) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant*, onbevoegde persone van enige klas of groep van die toepassing van sub-artikel (1) vrystel, hetsy algemeen of met betrekking tot grond of persele wat in 'n bepaalde gebied geleë is of wat wettiglik deur persone van 'n ander klas of groep of persone van 'n besondere ander klas of groep geokkupeer word of met betrekking tot ander grond of persele as grond of persele wat in 'n bepaalde gebied geleë is of tot enige klas van sodanige grond of persele.

(b) 'n Vrystelling kragtens paragraaf (a) geld nie ten opsigte van die okkupasie van grond of 'n perseel deur 'n onbevoegde persoon wat daardie grond of perseel andersins as ooreenkomstig en met inagneming van die beperkings en voorwaardes deur die Goewerneur-generaal bepaal en in die betrokke proklamasie vermeld, okkupeer nie.”.

Amendment of section 8 of Act 41 of 1950, as amended by section 6 of Act 65 of 1952.

5. Section *eight* of the principal Act is hereby amended by the addition thereto of the following sub-section:

“(4) Any immovable property which is or has been acquired by or on behalf or in the interest of any disqualified person or disqualified company after the date of commencement of this Act, shall, unless the contrary is proved, be presumed to be or to have been acquired in pursuance of an agreement entered into after the said date.”.

Amendment of section 10 of Act 41 of 1950, as amended by section 8 of Act 65 of 1952 and section 7 of Act 68 of 1955.

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

(a) by the addition to paragraph (k) of sub-section (2) of the words “or as the husband, wife, minor child (other than a male child over the age of eighteen years) or dependant of any such squatter”;

(b) by the substitution in paragraph (n) of the said sub-section for the words “land held under mining title or on land which is proclaimed land or land deemed to be proclaimed land in terms of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal or in terms of the said Act as applied to the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936)” of the words “the land or on land on which the premises are situated”; and

(c) by the addition to the said sub-section of the following paragraph:

“(o) in pursuance of written permission to reside on the land or on land on which the premises are situated, granted in terms of section *thirty-four* of the Native Trust and Land Act, 1936 (Act No. 18 of 1936).”.

Amendment of section 12 of Act 41 of 1950, as amended by section 10 of Act 65 of 1952 and section 8 of Act 68 of 1955.

7. Section *twelve* of the principal Act is hereby amended—

(a) by the substitution in sub-section (1) for the word “or” where it occurs for the second time of the word “and”; and

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

“(2) The provisions of sub-section (1) shall not render it unlawful for any person to occupy land or premises—

(a) as a *bona fide* servant or employee of the State or a statutory body;

(b) as a *bona fide* visitor for a total of not more than ninety days in any calendar year of any person lawfully residing on the land or premises or as a *bona fide* guest in an hotel;

(c) as a domestic servant of any person lawfully occupying the land or premises: Provided that the provisions of this paragraph shall apply in respect of any specified area or part of a specified area only if the Governor-General has by proclamation in the *Gazette* declared them to apply in respect of that specified area, or part thereof, and only to the extent and subject to the conditions, if any, which may be specified in the proclamation;

(d) as a *bona fide* patient in a hospital, asylum or similar institution controlled by the State or a statutory body or in any such institution which was in existence at the commencement of this Act and which is aided by the State, or as an inmate of a prison, work colony, inebriate home or similar institution so controlled;

(e) under any arrangement for the accommodation of any native labourer as defined in the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), after his recruitment and before his arrival at the place where he is to work, or after his departure, on the expiration of his term of employment, from the said place, and before his arrival at the place of his recruitment, by an employer or labour agent, as so defined, lawfully occupying such land or premises;

(f) as a *bona fide* scholar attending a school controlled or aided by the State;

5. Artikel *agt* van die Hoofwet word hierby gewysig deur die volgende sub-artikel daarby te voeg:

„(4) Enige onroerende goed wat na die datum van inwerkingtreding van hierdie Wet deur of ten behoeve of ten voordele van 'n onbevoegde persoon of onbevoegde maatskappy verkry word of is, word, tensy die teendeel bewys word, geag verkry te word of te gewees het uit hoofde van 'n ooreenkoms na bedoelde datum aangegaan.”.

Wysiging van artikel 8 van Wet 41 van 1950, soos gewysig deur artikel 6 van Wet 65 van 1952.

6. Artikel *tien* van die Hoofwet word hierby gewysig—

(a) deur by paragraaf (k) van sub-artikel (2) die woorde „of as die man, vrou, minderjarige kind (uitgesonderd 'n manlike kind wat ouer as agtien jaar is) of afhanklike van so 'n plakker” by te voeg;

(b) deur in paragraaf (n) van genoemde sub-artikel die woorde „grond wat onder myntitel besit word of grond wat geproklameerde grond is of geag word geproklameerde grond te wees ingevolge die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal of ingevolge bedoelde Wet soos deur die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936), op die Oranje-Vrystaat toegepas” deur die woorde „die grond of op grond waarop die perseel geleë is” te vervang; en

(c) deur die volgende paragraaf by genoemde sub-artikel te voeg:

„(o) uit hoofde van skriftelike vergunning ingevolge artikel vier-en-dertig van die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), verleen om op die grond of op grond waarop die perseel geleë is, te woon.”.

Wysiging van artikel 10 van Wet 41 van 1950, soos gewysig deur artikel 8 van Wet 65 van 1952 en artikel 7 van Wet 68 van 1955.

7. Artikel *twaalf* van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (1) die woord „of” waar dit die tweede maal voorkom deur die woord „en” te vervang; en

(b) deur sub-artikel (2) deur die volgende sub-artikels te vervang:

„(2) Die bepalings van sub-artikel (1) maak dit nie vir 'n persoon onwettig om grond of 'n perseel te okkupeer nie—

(a) as 'n *bona fide*-dienaar of -werknemer van die Staat of 'n statutêre liggaam;

(b) as 'n *bona fide*-besoeker vir hoogstens negentig dae in die geheel in enige kalenderjaar van 'n persoon wat die grond of perseel wettiglik bewoon of as 'n *bona fide*-gas in 'n hotel;

(c) as 'n huisbediende van 'n persoon wat die grond of perseel wettiglik bewoon: Met dien verstande dat die bepalings van hierdie paragraaf ten opsigte van 'n aangewysde gebied of gedeelte van 'n aangewysde gebied van toepassing is slegs as die Goewerneur-generaal hulle by proklamasie in die *Staatskoerant* ten opsigte van daardie aangewysde gebied of gedeelte daarvan van toepassing verklaar het, en dan alleen vir sover in die proklamasie bepaal en onderworpe aan die voorwaardes (as daar is) wat daarin vermeld word;

(d) as 'n *bona fide*-pasiënt in 'n hospitaal, gestig of soortgelyke inrigting beheer deur die Staat of 'n statutêre liggaam of in so 'n inrigting wat by die inwerkingtreding van hierdie Wet bestaan het en wat deur die Staat ondersteun word, of as 'n inwoner van 'n gevangenis, werkkolonie, tehuis vir dranksugtiges of soortgelyke inrigting wat aldus beheer word;

(e) ingevolge 'n reëling vir die huisvesting van 'n naturellearbeider soos omskryf in die „Naturelle-arbeid Regelingswet, 1911” (Wet No. 15 van 1911), nadat hy aangewerf is en voordat hy aangekom het by die plek waar hy moet gaan werk, of na sy vertrek vanaf daardie plek, by verstryking van sy dienstermyn, en voor sy aankoms by die plek waar hy aangewerf is, deur 'n werkgewer of arbeidsagent, soos aldus omskryf, wat die grond of perseel wettiglik okkupeer;

(f) as 'n *bona fide*-leerling wat 'n deur die Staat beheerde of ondersteunde skool bywoon;

Wysiging van artikel 12 van Wet 41 van 1950, soos gewysig deur artikel 10 van Wet 65 van 1952 en artikel 8 van Wet 68 van 1955.

(g) as a lawful resident in an emergency camp established in terms of the Prevention of Illegal Squatting Act, 1951 (Act No. 52 of 1951).

(3) Subject to the provisions of section *thirteen*, a person shall not for the purposes of sub-section (1) of this section, be deemed to have occupied land or premises at the specified date unless at that date he was the owner thereof or occupied such land or premises by virtue of a lease or usufruct or right of *habitat*io or by virtue of a prescriptive title acquired at or before the specified date.

(4) The Governor-General may, by proclamation in the *Gazette*, exempt from the operation of sub-section (1) persons of any class or group, either generally or in relation to land or premises situated in any particular area or lawfully occupied by persons of any other class or group or persons of any particular other class or group or in relation to land or premises other than land or premises situated in any particular area or any class of such land or premises.

(5) An exemption under sub-section (4) shall not apply in respect of the occupation of land or premises by any person occupying such land or premises otherwise than in accordance with and subject to such reservations and conditions as may be determined by the Governor-General and specified in the relevant proclamation."

Amendment of section 13 of Act 41 of 1950, as amended by section 11 of Act 65 of 1952 and section 9 of Act 68 of 1955.

8. Section *thirteen* of the principal Act is hereby amended—

(a) by the insertion in the proviso to sub-section (2) after the word "occupied" where it occurs for the first time of the words "or deemed to have been occupied" and after the word "groups" of the words "or if a single building is erected in the stead of two or more demolished buildings, all of which were not occupied or deemed to be occupied by persons of the same group"; and

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

"(9) A determination under this section may be made subject to such conditions as the Minister may deem fit and may provide that the land or premises to which the determination relates shall be deemed to have been occupied at the specified date by a member of the group in question for any purpose mentioned in the determination, and in that event the determination shall cease to have effect if such land or premises are occupied or used for any other purpose."

Amendment of section 14 of Act 41 of 1950, as amended by section 12 of Act 65 of 1952 and section 10 of Act 68 of 1955.

9. Section *fourteen* of the principal Act is hereby amended—

(a) by the deletion in sub-paragraph (iii) of paragraph (a) of sub-section (1) of the words "sub-paragraph (ii) of paragraph (a) of";

(b) by the insertion in paragraph (b) of sub-section (2) after the word "holding" of the words "by a person who is not a member of the white group", and after the word "occupation" of the words "by such a person"; and

(c) by the substitution in sub-section (9) for the word "application" where it occurs for the second time of the words "similar application by a person who is a member of the same group as the applicant" and for the word "twenty-five" of the word "ten".

Amendment of section 14 *bis* of Act 41 of 1950, as inserted by section 11 of Act 68 of 1955.

10. Section *fourteen bis* of the principal Act is hereby amended—

(a) by the substitution in sub-section (1) for the words "and *fourteen*" of the words "*fourteen* and *twenty*"; and

(b) by the insertion in sub-section (3) after the word "sections" of the word "*twenty*".

Amendment of section 20 of Act 41 of 1950, as amended by section 13 of Act 65 of 1952 and section 13 of Act 68 of 1955.

11. Section *twenty* of the principal Act is hereby amended by the insertion in sub-section (7) after the word "thereof" of the words "or if the holder of any mortgage bond over such property fails to consent to the cancellation of the bond or the release of the property from the operation of the bond".

(g) as 'n wettige inwoner van 'n noodkamp opgerig ingevolge die Wet op die Voorkoming van Onreghmagtige Plakkery, 1951 (Wet No. 52 van 1951).

(3) Behoudens die bepalings van artikel *dertien*, word iemand nie by die toepassing van sub-artikel (1) van hierdie artikel geag op die bepaalde datum grond of 'n perseel te geokkupeer het nie, tensy hy op daardie datum die eienaar daarvan was of bedoelde grond of perseel geokkupeer het uit hoofde van 'n huur of reg van vruggebruik of *habitatio* of uit hoofde van eiendomsreg wat op of voor die bepaalde datum by wyse van verjaring verkry is.

(4) Die Goewerneur-generaal kan, by proklamasie in die *Staatskoerant*, persone van enige klas of groep van die toepassing van sub-artikel (1) vrystel, hetsy in die algemeen of met betrekking tot grond of persele wat in 'n bepaalde gebied geleë is of wat wettiglik deur persone van 'n ander klas of groep of persone van 'n besondere ander klas of groep geokkupeer word of met betrekking tot ander grond of persele as grond of persele wat in 'n bepaalde gebied geleë is of enige klas van sodanige grond of persele.

(5) 'n Vrystelling kragtens sub-artikel (4) geld nie ten opsigte van die okkupasie van grond of 'n perseel deur iemand wat daardie grond of perseel andersins as ooreenkomstig en met inagneming van die beperkings en voorwaardes deur die Goewerneur-generaal bepaal en in die betrokke proklamasie vermeld, okkupeer nie."

8. Artikel *dertien* van die Hoofwet word hierby gewysig—

(a) deur in die voorbehoudsbepaling by sub-artikel (2) na die woord „was” die woorde „of geag was geokkupeer te gewees het, of indien 'n enkele gebou opgerig word in die plek van twee of meer afgebreekte geboue wat nie almal deur persone van dieselfde groep geokkupeer was of geag was geokkupeer te gewees het nie” in te voeg; en

Wysiging van artikel 13 van Wet 41 van 1950, soos gewysig deur artikel 11 van Wet 65 van 1952 en artikel 9 van Wet 68 van 1955.

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

„(9) 'n Aanwysing ingevolge hierdie artikel kan gedoen word onderworpe aan die voorwaardes wat die Minister goedgevind, en kan bepaal dat die grond of perseel waarop die aanwysing betrekking het, geag word op die bepaalde datum vir 'n in die aanwysing vermelde doel deur 'n lid van die betrokke groep geokkupeer te gewees het, en in so 'n geval hou die aanwysing op om van krag te wees indien bedoelde grond of perseel vir 'n ander doel geokkupeer of gebruik word."

9. Artikel *veertien* van die Hoofwet word hierby gewysig—

(a) deur in sub-paragraaf (iii) van paragraaf (a) van sub-artikel (1) die woorde „sub-paragraaf (ii) van paragraaf (a) van” te skrap;

(b) deur in paragraaf (b) van sub-artikel (2) na die woord „besit” die woorde „deur iemand wat nie 'n lid van die blanke groep is nie”, en na die woord „okkupasie” die woorde „deur so iemand” in te voeg; en

Wysiging van artikel 14 van Wet 41 van 1950, soos gewysig deur artikel 12 van Wet 65 van 1952 en artikel 10 van Wet 68 van 1955.

(c) deur in sub-artikel (9) die woord „aansoek” waar dit die tweede maal voorkom deur die woorde „dergelike aansoek deur iemand wat 'n lid van dieselfde groep as die applikant is”, en die woord „vyf-en-twintig” deur die woord „tien” te vervang.

10. Artikel *veertien bis* van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (1) die woorde „en *veertien*” deur die woorde „*veertien* en *twintig*” te vervang; en

(b) deur in sub-artikel (3) na die woord „artikels” die woord „*twintig*” in te voeg.

Wysiging van artikel 14bis van Wet 41 van 1950, soos ingevoeg deur artikel 11 van Wet 68 van 1955.

11. Artikel *twintig* van die Hoofwet word hierby gewysig deur in sub-artikel (7) na die woord „lê” die woorde „of indien die houer van 'n verband oor die goed versuim om tot die kansellering van die verband of die bevryding van die goed van die toepassing van die verband toe te stem” in te voeg.

Wysiging van artikel 20 van Wet 41 van 1950, soos gewysig deur artikel 13 van Wet 65 van 1952 en artikel 13 van Wet 68 van 1955.

Amendment of section 23 of Act 41 of 1950, as substituted by section 15 of Act 68 of 1955.

12. (1) Section *twenty-three* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (2) after the expression "sub-section (1)" of the words "or in connection with the amendment or withdrawal of a certificate under sub-section (2)*bis*";
- (b) by the insertion after sub-section (2) of the following sub-section:

"(2)*bis*. The board may at any time amend or withdraw a certificate issued under sub-section (1) if it is satisfied that such certificate is incorrect in any material particular: Provided that no certificate shall be amended or withdrawn unless at least seven days notice of the intention to amend or withdraw it has been given to the person to whom it was issued and such person has been afforded an opportunity to show cause orally or in writing why it should not be amended or withdrawn."; and

- (c) by the substitution for sub-section (9) of the following sub-section:

"(9) The provisions of this section shall not apply in relation to—

- (a) any licence to carry on a business, trade or occupation on land or premises situated in an area which the Governor-General has, by proclamation in the *Gazette*, excluded from the operation of this section; or
- (b) any licence in relation to the issue of which the provisions of sub-section (3) of section *twenty-four* of the Native Trust and Land Act, 1936 (Act No. 18 of 1936), apply; or
- (c) any licence required for carrying on a business or trade referred to in section *thirty-seven* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945); or
- (d) any licence required for the sale of liquor under the Liquor Act, 1928 (Act No. 30 of 1928); or
- (e) a certificate authorising the issue to the holder of any current licence to carry on a business, trade or occupation on any premises, of a similar licence to carry on such business, trade or occupation on those premises as from the expiration of the period of validity of the firstmentioned licence."

Insertion of section 25*bis* in Act 41 of 1950.

13. The following section is hereby inserted in the principal Act after section *twenty-five*:

"Appointment and powers of executive committee.

25*bis*. (1) The board may appoint an executive committee consisting of the chairman, the vice-chairman and not more than two other members of the board.

(2) The chairman of the board shall be the chairman of the executive committee.

(3) The executive committee may, subject to the directions of the board, exercise all the powers and perform all the functions of the board during periods between meetings of the board, but shall not have the power, save in so far as the board otherwise directs, to set aside or vary any decision of the board, and any action taken or any decision made by the executive committee shall be subject to review at the first ensuing meeting of the board.

(4) (a) The executive committee shall meet at such times and places as the chairman of the board may direct.

(b) The quorum for a meeting of the executive committee shall be three members."

Amendment of section 26 of Act 41 of 1950, as amended by section 16 of Act 65 of 1952 and section 18 of Act 68 of 1955.

14. Section *twenty-six* of the principal Act is hereby amended—

- (a) by the insertion after the word "under" where it occurs for the first time of the words "sub-section (4) of section *one*", the deletion of the expression "paragraph (d), (e) or (g) of", and the insertion after the word "*eleven*" of the words "sub-section (4) of section *twelve*"; and

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

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

Wysiging van artikel 23 van Wet 41 van 1950, soos vervang deur artikel 15 van Wet 68 van 1955.

(a) deur in sub-artikel (2) na die woord „sertifikaat” die woorde „of in verband met die wysiging of intrekking van ’n sertifikaat ingevolge sub-artikel (2)*bis*” in te voeg;

(b) deur na sub-artikel (2) die volgende sub-artikel in te voeg:

„(2)*bis* Die raad kan te eniger tyd ’n sertifikaat wat kragtens sub-artikel (1) uitgereik is, wysig of intrek, indien hy oortuig is dat bedoelde sertifikaat in ’n wesentlike opsig onjuis is: Met dien verstande dat geen sertifikaat gewysig of ingetrek word nie, tensy minstens sewe dae vooraf aan die persoon aan wie dit uitgereik is, kennis gegee is van die voorneme om dit te wysig of in te trek, en bedoelde persoon in die geleentheid gestel is om mondelings of skriftelik redes aan te voer waarom dit nie gewysig of ingetrek behoort te word nie.”; en

(c) deur sub-artikel (9) deur die volgende sub-artikel te vervang:

„(9) Die bepalinge van hierdie artikel is nie van toepassing nie met betrekking tot—

(a) ’n lisensie om ’n besigheid of handel te dryf of ’n beroep uit te oefen op grond of ’n perseel geleë in ’n gebied wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* van die toepassing van hierdie artikel uitgesluit het; of

(b) ’n lisensie met betrekking tot die uitreiking waarvan die bepalinge van sub-artikel (3) van artikel vier-en-twintig van die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), van toepassing is; of

(c) ’n lisensie vereis om ’n besigheid of handel in artikel sewe-en-dertig van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), bedoel, te dryf; of

(d) ’n lisensie ingevolge die Drankwet, 1928 (Wet No. 30 van 1928), vir die verkoop van drank vereis; of

(e) ’n sertifikaat wat die uitreiking magtig aan die houder van ’n bestaande lisensie om op enige perseel ’n besigheid of handel te dryf of ’n beroep uit te oefen, van ’n soortgelyke lisensie om op bedoelde perseel daardie besigheid of handel te dryf of beroep uit te oefen vanaf die verstryking van die tydperk waarvoor eersbedoelde lisensie geldig is.”.

13. Die volgende artikel word hierby na artikel vyf-en-twintig in die Hoofwet ingevoeg:

Invoeging van artikel 25*bis* in Wet 41 van 1950.

„Aanstelling en bevoegdhede van uitvoerende komitee.

25*bis*. (1) Die raad kan ’n uitvoerende komitee aanstel wat uit die voorsitter, die ondervoorsitter en hoogstens twee ander lede van die raad bestaan.

(2) Die voorsitter van die raad is die voorsitter van die uitvoerende komitee.

(3) Die uitvoerende komitee kan, onderworpe aan die opdrag van die raad, gedurende tydperke tussen raadsvergaderings al die bevoegdhede van die raad uitoefen en al sy werksaamhede verrig, maar is, behalwe vir sover die raad anders gelas, nie bevoeg om ’n besluit van die raad ter syde te stel of te wysig nie, en enige stappe gedoen of besluit geneem deur die uitvoerende komitee is onderworpe aan hersiening by die eersvolgende vergadering van die raad.

(4) (a) Die uitvoerende komitee kom byeen op die tye en plekke wat die voorsitter van die raad bepaal.

(b) Die kworum vir ’n vergadering van die uitvoerende komitee is drie lede.”.

14. Artikel ses-en-twintig van die Hoofwet word hierby gewysig—

Wysiging van artikel 26 van Wet 41 van 1950, soos gewysig deur artikel 16 van Wet 65 van 1952 en artikel 18 van Wet 68 van 1955.

(a) deur na die woord „kragtens” waar dit die eerste maal voorkom die woorde „sub-artikel (4) van artikel een” in te voeg, die uitdrukking „paragraaf (d), (e) of (g) van” te skrap, en na die woord „elf” die woorde „sub-artikel (4) van artikel twaalf” in te voeg; en

(b) deur die volgende sub-artikels daarby te voeg, terwyl die bestaande artikel sub-artikel (1) word:

"(2) The Minister shall lay copies of any proclamation issued under sub-section (4) of section one, sub-sections (2) and (2)*bis* of section four or sub-sections (2) and (4) of section twelve on the Tables of both Houses of Parliament within fourteen days after publication 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 such copies shall remain on the said Tables for at least twenty-eight consecutive days, and if Parliament is prorogued before the necessary twenty-eight days have elapsed, such copies shall again be laid on the said Tables as aforesaid within fourteen days after the commencement of its next ensuing ordinary session.

(3) If both Houses of Parliament by resolution passed in the same session (being a session during which copies of such proclamation have been laid on the Tables of both Houses of Parliament in terms of sub-section (2)) disapprove of any such proclamation or any provision thereof, such proclamation or such provision thereof shall thereafter cease to be of force and effect to the extent to which it is so disapproved, but without prejudice to the validity of anything done in terms of such proclamation or of such provision thereof up to the date upon which it so ceased to be of force and effect, or to any right, privilege, obligation or liability acquired, accrued or incurred as at the said date under and by virtue of such proclamation or such provision thereof."

Amendment of section 28 of Act 41 of 1950, as amended by section 18 of Act 65 of 1952, section 1 of Act 6 of 1955 and section 20 of Act 68 of 1955.

15. Section *twenty-eight* of the principal Act is hereby amended by the insertion in the Afrikaans version of paragraph (d) of sub-section (1) after the word "enigiemand" of the word "skriftelik".

Amendment of section 29 of Act 41 of 1950, as substituted by section 2 of Act 6 of 1955.

16. Section *twenty-nine* of the principal Act is hereby amended—

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

"(1)*bis*. If any member of a committee referred to in sub-section (1) ceases to be a member of the board, is absent or unable to fulfil his duties, the remaining members shall carry out the functions of such committee until such firstmentioned member resumes his duties or another member is appointed in his stead in terms of the said sub-section."; and

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

"(2)*bis*. If any member of a committee referred to in sub-section (2), who is a member of the board, is for any reason unable to perform his duties as a member of such committee, and the board is not then in session, the chairman of the board may appoint any other member of the board in the stead of such member, and any member so appointed shall for the purposes of the enquiry for which such committee was appointed be a member of such committee in the stead of such firstmentioned member."

Insertion of section 30*bis* in Act 41 of 1950.

17. The following section is hereby inserted in the principal Act after section *thirty*:

"Prohibition on receiving of fees or rewards and preservation of secrecy.

30*bis*. (1) Any member of or officer assigned to the board who directly or indirectly receives any fee or reward from any person in connection with any matter dealt with by the board, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year.

(2) Any member of or officer assigned to the board or any other person in its service who discloses, except with the consent of the board or in the performance of his duties or as a witness in a court of law, any information acquired by him in the course of his duties, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds."

„(2) Die Minister lê afskrifte van enige proklamasie uitgevaardig kragtens sub-artikel (4) van artikel *een*, sub-artikels (2) en (2)*bis* van artikel vier of sub-artikels (2) en (4) van artikel *twalf*, in beide Huise van die Parlement ter Tafel, binne veertien dae na afkondiging daarvan 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 bedoelde afskrifte bly op genoemde Tafels vir ten minste agt-en-twintig agtereenvolgende dae, en indien die Parlement gepronogeer word voordat die nodige agt-en-twintig dae verloop het, word sodanige afskrifte weer soos voormeld binne veertien dae na die aanvang van sy eersvolgende gewone sitting ter Tafel gelê.

(3) Indien beide Huise van die Parlement by besluit wat gedurende dieselfde sitting geneem word (naamlik 'n sitting waarin afskrifte van so 'n proklamasie ooreenkomstig sub-artikel (2) in beide Huise van die Parlement ter Tafel gelê is) so 'n proklamasie of 'n bepaling daarvan afkeur, verval die regskrag van so 'n proklamasie of so 'n bepaling daarvan vir sover dit aldus afgekeur word, dog sonder afbreuk te doen aan die geldigheid van enigiets wat ingevolge so 'n proklamasie of so 'n bepaling daarvan tot op die datum waarop die regskrag van so 'n proklamasie of so 'n bepaling daarvan aldus verval het, gedoen is, of aan enige reg, voorreg, verpligting of aanspreeklikheid wat op bedoelde datum reeds ingevolge so 'n proklamasie of so 'n bepaling daarvan verkry, opgeloop of aangegaan is.”

15. Artikel *agt-en-twintig* van die Hoofwet word hierby gewysig deur in paragraaf (d) van sub-artikel (1) na die woord „enigiemand” die woord „skriftelik” in te voeg.

Wysiging van artikel 28 van Wet 41 van 1950, soos gewysig deur artikel 18 van Wet 65 van 1952, artikel 1 van Wet 6 van 1955 en artikel 20 van Wet 68 van 1955.

16. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 29 van Wet 41 van 1950, soos vervang deur artikel 2 van Wet 6 van 1955.

(a) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis* Indien 'n lid van 'n in sub-artikel (1) bedoelde komitee ophou om lid van die raad te wees, afwesig is of nie in staat is om sy pligte te verrig nie, voer die oorblywende lede die werksaamhede van die komitee uit totdat eersbedoelde lid sy pligte hervat of 'n ander lid kragtens genoemde sub-artikel in sy plek aangestel word.”; en

(b) deur na sub-artikel (2) die volgende sub-artikel in te voeg:

„(2)*bis* Indien 'n lid van 'n in sub-artikel (2) bedoelde komitee wat lid van die raad is, om een of ander rede nie in staat is om sy pligte as lid van daardie komitee uit te voer nie, en die raad dan nie in sitting is nie, kan die voorsitter van die raad enige ander raadslid in die plek van bedoelde lid aanstel, en 'n aldus aangestelde lid is vir die doeleindes van die ondersoek waarvoor die komitee aangestel was, 'n lid van die komitee in die plek van eersbedoelde lid.”

17. Die volgende artikel word hierby na artikel *dertig* in die Hoofwet ingevoeg:

Invoeging van artikel 30*bis* in Wet 41 van 1950.

„Verbod op ontvang van gelde of beloning en geheimhouding.

30*bis*. (1) 'n Lid van of amptenaar toegewys aan die raad, wat regstreeks of onregstreeks enige gelde of beloning van enigiemand ontvang in verband met enige aangeleentheid deur die raad behandel, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

(2) 'n Lid van of amptenaar toegewys aan die raad, of iemand anders in die raad se diens, wat, behalwe met toestemming van die raad of by die uitvoering van sy pligte of as 'n getuie in 'n geregs-hof, enige inligting openbaar wat hy in die loop van sy pligte verneem het, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftigpond.”

Amendment of
section 31 of
Act 41 of 1950,
as amended by
section 21 of
Act 68 of 1955.

18. Section *thirty-one* of the principal Act is hereby amended by the addition thereto of the following sub-section:

“(8) Notwithstanding anything to the contrary contained in any law, an officer in charge of a deeds registry is hereby authorized to detain any deed lodged with him and to suspend the execution thereof pending a report (to be submitted within a period determined by such officer) by an inspector to whom any matter relating to such deed may have been referred by such officer for investigation under this Act.”.

Amendment of
section 35 of
Act 41 of 1950.

19. (1) Section *thirty-five* of the principal Act is hereby amended by the substitution for sub-section (4) of the following sub-section:

“(4) Whenever in any proceedings under this Act or any law repealed by this Act, whether civil or criminal, it is alleged by or on behalf of the Minister or any officer in charge of a deeds registry or in any indictment or charge—

- (a) that any person was at any time an Asiatic in terms of any law repealed by this Act; or
- (b) that a company was at any time a company wherein a controlling interest was held by or on behalf or in the interest of an Asiatic in terms of any law repealed by this Act; or
- (c) that a person is or at any relevant time was a member of any group; or
- (d) that a company is or at any time was a company wherein a controlling interest is or was held by or on behalf or in the interest of a member of any group,

the allegation shall be presumed to be correct, unless the contrary is proved.”.

Short title and
date of com-
mencement.

20. The Act shall be called the Group Areas Amendment Act, 1957, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

18. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel daarby te voeg:

Wysiging van artikel 31 van Wet 41 van 1950, soos gewysig deur artikel 21 van Wet 68 van 1955.

„(8) Ondanks andersluidende wetsbepalings, word 'n amptenaar aan die hoof van 'n registrasiekantoor hierby gemagtig om enige akte wat by hom ingedien word, in bewaring te hou en die verlyding daarvan uit te stel in afwagting van die verslag (wat binne 'n deur bedoelde amptenaar bepaalde tydperk ingedien moet word) van 'n inspekteur na wie bedoelde amptenaar enige aangeleentheid rakende daardie akte vir ondersoek ingevolge hierdie Wet mag verwys het.”.

19. Artikel *vyf-en-dertig* van die Hoofwet word hierby gewysig deur sub-artikel (4) deur die volgende sub-artikel te vervang:

Wysiging van artikel 35 van Wet 41 van 1950.

„(4) Wanneer in 'n geding ingevolge hierdie Wet of 'n deur hierdie Wet herroepe wetsbepaling, hetsy strafregtelik of siviël, deur of namens die Minister of 'n amptenaar aan die hoof van 'n registrasiekantoor of in 'n akte van beskuldiging of aanklag beweer word—

- (a) dat enige persoon te eniger tyd 'n Asiaat volgens 'n deur hierdie Wet herroepe wetsbepaling was; of
- (b) dat 'n maatskappy te eniger tyd 'n maatskappy was waarin volgens 'n deur hierdie Wet herroepe wetsbepaling 'n beheersende belang deur of ten behoeve of in belang van 'n Asiaat besit was; of
- (c) dat iemand 'n lid van een of ander groep is of te eniger ter sake dienende tyd was; of
- (d) dat 'n maatskappy 'n maatskappy is of te eniger tyd was waarin 'n beheersende belang deur of ten behoeve of in belang van 'n lid van enige groep besit word of was,

word die bewering veronderstel juis te wees, tensy die teendeel bewys word.”.

20. Hierdie Wet heet die Wysigingswet op Groepsgebiede, 1957, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerking-treding.

No. 58, 1957.]

ACT**To amend the Liquor Act, 1928.***(Afrikaans text signed by the Officer Administering the Government.)**(Assented to 20th 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:—

Substitution of section 14 of Act 30 of 1928, as substituted by section 2 of Act 61 of 1956.

1. The following section is hereby substituted for section *fourteen* of the Liquor Act, 1928 (hereinafter referred to as the principal Act):

"Constitution of liquor licensing board.

14. (1) A liquor licensing board shall consist of three members as in sub-section (2) provided.

(2) (a) For the purpose of sub-section (1) the Minister shall in respect of every liquor licensing board designate three posts on the fixed establishment of the public service, each of which shall be a post of magistrate, additional magistrate or assistant magistrate, and the persons who for the time being hold the respective posts so designated or act in their stead shall be the members of that board.

(b) The person who for the time being holds a post aforesaid which is specially designated for the purpose by the Minister, or acts in his stead, shall be the chairman of the board concerned.

(c) The Minister may at any time withdraw the designation of a post under paragraph (a) or (b), and in the stead thereof designate any other post contemplated by that sub-section.

(3) Whenever during the consideration of an application under this Act, a member of a liquor licensing board becomes incapable of performing his functions as such a member, the application shall be disposed of by the remaining member or members, and if there are two remaining members and the member who has so become incapable is the chairman, the most senior in rank of the remaining members or, if they are of the same rank and seniority, the member designated by the Secretary or Under-Secretary for Justice, shall act as chairman of the board.

(4) The Minister may delegate to the Secretary or Under-Secretary for Justice any of the powers vested in him by this section."

Amendment of section 23 of Act 30 of 1928, as amended by section 7 of Act 61 of 1956.

2. Section *twenty-three* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "proviso to sub-section (5)" of the words "provisions of sub-section (3)".

Substitution of section 33 of Act 30 of 1928, as amended by section 8 of Act 41 of 1934, section 5 of Act 12 of 1954 and section 15 of Act 61 of 1956.

3. (1) The following section is hereby substituted for section *thirty-three* of the Liquor Act, 1928:

"Application fees.

33. (1) In respect of any application made under this Act, there shall be paid to the magistrate of the district an amount of—

(a) twenty-five pounds, if it is made for a special meeting to consider an application for the grant or renewal of a licence;

(b) ten pounds, if it is made to an annual meeting for the grant of a licence or of a conditional authority;

(c) one pound, if it is made to an annual meeting for the renewal of any licence;

(d) ten pounds, if it is made to an interim meeting or to a chairman of any board for the transfer or removal of a licence;

(e) five pounds, if it is made to an annual meeting for the transfer or removal of a licence;

No. 58, 1957.]

WET

Tot wysiging van die Drankwet, 1928.

(Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 20 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 veertien van die Drankwet, 1928 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Samestelling van dranklisensieraad.

14. (1) 'n Dranklisensieraad bestaan uit drie lede soos in sub-artikel (2) bepaal.

(2) (a) Vir die doeleindes van sub-artikel (1) wys die Minister ten opsigte van elke dranklisensieraad drie poste op die vaste diensstaat van die Staatsdiens aan, elk waarvan 'n pos van magistraat, addisionele magistraat of assistent-magistraat moet wees, en die persone wat van tyd tot tyd die onderskeie aldus aangewese poste beklee, of in hul plek waarneem, is die lede van daardie raad.

(b) Die persoon wat van tyd tot tyd 'n voormelde pos wat spesiaal vir die doel deur die Minister aangewys word, beklee, of in sy plek waarneem, is die voorsitter van die betrokke raad.

(c) Die Minister kan te eniger tyd die aanwysing van 'n pos kragtens paragraaf (a) of (b) intrek, en in die plek daarvan 'n ander in daardie sub-artikel beoogde pos aanwys.

(3) Wanneer 'n lid van 'n dranklisensieraad gedurende die oorweging van 'n aansoek ingevolge hierdie Wet onbekwaam word om sy werksaamhede as so 'n lid te verrig, word die aansoek deur die oorblywende lid of lede afgehandel en indien daar twee oorblywende lede is, en die lid wat aldus onbekwaam geword het, die voorsitter is, tree die mees senior in rang van die oorblywende lede of, as hulle van gelyke rang en ansiënniteit is, die lid wat die Sekretaris of Ondersekretaris van Justisie aanwys, op as voorsitter van die raad.

(4) Die Minister kan 'n bevoegdheid by hierdie artikel aan hom verleen, aan die Sekretaris of Ondersekretaris van Justisie deleger.

Vervanging van artikel 14 van Wet 30 van 1928, soos vervang deur artikel 2 van Wet 61 van 1956.

2. Artikel drie-en-twintig van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „voorbehoudsbepaling van sub-artikel (5)” deur die woorde „bepalings van sub-artikel (3)” te vervang.

Wysiging van artikel 23 van Wet 30 van 1928, soos gewysig deur artikel 7 van Wet 61 van 1956.

3. (1) Artikel drie-en-dertig van die Drankwet, 1928, word hierby deur die volgende artikel vervang:

„Aansoekgelde.

33. (1) Ten opsigte van elke aanvraag wat ingevolge hierdie Wet ingedien word, word aan die magistraat van die distrik 'n bedrag betaal van—

(a) vyf-en-twintig pond as daarmee 'n spesiale vergadering aangevra word ter oorweging van 'n aanvraag om die verlening of vernuwing van 'n lisensie;

(b) tien pond as daarmee op 'n jaarlikse vergadering die verlening van 'n lisensie of 'n voorwaardelike magtiging aangevra word;

(c) een pond as daarmee op 'n jaarlikse vergadering die vernuwing van 'n lisensie aangevra word;

(d) tien pond as daarmee op 'n tussentydse vergadering of by 'n voorsitter van 'n raad die oordrag of verplasing van 'n lisensie aangevra word;

(e) vyf pond as daarmee op 'n jaarlikse vergadering die oordrag of verplasing van 'n lisensie aangevra word;

Vervanging van artikel 33 van Wet 30 van 1928, soos gewysig deur artikel 8 van Wet 41 van 1934, artikel 5 van Wet 12 van 1954 en artikel 15 van Wet 61 van 1956.

- (f) ten pounds, if it is made to an interim meeting for the grant of a conditional authority;
- (g) ten pounds, if it is to be considered at a special meeting convened upon an order, other than an order under sub-section (2) of section *twenty-nine*, made by any division of the Supreme Court for the consideration of the matter specified in such order.

(2) No amount or any part thereof, paid in respect of an application, shall be refunded to the applicant, except in the case of an application under section *twenty-two*, in respect of which there shall be refunded—

- (a) where the application has been refused by the chairman of the board concerned and no appeal has been lodged against the refusal, seventy-five per cent. of such amount; or
- (b) where such appeal has been lodged and has been dismissed, fifty per cent. of such amount.”.

(2) The amendments effected by sub-section (1) shall not apply in respect of any application which reached the magistrate or the chairman of the board concerned before the commencement of that sub-section.

Amendment of section 43 of Act 30 of 1928, as amended by section 10 of Act 41 of 1934 and section 22 of Act 61 of 1956.

4. Section *forty-three* of the principal Act is hereby amended by the deletion in sub-section (1) of the words “distant not more than one mile from such licensed premises”.

Amendment of section 63 of Act 30 of 1928, as amended by section 16 of Act 41 of 1934, section 5 of Act 39 of 1937, section 11 of Act 20 of 1943, section 71 of Act 40 of 1945, section 1 of Act 38 of 1954, and section 28 of Act 61 of 1956.

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

“Provided further that the Minister may, on a recommendation made at its annual meeting by the licensing board having jurisdiction in any urban area which, in terms of a certificate of the Minister, is in his opinion a health or pleasure resort for the purpose of sub-section (7) of section *seventy-five*, and subject to such conditions and restrictions as the Minister may deem fit, authorize that licensing board to grant at that annual meeting or at any subsequent annual meeting one new bottle liquor licence in addition to the number of licences in existence in respect of that area at the commencement of the Liquor Amendment Act, 1957, in any case where in the opinion of the Minister the grant of such new licence is desirable in order to ensure the maintenance or improvement of the amenities for visitors in such area.”.

Amendment of section 114*bis* of Act 30 of 1928, as inserted by section 35 of Act 61 of 1956.

6. Section *one hundred and fourteen bis* of the principal Act is hereby amended—

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

“(a) ‘producer or manufacturer’ means a co-operative society as defined in section *one* of the Wine and Spirits Control Act, 1956 (Act No. 38 of 1956), which produces or manufactures wine or brandy for sale, or a wholesale trader within the meaning of sub-section (5)*bis* who so produces or manufactures wine or brandy;” and

- (b) by the insertion after sub-section (5) of the following sub-section:

“(5)*bis* For the purposes of the definition of ‘producer or manufacturer’ in sub-section (5), a person shall be deemed to be and to have been a wholesale trader at all times during any year (as defined in section *one* of the Wine and Spirits Control Amendment Act, 1940 (Act No. 23 of 1940)), if he has during the expired portion of that year or during the immediately preceding year (as so defined) purchased a quantity of wine of any one vintage which is a wholesale quantity in terms *mutatis mutandis* of the definition of ‘wholesale quantity’ in the said section (as determined with reference to the commencement of that Act), or the equivalent of such a quantity of wine in spirit.”.

- (f) tien pond as daarmee op 'n tussentydse vergadering die verlening van 'n voorwaardelike magtiging aangevra word;
- (g) tien pond as die aanvraag oorweeg moet word op 'n spesiale vergadering belê ingevolge 'n order, behalwe 'n order kragtens sub-artikel (2) van artikel *nege-en-twintig*, gegee deur 'n afdeling van die Hooggeregshof vir die oorweging van enige aangeleentheid in die order vermeld.
- (2) Geen bedrag of deel daarvan wat ten opsigte van 'n aansoek betaal is, word aan die aanvrager terugbetaal nie, behalwe in die geval van 'n aanvraag ingevolge artikel *twee-en-twintig*, ten opsigte waarvan daar terugbetaal word—
- (a) waar die aanvraag deur die voorsitter van die betrokke raad geweier is en geen appèl teen die weiering ingedien is nie, vyf-en-sewentig persent van daardie bedrag; of
- (b) waar so 'n appèl ingedien en van die hand gewys is, vyftig persent van daardie bedrag.”

(2) Die wysigings deur sub-artikel (1) aangebring, is nie van toepassing ten opsigte van 'n aanvraag wat die betrokke magistraat of voorsitter van die raad voor die inwerkingtreding van daardie sub-artikel bereik het nie.

4. Artikel *drie-en-veertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „wat nie meer dan een myl van daardie gelisensieerde gebou verwyder is nie” te skrap.

Wysiging van artikel 43 van Wet 30 van 1928, soos gewysig deur artikel 10 van Wet 41 van 1934 en artikel 22 van Wet 61 van 1956.

5. Artikel *drie-en-sestig* van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by sub-artikel (1) te voeg:

„Met dien verstande voorts dat die Minister, op 'n aanbeveling op sy jaarlikse vergadering gemaak deur die lisensieraad wat regsbevoeg is in 'n stadsgebied wat, volgens 'n sertifikaat van die Minister, na sy mening 'n gesondheids- of ontspanningsoord vir die toepassing van sub-artikel (7) van artikel *vyf-en-sewentig* is, en onderworpe aan die voorwaardes en beperkings wat die Minister goedvind, daardie lisensieraad kan magtig om by daardie jaarlikse vergadering of 'n daaropvolgende jaarlikse vergadering een nuwe botteldranklisensie benewens die aantal lisensies wat by die inwerkingtreding van die Drankwysigingswet, 1957, ten opsigte van daardie gebied bestaan, toe te staan, in enige geval waar die verlening van so 'n nuwe lisensie volgens die Minister se oordeel wenslik is ten einde die handhawing of verbetering van geriewe vir besoekers in daardie gebied te verseker.”

Wysiging van artikel 63 van Wet 30 van 1928, soos gewysig deur artikel 16 van Wet 41 van 1934, artikel 5 van Wet 39 van 1937, artikel 11 van Wet 20 van 1943, artikel 71 van Wet 40 van 1945, artikel 1 van Wet 38 van 1954 en artikel 28 van Wet 61 van 1956.

6. Artikel *honderd-en-veertien bis* van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van sub-artikel (5) deur die volgende paragraaf te vervang:

„(a) „produsent of vervaardiger” 'n koöperatiewe vereniging soos in artikel *een* van die Wet op Beheer oor Wyn en Spiritualieë, 1956 (Wet No. 38 van 1956), omskryf, wat wyn of brandewyn vir verkoop produseer of vervaardig, of 'n groothandelaar binne die bedoeling van sub-artikel (5)*bis*, wat wyn of brandewyn aldus produseer of vervaardig;” en

(b) deur na sub-artikel (5) die volgende sub-artikel in te voeg:

„(5)*bis*. By die toepassing van die omskrywing van „produsent of vervaardiger” in sub-artikel (5), word iemand geag 'n groothandelaar te wees en te gewees het te alle tye gedurende enige jaar (soos in artikel *een* van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940 (Wet No. 23 van 1940), omskryf), indien hy gedurende die verstreke deel van daardie jaar of gedurende die onmiddellik voorafgaande jaar (soos aldus omskryf) 'n hoeveelheid wyn van 'n besondere wynoes, wat 'n groothandelshoeveelheid is volgens die omskrywing, *mutatis mutandis*, van „groothandelshoeveelheid” in bedoelde artikel (soos met verwysing na die inwerkingtreding van daardie Wet bepaal), of 'n met so 'n hoeveelheid gelykstaande hoeveelheid spiritualieë, gekoop het.”

Wysiging van artikel 114*bis* van Wet 30 van 1928, soos ingevoeg deur artikel 35 van Wet 61 van 1956.

Amendment of section 114 *ter* of Act 30 of 1928, as inserted by section 35 of Act 61 of 1956.

7. Section *one hundred and fourteen ter* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) for the words “the shareholders” of the word “shareholders”, and in the proviso to that paragraph for the words “is held” of the words “was then held and is on the date of the transfer the lessor of the premises in respect of which the licence is then held”;
- (b) by the substitution for paragraph (b) of the following paragraph:
“(b) every licence granted and every transfer of a licence authorized by a licensing board contrary to the provisions of this section shall be void;”;
- (c) by the addition of the following sub-section, the existing section becoming sub-section (1):
“(2) The provisions of sub-section (1) shall not be construed as prohibiting—
(a) the transfer of any licence lawfully held by or by the agent or nominee of a brewer who on the fourth day of May, 1956, was a member of the Brewers’ Institute of South Africa, to or to the agent or nominee of any other brewer who on that date was a member of the said Institute; or
(b) the transfer of any licence lawfully held by any company, or the agent or nominee of any company, to any person (including any company) who on the fourth day of May, 1956, owned all the shares in such first-mentioned company, or to the agent or nominee of any such person.”.

Amendment of section 127 of Act 30 of 1928, as amended by section 17 of Act 62 of 1955 and section 8 of Act 35 of 1956.

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

- “(1) The Minister or any person acting under his directions may, subject to such conditions as he may determine, authorize the brewing and consumption upon the premises of any *bona fide* employer regularly employing and housing twenty-five or more native or coloured employees of or over the age of eighteen years, of reasonable quantities of kaffir beer to be supplied free of charge by such employer to such employees, and may at any time in his discretion withdraw any such authorization.”.

Amendment of section 153 of Act 30 of 1928.

9. Section *one hundred and fifty-three* of the principal Act is hereby amended by the addition thereto of the following sub-section, the existing section becoming sub-section (1):

- “(2) In any criminal proceedings under this Act, a statement made in evidence on oath by any witness in which it is alleged that he is the licensee in respect of any business licensed under this Act, or the servant or agent of such licensee, and that such business is so licensed, shall be *prima facie* proof of the facts alleged in the statement.”.

Amendment of section 166 of Act 30 of 1928, as amended by section 33 of Act 41 of 1934 and section 42 of Act 61 of 1956.

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

- (a) by the substitution in the Afrikaans version of paragraph (v) for the words “besit en” of the words “besit in”;
- (b) by the addition to that paragraph of the following proviso:
“Provided that this paragraph shall not apply with reference to—
(i) the acquisition of any such financial interest in a business conducted under a late hours occasional licence or a temporary liquor licence; or
(ii) the acquisition or owning by a brewer who on the fourth day of May, 1956, was a member of the Brewers’ Institute of South Africa, of a financial interest in the business or undertaking of any other brewer who on that day was a member of the said Institute, or the acquisition or owning by any person of a financial interest directly or indirectly arising out of a transaction whereby any such firstmentioned financial interest is acquired;”;
- (c) by the addition of the following paragraph:
“(w) being a person (other than a producer or manufacturer as defined in section *one hundred and*

7. Artikel *honderd-en-veertien* ter van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (a) die woorde „die aandeelhouders” deur die woord „aandeelhouders” te vervang, en in die voorbehoudsbepaling by daardie paragraaf die woorde „gehou word” deur die woorde „destyds gehou was en op die datum van die oordrag die huurder is van die persele ten opsigte waarvan die lisensie dan gehou word” te vervang;
- (b) deur paragraaf (b) deur die volgende paragraaf te vervang:
- „(b) is elke lisensie wat toegestaan en elke oordrag van ’n lisensie wat gemagtig word deur ’n lisensieraad in stryd met die bepalings van hierdie artikel, nietig;” en
- (c) deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:
- „(2) Die bepalings van sub-artikel (1) word nie so uitgelê nie dat dit—
- (a) die oordrag belet van ’n lisensie wat wettiglik gehou word deur of deur die agent of genomineerde van ’n bierbrouer wat op die vierde dag van Mei 1956 ’n lid van die „Brewers’ Institute of South Africa” was, aan of aan die agent of genomineerde van ’n ander bierbrouer wat op daardie datum ’n lid van bedoelde „Institute” was; of
- (b) die oordrag belet van ’n lisensie wat wettiglik deur ’n maatskappy of die agent of genomineerde van ’n maatskappy gehou word, aan enige persoon (met inbegrip van ’n maatskappy) wat op die vierde dag van Mei 1956 al die aandele in eersbedoelde maatskappy besit het, of aan die agent of genomineerde van so ’n persoon.”

Wysiging van artikel 114 ter van Wet 30 van 1928, soos ingevoeg deur artikel 35 van Wet 61 van 1956.

8. Artikel *honderd sewe-en-twintig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

- „(1) Die Minister of iemand wat onder sy opdrag handel, kan, onderworpe aan die voorwaardes wat hy bepaal, magtiging verleen vir die brou en gebruik op die perseel van ’n *bona fide*-werkgewer wat gereeld vyf-en-twintig of meer natuurlike- of kleurlingwerknemers van die ouderdom van agtien jaar of ouer in sy diens het en huisves, van redelike hoeveelhede kafferbier wat die werkgewer gratis aan daardie werknemers moet verskaf, en kan so ’n magtiging te eniger tyd na goeiddunke intrek.”

Wysiging van artikel 127 van Wet 30 van 1928, soos gewysig deur artikel 17 van Wet 62 van 1955 en artikel 8 van Wet 35 van 1956.

9. Artikel *honderd drie-en-vyftig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel daarby te voeg, terwyl die bestaande artikel sub-artikel (1) word:

- „(2) By ’n strafsak ingevolge hierdie Wet is ’n verklaring deur ’n getuie in getuienis onder eed afgelê, waarin beweer word dat hy die lisensiehouer ten opsigte van ’n kragtens hierdie Wet gelisensieerde besigheid, of die dienaar of verteenwoordiger van bedoelde lisensiehouer, is, en dat daardie besigheid aldus gelisensieer is, *prima facie*-bewys van die feite wat in die verklaring beweer word.”

Wysiging van artikel 153 van Wet 30 van 1928.

10. Artikel *honderd ses-en-sestig* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (v) die woorde „besit en” deur die woorde „besit in” te vervang;
- (b) deur die volgende voorbehoudsbepaling by daardie paragraaf te voeg:
- „Met dien verstande dat hierdie paragraaf nie van toepassing is nie met betrekking tot—
- (i) die verkryging van so ’n geldelike belang in ’n besigheid wat onder ’n nagtelike geleentheidslisensie of ’n tydelike dranklisensie gedryf word; of
- (ii) die verkryging of besit deur ’n bierbrouer wat op die vierde dag van Mei 1956 ’n lid van die „Brewers’ Institute of South Africa” was, van ’n geldelike belang in die besigheid of onderneming van ’n ander bierbrouer wat op daardie dag ’n lid van bedoelde „Institute” was, of die verkryging of besit deur enige persoon van ’n geldelike belang wat regstreeks of onregstreeks ontstaan uit ’n transaksie waarby so ’n eersbedoelde geldelike belang verkry word;” en
- (c) deur die volgende paragraaf by te voeg:
- „(w) in die geval van ’n persoon (behalwe ’n produsent of vervaardiger, soos in artikel *honderd-en-veer-*

Wysiging van artikel 166 van Wet 30 van 1928, soos gewysig deur artikel 33 van Wet 41 van 1934 en artikel 42 van Wet 61 van 1956.

fourteen bis or a brewer, or a person who has a controlling interest, as defined in the said section, in a company which is a producer or manufacturer as so defined or a brewer) who directly or indirectly owns a financial interest in a business conducted under a bottle liquor licence or a wine and malt liquor licence or a bar licence, directly or indirectly acquires any financial interest in the business or undertaking of a producer or manufacturer as so defined or a brewer: Provided that this paragraph shall not apply with reference to the acquisition of any financial interest in pursuance of a transaction contemplated in proviso (ii) to paragraph (v) or the acquisition of any financial interest directly or indirectly arising out of such a transaction."

Short title.

11. This Act shall be called the Liquor Amendment Act, 1957.

ten bis omskryf, of 'n bierbrouer, of iemand wat 'n beheersende belang, soos in daardie artikel omskryf, besit in 'n maatskappy wat 'n produsent of vervaardiger, soos aldus omskryf, of 'n bierbrouer is) wat regstreeks of onregstreeks 'n geldelike belang besit in 'n besigheid wat onder 'n bottel-dranklisensie of 'n wyn- en bier-lisensie of 'n kantien-lisensie gedryf word, regstreeks of onregstreeks 'n geldelike belang verkry in die besigheid of onderneming van 'n produsent of vervaardiger, soos aldus omskryf, of 'n bierbrouer: Met dien verstande dat hierdie paragraaf nie van toepassing is nie met betrekking tot die verkryging van 'n geldelike belang uit hoofde van 'n transaksie wat in voorbehoudsbepaling (ii) by paragraaf (v) beoog word of die verkryging van 'n geldelike belang wat regstreeks of onregstreeks uit so 'n transaksie ontstaan."

11. Hierdie Wet heet die Drankwysigingswet, 1957.

Kort titel.

No. 60, 1957.]

ACT

To amend the Land Bank Act, 1944.

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

(Assented to 21st 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 2 of Act 13 of 1944, as amended by section 1 of Act 42 of 1951 and section 1 of Act 13 of 1953.

1. Section *two* of the Land Bank Act, 1944 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "farmer" of the following definition:

"'general manager' means a general manager appointed under section *thirteen*, but does not, for the purpose of the exercise of any powers or the performance of any functions or duties under this Act or any other law, include any general manager other than the general manager by whom, in terms of a determination by the Minister under the said section, such powers may be exercised or such functions or duties are to be performed;".

Insertion of section 13 in Act 13 of 1944.

2. The following section is hereby inserted in the principal Act after section *twelve*:

"Appointment of general managers.

13. (1) The Governor-General shall on such conditions as he may deem fit, appoint one or more general managers of the bank who shall exercise such powers and perform such functions and duties as the Minister may in respect of each such general manager determine.

(2) During the absence from office for any cause of a general manager, the board shall appoint an officer of the bank to act as general manager in his stead, and such officer shall while so acting exercise all the powers and perform all the functions and duties which are under this Act or any other law to be exercised or performed by such general manager."

Amendment of section 15 of Act 13 of 1944, as amended by section 5 of Act 42 of 1951, section 6 of Act 13 of 1953 and section 1 of Act 31 of 1954.

3. Section *fifteen* of the principal Act is hereby amended by the insertion after the words "managing director" of the words "and the general manager".

Amendment of section 17 of Act 13 of 1944, as amended by section 7 of Act 13 of 1953.

4. Section *seventeen* of the principal Act is hereby amended by the substitution for the words "managing director" of the words "general manager".

Amendment of section 33 of Act 13 of 1944, as amended by section 8 of Act 13 of 1953.

5. Section *thirty-three* of the principal Act is hereby amended by the substitution in sub-section (2) and in sub-section (3) for the words "managing director" of the words "general manager".

Amendment of section 54 of Act 13 of 1944, as amended by section 9 of Act 13 of 1953.

6. Section *fifty-four* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "managing director" of the words "general manager".

Amendment of section 72 of Act 13 of 1944, as amended by section 9 of Act 13 of 1953.

7. Section *seventy-two* of the principal Act is hereby amended by the insertion in sub-section (4) after the words "managing director" of the words "the general manager".

No. 60, 1957.]

WET

Tot wysiging van die Landbankwet, 1944.

(Afrikaanse teks deur die Amptenaar Belas met die Uitoefening
van die Uitvoerende Gesag geteken.)
(Goedgekeur op 21 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 twee van die Landbankwet, 1944 (hieronder die Hoofwet genoem), word hierby gewysig deur na die omskrywing van „boer” die volgende omskrywing in te voeg:

„hoofbestuurder” ’n kragtens artikel dertien aangestelde hoofbestuurder, maar, vir die doeleindes van die uitoefening van enige bevoegdhede of die verrigting van enige werksaamhede of pligte ingevolge hierdie Wet of ander wetsbepalings, nie ook ’n ander hoofbestuurder as die hoofbestuurder deur wie, ingevolge ’n bepaling deur die Minister kragtens bedoelde artikel, daardie bevoegdhede uitgeoefen kan word of daardie werksaamhede of pligte uitgevoer moet word nie;”.

Wysiging van artikel 2 van Wet 13 van 1944, soos gewysig deur artikel 1 van Wet 42 van 1951 en artikel 1 van Wet 13 van 1953.

2. Die volgende artikel word hierby na artikel twaalf in die Hoofwet ingevoeg:

“Aanstelling van hoofbestuurders.

13. (1) Die Goewerneur-generaal stel op die voorwaardes wat hy goedvind, een of meer hoofbestuurders van die bank aan wat die bevoegdhede uitoefen en die werksaamhede en pligte verrig wat die Minister ten opsigte van elke sodanige hoofbestuurder bepaal.

(2) Wanneer ’n hoofbestuurder om een of ander rede van sy kantoor afwesig is, stel die raad ’n beamppte van die bank aan om in sy plek as hoofbestuurder op te tree, en solank hy aldus optree, oefen daardie beamppte al die bevoegdhede uit en verrig hy al die werksaamhede en pligte wat ingevolge hierdie Wet of ander wetsbepalings deur daardie hoofbestuurder uitgeoefen of verrig moet word.”.

Invoeging van artikel 13 in Wet 13 van 1944.

3. Artikel vyftien van die Hoofwet word hierby gewysig deur na die woorde „besturende direkteur” die woorde „en die hoofbestuurder” in te voeg.

Wysiging van artikel 15 van Wet 13 van 1944, soos gewysig deur artikel 5 van Wet 42 van 1951, artikel 6 van Wet 13 van 1953 en artikel 1 van Wet 31 van 1954.

4. Artikel sewentien van die Hoofwet word hierby gewysig deur die woorde „besturende direkteur” deur die woord „hoofbestuurder” te vervang.

Wysiging van artikel 17 van Wet 13 van 1944, soos gewysig deur artikel 7 van Wet 13 van 1953.

5. Artikel drie-en-dertig van die Hoofwet word hierby gewysig deur in sub-artikel (2) en in sub-artikel (3) die woorde „besturende direkteur” deur die woord „hoofbestuurder” te vervang.

Wysiging van artikel 33 van Wet 13 van 1944, soos gewysig deur artikel 8 van Wet 13 van 1953.

6. Artikel vier-en-vyftig van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „besturende direkteur” deur die woord „hoofbestuurder” te vervang.

Wysiging van artikel 54 van Wet 13 van 1944, soos gewysig deur artikel 9 van Wet 13 van 1953.

7. Artikel twee-en-sewentig van die Hoofwet word hierby gewysig deur in sub-artikel (4) na die woorde „besturende direkteur” die woorde „die hoofbestuurder” in te voeg.

Wysiging van artikel 72 van Wet 13 van 1944, soos gewysig deur artikel 9 van Wet 13 van 1953.

Amendment of section 73 of Act 13 of 1944, as amended by section 9 of Act 13 of 1953.

8. Section *seventy-three* of the principal Act is hereby amended by the insertion in sub-sections (1) and (2) after the words "managing director" of the words "or the general manager".

Short title.

9. This Act shall be called the Land Bank Amendment Act, 1957.

8. Artikel *drie-en-sewentig* van die Hoofwet word hierby Wysiging van
gewysig deur in sub-artikels (1) en (2) na die woorde „besturende artikel 73 van Wet
direkteur” die woorde „of die hoofbestuurder” in te voeg. 13 van 1944, soos
gewysig deur
artikel 9 van Wet
13 van 1953.

9. Hierdie Wet heet die Wysigingswet op die Landbank, Kort titel.
1957.

No. 62, 1957.]

ACT

To amend the Old Age Pensions Act, 1928, the Pension Laws Amendment Act, 1943, the Disability Grants Act, 1946, and the Government Service Pensions Act, 1955, and to provide for the inclusion of certain periods in the pensionable service of certain persons and for other incidental matters.

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

(Assented to 21st 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 12 of Act 22 of 1928.

1. Section *twelve* of the Old Age Pensions Act, 1928, is hereby amended by the addition at the end thereof of the following sub-section:

“(3) If the estate of any pensioner is sequestrated, any sum of money payable to him under any law by virtue of the fact that he is a pensioner shall not form part of the assets in his insolvent estate.”

Amendment of section 47 of Act 33 of 1943, as amended by section 13 of Act 41 of 1948.

2. Section *forty-seven* of the Pension Laws Amendment Act, 1943, is hereby amended by the insertion in paragraphs (b) and (c) of sub-section (1) after the words “public service” of the words “or any other person in the employ of the Government”.

Validation of certain awards by committee appointed under section 47 of Act 33 of 1943.

3. Any bonus awarded by the committee appointed by the Minister of Finance under sub-section (1) of section *forty-seven* of the Pension Laws Amendment Act, 1943, to or in respect of any person referred to in paragraphs (b) and (c) of the said sub-section, as amended by section *two*, in respect of any period prior to the commencement of this Act, is hereby validated.

Amendment of section 16 of Act 36 of 1946, as amended by section 1 of Act 49 of 1954.

4. Section *sixteen* of the Disability Grants Act, 1946, is hereby amended by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):

“(2) If the estate of any grantee is sequestrated, any sum of money payable to him under any law by virtue of the fact that he is a grantee shall not form part of the assets in his insolvent estate.”

Amendment of section 8 of Act 58 of 1955, as amended by section 10 of Act 56 of 1956.

5. Section *eight* of the Government Service Pensions Act, 1955 (hereinafter referred to as the principal Act), is hereby amended by the insertion after sub-section (3) of the following sub-section:

“(3)*bis* Any period which under the provisions of sub-section (2) of section *two* or sub-section (5) of section *four* of the Public Servants (Military Service) Act, 1944 (Act No. 27 of 1944), has been included in the pensionable service of a member to whom sub-section (3) of this section applies, shall, for the purposes of the said sub-section (3) be deemed to form part of his previous period or periods of employment.”

Amendment of section 11 of Act 58 of 1955, as amended by section 11 of Act 56 of 1956.

6. Section *eleven* of the principal Act is hereby amended by the deletion of sub-section (2).

Amendment of section 73 of Act 58 of 1955.

7. (1) Section *seventy-three* of the principal Act is hereby amended by the substitution for paragraphs (a) and (b) of sub-section (4) of the following paragraphs:

“(a) if he retires or is retired or discharged prior to the first day of October, 1957, on an anniversary of his birthday, cease to contribute to the fund as from the date of his retirement or discharge;

No. 62, 1957.]

WET

Tot wysiging van die Ouderdomspensioenwet, 1928, die Wysigingswet op die Pensioenwette, 1943, die Wet op Ongeskiktheids-toelaes, 1946, en die Regeringsdiens-pensioenwet, 1955, en om voorsiening te maak vir die insluiting van sekere tydperke by die pensioengewende diens van sekere persone en vir ander aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 21 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 *twalf* van die Ouderdomspensioenwet, 1928, word hierby gewysig deur aan die end daarvan die volgende sub-artikel by te voeg:

„(3) Indien die boedel van 'n pensioentrekker gesekwestreer word, maak enige bedrag wat ingevolge 'n wetsbepaling aan hom betaalbaar is uit hoofde van die feit dat hy 'n pensioentrekker is, nie deel van die bates in sy insolvente boedel uit nie.”.

Wysiging van artikel 12 van Wet 22 van 1928.
2. Artikel *sewe-en-veertig* van die Wysigingswet op die Pensioenwette, 1943, word hierby gewysig deur in paragrawe (b) en (c) van sub-artikel (1) na die woord „staatsdiens” die woorde „of 'n ander persoon in diens van die Regering” in te voeg.

Wysiging van artikel 47 van Wet 33 van 1943, soos by artikel 13 van Wet 41 van 1948 gewysig.
3. Enige bonus toegeken deur die komitee aangestel deur die Minister van Finansies kragtens sub-artikel (1) van artikel *sewe-en-veertig* van die Wysigingswet op die Pensioenwette, 1943, aan of ten opsigte van 'n persoon vermeld in paragrawe (b) en (c) van genoemde sub-artikel, soos by artikel *twee* gewysig, ten opsigte van 'n tydperk voor die inwerkingtreding van hierdie Wet, word hierby bekragtig.

Bekragtiging van sekere toekennings deur komitee ingevolge artikel 47 van Wet 33 van 1943 aangestel.
4. Artikel *sestien* van die Wet op Ongeskiktheidstoelaes, 1946, word hierby gewysig deur aan die end daarvan die volgende sub-artikel by te voeg terwyl die bestaande artikel sub-artikel (1) word:

„(2) Indien die boedel van 'n begiftigde gesekwestreer word, maak enige bedrag wat ingevolge 'n wetsbepaling aan hom betaalbaar is uit hoofde van die feit dat hy 'n begiftigde is, nie deel van die bates in sy insolvente boedel uit nie.”.

Wysiging van artikel 16 van Wet 36 van 1946, soos by artikel 1 van Wet 49 van 1954 gewysig.
5. Artikel *agt* van die Regeringsdiens-pensioenwet, 1955 (hieronder die Hoofwet genoem), word hierby gewysig deur ná sub-artikel (3) die volgende sub-artikel in te voeg:

„(3)*bis* 'n Tydperk wat ingevolge die bepalinge van sub-artikel (2) van artikel *twee* of sub-artikel (5) van artikel *vier* van die Wet op Staatsamptenare (Militêre Diens), 1944 (Wet No. 27 van 1944), by die pensioengewende diens van 'n lid op wie sub-artikel (3) van hierdie artikel van toepassing is, ingesluit is, word, by die toepassing van bedoelde sub-artikel (3) geag deel van sy vorige dienstydsperk of -tydperke uit te maak.”.

Wysiging van artikel 8 van Wet 58 van 1955, soos by artikel 10 van Wet 56 van 1956 gewysig.
6. Artikel *elf* van die Hoofwet word hierby gewysig deur sub-artikel (2) te skrap.

Wysiging van artikel 11 van Wet 58 van 1955, soos by artikel 11 van Wet 56 van 1956 gewysig.
7. (1) Artikel *drie-en-sewentig* van die Hoofwet word hierby gewysig deur paragrawe (a) en (b) van sub-artikel (4) deur die volgende paragraaf te vervang:

„(a) indien hy voor die eerste dag van Oktober 1957, op sy verjaarsdag aftree of afgedank of ontslaan word, sy bydraes tot die fonds staak vanaf die datum van sy uitdienstreding of ontslag;

Wysiging van artikel 73 van Wet 58 van 1955.

- (b) if he retires or is retired or discharged prior to the first day of October, 1957, on a date other than an anniversary of his birthday, continue to contribute to the fund at the said rate on his pensionable emoluments immediately prior to his retirement or discharge up to and including the day immediately preceding the next succeeding anniversary of his birthday or the thirtieth day of September, 1957, whichever is the earlier date, when he shall cease to contribute to the fund; or
 - (c) if he retires or is retired or discharged after the thirtieth day of September, 1957, cease to contribute to the fund as from the date of his retirement or discharge.”.
- (2) The provisions of sub-section (1) shall be deemed to have come into operation on the first day of July, 1955.

Amendment of section 86 of Act 58 of 1955.

8. (1) Section *eighty-six* of the principal Act is hereby amended—

- (a) by the addition at the end of paragraph (g) of the word “or”;
- (b) by the deletion at the end of paragraph (h) of the word “or”;
- (c) by the deletion of paragraph (i); and
- (d) by the addition of the following sub-section at the end thereof, the existing section becoming sub-section (1):

“(2) Any member who prior to the fixed date ceased to be a contributor in accordance with the provisions of section *sixty-four* of the Pensions Act or who has ceased or ceases to contribute in accordance with an election made in terms of section *seventy bis* of that Act, shall not be allowed to contribute to the fund: Provided that if a member who prior to the fixed date ceased to be a contributor in accordance with the provisions of section *sixty-four* of the said Act, ceases to be a member after the said date and is thereafter re-employed by the Government before he has attained the age of sixty-five years, he may, with the approval of the Treasury but subject to the provisions of sub-section (1), be allowed to contribute to the fund as from the date on which he is so re-employed.”.

(2) The provisions of sub-section (1) shall be deemed to have come into operation on the 1st day of July, 1955.

Certain periods may, subject to conditions, be included in pensionable service.

9. (1) Notwithstanding anything to the contrary in any other law contained, a person who is a contributor to a fund established under section *two* of the principal Act, may, with the approval of the Treasury granted in accordance with the recommendation of the Commission, and on such terms and conditions as may be specified in such approval, be permitted to include in his pensionable service so much of any one or more of the following periods as the Treasury on the recommendation of the Commission may determine, if application for such approval is made by the said person to the head of the department in which he is employed and any election by him in pursuance of such approval is made within sixty days from the date on which he is called upon by the Commissioner to elect, namely—

- (a) any period which intervenes between any two consecutive periods of his pensionable service and which in terms of any law is deemed to have been a period of special leave of absence without pay not counting as service;
- (b) in the case of a person who has elected in terms of sub-section (5) of section *four* of the Public Servants (Military Service) Act, 1944 (Act No. 27 of 1944), to have the period or periods of his military service included in his pensionable service, any period which falls between the date of his final discharge from military service and the date of his subsequent appointment under the Government or which falls between any two consecutive periods of his military service.

(2) The terms and conditions referred to in sub-section (1) shall provide, *inter alia*—

- (a) for the payment by such person, in respect of any period included in his pensionable service in terms of that sub-section, of an amount determined by the Treasury after consultation with the Commission and an actuary;

- (b) indien hy voor die eerste dag van Oktober 1957 op 'n ander datum as sy verjaarsdag aftree of afgedank of ontslaan word, voortgaan om volgens bedoelde skaal tot die fonds by te dra op sy pensioengewende verdienste onmiddellik voor sy uitdienstreding of ontslag tot en met die dag onmiddellik voor sy daaropvolgende verjaarsdag of die dertigste dag van September 1957, watter datum ook al die jongste is, wanneer hy sy bydraes tot die fonds staak; of
 - (c) indien hy na die dertigste dag van September 1957 aftree of afgedank of ontslaan word, sy bydraes tot die fonds staak vanaf die datum van sy uitdienstreding of ontslag."
- (2) Die bepalings van sub-artikel (1) word geag op die eerste dag van Julie 1955 in werking te getree het.

8. (1) Artikel *ses-en-tagtig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 86 van Wet 58 van 1955.

- (a) deur aan die end van paragraaf (g) die woord „of” by te voeg;
- (b) deur aan die end van paragraaf (h) die woord „of” te skrap;
- (c) deur paragraaf (i) te skrap; en
- (d) deur die volgende sub-artikel aan die end daarvan by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) 'n Lid wat voor die vasgestelde datum ooreenkomstig die bepalings van artikel *vier-en-sestig* van die Pensioenwet opgehou het om 'n bydraer te wees of wat ooreenkomstig 'n keuse kragtens artikel *sewentig bis* van daardie Wet gemaak sy bydraes gestaak het of staak, word nie toegelaat om tot die fonds by te dra nie: Met dien verstande dat indien 'n lid wat voor die vasgestelde datum ooreenkomstig die bepalings van artikel *vier-en-sestig* van bedoelde Wet opgehou het om 'n bydraer te wees, na daardie datum ophou om 'n lid te wees en daarna weer deur die Regering in diens geneem word voordat hy die leeftyd van vyf-en-sestig jaar bereik het, kan hy, met goedkeuring van die Tesourie maar behoudens die bepalings van sub-artikel (1), toegelaat word om tot die fonds by te dra vanaf die datum waarop hy aldus weer in diens geneem word.”

- (2) Die bepalings van sub-artikel (1) word geag op die eerste dag van Julie 1955 in werking te getree het.

9. (1) Ondanks andersluidende wetsbepalings kan 'n persoon wat 'n bydraer is tot 'n fonds kragtens artikel *twee* van die Hoofwet gestig, met goedkeuring van die Tesourie ooreenkomstig die aanbeveling van die Kommissie verleen, en op die bedinge en voorwaardes in daardie goedkeuring uiteengesit, toegelaat word om soveel van een of meer van die volgende tydperke as wat die Tesourie op aanbeveling van die Kommissie mag bepaal, by sy pensioengewende diens in te reken, indien aansoek om sodanige goedkeuring deur genoemde persoon gedoen word by die hoof van die departement waar hy in diens is, en 'n keuse ingevolge so 'n goedkeuring deur hom uitgeoefen word binne sestig dae vanaf die datum waarop hy deur die Kommissaris aangesê word om 'n keuse te doen, naamlik—

Sekere tydperke kan, onderworpe aan voorwaardes, by pensioengewende diens ingesluit word.

- (a) 'n tydperk wat tussen enige twee opeenvolgende tydperke van sy pensioengewende diens val en wat ingevolge 'n wetsbepaling geag word 'n tydperk van spesiale afwesigheidsverlof sonder betaling te wees wat nie as diens geld nie;
 - (b) in die geval van iemand wat ooreenkomstig sub-artikel (5) van artikel *vier* van die Wet op Staatsamptenare (Militêre Diens), 1944 (Wet No. 27 van 1944), gekies het om die termyn of termyne van sy militêre diens by sy pensioengewende diens te laat insluit, enige tydperk wat tussen die datum van sy finale ontslag uit militêre diens en die datum van sy daaropvolgende aanstelling by die Regering val of wat tussen enige twee opeenvolgende termyne van sy militêre diens val.
- (2) Die in sub-artikel (1) vermelde bedinge en voorwaardes moet onder meer voorsiening maak—

- (a) vir die betaling deur so 'n persoon, ten opsigte van 'n tydperk kragtens daardie sub-artikel by sy pensioengewende diens ingesluit, van 'n bedrag wat die Tesourie na oorlegpleging met die Kommissie en 'n aktuaris bepaal;

- (b) for the conditions to be imposed in regard to the payment of any amount referred to in paragraph (a);
 - (c) for the payment of interest by the said person on any amount due by him at the end of each month if he is unable to liquidate his liability in one payment.
- (3) For the purposes of this section the expressions "actuary", "Commission", "Commissioner", "pensionable service" and "Treasury" shall bear the meanings assigned thereto in section *one hundred and nine* of the principal Act.

Short title.

10. This Act shall be called the Pension Laws Amendment Act, 1957.

- (b) vir die voorwaardes wat met betrekking tot die betaling van 'n bedrag in paragraaf (a) vermeld, opgelê moet word;
 - (c) vir die betaling van rente deur genoemde persoon op enige bedrag aan die end van elke maand deur hom verskuldig indien hy nie sy skuld in een paaiement kan afbetaal nie.
- (3) By die toepassing van hierdie artikel het die uitdrukkings „aktuaris”, „Kommissaris”, „Kommissie”, „pensioengewende diens” en „Tesourie” die betekenis wat daaraan by artikel *honderd-en-nege* van die Hoofwet toegeskryf word.

10. Hierdie Wet heet die Wysigingswet op die Pensioenwette, Kort titel. 1957.

No. 63, 1957.]

ACT

To consolidate the laws relating to the registration of dairy premises, the marking of dairy produce and the registration of distinctive marks used in connection therewith, and the regulation of certain other matters in connection with the dairy industry.

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

(Assented to 21st 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. In this Act, unless the context otherwise indicates, any expression to which a meaning is ascribed in the Dairy Industry Control Act, 1930 (Act No. 35 of 1930), bears the same meaning, and—

- (i) "board" means the Dairy Industry Control Board, established by section *one* of the Dairy Industry Control Act, 1930 (Act No. 35 of 1930), as constituted in terms of the Dairy Products Marketing Scheme promulgated by Proclamation No. 183 of 1954, under the provisions of the Marketing Act, 1937 (Act No. 26 of 1937); (xiii)
- (ii) "butter substitutes factory" means any premises used for the manufacture of butter substitutes; (iii)
- (iii) "cheese factory" means any premises used for the manufacture of cheese; (viii)
- (iv) "condensed milk factory" means any premises used for the manufacture of condensed milk; (v)
- (v) "cream depot" means any premises used for the collection of milk or cream; (xv)
- (vi) "creamery" means any premises used for the manufacture of butter; (i)
- (vii) "dairy produce" means milk, condensed milk, milk powder, dried milk, cream, ice-cream, butter, whey butter, renovated butter, milled butter, milk-blended butter, process butter and cheese, and includes margarine and all substitutes for butter made from vegetable or animal fats or a combination of vegetable and animal fats; (xvii)
- (viii) "department" means the Department of Agriculture; (ii)
- (ix) "dried milk factory" means any premises used for the manufacture of milk powder or dried milk; (iv)
- (x) "ice-cream" means any frozen product made from cream or milk and water, with or without the addition of any other food or of any flavouring, and includes any frozen product, intended for human consumption, of which cream or milk and water form a part; (xvi)
- (xi) "inspector" means a person designated as such under section *seven*; (vii)
- (xii) "margarine" means any substance (other than butter, whey butter, renovated butter, milled butter, milk-blended butter or process butter) in imitation or form of butter, whether described as margarine or by any other name or designation, whereof the consistency is substantially similar to that of butter and which has been manufactured mainly from one or more deodorized vegetable or animal fats or oils, but does not include any single fat sold as such fat; (ix)
- (xiii) "margarine factory" means any premises used for the manufacture of margarine; (x)
- (xiv) "Minister" means the Minister of Agriculture; (xi)
- (xv) "prescribed" means prescribed by this Act; (xviii)
- (xvi) "regulation" means a regulation made and in force under this Act, and includes a regulation in the First Schedule; (xiv)
- (xvii) "renovated butter", "milled butter," "milk-blended butter" or "process butter" means the product

No. 63, 1957.]

WET

Tot samevatting van die wette betreffende die registrasie van persele vir suiwelbereiding, die merk van suiwelprodukte en die registrasie van onderskeidingsmerke wat in verband daarmee gebruik word, en die reëling van sekere ander aangeleenthede in verband met die suiwelnywerheid.

(Engelse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 21 Junie 1957.)

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

1. In hierdie Wet, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan in die Wet op die Beheer van die Suwelnwyerheid, 1930 (Wet No. 35 van 1930), 'n betekenis toegeken is, dieselfde betekenis, en beteken—

- (i) „botterfabriek” 'n perseel wat vir die vervaardiging van botter gebruik word; (vi)
- (ii) „departement” die Departement van Landbou; (viii)
- (iii) „fabriek van bottersurrogate” 'n perseel wat vir die vervaardiging van bottersurrogate gebruik word; (ii)
- (iv) „fabriek van droëmelk” 'n perseel wat vir die vervaardiging van melkpoeier of droëmelk gebruik word; (ix)
- (v) „fabriek van gekondenseerde melk” 'n perseel wat vir die vervaardiging van gekondenseerde melk gebruik word; (iv)
- (vi) „hierdie Wet” ook die regulasies; (xviii)
- (vii) „inspekteur” iemand wat kragtens artikel sewe as sodanig aangewys is; (xi)
- (viii) „kaasfabriek” 'n perseel wat vir die vervaardiging van kaas gebruik word; (iii)
- (ix) „margarine” enige stof (behalwe botter, weibotter, opnuut-opgemaakte botter, herbewerkte botter, met melk vermengde botter of kunsbotter) wat 'n namaaksel of in die vorm van botter is, hetsy as margarine of onder 'n ander naam of benaming beskrywe, en waarvan die tekstuur wesenlik ooreenstem met die van botter, en wat in hoofsaak vervaardig is van een of meer plantaardige vette of olies of dierevette of -olies wat reukloos gemaak is, maar nie ook 'n enkele vetsoort wat as so 'n vetsoort verkoop word nie; (xii)
- (x) „margarine-fabriek” 'n perseel wat vir die vervaardiging van margarine gebruik word; (xiii)
- (xi) „Minister” die Minister van Landbou; (xiv)
- (xii) „opnuut-opgemaakte botter”, „herbewerkte botter”, „met melk vermengde botter” of „kunsbotter” die produk verkry deur die herbewerking van botter of deur die vermenging van twee of meer hoeveelhede botter van verskillende grade, kwaliteite of fabrikate, sonder om enige stof, behalwe melk, water of sout daarby te voeg, op 'n ander perseel as die perseel waarop die botter wat aldus opnuut opgemaak word, oorspronklik vervaardig is; (xvii)
- (xiii) „raad” die Raad van Toesig op die Suwelnwyerheid, ingestel by artikel een van die Wet op die Beheer van die Suwelnwyerheid, 1930 (Wet No. 35 van 1930), soos saamgestel ingevolge die Suiwelproduktebemarkingskema afgekondig by Proklamasie No. 183 van 1954 kragtens die bepalings van die Bemarkingswet, 1937 (Wet No. 26 van 1937); (i)
- (xiv) „regulasie” 'n regulasie kragtens hierdie Wet uitgevaardig en van krag, en ook 'n regulasie in die Eerste Bylae; (xvi)
- (xv) „roomdepot” 'n perseel wat vir die versameling van melk of room gebruik word; (v)
- (xvi) „roomys” 'n bevrore produk van room of melk en water vervaardig, met of sonder die byvoeging van enige ander voedsel of geursel, en ook 'n bevrore produk vir menslike verbruik bedoel, waarvan room of melk en water 'n deel uitmaak; (x)
- (xvii) „suiwelprodukte” melk, gekondenseerde melk, melkpoeier, droëmelk, room, roomys, botter, weibotter,

Woordomskrywing.

obtained by the re-working of butter or the mixing of two or more quantities of butter of different grades, qualities or makes, without the addition of any substance other than milk, water or salt, in premises other than those in which the butter so renovated was originally manufactured; (xii)

(xviii) "this Act" includes the regulations; (vi)

(xix) "whey butter" means the product obtained by churning whey or the cream obtained from whey. (xix)

Application
of Act.

2. (1) Save as is provided in sections *eight* and *eleven*, the provisions of this Act shall not apply in respect of dairy produce that is intended for consumption on the premises whereon it is produced and is not sold, or offered, exposed or kept for purposes of sale.

(2) Save as is provided in section *eight*, the provisions of this Act shall not apply in respect of milk or cream intended for consumption, without previous conversion into any other form or substance, within the area of jurisdiction of any local authority, or in respect of any premises in such an area whereon such milk or cream is produced or received, if and so long as within such area any law, or bye-law or regulation made under such a law, is in force for the prevention of adulteration of milk or cream or for safeguarding the health of the consumers thereof: Provided that, if the Minister is satisfied, after a report from the medical officer of health for the Union, that the provisions of any such law, bye-law or regulation are not being effectively enforced within such area by the authority responsible for the enforcement thereof, the Governor-General may, by proclamation in the *Gazette*, declare that the provisions of this Act, or so much thereof as he may deem necessary, shall apply within such area in respect of such milk or cream.

(3) Subject to the provisions of sub-section (4) of section *three*, the provisions of this Act shall not apply with reference to any cheese factory so long as the quantity of milk manufactured into cheese thereat does not exceed seventy-five gallons on any one day, or to any condensed milk factory, cream depot, creamery or dried milk factory unless the owner or occupier thereof uses thereat milk or cream supplied by or procured or purchased from another person, or unless such owner or occupier is a co-operative society or company registered under the Co-operative Societies Act, 1939 (Act No. 29 of 1939), a company registered under any law providing for the registration of companies, or a partnership or other association of two or more persons.

(4) Nothing in this Act contained shall be construed as in any way repealing or affecting the provisions of any law relating to adulteration of articles of diet, or any bye-law or regulation made under such law, but the provisions of this Act shall be construed as being in addition to, and not in substitution for, the provisions of any such law, bye-law or regulation: Provided that no provision of any such law expressly making any warranty or any other fact whatever a defence to any charge under such law, shall apply in respect of any charge under this Act.

Registration
of premises.

3. (1) (a) No person shall use any premises as a butter substitutes factory, a cheese factory, a condensed milk factory, a cream depot, a creamery, a dried milk factory or a margarine factory unless such premises are registered with the department in the manner prescribed.

(b) Any person who desires any premises to be so registered shall make application therefor in the prescribed form to the department.

(c) If the Minister is satisfied that the requirements of this Act in respect of any such premises have been complied with, he shall, subject to the provisions of sub-section (2), cause a certificate of registration to be issued to the applicant.

(2) The Minister may—

(a) direct that an application for the registration, under this Act, as a margarine factory, of premises that were not so registered on the date of the commencement of the Dairy Industry Control Amendment Act, 1950, (Act No. 38 of 1950), be refused, or attach such conditions to the registration of any margarine factory as he may deem fit; and

opnuut-opgemaakte botter, herbewerkte botter, met melk vermengde botter, kunsbotter en kaas, en ook margarine en alle battersurrogate wat van plantaardige vette of dierevette of 'n kombinasie van plantaardige vette en dierevette vervaardig is; (vii)

(xviii) „voorgeskrif” by hierdie Wet voorgeskrif; (xv)

(xix) „weibotter” die produk verkry deur wei, of die room verkry uit wei, te karring. (xix)

2. (1) Behalwe soos in artikels *agt* en *elf* bepaal word, is die bepaling van hierdie Wet nie van toepassing nie ten opsigte van suiwelprodukte wat vir verbruik bedoel is op die perseel waarop dit geproduseer is, en nie verkoop of vir doeleindes van verkoop aangebied, uitgestal of gehou word nie. Toepassing van Wet.

(2) Behalwe soos in artikel *agt* bepaal word, is die bepaling van hierdie Wet nie van toepassing nie ten opsigte van melk of room wat, sonder dat dit vooraf in enige ander vorm of stof verander is, vir verbruik binne die regsgebied van 'n plaaslike bestuur bedoel is, of ten opsigte van 'n perseel in so 'n gebied waarop sodanige melk of room geproduseer of ontvang word, indien en solank daar in so 'n gebied 'n wet, of verordening of regulasie kragtens so 'n wet uitgevaardig, vir die voorkoming van die verdunning van melk of room of ter beskerming van die gesondheid van die verbruikers daarvan van krag is: Met dien verstande dat indien die Minister, ná 'n verslag van die mediese gesondheidsbeampte van die Unie, oortuig is dat die bepaling van so 'n wet, verordening of regulasie nie op doelmatige wyse in sodanige gebied uitgevoer word nie deur die gesag verantwoordelik vir die uitvoering daarvan, die Goewerneur-generaal by proklamasie in die *Staatskoerant* kan verklaar dat die bepaling van hierdie Wet of soveel daarvan as wat hy nodig ag, in sodanige gebied van toepassing is ten opsigte van sodanige melk of room.

(3) Behoudens die bepaling van sub-artikel (4) van artikel *drie*, is die bepaling van hierdie Wet nie van toepassing nie met betrekking tot 'n kaasfabriek, solank die hoeveelheid melk wat aldaar in kaas vervaardig word nie vyf-en-sewentig gelling op enige dag te bowe gaan nie, of met betrekking tot 'n fabriek van gekondenseerde melk, 'n roomdepot, 'n botterfabriek of 'n fabriek van droëmelk, tensy die eienaar of okkupeerder daarvan aldaar melk of room gebruik wat verskaf is deur of verkry of gekoop is van iemand anders, of tensy sodanige eienaar of okkupeerder 'n koöperatiewe vereniging of maatskappy geregistreer kragtens die Wet op Koöperatiewe Verenigings, 1939 (Wet No. 29 van 1939), 'n maatskappy geregistreer kragtens 'n wet wat vir die registrasie van maatskappye voorsiening maak, of 'n vennootskap of ander vereniging van twee of meer persone is.

(4) Die bepaling van hierdie Wet word nie vertolk as sou dit die bepaling van 'n wet betreffende die vervalsing van eetware, of 'n verordening of regulasie kragtens so 'n wet uitgevaardig, in enige opsig herroep of raak nie, maar die bepaling van hierdie Wet word vertolk asof dit 'n byvoeging is by, en nie 'n vervanging nie van, die bepaling van so 'n wet, verordening of regulasie: Met dien verstande dat geen bepaling van so 'n wet wat uitdruklik 'n waarborg of enige ander feit hoegenaamd 'n verdediging teen 'n aanklag kragtens so 'n wet verklaar, ten opsigte van 'n aanklag kragtens hierdie Wet van toepassing is nie.

3. (1) (a) Niemand mag 'n perseel as 'n fabriek van botter-surrogate, kaasfabriek, fabriek van gekondenseerde melk, roomdepot, botterfabriek, fabriek van droëmelk of margarine-fabriek gebruik nie, tensy daardie perseel op die voorgeskrewe wyse by die departement geregistreer is. Registrasie van persele.

(b) Iemand wat verlang dat 'n perseel aldus geregistreer word, moet op die voorgeskrewe wyse by die departement daarom aansoek doen.

(c) Indien die Minister oortuig is dat die voorskrifte van hierdie Wet ten opsigte van sodanige perseel nagekom is, moet hy, behoudens die bepaling van sub-artikel (2), 'n registrasiesertifikaat aan die applikant laat uitreik.

(2) Die Minister kan—

(a) gelas dat 'n aansoek om die registrasie, kragtens hierdie Wet, as 'n margarine-fabriek, van 'n perseel wat nie aldus geregistreer was nie op die datum van inwerking-treding van die Wysigingswet op die Beheer van die Suivelnywerheid, 1950 (Wet No. 38 van 1950), geweier word, of die registrasie van 'n margarine-fabriek onderworpe stel aan die voorwaardes wat hy goedvind; en

- (b) cancel the registration of any premises as a margarine factory if the owner thereof has contravened or failed to comply with any condition attached under paragraph (a) of this sub-section to such registration, or any prohibition imposed under paragraph (a) of section six or any condition attached to the production of margarine under paragraph (b) of the said section.

(3) A certificate of registration shall expire on the thirtieth day of June next succeeding the date of issue, but may be renewed by the Minister if he is satisfied that the requirements of this Act are being complied with in respect of the premises to which it relates.

(4) Nothing in this Act contained shall be construed as preventing the registration under this section, at the request of the owner or occupier thereof, of any premises on which dairy produce is manufactured or prepared, even though those premises are not required to be registered under this section, but if such premises are so registered on such request, the provisions of this Act in respect of premises registered under this section shall apply to such first-mentioned premises.

Registration numbers.

4. There shall be allotted to any premises registered under section three a registration number, and the holder of the registration certificate for those premises shall have the exclusive right to use that registration number for the purpose of designating any dairy produce.

Registration of distinctive marks.

- 5. (1) (a) A register of distinctive marks used by the holders of registration certificates shall be kept in the department in the form and manner prescribed, and the department shall enter in the said register the number of each such mark, the name and address of the registered holder thereof, a copy or exact representation thereof, the date of application therefor and the date of registration thereof.

(b) Such register shall be open to inspection in office hours.

(2) The holder of a registration certificate issued in terms of sub-section (1) of section three who desires that a distinctive mark or marks, other than a registration number mentioned in section four, be registered in his name, shall make application therefor in the prescribed form to the department and transmit with his application the prescribed particulars.

(3) If an applicant referred to in sub-section (2) has complied with the provisions of this Act, and the mark to which his application relates is not identical with a mark already registered or does not so nearly resemble such a registered mark as to be calculated to deceive, the Minister shall cause the said mark to be registered in the name of the said applicant.

(4) (a) The registered holder of a distinctive mark may, with the consent of the Minister, transfer the right thereto to any other person or cause another person to be joined with him as the registered holder of such mark.

(b) If any such right is so transferred, or any person is so joined, with the consent of the Minister, the Minister shall cause the transfer or the joinder, as the case may be, to be registered.

(5) The Minister may order the cancellation of the registration of a mark under this section if he is satisfied that such mark is no longer used by the registered holder thereof or that the registered holder has died or permanently left the Union and that no action has been taken or is contemplated for effecting a transfer of the right thereto.

Powers of Minister in regard to production of margarine.

6. The Minister may, after consultation with the board—

- (a) by notice in writing addressed to the owner of any margarine factory, prohibit such owner from producing in that factory during any period specified in the notice, a quantity of margarine exceeding a quantity so specified; and

(b) by notice in the *Gazette* attach such conditions to the production of margarine in any margarine factory, as he may consider necessary to safeguard the development of the dairy industry.

(b) die registrasie van 'n perseel as 'n margarine-fabriek kanselleer, indien die eienaar daarvan 'n voorwaarde waaraan sodanige registrasie kragtens paragraaf (a) van hierdie sub-artikel onderworpe gestel is, of 'n verbod kragtens paragraaf (a) van artikel ses opgelê, of 'n voorwaarde waaraan die produksie van margarine kragtens paragraaf (b) van genoemde artikel onderworpe gestel is, oortree het of versuim het om dit na te kom.

(3) 'n Registrasiesertifikaat verval op die dertigste dag van Junie wat op die datum van uitreiking volg, maar kan deur die Minister hernuwe word indien hy oortuig is dat ten opsigte van die perseel waarop dit betrekking het, die voorskrifte van hierdie Wet nagekom word.

(4) Die bepalings van hierdie Wet word nie vertolk as sou dit die registrasie van 'n perseel waarop suiwelprodukte vervaardig of berei word, kragtens hierdie artikel op versoek van die eienaar of okkuperder daarvan belet nie, selfs al word dit nie vereis dat daardie perseel kragtens hierdie artikel geregistreer word nie, maar indien so 'n perseel op sodanige versoek aldus geregistreer word, is die bepalings van hierdie Wet ten opsigte van persele kragtens hierdie artikel geregistreer, op sodanige perseel van toepassing.

4. 'n Registrasienommer moet aan 'n perseel wat kragtens artikel drie geregistreer is, toegeken word, en die houer van die registrasiesertifikaat vir daardie perseel besit die uitsluitende reg om daardie registrasienommer te gebruik ten einde suiwelprodukte te onderskei.

Registrasie-nommers.

5. (1) (a) 'n Register van onderskeidingsmerke wat deur die houters van registrasiesertifikate gebruik word, moet in die voorgeskrewe vorm en op die voorgeskrewe wyse in die departement gehou word, en die nommer van elke sodanige merk, die naam en adres van die geregistreerde houer daarvan, 'n kopie of juiste afbeelding daarvan, die datum van aansoek daarom en die datum van registrasie daarvan, moet deur die departement in genoemde register aangeteken word.

Registrasie van onderskeidingsmerke.

(b) Genoemde register moet gedurende kantoorure vir insae beskikbaar wees.

(2) Die houer van 'n registrasiesertifikaat ingevolge sub-artikel (1) van artikel drie uitgereik, wat 'n ander onderskeidingsmerk of -merke as 'n registrasienommer in artikel vier vermeld, op sy naam wil laat registreer, moet op die voorgeskrewe wyse by die departement daarom aansoek doen, en moet die voorgeskrewe besonderhede saam met sy aansoek deurstuur.

(3) Indien 'n applikant in sub-artikel (2) vermeld die bepalings van hierdie Wet nagekom het, en die merk waarop sy aansoek betrekking het, nie identies is nie met 'n merk wat alreeds geregistreer is, of nie soveel met so 'n geregistreerde merk ooreenkom dat dit bereken is om te mislei nie, moet die Minister genoemde merk op die naam van genoemde applikant laat registreer.

(4) (a) Die geregistreerde houer van 'n onderskeidingsmerk kan, met die goedkeuring van die Minister, die reg daarop aan 'n ander persoon oordra of 'n ander persoon by hom as die geregistreerde houer van dié merk laat voeg.

(b) Indien met die toestemming van die Minister so 'n reg aldus oorgedra of iemand aldus bygevoeg word, moet die Minister die oordrag of byvoeging, na gelang van die geval, laat registreer.

(5) Die Minister kan gelas dat die registrasie van 'n merk kragtens hierdie artikel gekanselleer word indien hy oortuig is dat dié merk nie meer deur die geregistreerde houer daarvan gebruik word nie of dat die geregistreerde houer oorlede is of die Unie vir goed verlaat het en dat geen stappe om 'n oordrag van die reg daarop te bewerkstellig, gedoen is of oorweeg word nie.

6. Die Minister kan, na oorlegpleging met die raad—

(a) by skriftelike kennisgewing aan die eienaar van 'n margarine-fabriek gerig, dié eienaar verbied om, gedurende 'n tydperk in die kennisgewing vermeld, in daardie fabriek 'n hoeveelheid margarine te produseer wat 'n hoeveelheid aldus vermeld, te bowe gaan; en

(b) by kennisgewing in die *Staatskoerant* die produksie van margarine in 'n margarine-fabriek aan die voorwaardes onderworpe stel wat hy nodig ag om die ontwikkeling van die suiwelnywerheid te beveilig.

Bevoegdheid van Minister betreffende produksie van margarine.

Appointment of
analysts, bac-
teriological
examiners and
inspectors.

7. (1) Subject to the provisions of sub-section (2), the Minister may from time to time designate—

- (a) persons, qualified by technical training and possessing competent knowledge, skill and experience, to carry out microscopical, bacteriological or analytical examinations under or for the purposes of any provision of this Act; and
- (b) officers of the department or other persons to be inspectors for the purposes of this Act.

(2) The Minister shall not so designate any person that is engaged directly or indirectly, or has any pecuniary interest, in any trade or business connected with dairy produce.

(3) If the Minister has so designated any person—

- (a) notice thereof shall be given in the *Gazette*; and
- (b) a certificate stating that he has been so designated shall be furnished to such person.

(4) A person so designated shall keep in his possession the certificate furnished to him in terms of paragraph (b) of sub-section (3).

Powers of
inspectors.

8. (1) Subject to the provisions of this Act, an inspector may at all reasonable times—

- (a) enter and inspect any premises, place, vehicle or vessel whereon or wherein any dairy produce that is intended for sale, is stored, and inspect all dairy produce thereon or therein and all utensils, machinery or apparatus thereon or therein or used in connection therewith;
- (b) take samples at or on such premises, place, vehicle or vessel, of dairy produce, or of any water or food supplied to live-stock or of any article used in connection with dairy produce;
- (c) enter and inspect any cooling chamber, vehicle or vessel used for the storage or carriage of dairy produce;
- (d) for the purposes of inspection and of taking samples, open any package which contains or is suspected of containing dairy produce; and
- (e) transmit or deliver to a person designated under paragraph (a) of sub-section (1) of section seven for such examination as is in that section mentioned, any sample of dairy produce, or of any article used in connection with dairy produce or of water or food supplied to live-stock.

(2) If, after any inspection under this Act, an inspector is satisfied that—

- (a) any premises, place, vehicle or vessel so inspected is in an unclean or unwholesome condition;
- (b) any chemical, scale, measure or apparatus used in testing cream or milk, is not in accordance with standard, or is incorrect or otherwise unfit for the use for which it is intended;
- (c) any churn, vat, or other utensil used for dairy produce is not fit to be so used;
- (d) any premises used for the manufacture or storage, or any vehicle or vessel used for the carriage, of dairy produce is unfit for such use; or
- (e) the water used in connection with the manufacture of dairy produce is impure or unwholesome,

he may, if the premises, place, vehicle or vessel can in the circumstances be the subject of such an order as is referred to in this section, made by or on the application of a medical officer of health, local authority or sanitary authority, report the circumstances in regard to which he is so satisfied, to such officer or authority, or, if such premises, place, vehicle or vessel cannot in the circumstances be the subject of such an order made by or on the application of such an officer or authority, issue an order in writing under his hand addressed to the occupier or person having the apparent custody or control of the premises, place, vehicle or vessel in question, without further naming or describing him in the order, and requiring—

- (i) such premises and any such utensil, machinery or apparatus, or such cooling chamber, vehicle or vessel,

7. (1) Behoudens die bepalings van sub-artikel (2) kan die Minister van tyd tot tyd—
- (a) persone wat deur tegniese opleiding bevoeg is en behoorlike kennis, vaardigheid en ondervinding besit, aanwys om mikroskopiese, bakteriologiese of analitiese ondersoek kragtens of vir die doeleindes van 'n bepaling van hierdie Wet uit te voer; en
 - (b) beamptes van die departement of ander persone as inspekteurs vir die doeleindes van hierdie Wet aanwys.
- (2) Die Minister wys nie 'n persoon aldus aan nie wat direk of indirek betrokke is by, of 'n geldelike belang het in, 'n bedryf of besigheid wat met die suiwelnywerheid in verband staan.
- (3) Indien die Minister 'n persoon aldus aangewys het moet—
- (a) kennis daarvan in die *Staatskoerant* gegee word; en
 - (b) 'n sertifikaat, waarin vermeld word dat hy aldus aangewys is, aan genoemde persoon verskaf word.
- (4) Iemand wat aldus aangewys is, moet die sertifikaat wat ingevolge paragraaf (b) van sub-artikel (3) aan hom verskaf is, in sy besit hou.

Aanstelling van ontleders, bakteriologiese ondersoekers en inspekteurs.

8. (1) Behoudens die bepalings van hierdie Wet kan 'n inspekteur te alle redelike tye—

Bevoegdheid van inspekteurs.

- (a) enige perseel, plek, voertuig of vaartuig waarop of waarin suiwelprodukte opgeberg word wat vir verkoop bedoel is, betree en inspekteer, en alle suiwelprodukte daarop of daarin en alle gereedskap, masjinerie of apparate daarop of daarin of wat in verband daarmee gebruik word, inspekteer;
 - (b) by of op sodanige perseel, plek, voertuig of vaartuig monsters neem van suiwelprodukte, of van water of voedsel wat aan lewende hawe gegee word of van enige artikel wat in verband met suiwelprodukte gebruik word;
 - (c) enige verkoelkamer, voertuig of vaartuig wat vir die opberging of vervoer van suiwelprodukte gebruik word, betree en inspekteer;
 - (d) enige pakkie wat suiwelprodukte bevat of vermoedelik bevat, oopmaak om dit te inspekteer en monsters te neem; en
 - (e) aan iemand wat kragtens paragraaf (a) van sub-artikel (1) van artikel sewe aangewys is, 'n monster van suiwelprodukte of van 'n artikel wat in verband met suiwelprodukte gebruik word, of van water of voedsel wat aan lewende hawe gegee word, deurstuur of aflewer vir sodanige ondersoek as wat in daardie artikel vermeld word.
- (2) Indien 'n inspekteur, ná 'n inspeksie kragtens hierdie Wet, oortuig is dat—
- (a) 'n perseel, plek, voertuig of vaartuig wat aldus geinspekteer is, in 'n vuil of ongesonde toestand verkeer;
 - (b) 'n skeikundige stof, weegskaal, maat of apparaat wat vir die toets van room of melk gebruik word, nie ooreenkomstig standaard is nie, of onnoukeurig is of andersins ongeskik is vir die gebruik waarvoor dit bestem is;
 - (c) enige karring, vat of ander gereedskap wat vir suiwelprodukte gebruik word, nie geskik is om aldus gebruik te word nie;
 - (d) 'n perseel wat gebruik word vir die vervaardiging of opberging, of 'n voertuig of vaartuig wat gebruik word vir die vervoer, van suiwelprodukte ongeskik is vir sodanige gebruik; of
 - (e) die water wat in verband met die vervaardiging van suiwelprodukte gebruik word, onsuiver of ongesond is,

kan hy, indien die perseel, plek, voertuig of vaartuig onder die omstandighede die onderwerp kan wees van 'n bevel soos dié in hierdie artikel vermeld, deur of op aansoek van 'n mediese gesondheidsbeampte, plaaslike owerheid of gesondheidsowerheid uitgereik, die omstandighede ten opsigte waarvan hy aldus oortuig is by sodanige beampte of owerheid aanmeld, of, indien sodanige perseel, plek, voertuig of vaartuig onder die omstandighede nie die onderwerp kan wees nie van so 'n bevel, deur of op aansoek van so 'n beampte of owerheid uitgereik, kan hy 'n skriftelike bevel uitreik wat deur hom onderteken is en gerig is aan die okkupeerder van, of persoon wat skynbaar toesig of beheer het oor, die betrokke perseel, plek, voertuig of vaartuig, sonder om in die bevel verder sy naam te vermeld of hom te beskrywe, en wat vereis dat—

- (i) sodanige perseel en enige sodanige gereedskap, masjinerie of apparaat, of so 'n verkoelkamer, voer-

- as the case may be, forthwith to be cleansed, disinfected and rendered wholesome to his satisfaction;
- (ii) such chemical to be made fit for the use for which it is intended, or such scale, measure or apparatus to be replaced or corrected;
 - (iii) any such churn, vat or other utensil to be replaced or made fit to be used for dairy produce;
 - (iv) such premises, place, vehicle or vessel to be made fit for use to his satisfaction;
 - (v) any such live-stock to be moved and the premises, vehicle or vessel disinfected to his satisfaction;
 - (vi) the supply of such water to be discontinued until it has been rendered fit for use, or a supply of pure water to be used;

and may further by such written order prohibit any such utensil, machinery, apparatus, cooling chamber, vehicle or vessel to be used for dairy produce at all or until the defects therein have been remedied to his satisfaction, or for such time specified in the order as he thinks necessary, or prohibit the removal from any such premises of any dairy produce for such time as he thinks necessary.

(3) If upon any inspection under this Act an inspector is of the opinion that any live-stock on premises on which milk is produced or cooled, or cream is separated, is so diseased as to be likely to affect dairy produce injuriously, he shall report the disease to the proper veterinary officer of the department, and shall in the meantime place a temporary brand on all such animals so diseased or suspected by him of being so diseased, and may prohibit the sale or use of milk from any such animal until a veterinary officer of the department has declared such animal free from disease likely to affect dairy produce.

(4) If upon any inspection under this Act an inspector is of the opinion that any person is affected with a disease of an infectious or contagious nature which is likely to contaminate dairy produce, he shall report the fact to the proper health officer, if there is such an officer, and if the health officer certifies that such person is affected with such a disease, the inspector may, by written order, order the isolation or the removal of such person for such time as the health officer thinks necessary.

(5) Every order made by an inspector under this section shall be in the prescribed form, and a copy thereof shall, together with the report of such inspector in the matter, be transmitted to the Minister as soon as possible after the order has been made, and the Minister may confirm, set aside or vary the order as he may deem right, and his determination thereon shall be final and conclusive.

(6) In the making or the carrying out of any order under this section an inspector shall, as far as is practicable, consult and act upon the recommendations of the proper health officer, if there is such an officer.

Use of registration numbers by non-holders of distinctive marks.

9. Every holder of a certificate of registration for a butter substitutes factory, cheese factory, condensed milk factory, cream depot, creamery, dried milk factory or margarine factory, in whose name a distinctive mark has not been registered in terms of section five, shall brand in the prescribed manner, with the registration number mentioned in section four, all packages containing dairy produce manufactured at the premises in respect of which such certificate was issued.

Prohibitions in respect of sale of dairy produce falsely marked.

10. (1) No person shall sell, or offer or expose for sale, or have in his possession for purposes of sale, any dairy produce which has been produced outside the Union, unless the name of the country of origin is clearly branded, in the manner prescribed in the regulations set out in the First Schedule—

- (a) upon the wrapper in which such produce is contained, or, if it is not contained in a wrapper and is not in bulk, upon such produce; and
- (b) upon every other receptacle in which such produce is contained or upon a label attached to such receptacle.

(2) No person shall sell, or offer or expose for sale, or have in his possession for purposes of sale, any dairy produce manufactured outside the Union, if upon such produce or upon the wrapper or other receptacle in which it is contained, or upon a label attached to such receptacle, there appear the words "South Africa" or "Union of South Africa" or any mark

tuig of vaartuig, na gelang van die geval, onverwyld skoongemaak, ontsmet en tot sy bevrediging in 'n gesonde toestand gebring word;

- (ii) sodanige skeikundige stof geskik gemaak word vir die gebruik waarvoor dit bedoel is, of so 'n weegskaal, maat of apparaat vervang of herstel word;
- (iii) enige sodanige karring, vat of ander gereedskap vervang word of geskik gemaak word om vir suiwelprodukte gebruik te word;
- (iv) sodanige perseel, plek, voertuig of vaartuig tot sy bevrediging geskik vir gebruik gemaak word;
- (v) enige sodanige lewende hawe verwyder word en die perseel, voertuig of vaartuig tot sy bevrediging ontsmet word;
- (vi) die toevoer van sodanige water gestaak word totdat dit geskik vir gebruik gemaak is, of dat van 'n toevoer van suiwer water gebruik gemaak word;

en kan hy voorts by so 'n skriftelike bevel verbied dat sodanige gereedskap, masjinerie, apparaat, verkoelkamer, voertuig of vaartuig in enige opsig of totdat die gebreke daarin tot sy bevrediging herstel is, of vir die tydperk, in die bevel vermeld, wat hy nodig ag, vir suiwelprodukte gebruik word, of verbied dat suiwelprodukte gedurende die tydperk wat hy nodig ag, van so 'n perseel verwyder word.

(3) Indien by 'n inspeksie kragtens hierdie Wet 'n inspekteur van oordeel is dat enige lewende hawe op 'n perseel waarop melk geproduseer of verkoel word of room afgeskei word, so siek is dat dit waarskynlik 'n skadelike uitwerking op suiwelprodukte sal hê, moet hy die siekte by die geskikte veearts van die departement aanmeld en intussen 'n tydelike merk op al sulke siek diere of diere wat hy vermoed aldus siek is, aanbring, en kan hy die verkoop of die gebruik van die melk van so 'n dier verbied totdat 'n veearts van die departement verklaar het dat die dier genees is van siekte wat waarskynlik 'n uitwerking op suiwelprodukte sal hê.

(4) Indien by 'n inspeksie kragtens hierdie Wet 'n inspekteur van oordeel is dat iemand deur 'n siekte van 'n aansteeklike of besmetlike aard aangetas is wat suiwelprodukte waarskynlik sal besmet, moet hy dit by die geskikte gesondheidsbeampte aanmeld, indien daar so 'n beampte is, en indien die gesondheidsbeampte sertifiseer dat genoemde persoon deur so 'n siekte aangetas is, kan die inspekteur, by skriftelike bevel, die afsondering of verwydering van genoemde persoon vir die tydperk wat die gesondheidsbeampte nodig ag, gelas.

(5) Elke bevel deur 'n inspekteur kragtens hierdie artikel uitgereik, moet in die voorgeskrewe vorm wees, en 'n afskrif daarvan, tesame met die verslag van sodanige inspekteur daaromtrent, moet so spoedig doenlik ná die bevel uitgereik is, aan die Minister deurgestuur word, en die Minister kan die bevel na goedgekeurde bekragtig, nietig verklaar of wysig, en sy beslissing daarvoor is finaal en afdoende.

(6) By die uitreiking of uitvoering van 'n bevel kragtens hierdie artikel, moet 'n inspekteur, sover doenlik, die geskikte gesondheidsbeampte, indien daar so 'n beampte is, raadpleeg en op sy aanbevelings handel.

9. Elke houer van 'n registrasiesertifikaat vir 'n fabriek van bottersurrogate, kaasfabriek, fabriek van gekondenseerde melk, roomdepot, botterfabriek, fabriek van droëmelk of margarine-fabriek, op wie se naam geen onderskeidingsmerk ingevolge artikel vyf geregistreer is nie, moet alle pakkies wat suiwelprodukte bevat wat op die perseel vervaardig is ten opsigte waarvan sodanige sertifikaat uitgereik is, op die voorgeskrewe wyse merk met die registrasienommer in artikel vier vermeld.

Gebruik van registrasienommers deur nie-houers van onderskeidingsmerke.

10. (1) Niemand mag suiwelprodukte wat buite die Unie geproduseer is, verkoop, of te koop aanbied of uitstal, of vir verkoop besit nie, tensy die naam van die land van oorsprong, op die wyse voorgeskryf in die regulasies in die Eerste Bylae uiteengesit, duidelik aangebring is—

Verbodsbepalings ten opsigte van verkoop van suiwelprodukte wat vals gemerk is.

- (a) op die omslag wat sodanige produkte bevat of, indien dit nie in 'n omslag is en nie in massa is nie, op sodanige produkte; en
- (b) op elke ander houer wat sodanige produkte bevat of op 'n etiket wat aan sodanige houer geheg is.

(2) Niemand mag suiwelprodukte wat buite die Unie vervaardig is, verkoop, of te koop aanbied of uitstal, of vir verkoop besit nie, indien die woorde „Suid-Afrika” of „Unie van Suid-Afrika” of 'n merk kragtens hierdie Wet geregistreer, of enige woorde of merke wat vermeld of te kenne gee dat sodanige

registered under this Act or any words or marks stating or implying that such produce has been manufactured in the Union.

(3) No person shall sell, or offer or expose for sale, or have in his possession for purposes of sale, any dairy produce manufactured outside a creamery or cheese factory registered under this Act, if upon such produce or upon the wrapper or other receptacle in which it is contained, or upon a label attached to such receptacle, there appear words or marks stating or implying that such produce has been manufactured in a creamery or cheese factory so registered.

Prohibitions relating to manufacture, sale and importation of margarine.

11. (1) No person shall—

- (a) manufacture or sell margarine which does not as regards its composition, consistency or flavour, or as regards the manner of packing or marking thereof, conform to the requirements prescribed;
- (b) sell as margarine or under a name or description whereof the word "margarine" forms a part, any substance which does not conform to the said requirements;
- (c) manufacture or sell or import into the Union margarine whereof the colour, measured in terms of the Lovibond tintometer scale, contains more than one degree of yellow or yellow and red collectively;
- (d) import margarine into the Union, except in so far as the importation thereof has been authorized in the manner prescribed, or otherwise than subject to the conditions upon which such importation has been so authorized;
- (e) sell or deliver to any person any colouring substance intended to be added to or mixed with margarine;
- (f) if he sells foodstuffs or supplies foodstuffs to any other person in the course of his business, add to or mix with margarine, or cause or permit to be added thereto or mixed therewith, any butter or any colouring substance; or
- (g) manufacture margarine on the same premises as those on which butter or any butter substitute is manufactured.

(2) The Governor-General may, by proclamation in the *Gazette*, prohibit the importation of margarine into the Union.

Constituents of butter, butter substitutes and ice-cream.

12. (1) Butter shall conform to the following standard:

- (a) It shall be the clean non-rancid product obtained by the churning of cream or milk, and shall contain—
 - (i) in the case of butter manufactured in a creamery registered under this Act, at least eighty per cent. of milk fat and not more than sixteen per cent. of water; and
 - (ii) in the case of butter not manufactured in such a creamery, at least eighty per cent. of milk fat and not more than eighteen per cent. of water.
- (b) It shall not contain any foreign substance: Provided that it may contain common salt (sodium chloride) in a proportion not exceeding four per cent., annatto as a colouring matter, and boron compounds as a preservative in a proportion not exceeding one-half per cent., calculated as boric acid.

(2) A butter substitute shall consist only of renovated, milled, milk-blended or process butter containing not more than eighteen per cent. of water, and shall contain no fat other than pure milk fat.

(3) Ice-cream shall comply with such standards and conditions as may be prescribed.

Prohibitions in regard to sale of butter, butter substitutes and ice-cream.

13. (1) No person shall—

- (a) sell as butter manufactured in a creamery registered under this Act, any substance which does not conform to the requirements of sub-paragraph (i) of paragraph (a) of sub-section (1) of section twelve;
- (b) sell as butter—
 - (i) any substance which does not conform to the requirements of sub-paragraph (ii) of paragraph (a) of sub-section (1) of section twelve; or
 - (ii) any substance which contains any foreign substance other than a substance referred to in paragraph (b) of sub-section (1) of section twelve, or which contains a substance referred to in the said paragraph in a proportion exceeding that specified in the said paragraph;

produkte in die Unie vervaardig is op sodanige produkte of op die omslag of ander houer wat dit bevat, of op 'n etiket wat aan so 'n houer geheg is, voorkom.

(3) Niemand mag suiwelprodukte wat vervaardig is buite 'n botter- of kaasfabriek kragtens hierdie Wet registreer, verkoop, of te koop aanbied of uitstal, of vir verkoop besit nie, indien op sodanige produkte of op die omslag of ander houer wat dit bevat, of op 'n etiket wat aan so 'n houer geheg is, woorde of merke voorkom wat vermeld of te kenne gee dat sodanige produkte in 'n aldus geregistreerde botter- of kaasfabriek vervaardig is.

11. (1) Niemand mag—

- (a) margarine vervaardig of verkoop wat nie ten opsigte van die samestelling, tekstuur of smaak daarvan, of ten opsigte van die wyse van verpakking of merk daarvan, aan die voorgeskrewe vereistes voldoen nie;
 - (b) 'n stof wat nie aan genoemde vereistes voldoen nie, as margarine of onder 'n naam of beskrywing waarvan die woord „margarine” 'n deel uitmaak, verkoop nie;
 - (c) margarine vervaardig of verkoop of in die Unie invoer waarvan die kleur, gemeet volgens die Lovibond-kleurmeterskaal, meer as een graad geel, of geel en rooi gesamentlik, bevat nie;
 - (d) margarine in die Unie invoer nie, behalwe vir sover die invoer daarvan op die voorgeskrewe wyse gemagtig is, of op 'n ander wyse as onderworpe aan die voorwaardes waarop sodanige invoer aldus gemagtig is;
 - (e) kleurstof bedoel om by margarine gevoeg of om met margarine gemeng te word, verkoop of aan iemand lewer nie;
 - (f) indien hy voedselware verkoop of in die loop van sy besigheid aan iemand anders voedselware verskaf, botter of enige kleurstof by margarine voeg of daarmee meng nie, of dit daarby laat voeg of daarmee laat meng of toelaat dat dit aldus bygevoeg of gemeng word nie; of
 - (g) margarine op dieselfde perseel waarop botter of enige battersurrogaat vervaardig word, vervaardig nie.
- (2) Die Goewerneur-generaal kan, by proklamasie in die *Staatskoerant*, die invoer van margarine in die Unie verbied.

Verbodsbepalings betreffende die vervaardiging, verkoop en invoer van margarine.

12. (1) Botter moet aan die volgende standaard voldoen:

- (a) Dit moet die skoon, nie-galsterige produk wees wat verkry word deur room of melk te karring, en moet—
 - (i) in die geval van botter vervaardig in 'n botterfabriek kragtens hierdie Wet registreer, minstens tagtig persent melkvat en hoogstens sestien persent water bevat; en
 - (ii) in die geval van botter wat nie in so 'n botterfabriek vervaardig is nie, minstens tagtig persent melkvat en hoogstens agtien persent water bevat.
 - (b) Dit moet geen vreemde stof bevat nie: Met dien verstande dat dit gewone tafelsout (natriumchloried) mag bevat in 'n verhouding van hoogstens vier persent, annatto as 'n kleurstof, en boorverbindingse as 'n bederfwerende middel bereken as boorsuur, in 'n verhouding van hoogstens 'n halwe persent.
- (2) 'n Battersurrogaat mag slegs bestaan uit opnuut-opgemaakte, herbewerkte of met melk vermengde botter of kunsbotter wat hoogstens agtien persent water bevat, en mag geen vet behalwe suiwer melkvat bevat nie.
- (3) Roomys moet aan die standarde en voorwaardes wat voorgeskryf is, voldoen.

Bestanddele van botter, battersurrogate en roomys.

13. (1) Niemand mag—

- (a) 'n stof wat nie aan die vereistes van sub-paragraaf (i) van paragraaf (a) van sub-artikel (1) van artikel twaalf voldoen nie, as botter wat vervaardig is in 'n botterfabriek geregistreer kragtens hierdie Wet, verkoop nie;
- (b) as botter—
 - (i) 'n stof wat nie aan die vereistes van sub-paragraaf (ii) van paragraaf (a) van sub-artikel (1) van artikel twaalf voldoen nie, verkoop nie; of
 - (ii) 'n stof verkoop nie wat enige vreemde stof, behalwe 'n stof in paragraaf (b) van sub-artikel (1) van artikel twaalf vermeld, bevat, of wat 'n stof in genoemde paragraaf vermeld in 'n verhouding bevat wat dié in genoemde paragraaf vermeld, te bowe gaan;

Verbodsbepalings betreffende verkoop van botter, battersurrogate en roomys.

- (c) sell as renovated butter, milled butter, milk-blended butter or process butter any substance which does not conform to the requirements of sub-section (2) of section *twelve*;
- (d) sell renovated butter, milled butter, milk-blended butter or process butter unless it is contained in a package which, if the quantity of such substance therein weighs more than one pound, is durably marked or branded on two opposite sides with one or other of the expressions "Renovated butter" or "Opnuut-opgemaakte botter", "Milled butter" or "Herbewaterkte botter", "Milk-blended butter" or "Met melk vermengde botter", or "Process butter" or "Kunsbotter", in plainly visible capital printed letters not smaller than one inch square, or which, if the quantity of such substance contained therein weighs one pound or less, is durably marked on two opposite sides with one or other of the expressions "Renovated butter" or "Opnuut-opgemaakte botter", "Milled butter" or "Herbewaterkte botter", "Milk-blended butter" or "Met melk vermengde botter", or "Process butter" or "Kunsbotter", in plainly visible capital printed letters not smaller than one-half of an inch square, and bears no other word, representation or mark, than the registered number of the premises in which such substance was manufactured, if it was manufactured in the Union, and the net weight of the contents of such package;
- (e) expose for sale renovated butter, milled butter, milk-blended butter or process butter not contained in a package described in paragraph (d), unless a label bearing one or other of the expressions "Renovated butter" or "Opnuut-opgemaakte botter", "Milled butter" or "Herbewaterkte botter", "Milk-blended butter" or "Met melk vermengde botter", or "Process butter" or "Kunsbotter", in plainly visible capital letters not smaller than one inch square, and no other name, word, representation or mark, is attached thereto in a conspicuous manner; or
- (f) sell as ice-cream any substance which does not conform to the standards and conditions prescribed in terms of sub-section (3) of section *twelve* or sell any ice-cream if it does not conform to the said standards and conditions.

(2) For the purpose of sub-section (1) a person shall be presumed to be in possession for purposes of sale of an article if it is stored or kept on his premises or elsewhere on his behalf, or has been or is in course of being despatched from his possession or premises, whether on sale or otherwise, and the onus shall lie on such person of proving that such an article is not intended for sale.

Offences and penalties.

14. Any person who—

(a) with intent to defraud—

- (i) obliterates, defaces or alters an inspector's mark, or any mark registered under this Act, on dairy produce which has been inspected thereunder, or on any package containing such produce;
- (ii) counterfeits any such mark, or places upon any dairy produce, or package containing dairy produce any such mark, or the mark of a manufacturer or packer;
- (iii) empties or partly empties any package marked after inspection under this Act, in order to put into it, or puts into any such package any dairy produce (whether of the same or any other kind) which was not contained therein at the time of inspection; or
- (iv) uses for the purpose of packing dairy produce any package previously used for that purpose without effacing all previous marks thereon;

(b) being in the employment of any manufacturer, packer or consignor of dairy produce—

- (i) hires or lends the marks or marking instruments of his employer to any person; or
- (ii) connives at or is a party to any fraudulent act in respect of such marks or marking instruments;

- (c) 'n stof wat nie aan die vereistes van sub-artikel (2) van artikel *twalf* voldoen nie, as opnuut-opgemaakte botter, herbewerkte botter, met melk vermengde botter of kunsbotter verkoop nie;
- (d) opnuut-opgemaakte botter, herbewerkte botter, met melk vermengde botter of kunsbotter verkoop nie, tensy dit in 'n pakkie is wat, indien die hoeveelheid van sodanige stof daarin meer as 'n pond weeg, op twee teenoorgestelde kante op duursame wyse gemerk of gestempel is met een of ander van die uitdrukkings „Renovated butter” of „Opnuut-opgemaakte botter”, „Milled butter” of „Herbawerkte botter”, „Milk-blended butter” of „Met melk vermengde botter”, of „Process butter” of „Kunsbotter”, in duidelik sigbare gedrukte hoofletters, nie kleiner as 'n duim in die vierkant nie, of wat, indien die hoeveelheid van sodanige stof daarin 'n pond of minder weeg, op twee teenoorgestelde kante op duursame wyse gemerk is met een of ander van die uitdrukkings „Renovated butter” of „Opnuut-opgemaakte botter”, „Milled butter” of „Herbawerkte botter”, „Milk-blended butter” of „Met melk vermengde botter”, of „Process butter” of „Kunsbotter”, in duidelik sigbare gedrukte hoofletters, nie kleiner as 'n halfduim in die vierkant nie, en geen ander woord, teken of merk, behalwe die geregistreerde nommer van die perseel waarin sodanige stof vervaardig is, indien dit in die Unie vervaardig is, en die netto gewig van die inhoud van die pakkie daarop het nie;
- (e) opnuut-opgemaakte botter, herbewerkte botter, met melk vermengde botter of kunsbotter wat nie in 'n pakkie beskryf in paragraaf (d) is nie, te koop uitstal nie, tensy 'n etiket met een of ander van die uitdrukkings „Renovated butter” of „Opnuut-opgemaakte botter”, „Milled butter” of „Herbawerkte botter”, „Milk-blended butter” of „Met melk vermengde botter”, of „Process butter” of „Kunsbotter”, in duidelik sigbare hoofletters, nie kleiner as 'n duim in die vierkant nie, en geen ander naam, woord, teken of merk, daarop, op 'n opvallende wyse daaraan geheg is; of
- (f) 'n stof wat nie aan die standaard en voorwaardes ingevolge sub-artikel (3) van artikel *twalf* voorgeskryf voldoen nie, as roomys verkoop nie, of roomys verkoop indien dit nie aan genoemde standaard en voorwaardes voldoen nie.
- (2) By die toepassing van sub-artikel (1) word dit vermoed dat iemand 'n artikel vir doeleindes van verkoop besit indien dit op sy perseel of elders ten behoeve van hom bewaar of gehou word, of uit sy besit of van sy perseel, hetsy vir verkoop of andersins, versend is of versend word, en die bewyslas om te bewys dat sodanige artikel nie vir verkoop bedoel is nie, rus op sodanige persoon.

14. Iemand wat—

Misdrywe en
strawwe.

(a) met die opset om te bedrieg—

- (i) 'n merk van 'n inspekteur, of enige merk kragtens hierdie Wet geregistreer, op suiwelprodukte wat daarkragtens geïnspekteer is, of op enige pakkie wat sodanige produkte bevat, uitwis, onleesbaar maak of verander;
 - (ii) so 'n merk namaak, of so 'n merk, of die merk van 'n fabrikant of verpakker, op suiwelprodukte of 'n pakkie wat suiwelprodukte bevat, aanbring;
 - (iii) 'n pakkie wat ná inspeksie kragtens hierdie Wet gemerk is, leegmaak of gedeeltelik leegmaak ten einde enige suiwelprodukt (hetsy van dieselfde of 'n ander soort) wat nie ten tyde van die inspeksie daarin was nie, daarin te plaas, of so 'n suiwelprodukt in so 'n pakkie plaas; of
 - (iv) vir die verpakking van suiwelprodukte 'n pakkie gebruik wat voorheen reeds vir daardie doel gebruik was, sonder om alle vorige merke daarop uit te wis;
- (b) terwyl hy in die diens van 'n fabrikant, verpakker of versender van suiwelprodukte is—
- (i) die merke of merkinstrumente van sy werkgewer aan iemand anders verhuur of uitleen; of
 - (ii) enige bedrieglike handeling ten opsigte van sodanige merke of merkinstrumente oogluikend toelaat of daaraan medepligtig is;

- (c) contravenes or fails to comply with any condition attached to the registration of a margarine factory in terms of paragraph (a) of sub-section (2) of section *three*, or any prohibition imposed, or condition attached to the production of margarine, in terms of section *six*;
- (d) contravenes any provision of section *ten*, *eleven* or *thirteen*;
- (e) in contravention of the provisions of this Act, uses any premises as a butter substitutes factory, cheese factory, condensed milk factory, cream depot, creamery, dried milk factory or margarine factory, without holding in respect thereof a registration certificate required by this Act;
- (f) uses in respect of any premises, whether or not registered under this Act, for the purpose of designating dairy produce manufactured at those premises, any registered number which has not been allotted to those premises under section *four*;
- (g) uses, for the purpose of designating dairy produce manufactured by him, any distinctive mark of which he is not the registered holder under this Act;
- (h) obstructs or hinders an inspector or any other person authorized under this Act to carry out or perform a power or duty, in the exercise of such a power or duty;
- (i) when required under this Act to give information to an inspector or other person mentioned in paragraph (h), fails to give information which he may be lawfully required to give, or gives false information knowing it to be false;
- (j) when required to carry out any written order given by an inspector under this Act, fails to carry out the terms of such order within the period prescribed thereby or by the inspector; or
- (k) fails to give any notice which under this Act it is his duty to give,

shall be guilty of an offence and liable on conviction—

- (i) in the case of an offence referred to in paragraph (a), to the penalties prescribed by law for the crime of fraud;
- (ii) in the case of an offence referred to in paragraph (b), to a fine not exceeding fifty pounds;
- (iii) in the case of an offence referred to in paragraph (c), to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment;
- (iv) in the case of an offence referred to in paragraph (d), if it is—
 - (aa) a contravention of section *ten*, to a fine not exceeding fifty pounds;
 - (bb) a contravention of section *eleven*, to a fine not exceeding one hundred pounds if it is a first conviction under the said section, and to a fine not exceeding two hundred pounds if it is a second or subsequent conviction under the said section;
 - (cc) a contravention of paragraph (a) or sub-paragraph (i) of paragraph (b) of sub-section (1) of section *thirteen*, to a fine not exceeding fifty pounds;
 - (dd) a contravention of sub-paragraph (ii) of paragraph (b) of sub-section (1) of section *thirteen*, to a fine not exceeding two hundred pounds;
 - (ee) a contravention of paragraph (c), (d), (e) or (f) of sub-section (1) of section *thirteen*, to a fine not exceeding ten pounds;
- (v) in the case of an offence referred to in paragraph (e), to a fine not exceeding fifty pounds and to a further fine not exceeding five pounds for every day on which the offence continues; and
- (vi) in the case of an offence referred to in paragraph (f), (g), (h), (i), (j) or (k), to a fine not exceeding ten pounds and, if it is an offence referred to in paragraph (f), (g), (j) or (k), to a further fine not exceeding one pound for every day on which the offence continues.

- (e) 'n voorwaarde waaraan die registrasie van 'n margarine-fabriek ingevolge paragraaf (a) van sub-artikel (2) van artikel drie onderworpe gestel is, of 'n verbod opgelê, of voorwaarde waaraan die produksie van margarine onderworpe gestel is ingevolge artikel ses, oortree of versuim om dit na te kom;
- (d) 'n bepaling van artikel tien, elf of dertien oortree;
- (e) in stryd met die bepalings van hierdie Wet 'n perseel as 'n fabriek van bottersurrogate, kaasfabriek, fabriek van gekondenseerde melk, roomdepot, botterfabriek, fabriek van droëmelk of margarine-fabriek gebruik, sonder om ten opsigte daarvan in besit te wees van 'n registrasiesertifikaat wat deur hierdie Wet vereis word;
- (f) ten opsigte van 'n perseel, hetsy kragtens hierdie Wet geregistreer al dan nie, 'n registrasienommer wat nie kragtens artikel vier aan daardie perseel toegeken is nie, gebruik om suiwelprodukte wat op daardie perseel vervaardig is, te onderskei;
- (g) 'n onderskeidingsmerk, waarvan hy kragtens hierdie Wet nie die geregistreerde houër is nie, gebruik om suiwelprodukte wat deur hom vervaardig is, te onderskei;
- (h) 'n inspekteur of enige ander persoon wat kragtens hierdie Wet gemagtig is om 'n bevoegdheid of plig uit te oefen of uit te voer, by die uitoefening van so 'n bevoegdheid of plig belemmer of hinder;
- (i) wanneer dit kragtens hierdie Wet van hom vereis word om inligting aan 'n inspekteur of ander persoon vermeld in paragraaf (h), te verstrek, versuim om inligting te verstrek waarvan die verstrekking wettiglik van hom vereis kan word, of valse inligting verstrek terwyl hy weet dat dit vals is;
- (j) wanneer dit van hom vereis word om 'n skriftelike bevel, uitgereik deur 'n inspekteur kragtens hierdie Wet, uit te voer, versuim om die bepalings van sodanige bevel binne die tydperk daardeur of deur die inspekteur voorgeskryf, uit te voer; of
- (k) versuim om enige kennis te gee wat dit kragtens hierdie Wet sy plig is om te gee,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—
- (i) in die geval van 'n misdryf in paragraaf (a) vermeld, met die strawwe wat regtens vir die misdad bedrog voorgeskryf is;
- (ii) in die geval van 'n misdryf in paragraaf (b) vermeld, met 'n boete van hoogstens vyftig pond;
- (iii) in die geval van 'n misdryf in paragraaf (c) vermeld, met 'n boete van hoogstens tweehonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige boete sowel as met sodanige gevangenisstraf;
- (iv) in die geval van 'n misdryf in paragraaf (d) vermeld, indien dit—
- (aa) 'n oortreding van artikel tien is, met 'n boete van hoogstens vyftig pond;
- (bb) 'n oortreding van artikel elf is, met 'n boete van hoogstens honderd pond indien dit 'n eerste skuldigbevinding kragtens genoemde artikel is, en met 'n boete van hoogstens tweehonderd pond indien dit 'n tweede of daaropvolgende skuldigbevinding kragtens genoemde artikel is;
- (cc) 'n oortreding van paragraaf (a) of sub-paragraaf (i) van paragraaf (b) van sub-artikel (1) van artikel dertien is, met 'n boete van hoogstens vyftig pond;
- (dd) 'n oortreding van sub-paragraaf (ii) van paragraaf (b) van sub-artikel (1) van artikel dertien is, met 'n boete van hoogstens tweehonderd pond;
- (ee) 'n oortreding van paragraaf (c), (d), (e) of (f) van sub-artikel (1) van artikel dertien is, met 'n boete van hoogstens tien pond;
- (v) in die geval van 'n misdryf in paragraaf (e) vermeld, met 'n boete van hoogstens vyftig pond en met 'n verdere boete van hoogstens vyf pond vir elke dag waarop die misdryf voortduur; en
- (vi) in die geval van 'n misdryf in paragraaf (f), (g), (h), (i), (j) of (k) vermeld, met 'n boete van hoogstens tien pond en, indien dit 'n misdryf is in paragraaf (f), (g), (j) of (k) vermeld, met 'n verdere boete van hoogstens een pond vir elke dag waarop die misdryf voortduur.

Penalties where not otherwise provided.

15. Any person guilty of an offence against, or contravention of, this Act, or of any default in complying with any provision thereof with which it is his duty to comply, shall, if no penalty is expressly provided for the offence, contravention or default, be liable on conviction to a fine not exceeding ten pounds.

Recovery of cost from person convicted.

16. When any person is convicted of an offence against, or a contravention of, or default in complying with, any provision of this Act, the following costs shall be recoverable from him in addition to any penalty imposed:

- (a) The postage, railway carriage or other reasonable charge, if any, paid for transmitting, under this Act, to an inspector, analyst, tester or examiner any sample in connection with the charge on which such person was convicted; and
- (b) the fee, if any, charged under the prescribed tariff for analysing, examining or testing such sample.

Procedure for carrying out order of inspector and for recovery of costs and expenses thereof.

17. (1) If any person required to carry out any written order given by an inspector under this Act, fails to carry out the terms of such order within the time fixed thereby or by the inspector, the magistrate of the district in which the premises, vehicle or vessel concerned is situate may, upon the application of the inspector, prohibit the use thereof by such person until the said terms have been carried out by him.

(2) If such person is convicted under this Act of failing to carry out the terms of such order, the court before which the conviction takes place shall, at the request of the inspector, enquire summarily and without pleadings, but in the presence of the accused, into the amount of the costs and expenses incurred by the inspector in carrying out the terms of the order.

(3) Upon proof of the authority given by the magistrate to the inspector and of the amount of such costs and expenses and the costs of the proceedings, the court shall give judgment therefor in favour of the inspector and against the accused, and such judgment shall be of the same force and effect and be executable in the same manner as if it had been given in a civil action duly instituted before such court: Provided that judgment shall not be given under this sub-section for an amount exceeding one hundred pounds and the costs of the proceedings.

Certificate of examination admissible in evidence.

18. (1) Any person designated by the Minister under the provisions of paragraph (a) of sub-section (1) of section seven to carry out microscopical, bacteriological or analytical examinations under or for the purposes of this Act, shall furnish a certificate in the prescribed form of the results of each such examination carried out by him.

(2) (a) In any proceedings against any person for a contravention of any provision of this Act, the production of a certificate furnished in terms of sub-section (1) by the designated person who made the examination for the purpose of ascertaining such contravention, shall be *prima facie* evidence of the facts stated in the certificate, unless the accused has, not less than three days before the hearing of the charge against him, required that such designated person be called as a witness.

(b) If the accused requires such person to be so called, he shall bear the expenses incidental to such person being summoned and appearing as a witness, and before such person is so summoned the accused shall deposit with the registrar or clerk of the court in which the proceedings are pending such sum as may be sufficient to meet the said expenses, which sum shall be refunded to the accused if he is not convicted.

(3) The accused, instead of requiring the attendance, as a witness, of the designated person who made the examination, shall be entitled to put to him interrogatories approved by the court, and such interrogatories and the answers thereto shall be received in evidence in such proceedings.

Amendment of First Schedule.

19. (1) The Governor-General may, by proclamation in the *Gazette*, make such amendments to the First Schedule,

15. Iemand wat skuldig is aan 'n misdryf teen, of oortreding van, hierdie Wet, of aan 'n versuim om 'n bepaling daarvan na te kom, wat hy verplig is om na te kom, is, indien daar nie 'n straf vir die misdryf, oortreding of versuim uitdruklik voorgeskryf is nie, by skuldigbevinding strafbaar met 'n boete van hoogstens tien pond.

Strawwe waar nie anders bepaal is nie.

16. Wanneer iemand skuldig bevind is aan 'n misdryf teen, of 'n oortreding van, 'n bepaling van hierdie Wet, of 'n versuim om dit na te kom, is die volgende koste van hom verhaalbaar benewens enige straf opgelê:

Verhaal van koste van persoon wat skuldig bevind is.

(a) Die posgeld, spoorvrag of ander redelike koste, indien daar is, wat betaal is vir die deurstuur, kragtens hierdie Wet, aan 'n inspekteur, ontleder, toetsers of ondersoeker, van 'n monster in verband met die aanklag waarop so 'n persoon skuldig bevind is; en

(b) die gelde, indien daar is, wat kragtens die voorgeskrewe tarief vir die ontleding, ondersoek of toets van so 'n monster gevra is.

17. (1) Indien iemand van wie dit vereis word om 'n skriftelike bevel uit te voer wat kragtens hierdie Wet deur 'n inspekteur uitgereik is, versuim om die bepalings van so 'n bevel binne die tydperk daardeur of deur die inspekteur bepaal, uit te voer, kan die magistraat van die distrik waarin die betrokke perseel, voertuig of vaartuig geleë is, op aansoek van die inspekteur die gebruik daarvan deur sodanige persoon verbied totdat genoemde bepalings deur hom uitgevoer is.

Prosedure vir uitvoering van bevel van inspekteur en vir verhaal van koste en uitgawes daarvan.

(2) Indien sodanige persoon kragtens hierdie Wet skuldig bevind word aan 'n versuim om die bepalings van so 'n bevel uit te voer, moet die hof waarvoor die skuldigbevinding plaasvind, op versoek van die inspekteur, summier en sonder pleitstukke, maar in die teenwoordigheid van die beskuldigde, ondersoek instel na die bedrag van die koste en uitgawes wat deur die inspekteur by die uitvoering van die bepalings van die bevel aangegaan is.

(3) By bewys van die magtiging deur die magistraat aan die inspekteur verleen en van die bedrag van sodanige koste en uitgawes en die koste van die geding, moet die hof uitspraak daarvoor ten gunste van die inspekteur en teen die beskuldigde doen, en so 'n uitspraak het dieselfde krag en uitwerking en is op dieselfde wyse uitvoerbaar asof dit in 'n siviele geding gedoen was wat behoorlik voor sodanige hof ingestel was: Met dien verstande dat uitspraak nie kragtens hierdie sub-artikel gedoen mag word nie vir 'n bedrag wat honderd pond en die koste van die geding te bowe gaan.

18. (1) Iemand wat kragtens die bepalings van paragraaf (a) van sub-artikel (1) van artikel *sewe* deur die Minister aangewys is om mikroskopiese, bakteriologiese of analitiese ondersoeke kragtens of vir die doeleindes van hierdie Wet uit te voer, moet 'n sertifikaat in die voorgeskrewe vorm verstrek van die uitslag van elke sodanige ondersoek wat deur hom uitgevoer is.

Sertifikaat van ondersoek as getuienis toelaatbaar.

(2) (a) By 'n geding teen iemand weens 'n oortreding van 'n bepaling van hierdie Wet, is die oorlegging van 'n sertifikaat, ingevolge sub-artikel (1) verstrek deur die aangewese persoon wat die ondersoek uitgevoer het om sodanige oortreding vas te stel, *prima facie*-bewys van die feite wat in die sertifikaat vermeld word, tensy die beskuldigde minstens drie dae voor die verhoor van die aanklag teen hom geëis het dat sodanige aangewese persoon as 'n getuie opgeroep word.

(b) Indien die beskuldigde eis dat sodanige persoon aldus opgeroep word, moet hy die uitgawes dra verbonde aan die dagvaarding en verskyning van so 'n persoon as 'n getuie, en alvorens sodanige persoon aldus gedagvaar word, moet die beskuldigde by die registrator of klerk van die hof waarin die geding hangende is, 'n bedrag stort wat voldoende is om genoemde uitgawes te dek, en dié bedrag moet aan die beskuldigde terugbetaal word indien hy nie skuldig bevind word nie.

(3) Die beskuldigde is geregtig om in plaas van die teenwoordigheid van die aangewese persoon wat die ondersoek uitgevoer het, as 'n getuie te eis, vraagpunte wat deur die hof goedgekeur is aan hom te stel, en sodanige vraagpunte en die antwoorde daarop word in sodanige geding as getuienis aanvaar.

19. (1) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* wysigings, wat nie met 'n bepaling van hierdie

Wysiging van Eerste Bylae.

whether by rescission or alteration of, or addition to, the regulations set out therein, as are not inconsistent with any provision of this Act.

(2) All such amendments shall be laid on the tables of both Houses of Parliament within fourteen days after the publication thereof, if Parliament is then in ordinary session or, if it is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

(3) Every such amendment shall be of force and effect unless or until both Houses of Parliament have, by resolution passed in the same session, requested the Governor-General to rescind or vary the amendment, in which case it shall be forthwith rescinded or varied, as the case may be, by further proclamation in the *Gazette*.

Regulations.

20. (1) The Governor-General may make regulations as to—

- (a) the qualifications, powers and duties of inspectors and other persons designated to exercise powers and perform duties under this Act;
- (b) the manner in which premises, numbers and marks shall be registered under this Act;
- (c) the manner of branding or marking dairy produce or the wrappers or packages containing such produce;
- (d) the forms of application, registration certificates, marks, certificates of analysis or examination, reports, notices, registers and of all other documents whatever to be used for the purposes of this Act;
- (e) the conditions upon which and the manner in which samples shall be taken for purposes of inspection, analysis or examination under this Act and the mode of dealing with or disposing of such samples;
- (f) the aeration and cooling of dairy produce;
- (g) the use of preservatives and colouring or other foreign matters in dairy produce;
- (h) the disposal of condemned dairy produce;
- (i) the grading and testing of dairy produce and the examination of candidates for certificates in grading and testing such produce;
- (j) the patterns and standards of receptacles used in testing milk and cream and the testing of thermometers and glass-ware;
- (k) standards for the composition, purity and quality of any particular kind of dairy produce;
- (l) the charges which may be made for any grading or testing under this Act;
- (m) the registration of premises upon which ice-cream is manufactured,

and generally for the better carrying out of the objects and purposes of this Act.

(2) The regulations may prescribe penalties for any contravention thereof or default in complying therewith, not exceeding in the case of a fine, ten pounds on a first conviction and twenty-five pounds on a second or subsequent conviction.

Repeal and amendment of laws.

21. (1) Subject to the provisions of sub-section (2), the laws specified in the Second Schedule are hereby repealed or amended to the extent shown in the third column of that Schedule.

(2) Any proclamation or regulation issued or made, or any other action taken or deemed to have been taken under any provision of a law repealed by sub-section (1), shall be deemed to have been issued, made or taken under the corresponding provision of this Act.

Short title.

22. This Act shall be called the Dairy Industry Act, 1957.

Wet teenstrydig is nie, in die Eerste Bylae aanbring, hetsy deur intrekking of wysiging van, of byvoeging tot, die regulasies daarin uiteengesit.

(2) Alle sodanige wysigings moet in beide Huisse van die Parlement ter tafel gelê word binne veertien dae ná die publikasie daarvan, indien die Parlement dan in gewone sitting is, of, indien die Parlement dan nie in gewone sitting is nie, binne veertien dae ná die aanvang van sy eersvolgende gewone sitting.

(3) Elke sodanige wysiging is van krag tensy of totdat beide Huisse van die Parlement, by besluit gedurende dieselfde sitting geneem, die Goewerneur-generaal versoek het om die wysiging in te trek of te wysig, in welke geval dit onverwyld by verdere proklamasie in die *Staatskoerant* ingetrek of gewysig moet word, na gelang van die geval.

20. (1) Die Goewerneur-generaal kan regulasies uitvaardig Regulasies.
betreffende—

- (a) die kwalifikasies, bevoegdhede en pligte van inspekteurs en ander persone aangewys om kragtens hierdie Wet bevoegdhede uit te oefen en pligte uit te voer;
- (b) die wyse waarop persele, nommers en merke kragtens hierdie Wet geregistreer moet word;
- (c) die wyse waarop suiwelprodukte of die omslae of pakkies wat sulke produkte bevat, gestempel of gemerk moet word;
- (d) die vorms van aansoeke, registrasiesertifikate, merke, sertifikate van ontleding of ondersoek, verslae, kennisgewings, registers en van alle ander dokumente, wat ook al, wat vir die doeleindes van hierdie Wet gebruik moet word;
- (e) die voorwaardes en die wyse waarop monsters vir doeleindes van inspeksie, ontleding of ondersoek kragtens hierdie Wet, geneem moet word, en die wyse waarop met sodanige monsters gehandel moet word of daaroor beskik moet word;
- (f) die belugting en verkoeling van suiwelprodukte;
- (g) die gebruik van bederfwerende middels en kleur- of ander vreemde stowwe in suiwelprodukte;
- (h) die beskikking oor afgekeurde suiwelprodukte;
- (i) die gradering en toets van suiwelprodukte en die afneem van eksamens van kandidate vir sertifikate in die gradering en toets van sulke produkte;
- (j) die patroon en standaard van houers wat gebruik word vir die toets van melk en room en die toets van termometers en glasware;
- (k) standaard vir die samestelling, suiwerheid en gehalte van 'n bepaalde soort suiwelproduk;
- (l) die gelde wat gevra kan word vir gradering of toets kragtens hierdie Wet;
- (m) die registrasie van persele waarop roomys vervaardig word,

en in die algemeen vir die beter uitvoering van die oogmerke en doeleindes van hierdie Wet.

(2) Die regulasies kan vir 'n oortreding daarvan of versuim om dit na te kom strawwe voorskryf wat, in die geval van 'n boete, nie hoër is as tien pond by 'n eerste skuldigbevinding en vyf-en-twintig pond by 'n tweede of daaropvolgende skuldigbevinding.

21. (1) Die wette in die Tweede Bylae vermeld, word hierby, Herroeping en wysiging van wette.
behoudens die bepalings van sub-artikel (2), herroep of gewysig in die mate in die derde kolom van daardie Bylae aangedui.

(2) Enige proklamasie of regulasie uitgereik of uitgevaardig, of enige ander stappe gedoen of geag gedoen te gewees het kragtens 'n bepaling van 'n wet by sub-artikel (1) herroep, word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgereik, uitgevaardig of gedoen te gewees het.

22. Hierdie Wet heet die Wet op die Suiwelnywerheid, 1957. Kort titel.

First Schedule.

REGULATIONS.

1. The provisions of regulations 2, 3, 4 and 6 shall only apply to premises registered under this Act.

2. (1) Upon the request of an inspector, every owner of a creamery, cheese factory, margarine factory, butter substitutes factory, condensed milk factory, dried milk factory, cream depot, dairy farm, butter dairy, cheese dairy, warehouse, conveyance, cooling chamber or ship, and every milk vendor, shall forthwith allow such inspector to make a list of the persons supplying dairy produce to him.

(2) Every such owner or his agent shall give to an inspector such personal assistance and information as he is capable of giving, to aid such inspector in discovering the cause of any defect or the deterioration in dairy produce.

3. (1) (a) Every separator-room, milk-room, cheese-room, maturing-room, and room used for the storage of dairy produce shall be well ventilated and so constructed as to be capable of thorough cleansing.

(b) Every such room shall be limewashed or otherwise treated or disinfected as and when deemed necessary by an inspector.

(c) No person shall use any such room for any other purpose than that of storing dairy produce and utensils.

(2) Every creamery, cheese factory, cream depot, butter dairy, cheese dairy, condensed milk factory, dried milk factory, margarine factory and butter substitutes factory shall have impervious watertight floors, shall be well ventilated and effectively drained, and shall be thoroughly disinfected as and when deemed necessary by an inspector.

(3) All whey, washings and drainage from a creamery, cheese factory, condensed milk factory, dried milk factory, margarine factory, butter substitutes factory, butter dairy and cheese dairy shall be dealt with and disposed of so as, in the opinion of an inspector, not to be or to cause a nuisance or to be a danger to health.

(4) Every creamery, cheese factory, cream depot, margarine factory, condensed milk factory, dried milk factory and butter substitutes factory shall be provided, for the use of persons employed therein, with suitable and sufficient sanitary conveniences which shall be constructed and kept clean to the satisfaction of an inspector.

4. (1) No person shall keep pigs in styes, or shall place or allow to be placed any manure heap, within a distance of one hundred and fifty feet from any creamery, cheese factory, cream depot, butter dairy, cheese dairy, condensed milk factory, dried milk factory, margarine factory, butter substitutes factory or room used for separating purposes or storing of cream or milk, or erect or use any premises as a creamery, cheese factory, cream depot, butter dairy, cheese dairy, condensed milk factory, dried milk factory, margarine factory, butter substitutes factory or room for separating purposes or storing of cream or milk, within a distance of one hundred and fifty feet from any piggery, manure heap or offensive stagnant water: Provided that where in any case an inspector is satisfied that the physical characteristics of the premises require that any piggery or manure heap thereon should be placed in a certain specified position, he may, by special permit, authorize it to be so placed and used, notwithstanding such position may be at a less distance from the creamery, cheese factory, cream depot, butter dairy, cheese dairy, condensed milk factory, dried milk factory, margarine factory, butter substitutes factory or room used for separating purposes or storing of cream or milk, as the case may be, than is herein prescribed.

(2) No person shall permit any offensive or decomposing liquid to be or to flow, within a distance of one hundred and fifty feet from any creamery, cheese factory, cream depot, butter dairy, cheese dairy, condensed milk factory, dried milk factory, margarine factory, butter substitutes factory or room used for separating purposes or storing of cream or milk, unless in a drain properly constructed to the satisfaction of an inspector.

5. (1) No person shall deposit or keep any dairy produce intended for sale or supply for profit—

(a) in any room used for domestic purposes;

(b) in any place which might cause such produce to be unwholesome or injurious to health; or

(c) in any place where goods or other materials likely to taint such produce or contaminate it with disease, are kept or permitted to be.

(2) No person shall sell, or offer or expose for sale, any dairy produce which has been kept in contravention of sub-regulation (1).

6. (1) (a) The separator bowl and all parts of a separator which come in contact with milk shall on each occasion, immediately after the process of separating, be thoroughly cleansed by steam or hot water after having been immersed in lukewarm water.

(b) All dairy utensils shall be promptly cleansed in the manner described in paragraph (a), and suitable accommodation and facilities shall be provided for the purpose.

(2) (a) All utensils received at a creamery, cheese factory, cream depot, condensed milk factory, dried milk factory, margarine factory or butter substitutes factory, and containing milk or cream shall, before being sent away therefrom, be cleansed, firstly, by lukewarm water, and then by steam or boiling water, and where practicable, thoroughly aired.

(b) Before any clean utensil received from a creamery, cheese factory, cream depot, condensed milk factory, margarine factory or butter substitutes factory is filled with milk or cream it shall be rinsed out with clean water and aired.

Eerste Bylae.

REGULASIES.

1. Die bepalings van regulasies 2, 3, 4 en 6 is slegs op persele wat kragtens hierdie Wet geregistreer is, van toepassing.

2. (1) Elke eienaar van 'n botterfabriek, kaasfabriek, margarine-fabriek, fabriek van bottersurrogate, fabriek van gekondenseerde melk, fabriek van droëmelk, roomdepot, melkery, bottermakery, kaasmakery, pakhuis, voertuig, verkoelkamer of skip en elke melkverkooper, moet 'n inspekteur, op sy versoek, onverwyld toelaat om 'n lys op te maak van die persone wat suiwelprodukte aan hom verskaf.

(2) Elke sodanige eienaar of sy agent moet aan 'n inspekteur die persoonlike bystand verleen en die inligting verstrek wat hy in staat is om te verleen of te verstrek, om sodanige inspekteur te help om die oorsaak van 'n gebrek in of die bederf van suiwelprodukte vas te stel.

3. (1) (a) Elke roomkamer, melkkamer, kaaskamer, kamer waar kaas ryp word, en kamer wat vir die opberging van suiwelprodukte gebruik word, moet goed geventileer wees en so opgerig wees dat dit deeglik skoongemaak kan word.

(b) Elke sodanige kamer moet met kalk gewit of andersins behandel of ontsmet word soos en wanneer deur 'n inspekteur nodig geag word.

(c) Niemand mag so 'n kamer vir 'n ander doel as die opberging van suiwelprodukte en gereedskap gebruik nie.

(2) Elke botterfabriek, kaasfabriek, roomdepot, bottermakery, kaasmakery, fabriek van gekondenseerde melk, fabriek van droëmelk, margarine-fabriek en fabriek van bottersurrogate moet ondeurdringbare waterdige vloere hê, goed geventileer en doeltreffend gedreineer wees en deeglik ontsmet word soos en wanneer deur 'n inspekteur nodig geag word.

(3) Alle wei, afspoelwater en afloopwater van 'n botterfabriek, kaasfabriek, fabriek van gekondenseerde melk, fabriek van droëmelk, margarine-fabriek, fabriek van bottersurrogate, bottermakery en kaasmakery moet mee gehandel en weggeruim word sodat dit nie, volgens die oordeel van 'n inspekteur, 'n oorlas is of veroorsaak nie, of 'n gevaar vir die gesondheid is nie.

(4) Elke botterfabriek, kaasfabriek, roomdepot, margarine-fabriek, fabriek van gekondenseerde melk, fabriek van droëmelk en fabriek van bottersurrogate moet, vir die gebruik van persone wat daarin werksaam is, voorsien wees van geskikte en voldoende sanitêre geriewe wat tot bevrediging van 'n inspekteur opgerig en skoongehou moet word.

4. (1) Niemand mag binne 'n afstand van honderd-en-veertig voet van 'n botterfabriek, kaasfabriek, roomdepot, bottermakery, kaasmakery, fabriek van gekondenseerde melk, fabriek van droëmelk, margarine-fabriek, fabriek van bottersurrogate of 'n kamer wat vir roomafskieding of die opberging van room of melk gebruik word, varke in hokke aanhou of 'n mishoop aanlê of toelaat dat dit aldus aangelê word nie, of 'n gebou as 'n botterfabriek, kaasfabriek, roomdepot, bottermakery, kaasmakery, fabriek van gekondenseerde melk, fabriek van droëmelk, margarine-fabriek, fabriek van bottersurrogate of kamer vir roomafskieding of die opberging van room of melk, binne 'n afstand van honderd-en-veertig voet van 'n varkhok, mishoop of slegte staande water, oprig of gebruik nie: Met dien verstande dat indien 'n inspekteur in enige geval oortuig is dat die natuurkundige aard van die perseel dit vereis dat 'n varkhok of mishoop daarop op 'n bepaalde plek aangelê word, hy, by spesiale permit, magtiging kan verleen dat dit aldus aangelê word en gebruik word, nieteenstaande dat daardie plek nader as wat hierin voorgeskryf is aan die botterfabriek, kaasfabriek, roomdepot, bottermakery, kaasmakery, fabriek van gekondenseerde melk, fabriek van droëmelk, margarine-fabriek, fabriek van bottersurrogate of kamer gebruik vir roomafskieding of die opberging van room of melk, na gelang van die geval, geleë is.

(2) Niemand mag toelaat dat enige slegte of verrottende vloeistof binne 'n afstand van honderd-en-veertig voet van 'n botterfabriek, kaasfabriek, roomdepot, bottermakery, kaasmakery, fabriek van gekondenseerde melk, fabriek van droëmelk, margarine-fabriek, fabriek van bottersurrogate of kamer wat gebruik word vir roomafskieding of die opberging van room of melk, is of vloei nie, behalwe in 'n riool wat behoorlik, tot bevrediging van 'n inspekteur, gemaak is.

5. (1) Niemand mag suiwelprodukte wat vir verkoop of verskaffing vir wins bedoel is—

- (a) in 'n vertrek wat vir huishoudelike doeleindes gebruik word;
- (b) in 'n plek wat mag veroorsaak dat sodanige produkte ongesond of nadelig vir die gesondheid word; of
- (c) in 'n plek waar goedere of ander stowwe wat sodanige produkte waarskynlik kan besmet of besoedel, gehou word of gehou mag word;

plaas of hou nie.

(2) Niemand mag suiwelprodukte wat in stryd met sub-regulasie (1) gehou is, verkoop of te koop aanbied of uitsal nie.

6. (1) (a) Die roomafskeierbak en alle dele van 'n roomafskeier wat met melk in aanraking kom, moet by elke geleentheid, onmiddellik na die afskeidingsproses, deeglik met stoom of warm water skoongemaak word nadat dit eers in lou water gedompel is.

(b) Alle suiwelgereedskap moet stiptelik op die wyse in paragraaf (a) beskrywe, skoongemaak word, en geskikte ruimte en geriewe moet vir dié doel voorsien word.

(2) (a) Alle gereedskap wat by 'n botterfabriek, kaasfabriek, roomdepot, fabriek van gekondenseerde melk, fabriek van droëmelk, margarine-fabriek of fabriek van bottersurrogate ontvang word en melk of room bevat, moet, alvorens dit daarvandaan weggestuur word, skoongemaak word, eerstens, met lou water, en dan met stoom of kookwater, en, waar doenlik, goed drooggemaak word.

(b) Alvorens skoon gereedskap wat van 'n botterfabriek, kaasfabriek, roomdepot, fabriek van gekondenseerde melk, margarine-fabriek of fabriek van bottersurrogate ontvang word, met melk of room gevul word, moet dit met skoon water uitgespoel en drooggemaak word.

7. All cans or utensils, when actually containing milk or cream, shall as far as possible be effectually protected or shielded from the heat of the sun.

8. All cow-byres used for milking purposes must be kept in a clean and sanitary condition, and all milking operations must be carried out in a cleanly manner.

9. No person shall sell or supply or offer or expose for sale or export—

(1) any dairy produce condemned by an inspector;

(2) any milk, or the cream of any milk—

(a) which has been drawn from a cow—

(i) that is known to, or suspected by, him to be diseased;

(ii) that has been isolated in pursuance of this Act; or

(iii) that has calved within six clear days before the day on which the milk was drawn from her;

or

(b) until such time as the milk when boiled does not coagulate;

or

(3) as milk, anything which is not up to the standard of composition prescribed, unless it is sold or supplied to a creamery, cheese factory, condensed milk factory, dried milk factory or cream depot, on an agreement providing for a milk fat test.

10. (1) No person shall mix with, add to, or use in the manufacture of, dairy produce, other than margarine, any extraneous ingredient of any description: Provided that, subject to the provisions of this Act, pure sugar, common salt (sodium chloride) or any harmless coagulative, colouring ingredient or preservative preparation may be mixed with, added to, or used in the manufacture of, such dairy produce.

(2) No person shall sell or supply or expose for sale or export any dairy produce that has been dealt with in contravention of sub-regulation (1).

11. (1) (a) The owner or manager of every creamery, cream depot, condensed milk factory, dried milk factory or cheese factory shall reject all cream or milk delivered to him in a can or vessel which is not in a clean and wholesome condition and shall give notice in writing to the supplier of such rejection and the reasons thereof.

(b) Any such owner or manager who accepts, and any farmer who supplies, cream or milk contained in such can or vessel shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds.

(2) (a) The owner or manager of every cheese factory, condensed milk factory, dried milk factory or creamery shall not allow any whey or butter-milk to be conveyed from any such factory or such creamery in any utensil which is being used to convey milk or cream thereto.

(b) Any owner or manager who fails to comply with the provisions of paragraph (a) shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds.

(3) All milk and cream cans or vessels used in the transport of milk or cream from the place of production to a creamery, cheese factory, condensed milk factory, dried milk factory, cream depot or retail vendor shall contain the name and address of the producer legibly inscribed thereon, and any cans used for the conveyance of whey from a cheese factory, or butter-milk from a creamery, shall be marked "Whey" or "Butter-milk", as the case may be.

12. (1) (a) All cream purchased by a creamery or cream depot for the purpose of converting it into butter shall be graded, for manufacture into different qualities of butter, as

"First Grade",

"Second Grade" or

"Third Grade",

and the grade in which the cream has been placed shall be stated on the receipt which the owner of every creamery and cream depot is required to render to the vendor of the cream, and the difference in the price paid for cream of a particular grade and for cream of the next higher or lower grade shall not be less than one penny per pound.

(b) Any cream not considered fit to be graded as is in paragraph (a) described, shall be dealt with as follows:—

If in the opinion of a cream grader or inspector certificated under this Act, such cream—

(i) can be converted into butter fit for culinary purposes, it may be so converted, and the price paid to the supplier of such cream shall be lower than that which prevails for third grade cream at the time such cream is received; or

(ii) is unfit to be converted into butter for sale for culinary purposes, it shall forthwith and without undue delay be destroyed.

(2) Any person who contravenes any provision of sub-regulation (1) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

(3) The owner or manager of every creamery or cream depot shall on the first day of every month notify the officer deputed by the Minister to receive such information, of the various prices he has decided to pay for the different grades of cream described in sub-regulation (1), during the ensuing month, and shall immediately notify such officer of any alteration in such prices which is made during that month.

(4) No person shall grade cream until he has passed an examination in grading and has obtained a certificate of proficiency signed by the Secretary for Agriculture and countersigned by the examining officer: Provided that—

7. Alle kanne of gereedskap moet, solank dit werklik melk of room bevat, sover moontlik op doelmatige wyse teen die hitte van die son beskerm of beskut word.

8. Alle koeistalle waar gemelk word, moet in 'n skoon en higiëniese toestand gehou word, en by die melk van koeie moet sindelikeit gehandhaaf word.

9. Niemand mag—

(1) suiwelprodukte wat deur 'n inspekteur afgekeur is;

(2) enige melk of die room van enige melk—

(a) wat van 'n koei afkomstig is—

(i) wat na sy wete of vermoede 'n siekte het;

(ii) wat ingevolge hierdie Wet afgesonder is; of

(iii) wat binne ses volle dae voor die dag waarop sy gemelk is, gekalf het;

of

(b) solank die melk nog dik word indien dit gekook word, verkoop of verskaf of te koop aanbied of uitstal of uitvoer nie; of

(3) enigiets wat nie aan die voorgeskrewe standarde van samestelling voldoen nie, as melk verkoop of verskaf of te koop aanbied of uitstal of uitvoer nie, tensy dit kragtens 'n ooreenkoms wat vir 'n melkvettoets voorsiening maak, aan 'n botterfabriek, kaasfabriek, fabriek van gekondenseerde melk, fabriek van droëmelk of roomdepot verkoop of verskaf word.

10. (1) Niemand mag 'n vreemde bestanddeel van watter aard ook al, met suiwelprodukte, behalwe margarine, meng, daarby voeg, of by die vervaardiging daarvan gebruik nie: Met dien verstande dat, behoudens die bepalings van hierdie Wet, suiwer suiker, tafelsout (natriumchloried) of 'n skadelose stofmiddel, kleurstof of bederfwerende preparaat met sodanige suiwelprodukte gemeng, daarby gevoeg of by die vervaardiging daarvan gebruik kan word.

(2) Niemand mag suiwelprodukte waarmee in stryd met sub-regulasie (1) gehandel is, verkoop of verskaf of te koop uitstal of uitvoer nie.

11. (1) (a) Die eienaar of bestuurder van elke botterfabriek, roomdepot, fabriek van gekondenseerde melk, fabriek van droëmelk of kaasfabriek moet alle room of melk afwys wat aan hom gelewer word in 'n kan of ander houer wat nie in 'n skoon en vir die gesondheid heilsame toestand is nie, en moet aan die verskaffer skriftelike kennis van sodanige afwysing en die redes daarvoor gee.

(b) So 'n eienaar of bestuurder wat room of melk wat in so 'n kan of ander houer is, aanneem, en 'n boer wat sodanige room of melk verskaf, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tien pond.

(2) (a) Die eienaar of bestuurder van elke kaasfabriek, fabriek van gekondenseerde melk, fabriek van droëmelk of botterfabriek mag nie toelaat dat wei of karringmelk van so 'n fabriek vervoer word in 'n houer wat gebruik word om melk of room daarheen te vervoer nie.

(b) 'n Eienaar of bestuurder wat versuim om die bepalings van paragraaf (a) na te kom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tien pond.

(3) Alle melk- en roomkanne of ander houers wat gebruik word by die vervoer van melk of room van die plek waar dit geproduseer word na 'n botterfabriek, kaasfabriek, fabriek van gekondenseerde melk, fabriek van droëmelk, roomdepot of kleinhandelaar, moet die naam en adres van die produsent daarop leesbaar gegraveer hê, en alle kanne wat vir die vervoer van wei van 'n kaasfabriek of karringmelk van 'n botterfabriek gebruik word, moet, na gelang van die geval, „Wei” of „Karringmelk”, gemerk wees.

12. (1) (a) Alle room wat deur 'n botterfabriek of roomdepot gekoop word met die doel om dit in botter te verander, moet, vir die vervaardiging van botter van verskillende gehalte gegradeer word as—

„Eerste Graad”,

„Tweede Graad” of

„Derde Graad”,

en die graad wat vir die room bepaal is, moet vermeld word op die ontvangsbewys wat die eienaar van elke botterfabriek en roomdepot verplig is om aan die verkoper van die room te gee, en die verskil in prys wat vir room van 'n bepaalde graad en vir room van die daaropvolgende hoër of laer graad betaal word, mag nie minder as 'n pennie per pond wees nie.

(b) Met enige room wat nie geskik geag word om soos in paragraaf (a) beskrywe, gegradeer te word nie, moet soos volg gehandel word:—

Indien volgens die oordeel van 'n roomgradeerder of inspekteur aan wie 'n sertifikaat kragtens hierdie Wet verleen is, sodanige room—

(i) in botter verander kan word wat vir kookdoeleindes geskik is, kan dit aldus verander word, en die prys wat aan die verskaffer van sodanige room betaal word, moet laer wees as die heersende prys vir derdegraad-room op die tydstip waarop sodanige room ontvang word; of

(ii) ongeskik is om in botter vir verkoop vir kookdoeleindes verander te word, moet dit onverwyld en sonder onnodige vertraging vernietig word.

(2) Iemand wat 'n bepaling van sub-regulasie (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond.

(3) Die eienaar of bestuurder van elke botterfabriek of roomdepot moet op die eerste dag van elke maand die beampte deur die Minister aangewys om sodanige inligting te ontvang, in kennis stel van die onderskeie pryse wat hy besluit het om gedurende die daaropvolgende maand vir die verskillende grade room in sub-regulasie (1) beskrywe, te betaal, en hy moet sodanige beampte onverwyld in kennis stel van enige verandering in sodanige pryse wat gedurende daardie maand aangebring word.

(4) Niemand mag room gradeer nie voordat hy 'n eksamen in gradering afgelê het en 'n sertifikaat van bekwaamheid verkry het wat deur die Sekretaris van Landbou geteken en deur die beampte wat die eksamen afgeneem het, mede-onderteken is: Met dien verstande dat—

- (a) when an applicant for a certificate of qualification as a cream grader satisfies the Minister that he is the holder of a diploma from a dairy school or college, recognized by the department, showing that he is sufficiently qualified, or proves to the satisfaction of the Minister that he has had sufficient training in matters pertaining to a creamery, he shall be exempted from further examination and a certificate shall be issued to him; and
- (b) permission may be given to any person capable, in the opinion of an inspector, of grading cream but who has not obtained a certificate of qualification, to grade cream until the date of the examination next following the date of application for temporary permission.

(5) An inspector may at all times inspect and check the grading as carried out at any creamery or cream depot.

(6) Any person holding a certificate in cream grading who grades cream into a grade different to that in which the cream should have been graded under this Act, shall be guilty of an offence, and on conviction thereof his certificate in cream grading shall forthwith be cancelled by the Secretary for Agriculture and his name erased from the list of certificate holders.

(7) Such person may appeal to the Minister in writing for re-instatement as a certificate holder and the Minister may, if he deems it expedient, cause a new certificate in cream grading to be issued to such person and his name again placed on the list of certificate holders.

13. (1) At every creamery, cream depot or other premises where cream is purchased for the purpose of converting it into butter, such cream shall be paid for according to the milk fat content thereof.

(2) (a) Every owner of a creamery or cream depot shall render to the vendor of cream a receipt for all cream supplied by such vendor, setting forth the number of pounds of cream received, percentage of milk fat contained therein and the total number of pounds of milk fat for which payment will be made, and such receipt shall not be in any form or contain any descriptive words other than are approved by an inspector under this Act.

(b) Any vendor of cream may have his cream tested in his presence, but not more often than once a week.

(3) (a) Any person who performs the work of testing shall enter all cream test results, against the name of the owner of the cream tested, in a recognized book, kept solely for such purpose, which shall be in form and manner approved of by an inspector under this Act, and further contain such other particulars as may be required by him.

(b) The test results of each day's work shall be correctly dated and bear the signature of the person who actually performed the work of testing.

(c) No person shall make any alteration, except such as is justifiable, in any test record book, or on any extract made therefrom.

(d) The person responsible for the testing shall initial all alterations made in any such book or extract.

(e) (i) The owner or manager of every creamery shall deliver to an inspector, whenever required so to do, a correct return (in form and manner approved of by an inspector under this Act) showing the amount of commercial butter actually churned from each grade of cream purchased, together with particulars of the amount of milk fat actually credited to its cream suppliers during any calendar month, and such other particulars as may be required by him.

(ii) Such owner or manager shall give to such inspector every reasonable facility to compare such returns with the records or statements entered in any of the books used by such owner or manager.

(4) No person shall be employed in the testing of cream and milk until he has passed a practical examination in testing, and has obtained a certificate of proficiency after examination under the regulations: Provided that—

(a) when an applicant for a certificate of qualification as a milk or cream tester satisfies the Minister that he is the holder of a diploma from a dairy school or college recognized by the department, showing that he is sufficiently qualified, or proves to the satisfaction of the Minister that he has had sufficient experience in the testing of cream, he shall be exempted from further examination and a certificate shall be issued to him; and

(b) permission may be given to any person who is capable, in the opinion of an inspector, of testing milk or cream, but who has not obtained a certificate of qualification, to test milk or cream until the date of the examination next following the date of application for temporary permission.

(5) Any person holding a certificate in milk and cream testing who makes, states and enters in the test book an incorrect test result shall be guilty of an offence, and on conviction thereof his certificate in milk and cream testing shall forthwith be cancelled by the Secretary for Agriculture and his name erased from the list of certificate holders.

(6) Such person may appeal to the Minister in writing for re-instatement as a certificate holder, and the Minister may, if he deems it expedient, cause a new certificate in milk and cream testing to be issued to such person and his name again to be placed on the list of certificate holders.

14. (1) Every test bottle, pipette and measuring glass used in connection with the testing of milk and cream shall be tested for accuracy of measurement and accuracy of the per cent. scale marked thereon, by

- (a) wanneer 'n applikant om 'n sertifikaat van bekwaamheid as 'n roomgradeerder die Minister oortuig dat hy die houer is van 'n diploma van 'n suiwelskool of -kollege, deur die departement erken, wat aantoon dat hy voldoende gekwalifiseer is, of indien hy die Minister met bewys oortuig dat hy voldoende opleiding in aangeleenthede gehad het wat op 'n botterfabriek betrekking het, hy van verdere eksamens vrygestel is en 'n sertifikaat aan hom uitgereik moet word; en
- (b) aan iemand wat volgens die oordeel van 'n inspekteur in staat is om room te gradeer, maar wat nog nie 'n sertifikaat van bekwaamheid verwerf het nie, toestemming verleen kan word om room te gradeer tot op die datum van die eerste eksamen wat volg op die datum van aansoek om tydelike toestemming.

(5) 'n Inspekteur kan te eniger tyd die gradering soos by 'n botterfabriek of roomdepot uitgevoer, inspekteer en kontroleer.

(6) 'n Houer van 'n sertifikaat as roomgradeerder wat vir room 'n graad bepaal wat verskil van dié wat vir die room kragtens hierdie Wet bepaal moet gewees het, is aan 'n misdryf skuldig, en by skuldigbevinding daaraan moet sy sertifikaat as roomgradeerder onverwyld deur die Sekretaris van Landbou gekanselleer en sy naam op die lys van houers van sertifikate geskrap word.

(7) So iemand kan 'n skriftelike beroep op die Minister doen om as 'n houer van 'n sertifikaat herstel te word, en indien die Minister dit dienstig ag, kan hy 'n nuwe sertifikaat as roomgradeerder aan hom laat uitreik en sy naam weer in die lys van houers van sertifikate laat opneem.

13. (1) By elke botterfabriek, roomdepot, of ander perseel waar room gekoop word met die doel om dit in botter te verander, moet daar vir sodanige room ooreenkomstig die melkvet-gehalte daarvan betaal word.

(2) (a) Elke eienaar van 'n botterfabriek of roomdepot moet aan die verkoper van room 'n ontvangsbewys gee vir alle room wat deur so 'n verkoper verskaf is, en daarin moet die aantal ponde room wat ontvang is, die persentasie melkvet wat dit bevat en die totale aantal ponde melkvet waarvoor betaal sal word, vermeld word, en so 'n ontvangsbewys mag nie in 'n ander vorm wees of ander beskrywende woorde bevat as wat deur 'n inspekteur kragtens hierdie Wet goedgekeur is nie.

(b) 'n Roomverkoper kan sy room in sy teenwoordigheid laat toets, maar nie meer dikwels as een keer per week nie.

(3) (a) Iemand wat toetse uitvoer moet die uitslae van alle roomtoetse teenoor die naam van die eienaar van die room wat getoets word, in 'n erkende boek inskryf wat uitsluitlik vir daardie doel gehou word en in die vorm moet wees en op die wyse gehou moet word wat deur 'n inspekteur kragtens hierdie Wet goedgekeur is, en wat verder die ander besonderhede moet bevat wat hy vereis.

(b) Die toetsuitslae van elke dag se werk moet korrek gedateer wees en geteken wees deur die persoon wat werklik die toetse uitgevoer het.

(c) Niemand mag enige verandering, behalwe 'n geregverdigde verandering, in 'n toetsuitslaeboek of op enige uittreksel daarvan, aanbring nie.

(d) Die persoon wat vir die toets verantwoordelik is moet alle veranderinge wat in so 'n boek of uittreksel aangebring word, parafeer.

(e) (i) Die eienaar of bestuurder van elke botterfabriek moet aan 'n inspekteur, wanneer dit van hom vereis word om dit te doen, 'n juiste opgawe (in die vorm en op die wyse deur 'n inspekteur kragtens hierdie Wet goedgekeur) verstrek wat die hoeveelheid handelsbotter aantoon wat werklik van die room van elke graad wat gedurende enige kalendermaand gekoop is, gekarring is, tesame met besonderhede van die hoeveelheid melkvet waarmee sy roomverskaffers werklik gedurende daardie maand gekrediteer is en die ander besonderhede wat hy vereis.

(ii) Sodanige eienaar of bestuurder moet aan so 'n inspekteur alle redelike geleentheid gee om sodanige opgawes te vergelyk met die aantekeninge of inligting wat in enige boek wat deur sodanige eienaar of bestuurder gebruik word, ingeskrywe is.

(4) Niemand mag by die toets van room en melk in diens wees nie alvorens hy 'n praktiese eksamen as toetser afgelê het en 'n sertifikaat van bekwaamheid, ná 'n eksamen kragtens die regulasies, verwerf het: Met dien verstande dat—

(a) wanneer 'n applikant om 'n sertifikaat van bekwaamheid as 'n melk- of roomtoetser die Minister oortuig dat hy die houer is van 'n diploma van 'n suiwelskool of -kollege, deur die departement erken, wat aantoon dat hy voldoende gekwalifiseer is, of indien hy die Minister met bewys oortuig dat hy voldoende ondervinding in die toets van room gehad het, hy van verdere eksamens vrygestel is en 'n sertifikaat aan hom uitgereik moet word; en

(b) aan iemand wat volgens die oordeel van 'n inspekteur in staat is om melk of room te toets, maar wat nog nie 'n sertifikaat van bekwaamheid verwerf het nie, toestemming verleen kan word om melk of room te toets tot op die datum van die eerste eksamen wat volg op die datum van aansoek om tydelike toestemming.

(5) 'n Houer van 'n sertifikaat as toetser van melk en room wat 'n toets op 'n onjuiste wyse uitvoer en 'n onjuiste uitslag opgee en in die toetsboek inskryf, is aan 'n misdryf skuldig, en by skuldigbevinding daaraan moet sy sertifikaat as toetser van melk en room onverwyld deur die Sekretaris van Landbou gekanselleer en sy naam op die lys van houers van sertifikate geskrap word.

(6) So iemand kan 'n skriftelike beroep op die Minister doen om as 'n houer van 'n sertifikaat herstel te word, en indien die Minister dit dienstig ag, kan hy 'n nuwe sertifikaat as toetser van melk en room aan hom laat uitreik en sy naam weer in die lys van houers van sertifikate laat opneem.

14. (1) Elke proefbuis, pipet en maatglas wat in verband met die toets van melk en room gebruik word, moet vir akkuraatheid van die inhoud en akkuraatheid van die skaal in honderdstes wat daarop gemerk

such persons and at such places as the Minister may from time to time approve, and if found to be accurate, shall be ineffaceably marked in such manner as the Minister may decide.

(2) No person shall so mark any other test bottle, pipette or measuring glass, nor shall any unauthorized person mark any test bottle, pipette or measuring glass used in connection with the testing of milk or cream, in a manner which would indicate that it is accurate in accordance with this Act.

(3) No person shall sell or offer for sale any test bottle, pipette or measuring glass used in connection with the testing of milk or cream, unless it has been tested and marked accurate as provided in sub-regulation (1).

(4) No person shall use any test bottle, pipette or measuring glass in connection with the testing of milk or cream, if such testing is for the purpose of determining the value or the relative value of the said milk or cream, unless such test bottle, pipette or measuring glass has been tested and marked accurate as provided in sub-regulation (1).

15. No person shall sell, offer or expose for sale, or have in his possession for the purpose of sale, any dairy produce manufactured from milk or cream derived from animals other than bovines, unless—

(a) if such produce is contained in a wrapper, such wrapper has printed on it, in plain capital letters not less than one-quarter of an inch square, face measurement, the name of the contents preceded by the name of the class of animal from which the said milk or cream was derived; or

(b) if such produce is packed in a receptacle, such receptacle is distinctly and durably branded on two sides in plain capital letters not less than one inch square, face measurement, with the name of the contents preceded by the name of the class of animal from which the said milk or cream was derived.

16. (1) No person shall extract milk fat from, or add milk fat to, milk intended for sale to a cheese factory, condensed milk factory or dried milk factory which is purchasing such milk for the purpose of manufacturing it into cheese, condensed milk, milk powder or dried milk.

(2) No person being the owner of a cheese factory shall extract milk fat from milk purchased by him on the basis of volume for the purpose of manufacturing it into cheese.

17. The name of the country of origin which is, in terms of section ten of this Act, required to be branded upon dairy produce, or upon any wrapper or other receptacle containing dairy produce, or upon a label attached to any such receptacle, shall be printed—

(a) if such produce is contained in a wrapper or other receptacle, and weighs—

(i) not more than five pounds, in letters not less than one quarter of an inch square, face measurement; and

(ii) more than five pounds, in letters not less than one inch square, face measurement;

and

(b) if such produce is not contained in a wrapper, in letters not less than half an inch square, face measurement.

18. (1) Margarine shall contain—

(a) not less than 80 per cent. of its composition by weight of fat;

(b) not more than 16 per cent. of its composition by weight of water;

(c) not less than 20 international units of vitamin A, and one international unit of vitamin D, per gramme; and

(d) not less than 0.025 per cent. of its composition by weight of starch.

(2) Margarine may in addition to the substances referred to in sub-regulation (1), contain pure sugar, common salt (sodium chloride), milk solids, harmless flavouring substances, not more than 10 per cent. of its composition by weight of milkfat, not more than 1 per cent. of its composition by weight of one or more emulsifiers and not more than 0.5 per cent. of its composition by weight of boron derivatives expressed as boric acid.

(3) Margarine shall be clean, sound, of pleasant flavour, reasonably soft to the palate, of firm consistency and capable of being easily spread at normal temperatures, and shall be contained in packages the net weight whereof shall be one-half of a pound each, and on each of at least three sides of every such package there shall be durably branded—

(a) the word "margarine" in plainly visible printed capital letters not less than one-half of an inch in height;

(b) the name and address of the manufacturer thereof, in plainly visible printed letters not more than one-quarter of an inch in height; and

(c) the net weight of the contents of such package.

(4) There may, in addition to the particulars prescribed in sub-regulation (3), be printed on any one or more sides of a package marked with the word "margarine", but not on any side thereof which is not so marked—

(a) the name of the particular brand of margarine in letters not more than one-quarter of an inch in height;

(b) any distinctive mark registered in respect of that margarine in terms of section five of this Act; and

(c) the registration number allotted in terms of section four of this Act to the premises where that margarine was manufactured, in letters not more than one-quarter of an inch in height.

(5) All the particulars appearing on any package containing margarine shall be in the same colour, and no brand on any such package shall be superimposed upon any other such brand.

(6) Whenever twenty-four or more packages of margarine are delivered together, such packages shall be packed in a container durably branded in the manner prescribed in paragraphs (a) and (b) of sub-regulation (3), except that the word "margarine" shall be printed on such container in plainly visible capital letters not less than one inch in height and all other information in plainly visible letters not greater than one half of an inch in height.

is, getoets word deur die persone en op die plekke wat die Minister van tyd tot tyd goedkeur, en indien dit akkuraat bevind word, moet dit onuitwisbaar gemerk word op 'n wyse deur die Minister bepaal.

(2) Niemand mag enige ander proefbuis, pipet of maatglas aldus merk nie, en ewe min mag 'n ongemagtigde persoon 'n proefbuis, pipet of maatglas wat in verband met die toets van melk of room gebruik word, op 'n wyse merk wat sou aandui dat dit akkuraat ooreenkomstig hierdie Wet is.

(3) Niemand mag 'n proefbuis, pipet of maatglas wat in verband met die toets van melk of room gebruik word, verkoop of te koop aanbied nie, tensy dit soos by sub-regulasie (1) bepaal, getoets en as akkuraat gemerk is.

(4) Niemand mag 'n proefbuis, pipet of maatglas in verband met die toets van melk of room gebruik nie, indien sodanige toets geskied om die waarde of die relatiewe waarde van genoemde melk of room vas te stel, tensy sodanige proefbuis, pipet of maatglas soos by sub-regulasie (1) bepaal, getoets en as akkuraat gemerk is.

15. Niemand mag suiwelprodukte, vervaardig van melk of room wat van ander diere as beste afkomstig is, verkoop, te koop aanbied of uitstal, of met die doel om dit te verkoop, besit nie, tensy—

(a) indien sodanige produkte in 'n omslag bevat is, daar op sodanige omslag, in duidelike hoofletters minstens 'n kwartduim in die vierkant, vlaktemaat, die naam van die inhoud gedruk is, voorafgegaan deur die naam van die soort dier waarvan genoemde melk of room afkomstig is; of

(b) indien sodanige produkte in 'n houer verpak is, sodanige houer duidelik en op duursame wyse op twee kante gestempel is, in duidelike hoofletters minstens 'n duim in die vierkant, vlaktemaat, met die naam van die inhoud, voorafgegaan deur die naam van die soort dier waarvan genoemde melk of room afkomstig is.

16. (1) Niemand mag melkvat uithaal uit of byvoeg by melk nie wat bedoel is vir verkoop aan 'n kaasfabriek, fabriek van gekondenseerde melk of fabriek van droëmelk wat sodanige melk koop om daarvan kaas, gekondenseerde melk, melkpoeier of droëmelk te vervaardig.

(2) Niemand wat die eienaar van 'n kaasfabriek is, mag melkvat uit melk haal nie wat deur hom volgens volume gekoop is om kaas daarvan te vervaardig.

17. Die naam van die land van oorsprong wat ingevolge artikel tien van hierdie Wet op suiwelprodukte of op 'n omslag of ander houer wat suiwelprodukte bevat of op 'n etiket wat aan so 'n houer geheg is, gestempel moet word, moet—

(a) indien sodanige produkte in 'n omslag of ander houer bevat is en—

(i) hoogstens vyf pond weeg, in letters minstens 'n kwartduim in die vierkant, vlaktemaat; en

(ii) meer as vyf pond weeg, in letters minstens 'n duim in die vierkant, vlaktemaat;

en

(b) indien sodanige produkte nie in 'n omslag bevat is nie, in letters minstens 'n halfduim in die vierkant, vlaktemaat,

gedruk word.

18. (1) Margarine moet—

(a) minstens 80 persent, volgens gewig, van die samestelling daarvan aan vet bevat;

(b) hoogstens 16 persent, volgens gewig, van die samestelling daarvan aan water bevat;

(c) minstens 20 internasionale eenhede vitamine A, en een internasionale eenheid vitamine D, per gram bevat; en

(d) minstens 0.025 persent, volgens gewig, van die samestelling daarvan aan stysel bevat.

(2) Margarine mag behalwe die stowwe in sub-regulasie (1) vermeld, suiker, tafelsout (natriumchloried), vaste melkstowwe, skadelose kleurstowwe, hoogstens 10 persent, volgens gewig, van die samestelling daarvan aan melkvat, hoogstens 1 persent, volgens gewig, van die samestelling daarvan aan emulseermiddels, en hoogstens 0.5 persent, volgens gewig, van die samestelling daarvan aan boorderivate, as boorsuur uitgedruk, bevat.

(3) Margarine moet skoon, gesond, smaaklik, redelik sag in die mond, van 'n vaste tekstuur en maklik smeerbaar by normale temperature wees, en moet in pakkies bevat wees waarvan die netto-gewig 'n half-pond elk is, en op elk van ten minste drie kante van elke sodanige pakkie moet daar—

(a) die woord „margarine” in duidelik sigbare gedrukte hoofletters minstens 'n halfduim hoog;

(b) die naam en adres van die vervaardiger daarvan, in duidelik sigbare gedrukte letters nie hoër as 'n kwartduim nie; en

(c) die netto-gewig van die inhoud van sodanige pakkie, op duursame wyse gestempel wees.

(4) Behalwe die besonderhede in sub-regulasie (3) voorgeskryf, mag daar op een of meer van die kante van 'n pakkie wat met die woord „margarine” gemerk is, maar nie op 'n kant daarvan wat nie aldus gemerk is nie—

(a) die naam van die besondere soort margarine gedruk word, in letters nie hoër as 'n kwartduim nie;

(b) 'n onderskeidingsmerk gedruk word wat ten opsigte van daardie margarine ingevolge artikel vyf van hierdie Wet geregistreer is; en

(c) die registrasienommer gedruk word wat ingevolge artikel vier van hierdie Wet aan die perseel toegeken is waar daardie margarine vervaardig is, in letters nie hoër as 'n kwartduim nie.

(5) Alle besonderhede wat op 'n pakkie wat margarine bevat, verskyn, moet van dieselfde kleur wees, en geen merk op so 'n pakkie mag oor enige ander so 'n merk geplaas wees nie.

(6) Wanneer vier-en-twintig of meer pakkies margarine gelyktydig afgelewer word, moet sodanige pakkies in 'n houer verpak wees wat op duursame wyse gestempel is op die wyse in paragrafe (a) en (b) van sub-regulasie (3) voorgeskryf, behalwe dat die woord „margarine” in duidelik sigbare hoofletters minstens 'n duim hoog, en alle ander inligting in duidelik sigbare letters nie hoër as 'n halfduim nie, op so 'n houer gedruk moet word.

19. No person shall import margarine into the Union except under the authority of a permit issued by the Minister or a person duly authorized thereto by him or otherwise than subject to the conditions specified in such permit.

20. The registration number allotted to margarine factories and butter substitutes factories under section four of this Act and which under section nine thereof is required to be branded on all packages containing margarine or butter substitutes shall be printed on all wrappers containing margarine or butter substitutes in letters large enough to be clearly read, thus: Registered No.

Second Schedule.

LAWS REPEALED OR AMENDED.

No. and Year of Law.	Short Title or Subject-matter.	Extent of Repeal or Amendment.
Act No. 16 of 1918.	Dairy Industry Act, 1918	The repeal of the whole.
Act No. 14 of 1926.	Dairy Industry Act, 1918, Amendment Act, 1926.	The repeal of the whole.
Act No. 35 of 1930.	Dairy Industry Control Act, 1930	The repeal of sections <i>fifty-six</i> to <i>sixty</i> , inclusive, and the deletion in sub-section (2) of section <i>sixty-two</i> of all the words after the word "meaning", where it occurs for the second time.
Act No. 38 of 1950.	Dairy Industry Control Amendment Act, 1950.	The repeal of sections <i>one</i> to <i>eight</i> inclusive and sections <i>seven-teen</i> , <i>eighteen</i> and <i>nineteen</i> .
Proclamation No. 100 of 1919.	Amendment of Schedule to Act No. 16 of 1918.	The repeal of the whole.
Proclamation No. 138 of 1919.	Amendment of Schedule to Act No. 16 of 1918.	The repeal of the whole.
Proclamation No. 21 of 1922.	Amendment of Schedule to Act No. 16 of 1918.	The repeal of the whole.
Proclamation No. 263 of 1924.	Amendment of Schedule to Act No. 16 of 1918.	The repeal of the whole.
Proclamation No. 100 of 1952.	Repeal of certain provisions of the regulations set out in the Schedule to the Dairy Industry Act, 1918 (Act No. 16 of 1918), as amended.	The repeal of the whole.

19. Niemand mag margarine in die Unie invoer nie, behalwe uit hoofde van 'n permit wat deur die Minister of iemand wat deur hom behoorlik daartoe gemagtig is, uitgereik is, of op 'n ander wyse as onderworpe aan die voorwaardes in so 'n permit vermeld.

20. Die registrasienommer wat aan margarine-fabrieke en fabrieke van bottersurrogate kragtens artikel vier van hierdie Wet toegeken is en ingevolge artikel nege daarvan gestempel moet word op alle pakkies wat margarine of bottersurrogate bevat, moet op alle omslae wat margarine of bottersurrogate bevat, gedruk word in letters wat groot genoeg is om duidelik leesbaar te wees, aldus: Geregistreerde No.

Tweede Bylae.

WETTE HERROEP OF GEWYSIG.

No. en Jaar van Wet.	Kort Titel of Onderwerp.	In hoeverre herroep of gewysig.
Wet No. 16 van 1918.	„Zuiwelnijverheid Wet, 1918”	Die herroeping van die geheel.
Wet No. 14 van 1926.	„Zuiwelnijverheidswet, 1918, Wysigingswet 1926”	Die herroeping van die geheel.
Wet No. 35 van 1930.	Wet op die Beheer van die Suiwelnijverheid, 1930.	Die herroeping van artikels <i>ses-en-veertig</i> tot en met <i>sestig</i> , en die skraping in sub-artikel (2) van artikel <i>twee-en-sestig</i> van al die woorde na die woord „betekenis”, waar dit vir die tweede maal voorkom.
Wet No. 38 van 1950.	Wysigingswet op die Beheer van die Suiwelnijverheid, 1950.	Die herroeping van artikels <i>een</i> tot en met <i>agt</i> en artikels <i>sewentien</i> , <i>agtien</i> en <i>negentien</i> .
Proklamasie No. 100 van 1919.	Wysiging van Bylae by Wet No. 16 van 1918.	Die herroeping van die geheel.
Proklamasie No. 138 van 1919.	Wysiging van Bylae by Wet No. 16 van 1918.	Die herroeping van die geheel.
Proklamasie No. 21 van 1922.	Wysiging van Bylae by Wet No. 16 van 1918.	Die herroeping van die geheel.
Proklamasie No. 263 van 1924.	Wysiging van Bylae by Wet No. 16 van 1918.	Die herroeping van die geheel.
Proklamasie No. 100 van 1952.	Herroeping van sekere bepalings van die regulasies soos in die Bylae by die „Zuiwelnijverheid Wet, 1918” (Wet No. 16 van 1918) soos gewysig, uiteengesit.	Die herroeping van die geheel.

No. 68, 1957.]

ACT

To amend the law relating to the formalities of certain contracts, to modify the designation and jurisdiction of the Eastern Districts Local Division of the Supreme Court, to apply certain laws to the Sheriff for the Eastern Districts Local Division of the Supreme Court, to prohibit the disclosure of information concerning the identity of children involved in legal proceedings, to exclude certain land from the operation of section two of the General Law Amendment Act, 1956, to give recognition to the official title of "landdros" and to amend certain laws incidental thereto, to repeal Law No. 12 of 1884 (Natal), to amend Law No. 13 of 1883 (Natal), Law No. 46 of 1887 (Natal), the Administration of Justice Proclamation, 1902 (Transvaal), the Establishment of the Supreme Court and High Court Ordinance, 1902 (Transvaal), the Transfer Duty Proclamation, 1902 (Transvaal), the Superior Courts Criminal Jurisdiction Ordinance, 1903 (Transvaal), the Transfer Duty Ordinance, 1906 (Orange Free State), the South Africa Act, 1909, the Administration of Estates Act, 1913, the Justices of the Peace and Oaths Act, 1914, the Maintenance Orders Act, 1923, the Stock Theft Act, 1923, the Companies Act, 1926, the Arms and Ammunition Act, 1937, the Irrigation Districts Adjustment Act, 1944, the Magistrates' Courts Act, 1944, the General Law Amendment Act, 1949, the Radio Act, 1952, the Second-hand Goods Act, 1955, and the Criminal Procedure Act, 1955.

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

(Assented to 24th 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:—

Formalities in respect of contracts of sale of land.

1. (1) No contract of sale or cession in respect of land or any interest in land (other than a lease, mynpacht or mining claim or stand) shall be of any force or effect if concluded after the commencement of this section unless it is reduced to writing and signed by the parties thereto or by their agents acting on their written authority.

(2) The laws specified in the Schedule are hereby repealed to the extent set out in the fourth column of the Schedule.

Modification of designation of Eastern Districts Local Division of Supreme Court.

2. (1) (a) As from the commencement of this section, the Eastern Districts Local Division of the Supreme Court of South Africa shall under the name of the Eastern Cape Division of the Supreme Court of South Africa be a provincial division of the said Supreme Court, and any reference in any law to the said Division or to a provincial or local division of the said Supreme Court shall, subject to the provisions of paragraph (b), be construed accordingly; and

(b) The reference in paragraph (b) of sub-section (5) of section seventy-nine of the Income Tax Act, 1941 (Act No. 31 of 1941), to a provincial division of the Supreme Court having jurisdiction in the area for which a court is constituted under that section, shall be construed, for the purpose of any nomination thereunder, which is required to be made within a period of three months after the commencement of this section, in respect of a court constituted for an area which includes the area of jurisdiction of the said Eastern Cape Division, as a reference to the Cape Provincial Division of the Supreme Court, and, for the purpose of any such nomination which is required to be made after the expiration of the said period of three months, in respect of a court constituted for the area of jurisdiction of the said Eastern Cape Division, as a reference to the said Eastern Cape Division.

(2) Nothing in sub-section (1) contained shall in any way affect the existing jurisdiction of the said Eastern Cape Division.

Amendment of section 13 of Act 35 of 1896 (Cape), as amended by section 2 of Act 62 of 1955.

3. (1) Section *thirteen* of the Better Administration of Justice Act, 1896, (Act No. 35 of 1896), of the Cape of Good Hope, is hereby amended—

(a) by the substitution for the words "a jurisdiction concurrent with that of the Supreme Court" of the word "jurisdiction";

No. 68, 1957.]

WET

Om die wetsbepalings met betrekking tot die formaliteite van sekere kontrakte te wysig, om die benaming en regsbevoegdheid van die Plaaslike Afdeling Oostelike Distrikte van die Hooggeregshof te verander, om sekere wette op die Balju van die Plaaslike Afdeling Oostelike Distrikte van die Hooggeregshof van toepassing te maak, om die openbaarmaking van inligting betreffende die identiteit van kinders wat by regsgedinge betrokke is, te verbied, om sekere grond van die werking van artikel twee van die Algemene Regswysigingswet, 1956, uit te sluit, om erkenning te verleen aan die amptitel van landdros en om sekere daarmee in verband staande wette te wysig, om Wet No. 12 van 1884 (Natal) te herroep, om Wet No. 13 van 1883 (Natal), Wet No. 46 van 1887 (Natal), die „Administration of Justice Proclamation, 1902” (Transvaal), die „Establishment of the Supreme Court and High Court Ordinance, 1902” (Transvaal), die „Transfer Duty Proclamation, 1902” (Transvaal), die „Superior Courts Criminal Jurisdiction Ordinance, 1903” (Transvaal), die „Transfer Duty Ordinance, 1906” (Oranje-Vrystaat), die „Zuid-Afrika Wet, 1909”, die „Boedelwet, 1913”, die „Wet op Vrederechters en Eden, 1914”, die „Onderhoudsvonnissen Wet, 1923”, die „Vediefstal Wet, 1923”, die Maatskappywet, 1926, die Wapens- en Ammunisiwet, 1937, die Wet tot Reëling van Besproeiingsdistrikte, 1944, die Magistraatshowewet, 1944, die Algemene Regswysigingswet, 1949, die Radiowet, 1952, die Wet op Tweedehandse Goed, 1955, en die Strafproseswet, 1955, te wysig.

(Afrikaanse teks deur die Amptenaar Belas met die Uitvoering van die Uitvoerende Gesag geteken.)
(Goedgekeur op 24 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) Geen verkoopkontrak of sessie ten opsigte van grond of enige belang in grond (behalwe 'n huurkontrak, mynpag of -kleim of -standplaas) is, indien dit na die inwerkingtreding van hierdie artikel aangegaan is, van krag nie, tensy dit op skrif gestel en deur die partye daarby of deur hul lashebbers, handelende op hul skriftelike gesag, onderteken is.
- (2) Die wette in die Bylae vermeld, word hierby herroep in die mate in die vierde kolom van die Bylae aangedui.

2. (1) (a) Vanaf die inwerkingtreding van hierdie artikel is die Plaaslike Afdeling Oostelike Distrikte van die Hooggeregshof van Suid-Afrika 'n provinsiale afdeling van bedoelde Hooggeregshof met die naam Oos-Kaapse Afdeling van die Hooggeregshof van Suid-Afrika en word, behoudens die bepalinge van paragraaf (b), 'n verwysing in enige wet na bedoelde Afdeling of na 'n provinsiale of plaaslike afdeling van bedoelde Hooggeregshof dienoooreenkomstig uitgeleë; en
- (b) Die verwysing in paragraaf (b) van sub-artikel (5) van artikel nege-en-sewentig van die Inkomste-belastingwet, 1941 (Wet No. 31 van 1941), na 'n provinsiale afdeling van die Hooggeregshof wat regsbevoegdheid het in die gebied waarvoor 'n hof ingevolge daardie artikel ingestel is, word uitgeleë vir die doeleindes van enige benoeming daarvolgens wat gemaak moet word binne 'n tydperk van drie maande na die inwerkingtreding van hierdie artikel, ten opsigte van 'n hof ingestel vir 'n gebied wat die regsgebied van bedoelde Oos-Kaapse Afdeling insluit, as 'n verwysing na die Kaapse Provinsiale Afdeling van die Hooggeregshof, en vir die doeleindes van so 'n benoeming wat na verstryking van bedoelde tydperk van drie maande gemaak moet word, ten opsigte van 'n hof vir die regsgebied van bedoelde Oos-Kaapse Afdeling ingestel, as 'n verwysing na bedoelde Oos-Kaapse Afdeling.

- (2) Sub-artikel (1) het geen uitwerking op die bestaande regsbevoegdheid van bedoelde Oos-Kaapse Afdeling nie.

3. (1) Artikel dertien van die „Better Administration of Justice Act, 1896” (Wet No. 35 van 1896), van die Kaap die Goeie Hoop, word hierby gewysig—

- (a) deur die woorde „a jurisdiction concurrent with that of the Supreme Court” deur die woord „jurisdiction” te vervang;

Wysiging van artikel 13 van Wet 35 van 1896 (Kaap), soos gewysig deur artikel 2 van Wet 62 van 1955.

- (b) by the substitution for the words "no action shall be instituted in the said Supreme Court by a plaintiff residing in any such district or territory" of the words "a plaintiff residing in any such district or territory may institute an action in the Supreme Court"; and
- (c) by the substitution for the word "unless" wherever that word occurs in the first proviso of the word "if".

(2) Except as provided in sub-section (1) nothing in this section shall in any way affect the existing jurisdiction of the Eastern Cape Division of the Supreme Court of South Africa.

Application of certain laws to Sheriff for Eastern Cape Division of Supreme Court.

4. (1) The provisions of Ordinance No. 37 of 1828 of the Cape of Good Hope, the Appeal Court and Sheriff's Duties' Act, 1886 (Act No. 17 of 1886), of the Cape of Good Hope, and of any other law relating to the Sheriff for the Province of the Cape of Good Hope shall, in so far as they apply with reference to the area of jurisdiction of the Eastern Cape Division of the Supreme Court of South Africa, be construed as from the commencement of this section as if they applied only with reference to the Sheriff for the Eastern Cape Division of the said Supreme Court.

(2) The provisions of any law or rule relating to the Deputy Sheriff for the District of Albany shall, as from the said commencement, be construed to apply with reference to the Sheriff for the Eastern Cape Division of the said Supreme Court.

Information concerning identity of children involved in legal proceedings not to be published.

5. (1) No person shall publish or make known in any manner the name, address, school, place of employment or any other information likely to reveal the identity of any person under the age of nineteen years who is or has been a party to any civil proceedings or a witness in any legal proceedings of whatever nature, unless the judge, magistrate or other officer who presides or presided at such proceedings, after having consulted any parent or guardian, if any, of such person, consents in writing to such publication or making known.

(2) Any person who contravenes sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

Section 2 of Act 56 of 1956 not applicable in respect of certain land.

6. (1) Section *two* of the General Law Amendment Act, 1956, shall not apply in respect of land forming part of the farm Alexanderfontein or the farm Bultfontein in the district of Kimberley and held under a lease or licence registered in the office of De Beers Consolidated Mines Limited or the office of the Town Clerk of Kimberley, until the day upon which title deeds of such land are registered in a deeds registry or the first day of January, 1962, whichever is the earlier.

(2) Sub-section (1) shall be deemed to have come into operation on the twenty-second day of June, 1956.

Recognition of official title of "landdros" and amendment of certain laws.

7. (1) As from the commencement of this section any reference in the Afrikaans or Dutch version of any law or document to the official title—

(a) of "magistraat" or "addisionele magistraat" or "assistent-magistraat" shall be construed to include a reference to the official title of "landdros" or "addisionele landdros" or "assistent-landdros" respectively; and

(b) of "landdros" or "addisionele landdros" or "assistent-landdros" shall be construed to include a reference to the official title of "magistraat" or "addisionele magistraat" or "assistent-magistraat" respectively,

and any reference in such law or document to the holder of an office designated by any such title or to the district or sub-district or seat of office of that holder or the court of that district or sub-district or the area of jurisdiction of the court established for that district or sub-district or an order or judgment given by that holder or to any other matter which pertains to such office or the holder thereof or to any such district, sub-district, seat of office, court or area, shall be construed accordingly.

(2) (a) Section *one hundred and seventeen* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), is hereby amended by the substitution in the Afrikaans version for the word "Magistraatshowewet" of the words "Wet op Landdroshowe".

(b) Section *thirty-three* of the Magistrates' Courts Amendment Act, 1952 (Act No. 40 of 1952) and section

- (b) deur die woorde „no action shall be instituted in the said Supreme Court by a plaintiff residing in any such district or territory” deur die woorde „a plaintiff residing in any such district or territory may institute an action in the Supreme Court” te vervang; en
- (c) deur die woord „unless” oral waar daardie woord in die eerste voorbehoudsbepaling voorkom, deur die woord „if” te vervang.

(2) Behalwe soos by sub-artikel (1) bepaal, het hierdie artikel geen uitwerking op die bestaande regsbevoegdheid van die Oos-Kaapse Afdeling van die Hooggeregshof van Suid-Afrika nie.

4. (1) Die bepalings van Ordonnansie No. 37 van 1828 van die Kaap die Goeie Hoop, die „Appeal Court and Sheriff's Duties” Act, 1886” (Wet No. 17 van 1886), van die Kaap die Goeie Hoop, en van enige ander wet betreffende die Balju van die Provinsie die Kaap die Goeie Hoop word, vir sover hulle van toepassing is met betrekking tot die regsgebied van die Oos-Kaapse Afdeling van die Hooggeregshof van Suid-Afrika, vanaf die inwerkingtreding van hierdie artikel uitgelê asof hulle net van toepassing is met betrekking tot die Balju van die Oos-Kaapse Afdeling van bedoelde Hooggeregshof.

Toepassing van sekere wette op Balju van Oos-Kaapse Afdeling van Hooggeregshof.

(2) Die bepalings van enige wet of reël in verband met die Adjunk-balju van die Distrik Albany word, vanaf bedoelde inwerkingtreding, uitgelê as van toepassing met betrekking tot die Balju van die Oos-Kaapse Afdeling van bedoelde Hooggeregshof.

5. (1) Niemand mag op enige wyse die naam, adres, skool of werkplek van 'n persoon onder die ouderdom van negentien jaar wat 'n party by 'n siviele geding of 'n getuie in enige regsgeding van watter aard ook al is of was, of enige ander inligting wat so 'n persoon se identiteit waarskynlik aan die lig sal bring, publiseer of bekend maak nie, tensy die regter, magistraat of ander amptenaar wat by so 'n geding voorsit of voorgesit het, na raadpleging met 'n ouer of voog, indien enige, van so 'n persoon, skriftelik tot sodanige publikasie of bekendmaking toestem.

Inligting betreffende identiteit van kinders betrokke by regsgedinge mag nie gepubliseer word nie.

(2) Iemand wat sub-artikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en sodanige gevangenisstraf.

6. (1) Artikel twee van die Algemene Regswysigingswet, 1956, is nie van toepassing nie ten opsigte van grond wat deel uitmaak van die plaas Alexanderfontein of die plaas Bultfontein in die distrik Kimberley en wat besit word kragtens 'n huurkontrak of lisensie geregistreer in die kantoor van „De Beers Consolidated Mines Limited” of die kantoor van die Stadsclerk van Kimberley, tot die dag waarop titelbewys van bedoelde grond by 'n akteskantoor geregistreer word of die eerste dag van Januarie 1962, watter dag ook al die vroegste is.

Artikel 2 van Wet 50 van 1956 nie ten opsigte van sekere grond van toepassing nie.

(2) Sub-artikel (1) word geag op die twee-en-twintigste dag van Junie 1956 in werking te getree het.

7. (1) Vanaf die inwerkingtreding van hierdie artikel word 'n verwysing in die Afrikaanse of Hollandse teks van enige wet of dokument na die ampstitel—

Erkenning van ampstitel „landdros”, en wysiging van sekere wette.

- (a) van magistraat of addisionele magistraat of assistent-magistraat uitgelê as behelsende ook 'n verwysing onderskeidelik na die ampstitel van landdros of addisionele landdros of assistent-landdros; en

- (b) van landdros of addisionele landdros of assistent-landdros uitgelê as behelsende ook 'n verwysing onderskeidelik na die ampstitel van magistraat, addisionele magistraat of assistent-magistraat,

en word 'n verwysing in so 'n wet of dokument na die bekleër van 'n amp wat deur so 'n titel aangedui word of na die distrik of sub-distrik of ampsetel van daardie bekleër of die hof van daardie distrik of sub-distrik of die regsgebied van die hof wat vir daardie distrik of sub-distrik ingestel is of 'n bevel of uitspraak wat deur daardie bekleër gegee is of na enige ander aanleentheid wat op bedoelde amp of die bekleër daarvan of op so 'n distrik, sub-distrik, ampsetel, hof of gebied betrekking het, dienoreenkomstig uitgelê.

- (2) (a) Artikel honderd-en-sewentien van die Magistraatshoewet, 1944 (Wet No. 32 van 1944), word hierby gewysig deur die woord „Magistraatshoewet” deur die woorde „Wet op Landdroshowe” te vervang.

- (b) Artikel drie-en-dertig van die Wysigingswet op Magistraatshowe, 1952 (Wet No. 40 van 1952), en artikel

four of the Magistrates' Courts Amendment Act, 1954 (Act No. 14 of 1954), are hereby amended by the substitution in the Afrikaans version for the word "Magistraatshowe" of the word "Landdros-howe".

Insertion of section 2*bis* in Law 46 of 1887 (Natal).

8. The following section is hereby inserted after section two of Law No. 46 of 1887 of Natal:

"2*bis*. In this Law and in the Schedules the expression 'Resident Magistrate' shall include an additional magistrate, an assistant magistrate, a native commissioner, an additional native commissioner and an assistant native commissioner appointed as such under any law in respect of the area in question."

Amendment of section 24 of Proclamation 14 of 1902 (Transvaal).

9. Section *twenty-four* of the Administration of Justice Proclamation, 1902, of the Transvaal is hereby amended by the substitution for the words "Johannesburg: The boundaries and limits of the area within which the said Court shall have jurisdiction shall be defined by notice in the *Gazette* by the Governor, and may from time to time be altered as occasion may require" of the words "the districts of Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Krugersdorp, Nigel, Randfontein, Roodepoort and Springs: Provided that the Governor-General may by proclamation in the *Gazette* exclude from the area of jurisdiction of the said Court any area included therein in terms of this section, or include therein any additional area".

Amendment of section 27 of Proclamation 14 of 1902 (Transvaal).

10. Section *twenty-seven* of the Administration of Justice Proclamation, 1902, of the Transvaal is hereby amended by the substitution for the words "the district in which it may be holden" of the words "its area of jurisdiction".

Amendment of section 2 of Ordinance 2 of 1902 (Transvaal).

11. Section *two* of the Establishment of the Supreme Court and High Court Ordinance, 1902, of the Transvaal is hereby amended by the substitution for the words "district of Witwatersrand" of the words "area set out in section *twenty-four* of the Administration of Justice Proclamation, 1902 (Proclamation No. 14 of 1902) of the Transvaal, as amended from time to time by the Governor-General in terms of that section".

Amendment of section 1 of Ordinance 10 of 1903 (Transvaal), as amended by section 1 of Act 14 of 1909 (Transvaal).

12. Section *one* of the Superior Courts Criminal Jurisdiction Ordinance, 1903, of the Transvaal is hereby amended by the substitution for the words "Johannesburg, Boksburg, Germiston and Krugersdorp" of the words "Boksburg, Germiston, Johannesburg, Kempton Park, Krugersdorp, Randfontein and Roodepoort: Provided that the Governor-General may by proclamation in the *Gazette* exclude from the area of jurisdiction of the said Court any area included therein in terms of this section, or include therein any additional area".

Amendment of section 97 of the South Africa Act, 1909, as substituted by section 1 of Act 41 of 1941 and amended by section 7 of Act 50 of 1956.

13. The following section is hereby substituted for section *ninety-seven* of the South Africa Act, 1909:

"Appoint-
ment of
acting
judges.

97. (1) Whenever it is for any reason expedient that a person be appointed to act as a judge of any division of the Supreme Court of South Africa in the place of any judge of that division or in addition to the judges of that division or in any vacancy in that division, the Governor-General may appoint some fit and proper person so to act either during his pleasure or for a specified period.

(2) The Minister of Justice may in the circumstances mentioned in sub-section (1) appoint some fit and proper person to act as provided in that sub-section for a period not exceeding one month.

(3) No person other than a judge or former judge of the said Supreme Court shall be appointed to act as the Chief Justice of South Africa or as a judge of appeal.

(4) Any appointment made under sub-section (1) or (2) shall be deemed to have been made also in respect of any period during which the person appointed is necessarily engaged in connection with the disposal of any proceedings in which he took part and which have not been finally disposed of at the termination of the period for which he was appointed or, having been disposed of either before or after such termination, are subsequently reopened."

vier van die Wysigingswet op Magistraatshoue, 1954 (Wet No. 14 van 1954), word hierby gewysig deur die woord „Magistraatshoue” deur die woord „Landdros-houe” te vervang.

8. Die volgende artikel word hierby na artikel twee van Wet No. 46 van 1887, van Natal, ingevoeg:

„2bis. In this Law and in the Schedules the expression ‘Resident Magistrate’ shall include an additional magistrate, an assistant magistrate, a native commissioner, an additional native commissioner and an assistant native commissioner appointed as such under any law in respect of the area in question.”

Invoeging van artikel 2bis in Wet 46 van 1887 (Natal).

9. Artikel vier-en-twintig van die „Administration of Justice Proclamation, 1902”, van Transvaal, word hierby gewysig deur die woorde „Johannesburg: The boundaries and limits of the area within which the said Court shall have jurisdiction shall be defined by notice in the *Gazette* by the Governor, and may from time to time be altered as occasion may require” deur die woorde „the districts of Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Krugersdorp, Nigel, Randfontein, Roodepoort and Springs: Provided that the Governor-General may by proclamation in the *Gazette* exclude from the area of jurisdiction of the said Court any area included therein in terms of this section, or include therein any additional area” te vervang.

Wysiging van artikel 24 van Proklamasie 14 van 1902 (Transvaal).

10. Artikel sewe-en-twintig van die „Administration of Justice Proclamation, 1902”, van Transvaal, word hierby gewysig deur die woorde „the district in which it may be holden” deur die woorde „its area of jurisdiction” te vervang.

Wysiging van artikel 27 van Proklamasie 14 van 1902 (Transvaal).

11. Artikel twee van die „Establishment of the Supreme Court and High Court Ordinance, 1902”, van Transvaal, word hierby gewysig deur die woorde „district of Witwatersrand” deur die woorde „area set out in section twenty-four of the Administration of Justice Proclamation, 1902 (Proclamation No. 14 of 1902) of the Transvaal, as amended from time to time by the Governor-General in terms of that section” te vervang.

Wysiging van artikel 2 van Ordonnansie 2 van 1902 (Transvaal).

12. Artikel een van die „Superior Courts Criminal Jurisdiction Ordinance, 1903”, van Transvaal, word hierby gewysig deur die woorde „Johannesburg, Boksburg, Germiston and Krugersdorp” deur die woorde „Boksburg, Germiston, Johannesburg, Kempton Park, Krugersdorp, Randfontein and Roodepoort: Provided that the Governor-General may by proclamation in the *Gazette* exclude from the area of jurisdiction of the said Court any area included therein in terms of this section, or include therein any additional area” te vervang.

Wysiging van artikel 1 van Ordonnansie 10 van 1903 (Transvaal), soos gewysig deur artikel 1 van Wet 14 van 1909 (Transvaal).

13. Artikel sewe-en-negentig van die „Zuid-Afrika Wet, 1909”, word hierby deur die volgende artikel vervang:

„Aanstel-
ling van
waarne-
mende
rechters.

97. (1) Wanneer het om de een of andere reden raadzaam mocht zijn dat een persoon aangesteld worde om als een rechter van een afdeling van het Hooggerechtshof van Zuid-Afrika op te treden in plaats van een rechter van die afdeling of benevens de rechters van die afdeling of in een vakature in die afdeling, kan de Goeverneur-generaal een geschikte persoon aanstellen om voor zolang het hem behaagt of voor een bepaald tijdperk aldus op te treden.

(2) De Minister van Justitie kan in de omstandigheden in sub-artikel (1) genoemd een geschikte persoon aanstellen om voor een tijdperk van hoogstens een maand zoals in dat sub-artikel bepaald, op te treden.

(3) Niemand anders dan een rechter of oud-rechter van voormeld Hooggerechtshof wordt aangesteld om als Hoofdrechter van Zuid-Afrika of als rechter van appèl op te treden.

(4) Een aanstelling krachtens sub-artikel (1) of (2) gemaakt, wordt geacht gemaakt te zijn ook ten aanzien van enig tijdperk gedurende hetwelk de aangestelde persoon zich noodzakerlikerwijze bezig houdt in verband met de afhandeling van verrichtingen waaraan hij deel nam die niet bij de beëindiging van het tijdperk waarvoor hij aangesteld was, finaal afgehandeld zijn of voor of na zodanige beëindiging afgehandeld waren en daarna heropend worden.”

Wysiging van artikel 97 van die „Zuid-Afrika Wet, 1909”, soos vervang deur artikel 1 van Wet 41 van 1941 en gewysig deur artikel 7 van Wet 50 van 1956.

Amendment of section 100 of the South Africa Act, 1909, as amended by section 2 of Act 12 of 1920.

14. Section *one hundred* of the South Africa Act, 1909, is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

"(2) If any person appointed under section *ninety-seven* to act as a judge, is appointed as a judge under sub-section (1) of this section before the termination of his appointment so to act, the appointment may be made with retrospective effect from a date not earlier than the date with effect from which he was appointed so to act."

Amendment of section 2 of Act 24 of 1913, as amended by section 8 of Act 62 of 1955.

15. Section *two* of the Administration of Estates Act, 1913, is hereby amended—

- (a) by the substitution in the definition of "Master" for the word "Province" of the word "area"; and
- (b) by the insertion in the definition of "State" after the words "British Possession" of the words "and any Territory in respect of which a proclamation has been issued under section *forty*".

Substitution of sections 4 and 5 of Act 24 of 1913, as amended by section 9 of Act 62 of 1955.

16. The following sections are hereby substituted for sections *four* and *five* of the Administration of Estates Act, 1913:

"Appointment of masters and assistant masters.

4. (1) Subject to the laws governing the public service, the Minister shall, in respect of the area of jurisdiction of each provincial division of the Supreme Court appoint a master of the Supreme Court, and may, in respect of each such area, or any portion thereof specified by the Minister, appoint one or more assistant masters of the Supreme Court, who may, in respect of such area or such specified portion, but subject to the control, direction and supervision of the master of that area, do anything which may lawfully be done by that master.

(2) Any person who at the commencement of this section holds office as master or assistant master of the Supreme Court in respect of the area of jurisdiction of any provincial division of the Supreme Court or any specified portion thereof, shall, except in the case of the Master and the Assistant Master of the Cape of Good Hope Provincial Division of the Supreme Court in regard to the area of jurisdiction of the Eastern Cape Division of the Supreme Court, be deemed to have been appointed as such under this section in respect of such area or such specified portion.

Seat of office of master and assistant master.

5. (1) A master or an assistant master shall have his office at the seat of the provincial division of the Supreme Court in respect of whose area of jurisdiction he has been appointed or in the case of an assistant master appointed in respect of a specified portion of the area of jurisdiction of a provincial division, at a place determined by the Minister within such specified portion.

(2) The assistant master who, at the commencement of this section, has his office at Kimberley, shall be deemed to have his office there in pursuance of a determination by the Minister under sub-section (1) and the area of jurisdiction of the Griqualand West Local Division of the Supreme Court shall be deemed to be a portion of a provincial division of the Supreme Court specified by the Minister and in respect of which the said assistant master has been appointed."

Amendment of section 6 of Act 24 of 1913.

17. Section *six* of the Administration of Estates Act, 1913, is hereby amended by the substitution for the word "Province" wherever it occurs of the word "area".

Amendment of section 40 of Act 24 of 1913.

18. (1) Section *forty* of the Administration of Estates Act, 1913, is hereby amended by the substitution for the word "State" wherever it occurs of the word "Territory".

(2) Any proclamation issued under section *forty* of the Administration of Estates Act, 1913, before the commencement of this section, shall be deemed to have been issued under that section as amended by sub-section (1) of this section.

Insertion of section 41bis in Act 24 of 1913.

19. The following section is hereby inserted in the Administration of Estates Act, 1913, after section *forty-one*:

"Recognition of foreign trustees.

41bis. (1) Whenever a duly authenticated and certified copy of the will of a deceased person which has been lodged in any State is deposited

14. Artikel *honderd* van die „Zuid-Afrika Wet, 1909”, word hierby gewysig deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

Wysiging van artikel 100 van die „Zuid-Afrika Wet, 1909”, soos gewysig deur artikel 2 van Wet 12 van 1920.

„(2) Indien een persoon die krachters artikel *zeven en negentig* aangesteld is om als rechter op te treden, krachters sub-artikel (1) van dit artikel als een rechter aangesteld word voor de beëindiging van zijn aanstelling om aldus op te treden, kan de aanstelling geschieden met terugwerkende kracht vanaf een datum niet vroeger dan de datum waarop hij aangesteld werd aldus op te treden.”

15. Artikel *twee* van die „Boedelwet, 1913”, word hierby gewysig—

Wysiging van artikel 2 van Wet 24 van 1913, soos gewysig deur artikel 8 van Wet 62 van 1955.

(a) deur in die omskrywing van „Meester” die woord „Provincie” deur die woord „gebied” te vervang; en
(b) deur in die omskrywing van „Staat” na die woord „Bezittingen” die woorde „en een Gebied ten aanzien waarvan een proklamatie krachters artikel *veertig* uitgereikt is” in te voeg.

16. Artikels *vier en vyf* van die „Boedelwet, 1913” word hierby deur die volgende artikels vervang:

Vervanging van artikels 4 en 5 van Wet 24 van 1913, soos gewysig deur artikel 9 van Wet 62 van 1955.

„Aanstelling van meesters en assistent-meesters.

4. (1) De Minister moet met inachtneming van de wetsbepalingen op de staatsdienst, voor het rechtsgebied van iedere provinciale afdeling van het Hooggerechtshof een meester van het Hooggerechtshof aanstellen, en kan voor ieder zodanig gebied of een gedeelte daarvan door de Minister bepaald, een of meer assistent-meesters van het Hooggerechtshof aanstellen die ten aanzien van zodanig gebied of zodanig bepaald gedeelte, maar onderworpen aan de voorschriften en onder de toezicht en de controle van de meester van dat gebied, enigiets kan doen die wettiglik door die meester gedaan kan worden.

(2) Ieder die bij de inwerkingtreding van dit artikel het ambt van meester of assistent-meester van het Hooggerechtshof ten aanzien van het rechtsgebied van een provinciale afdeling van het Hooggerechtshof of een bepaald gedeelte daarvan bekleedt, wordt, behalve in het geval van de Meester en de Assistent-meester van de Kaap de Goede Hoop Provinciale Afdeling van het Hooggerechtshof ten aanzien van het rechtsgebied van de Oost-Kaapse Afdeling van het Hooggerechtshof, geacht krachters dit artikel ten aanzien van zodanig gebied of zodanig bepaald gedeelte als zulks aangesteld te zijn.

Ambtsetel van meester en assistent-meester.

5. (1) Een meester of een assistent-meester heeft zijn kantoor ter plaatse van de zetel van de provinciale afdeling van het Hooggerechtshof voor wiens rechtsgebied hij aangesteld is, of in het geval van een assistent-meester voor een bepaald gedeelte van het rechtsgebied van een provinciale afdeling aangesteld, bij een plaats door de Minister binnen zodanig bepaald gedeelte vastgesteld.

(2) De assistent-meester die bij de inwerkingtreding van dit artikel zijn kantoor te Kimberley heeft, wordt geacht ingevolge een bepaling door de Minister krachters sub-artikel (1) zijn kantoor aldaar te hebben, en het rechtsgebied van de Grikwaland-west Plaatselijke Afdeling van het Hooggerechtshof word geacht een door de Minister bepaald gedeelte van een provinciale afdeling van het Hooggerechtshof ten aanzien waarvan bedoelde assistent-meester aangesteld is, te zijn.”

17. Artikel *ses* van die „Boedelwet, 1913”, word hierby gewysig deur die woord „Provincie” oral waar dit voorkom deur die woord „gebied” te vervang.

Wysiging van artikel 6 van Wet 24 van 1913.

18. (1) Artikel *veertig* van die „Boedelwet, 1913”, word hierby gewysig deur die woord „Staat” oral waar dit voorkom, deur die woord „Gebied” te vervang.

Wysiging van artikel 40 van Wet 24 van 1913.

(2) Enige proklamasie kragtens artikel *veertig* van die „Boedelwet, 1913” uitgereik voor die inwerkingtreding van hierdie artikel, word geag kragtens daardie artikel soos deur sub-artikel (1) van hierdie artikel gewysig, uitgereik te wees.

19. Die volgende artikel word hierby na artikel *een-en-veertig* in die „Boedelwet, 1913” ingevoeg:

Invoeging van artikel 41bis in Wet 24 van 1913.

„Erkenning van vreemde trusteers.

41bis. (1) Wanneer een behoorlik gewaarmerkt en gecertificeerd afschrift van het testament van een overledene, dat in enige Staat ingediend is, aan een

with a Master and the will settles property within the Union upon any person (in this section referred to as a trustee) to be administered by him for the benefit of any other person, the Master may, subject to the provisions of sub-section (2), and if satisfied that the will has been duly proved and accepted as a valid testamentary disposition in that State, endorse such copy under his seal of office and thereupon such copy shall be sufficient recognition of the appointment of that trustee for the purpose of claiming any property within the Union which he is required in terms of the will to administer.

(2) The trustee shall choose *domicilium citandi et executandi* within the Union and furnish security to the satisfaction of the Master for the due and faithful administration of the estate to which he has been appointed, unless the will directs that such security is to be dispensed with or the Master is satisfied that such security should be dispensed with or the court otherwise directs."

Amendment of
section 104 of
Act 24 of 1913.

20. Section *one hundred and four* of the Administration of Estates Act, 1913, is hereby amended by the substitution for the words "of the Province in which" of the words "in whose area of jurisdiction" and for the words "that Province or otherwise within the jurisdiction of the Court of that Province" of the words "the jurisdiction of the Court concerned".

Pending matters
emanating from
Eastern Cape
Division.

21. The amendments effected by paragraph (a) of section *fifteen*, and sections *sixteen*, *seventeen* and *twenty* shall not affect any matter arising under the Administration of Estates Act, 1913 (Act No. 24 of 1913), the Insolvency Act, 1936 (Act No. 24 of 1936) or any other law which emanated from the area of jurisdiction of the Eastern Cape Division of the Supreme Court and which was brought up for consideration in the office of the Master of the Cape of Good Hope Provincial Division of the Supreme Court before the date of commencement of the said paragraph and the said sections and such matter shall be proceeded with and disposed of as if the said paragraph and the said sections had not been passed.

Amendment of
section 1 of
Act 16 of 1914,
as amended by
section 2 of
Act 54 of 1949.

22. Section *one* of the Justices of the Peace and Oaths Act, 1914, is hereby amended by the substitution in sub-section (1) for the words "described by notice in the *Gazette*" of the words "fixed by the said Minister".

Amendment of
section 2 of
Act 16 of 1914,
as amended by
section 3 of
Act 54 of 1949.

23. Section *two* of the Justices of the Peace and Oaths Act, 1914, is hereby amended by the deletion of sub-section (2).

Amendment of
section 6 of
Act 16 of 1914,
as amended by
section 3 of
Act 54 of 1949.

24. Section *six* of the Justices of the Peace and Oaths Act, 1914, is hereby amended by the deletion in sub-section (1) of all the words after the word "Justice" where it occurs for the second time.

Amendment of
section 8 of
Act 16 of 1914,
as amended by
section 1 of
Act 21 of 1953.

25. Section *eight* of the Justices of the Peace and Oaths Act, 1914, is hereby amended by the deletion of the words occurring after the words "attested declaration" where those words occur for the first time, but excluding the proviso thereto, and the addition at the end of the said proviso of the words "or if he has reason to believe that the person concerned is unwilling to make such affidavit or declaration".

Amendment of
section 1 of
Act 15 of 1923.

26. Section *one* of the Maintenance Orders Act, 1923, is hereby amended—

(a) by the addition after paragraph (d) of the following paragraph:

"(e) any other country or territory determined by the Governor-General by proclamation in the *Gazette*";

(b) by the insertion after the words "or in such territory" of the words "or in such country"; and

(c) by the substitution for the words "part or territory" wherever those words occur of the words "part, territory or country".

Meester overgelegd word en het testament goederen binne de Unie aan een persoon (hieronder een trustee genoem) bemaakt om door hem ten bate van een andere persoon beheerd te word, kan de Meester, behoudens de bepalingen van sub-artikel (2), en indien hij oortuigd is dat het testament behoortik als een geldige testamentêre beskikking in die Staat bewezen en aangenomen is, het afschrift endosseren en van zijn amtszegel voorzien en daarna is dat afschrift genoegzaam erkenning van de aanstelling van de trustee voor het doel enige goederen binne de Unie te eisen die hij krachters het testament moet beheren.

(2) De trustee kiest *domicilium citandi et executandi* binne de Unie en verschaft zekerheidstelling tot bevrediging van de Meester voor het behoortik en getrouw beheer van de boedel waartoe hij aangesteld is, tensij het testament gelast dat van die zekerheidstelling afgezien moet word of de Meester oortuigd is dat van die zekerheidstelling afgezien moet word of het hof anders beveelt.”.

20. Artikel *honderd-en-vier* van die „Boedelwet, 1913”, word hierby gewysig deur die woorde „in het Hof van de Provincie te verantwoord, waar” deur die woorde „te verantwoord in het Hof in wiens rechtsgebied” en die woorde „Provincie of binne het rechtsgebied van het Hof van die Provinsie” deur die woorde „het rechtsgebied van het betrokken Hof” te vervang.

Wysiging van artikel 104 van Wet 24 van 1913.

21. Die wysigings deur paragraaf (a) van artikel *vyftien*, en artikels *sestien*, *sewentien* en *twintig* aangebring, raak geen aangeleentheid wat ontstaan ingevolge die „Boedelwet, 1913” (Wet No. 24 van 1913), die Insolvensiewet, 1936 (Wet No. 24 van 1936) of enige ander wet en uit die regsgebied van die Oos-Kaapse Afdeling van die Hooggeregshof afkomstig is en voor die datum van inwerkingtreding van bedoelde paragraaf en bedoelde artikels by die kantoor van die Meester van die Kaap die Goeie Hoop Provinsiale Afdeling van die Hooggeregshof aanhangig gemaak is nie, en so ’n aangeleentheid word voortgesit en afgehandel asof bedoelde paragraaf en bedoelde artikels nie aangeneem was nie.

Onafgehandelde aangeleentheid afkomstig van Oos-Kaapse Afdeling.

22. Artikel *een* van die „Wet op Vrederechters en Eden, 1914”, word hierby gewysig deur in sub-artikel (1) die woorde „bij kennisgeving in de *Staatskoerant* omschreven” deur die woorde „door genoemde Minister bepaalde” te vervang.

Wysiging van artikel 1 van Wet 16 van 1914, soos gewysig deur artikel 2 van Wet 54 van 1949.

23. Artikel *twee* van die „Wet op Vrederechters en Eden, 1914”, word hierby gewysig deur sub-artikel (2) te skrap.

Wysiging van artikel 2 van Wet 16 van 1914, soos gewysig deur artikel 3 van Wet 54 van 1949.

24. Artikel *ses* van die „Wet op Vrederechters en Eden, 1914”, word hierby gewysig deur in sub-artikel (1) al die woorde na die woord „behaagt” te skrap.

Wysiging van artikel 6 van Wet 16 van 1914, soos gewysig deur artikel 3 van Wet 54 van 1949.

25. Artikel *agt* van die „Wet op Vrederechters en Eden, 1914”, word hierby gewysig deur die woorde wat na die woorde „verklaring afnemen” voorkom, maar met uitsondering van die voorbehoudsbepaling, te skrap, en aan die end van bedoelde voorbehoudsbepaling die woorde „of indien hij reden heeft te vermoeden dat de betrokken persoon onwillig is die beëdigde verklaring of verklaring af te leggen” by te voeg.

Wysiging van artikel 8 van Wet 16 van 1914, soos gewysig deur artikel 1 van Wet 21 van 1953.

26. Artikel *een* van die „Onderhoudsvonnissen Wet, 1923”, word hierby gewysig—

Wysiging van artikel 1 van Wet 15 van 1923.

(a) deur na paragraaf (d) die volgende paragraaf by te voeg:
„(e) enig ander land of gewest door de Goeverneur-generaal bij proklamatie in de *Staatskoerant* bepaald.”;

(b) deur na die woorde „of in zodanig gewest” die woorde „of in zodanig land” in te voeg; en

(c) deur die woorde „deel of gewest” oral waar daardie woorde voorkom deur die woorde „deel, gewest of land” te vervang.

Amendment of long title of Act 15 of 1923.

27. The long title of the Maintenance Orders Act, 1923, is hereby amended by the insertion after the word "territories" of the words "or other proclaimed countries".

Insertion of section 13bis in Act 26 of 1923.

28. The following section is hereby inserted in the Stock Theft Act, 1923, after section *thirteen*:

"Provisions of Act may be made applicable in respect of farm produce not mentioned in definition of produce. 13bis. (1) The Minister may by notice in the *Gazette* declare that any or all of the provisions of this Act relating to produce shall also apply, either generally or in any area specified in the notice or any area other than an area so specified, in respect of any such class of farm produce not mentioned in the definition of 'produce' in section *thirteen* as is specified in the notice.

(2) The Minister may in like manner amend or repeal any such notice."

Amendment of section 62 *quat* of Act 46 of 1926, as inserted by section 34 of Act 46 of 1952.

29. Section *sixty-two quat* of the Companies Act, 1926, is hereby amended by the addition at the end of paragraph (a) of sub-section (6) of the following proviso:

"Provided that for the purposes of this paragraph preference shares shall not be construed to include preference shares to which voting rights, other than voting rights referred to in paragraph (a) of sub-section (4), are attached;"

Amendment of section 136 of Act 46 of 1926, as amended by section 80 of Act 23 of 1939.

30. Section *one hundred and thirty-six* of the Companies Act, 1926, is hereby amended by the substitution in the Afrikaans version of sub-section (1) for the word "of" where it occurs for the first time of the word "en" and the insertion in the said sub-section after the word "situate" of the words "or, if such registered office is situated in a portion of such district in respect of which an additional or assistant magistrate permanently performs the functions of the magistracy of the district at a place other than the seat of magistracy of that district, at the office of such additional or assistant magistrate".

Amendment of section 177 of Act 46 of 1926, as amended by section 99 of Act 23 of 1939.

31. Section *one hundred and seventy-seven* of the Companies Act, 1926, is hereby amended by the insertion after the word "and" where it occurs for the second time of the words "(subject to the provisions of paragraph (b) of sub-section (1) *ter* of section *one hundred and ninety-seven B*)".

Amendment of section 177B of Act 46 of 1926, as amended by section 3 of Act 11 of 1932, section 106 of Act 23 of 1939 and section 115 of Act 46 of 1952.

32. Section *one hundred and ninety-seven B* of the Companies Act, 1926, is hereby amended by the addition to sub-section (1) *ter* of the following paragraph, the existing sub-section becoming paragraph (a):

"(b) If such judicial management order is superseded by a winding-up order, the preference conferred upon any liability in terms of paragraph (a) shall remain in force except in so far as claims arising out of the costs of the winding-up are concerned."

Amendment of section 2 of Act 28 of 1937, as amended by section 15 of Act 32 of 1952 and section 1 of Act 2 of 1956.

33. Section *two* of the Arms and Ammunition Act, 1937, is hereby amended by the deletion in sub-section (9) of the words "but not exceeding a period of six months as from the date of importation of such arm".

Amendment of section 30 of Act 28 of 1937, as amended by section 5 of Act 2 of 1956.

34. Section *thirty* of the Arms and Ammunition Act, 1937, is hereby amended—

(a) by the substitution for paragraph (i) of the following paragraphs:

"(i) In the case of a contravention of or failure to comply with any provision of section *one*, to imprisonment without the option of a fine for a period not exceeding ten years;

(i) *bis* in the case of a contravention of or failure to comply with any provision of section *two*, *four*, *fifteen*, *twenty-three*, *twenty-five* or *twenty-five bis* or a proclamation issued under section *twenty-six* or *twenty-eight*, or in the case of an offence mentioned in paragraph (a), (b), (f) or (g), upon a first conviction, to a fine not exceeding four hundred pounds or to imprisonment for a period not exceeding two years, or to both such fine and

27. Die lang titel van die „Onderhoudsvonnissen Wet, 1923”, word hierby gewysig deur na die woord „mandaat-gewesten” die woorde „of ander geproklameerde landen” in te voeg.

Wysiging van lang titel van Wet 15 van 1923.

28. Die volgende artikel word hierby in die „Veediefstal Wet, 1923” na artikel *dertien* ingevoeg:

Invoeging van artikel 13bis in Wet 26 van 1923.

„Bepalingen van Wet 13bis. (1) De Minister kan bij kennisgeving in de *Staatskoerant* verklaren dat enige van of al de bepalingen van deze Wet betreffende produkten ook van toepassing zijn, of in het algemeen of in een in de kennisgeving bepaald gebied of een ander gebied als een aldus bepaald gebied, ten aanzien van een klasse boerderij produkten in de kennisgeving vermeld, die niet in de omschrijving van „produkten” in artikel *dertien* genoemd wordt. (2) De Minister kan op dergelijke wijze zulk een kennisgeving wijzigen of herroepen.”

29. Artikel *twee-en-sestig* *quat* van die Maatskappywet, 1926, word hierby gewysig deur die volgende voorbehoudsbepaling aan die end van paragraaf (a) van sub-artikel (6) by te voeg:

Wysiging van artikel 62 *quat* van Wet 46 van 1926, soos ingevoeg deur artikel 34 van Wet 46 van 1952.

„Met dien verstande dat voorkeur-aandeel vir doeleindes van hierdie paragraaf nie so uitgelê word nie dat dit voorkeur-aandeel insluit waaraan stemregte, behalwe stemregte waarna in paragraaf (a) van sub-artikel (4) verwys word, verbonde is;”

30. Artikel *honderd ses-en-dertig* van die Maatskappywet, 1926, word hierby gewysig deur in sub-artikel (1) die woord „of” waar dit die eerste maal voorkom deur die woord „en” te vervang en in genoemde sub-artikel na die woorde „maatskappy geleë is” die woorde „of, as die geregistreerde kantoor geleë is in ’n deel van die distrik ten opsigte waarvan ’n addisionele of assistent-magistraat permanent op ’n ander plek as die magistraatsetel van die distrik die werksaamhede van die magistraat van die distrik verrig, op die kantoor van sodanige addisionele of assistent-magistraat” in te voeg.

Wysiging van artikel 136 van Wet 46 van 1926, soos gewysig deur artikel 80 van Wet 23 van 1939.

31. Artikel *honderd sewe-en-sewentig* van die Maatskappywet, 1926, word hierby gewysig deur na die woord „en” waar dit die tweede maal voorkom, die woorde „(behoudens die bepalingen van paragraaf (b) van sub-artikel (1) *ter* van artikel *honderd sewe-en-negentig* B)” in te voeg.

Wysiging van artikel 177 van Wet 46 van 1926, soos gewysig deur artikel 99 van Wet 23 van 1939.

32. Artikel *honderd sewe-en-negentig* B van die Maatskappywet, 1926, word hierby gewysig deur die volgende paragraaf by sub-artikel (1) *ter* te voeg, terwyl die bestaande sub-artikel paragraaf (a) word:

Wysiging van artikel 197B van Wet 46 van 1926, soos gewysig deur artikel 3 van Wet 11 van 1932, artikel 106 van Wet 23 van 1939 en artikel 115 van Wet 46 van 1952.

„(b) Indien so ’n geregtelike bestuursorder deur ’n likwidasië-order vervang word, bly die voorkeur wat ingevolge paragraaf (a) aan enige skuld verleen is van krag behalwe wat betref vorderings wat voortspuit uit die koste van die likwidasië-order.”

33. Artikel *twee* van die Wapens- en Ammunisiewet, 1937, word hierby gewysig deur in sub-artikel (9) die woorde „dog nie langer nie as ses maande vanaf die datum van invoer van sodanige wapen” te skrap.

Wysiging van artikel 2 van Wet 28 van 1937, soos gewysig deur artikel 15 van Wet 32 van 1952 en artikel 1 van Wet 2 van 1956.

34. Artikel *dertig* van die Wapens- en Ammunisiewet, 1937, word hierby gewysig—

Wysiging van artikel 30 van Wet 28 van 1937, soos gewysig deur artikel 5 van Wet 2 van 1956.

(a) deur paragraaf (i) deur die volgende paragrawe te vervang:

„(i) Weens ’n oortreding van of versuim om te voldoen aan ’n bepaling van artikel *een*, met gevangenisstraf sonder die keuse van ’n boete vir ’n tydperk van hoogstens tien jaar;

(i)bis weens ’n oortreding van of versuim om te voldoen aan ’n bepaling van artikel *twee*, *vier*, *vyftien*, *drie-en-twintig*, *vyf-en-twintig* of *vyf-en-twintig bis* of ’n proklamasie kragtens artikel *ses-en-twintig* of *agt-en-twintig* uitgevaardig, of weens ’n in paragraaf (a), (b), (f) of (g) bedoelde misdryf, by ’n eerste veroordeling, met ’n boete van hoogstens vierhonderd pond of met gevangenisstraf vir ’n tydperk van hoogstens twee jaar,

such imprisonment, and upon a second or subsequent conviction, to imprisonment without the option of a fine for a period not exceeding three years: Provided that if the person concerned is convicted of a contravention—

(aa) of sub-section (1) of section *twenty-three*, and the evidence establishes that he supplied the arm or ammunition in question to a person other than a European or to a company of which any director or the manager or the secretary is not a European; or

(bb) of sub-section (1) of section *four* or sub-section (2) of section *twenty-three*, and the number of arms, excluding arms designed to discharge any cartridge loaded with a bullet of a reputed diameter of .22 of an inch or less, in respect of which he is convicted exceeds one or the quantity of ammunition, excluding any cartridge loaded with a bullet of a reputed diameter of .22 of an inch or less, in respect of which he is convicted exceeds one hundred rounds and such person does not satisfy the court that such number or quantity was not in the circumstances in excess of his reasonable requirements,

such person shall be liable to imprisonment without the option of a fine for a period not exceeding ten years;”;

(b) by the deletion in paragraph (ii) of the word “*four*” and the substitution for the words “*twenty-two* or *twenty-three*” of the words “or *twenty-two*” and for the word “*fifty*” of the words “one hundred”; and

(c) by the insertion in paragraph (iii) after the expression “(i)” of the expression “(i)*bis*” and the substitution for the word “*fifty*” of the words “one hundred”.

Amendment of section 34 of Act 28 of 1937, as amended by section 6 of Act 2 of 1956.

35. Section *thirty-four* of the Arms and Ammunition Act, 1937, is hereby amended by the insertion in paragraph (a) after the word “certificates” of the words “applications, authorizations”.

Amendment of section 5 of Act 21 of 1944.

36. Section *five* of the Irrigation Districts Adjustment Act, 1944, is hereby amended by the substitution in sub-section (4) for the words occurring after the expression “(Act No. 18 of 1911)” of the words “and shall be withdrawn from the Public Debt Commissioners or be used only with the approval of the Minister and subject to such conditions as he may determine”.

Amendment of section 2 of Act 32 of 1944, as amended by section 3 of Act 40 of 1952.

37. Section *two* of the Magistrates’ Courts Act, 1944, is hereby amended by the insertion after paragraph (b) of the following paragraph:

“(b)*bis* increase or decrease the limits of any regional division;”.

Amendment of section 9 of Act 32 of 1944, as amended by section 8 of Act 40 of 1952 and section 17 of Act 50 of 1956.

38. Section *nine* of the Magistrates’ Courts Act, 1944, is hereby amended—

(a) by the insertion in sub-section (2) after the words “public service” where those words occur for the first time of the words “or any competent retired officer of the public service”; and

(b) by the insertion in sub-section (3) after the word “as” of the words “magistrate of a regional division in addition to any magistrate or acting magistrate of that division or as”.

Amendment of section 29 of Act 32 of 1944, as amended by section 13 of Act 40 of 1952.

39. Section *twenty-nine* of the Magistrates’ Courts Act, 1944, is hereby amended by the insertion after paragraph (d) of sub-section (1) of the following paragraph:

“(d)*bis* in actions on any agreement as defined in sub-section (1) of section *one* of the Hire-Purchase Act, 1942 (Act No. 36 of 1942), where the claim or the value of the property in dispute does not exceed five hundred pounds;”.

of met beide daardie boete en daardie gevangenisstraf, en by 'n tweede of latere veroordeling, met gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van hoogstens drie jaar: Met dien verstande dat as die betrokke persoon veroordeel word weens 'n oortreding—

(aa) van sub-artikel (1) van artikel *drie-en-twintig*, en die getuienis bewys dat hy die betrokke wapen of ammunisie aan 'n persoon wat nie 'n blanke is nie of aan 'n maatskappy waarvan enige direkteur of die bestuurder of die sekretaris nie 'n blanke is nie, verstrekket; of

(bb) van sub-artikel (1) van artikel *vier* of sub-artikel (2) van artikel *drie-en-twintig*, en die aantal wapens, met uitsondering van wapens wat ontwerp is om 'n patroon af te vuur wat gelaai is met 'n koeël met 'n gebruiklik aangegeve deursnee van .22 van 'n duim of minder, ten opsigte waarvan hy veroordeel is, meer as een is of die hoeveelheid ammunisie, met uitsondering van enige patroon wat gelaai is met 'n koeël met 'n gebruiklik aangegeve deursnee van .22 van 'n duim of minder, ten opsigte waarvan hy veroordeel is, meer as honderd patrone is, en bedoelde persoon oortuig nie die hof dat bedoelde aantal of hoeveelheid nie in die omstandighede meer was as sy redelike benodigdhede nie, hy strafbaar is met gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van hoogstens tien jaar;";

(b) deur in paragraaf (ii) die woord „vier” te skrap en die woorde „twee-en-twintig of drie-en-twintig” deur die woorde „of twee-en-twintig” en die woord „vyftig” deur die woord „honderd” te vervang; en

(c) deur in paragraaf (iii) na die uitdrukking „(i)” die uitdrukking „(i)bis” in te voeg en die woord „vyftig” deur die woord „honderd” te vervang.

35. Artikel *vier-en-dertig* van die Wapens- en Ammunisiewet, 1937, word hierby gewysig deur in paragraaf (a) na die woord „sertifikate” die woorde „aansoeke, magtigings” in te voeg.

Wysiging van artikel 34 van Wet 28 van 1937, soos gewysig deur artikel 6 van Wet 2 van 1956.

36. Artikel *vyf* van die Wet tot Reëling van Besproeiingsdistrikte, 1944, word hierby gewysig deur in sub-artikel (4) die woorde wat na die woorde „te wees” voorkom deur die woorde „en word onttrek aan die Openbare Skuldkommissaris se of gebruik slegs met goedkeuring van die Minister en onderworpe aan sodanige voorwaardes as wat hy bepaal” te vervang.

Wysiging van artikel 5 van Wet 21 van 1944.

37. Artikel *twee* van die Wet op Landdroshowe, 1944, word hierby gewysig deur na paragraaf (b) die volgende paragraaf in te voeg:

„(b)bis die grense van 'n streek-afdeling uitbrei of inperk;”.

Wysiging van artikel 2 van Wet 32 van 1944, soos gewysig deur artikel 3 van Wet 40 van 1952.

38. Artikel *nege* van die Wet op Landdroshowe, 1944, word hierby gewysig—

(a) deur in sub-artikel (2) na die woord „staatsdiens” die woorde „of 'n bevoegde afgetrede amptenaar van die staatsdiens” in te voeg; en

(b) deur in sub-artikel (3) na die woord „as” die woorde „magistraat van 'n streek-afdeling benewens enige magistraat of waarnemende magistraat van daardie afdeling of as” in te voeg.

Wysiging van artikel 9 van Wet 32 van 1944, soos gewysig deur artikel 8 van Wet 40 van 1952 en artikel 17 van Wet 50 van 1956.

39. Artikel *nege-en-twintig* van die Wet op Landdroshowe, 1944, word hierby gewysig deur na paragraaf (d) van sub-artikel (1) die volgende paragraaf in te voeg:

„(d)bis aksies op 'n kontrak soos omskryf in sub-artikel (1) van artikel *een* van die Wet op Huurkoop, 1942 (Wet No. 36 van 1942), wanneer die vordering of die waarde van die goed in geskil nie meer as vyfhonderd pond bedra nie;”.

Wysiging van artikel 29 van Wet 32 van 1944, soos gewysig deur artikel 13 van Wet 40 van 1952.

Amendment of
section 98 of
Act 32 of 1944.

40. Section *ninety-eight* of the Magistrates' Courts Act, 1944, is hereby amended by the insertion in sub-section (4) after the word "*ninety-six*" of the words "or in which the court of a regional division has imposed any sentence."

Amendment of
section 7 of
Act 54 of 1949,
as amended by
section 19 of
Act 13 of 1954.

41. Section *seven* of the General Law Amendment Act, 1949, is hereby amended by the substitution in paragraph (i) of sub-section (1) for the words "provinces of the Union" of the words "provincial divisions of the Supreme Court of South Africa".

Amendment of
section 19 of
Act 3 of 1952.

42. Section *nineteen* of the Radio Act, 1952, is hereby amended—

(a) by the substitution in paragraph (a) of sub-section (1) for the words "*thirteen, or seventeen*" of the words "*or thirteen*";

(b) by the insertion in the said sub-section after the words "guilty of an offence and" of the words "except as provided in sub-section (1)*bis*"; and

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

"(1)*bis* Any person who transmits by radio in contravention of section *five* or who has in his possession radio apparatus, other than a radio receiving set, in contravention of sub-section (1) of section *six* or who, having been authorized under a licence, certificate or permit issued under this Act to transmit by radio or to be in possession of radio apparatus as aforesaid, contravenes or fails to comply with any condition of such licence, certificate or permit, or who contravenes section *seventeen*, shall be liable on conviction to a fine not exceeding three hundred pounds or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment, and the court convicting such person may in addition make any of the orders referred to in sub-paragraph (i), (ii) or (iii) of sub-section (1) of this section."

Amendment of
section 1 of
Act 23 of 1955,
as amended by
section 21 of
Act 50 of 1956.

43. Section *one* of the Second-hand Goods Act, 1955, is hereby amended by the insertion in the definition of "dealer" after the expression "(Act No. 32 of 1925)" of the words "or of a resolution under section *thirteen* of the Finance Act, 1939 (Act No. 33 of 1939)".

Amendment of
section 14 of
Act 23 of 1955.

44. (1) Section *fourteen* of the Second-hand Goods Act, 1955, is hereby amended by the substitution for the words occurring after the word "prescribing" of the words "any matter which in terms of this Act is required or permitted to be prescribed".

(2) The amendment effected by sub-section (1) shall be deemed to have come into operation on the first day of January, 1956.

Substitution of
section 5 of
Act 56 of 1955.

45. The following section is hereby substituted for section *five* of the Criminal Procedure Act, 1955:

"Prose-
cution of
offenders
by attorney-
general
under con-
trol of
Minister.

5. (1) The Governor-General shall, subject to the laws relating to the public service, appoint, in respect of the area of jurisdiction of each provincial division of the Supreme Court of South Africa an attorney-general, who shall have authority to prosecute in the name of Her Majesty the Queen, in any court in the area in respect of which he has been appointed, any person charged with any offence in regard whereof any court in the said area has jurisdiction, and he may perform all functions relating to the exercise of that authority.

(2) The Governor-General may, by proclamation in the *Gazette*, withdraw any portion of the area for which an attorney-general has been appointed, from his authority under this Act or under any other law, and place it under the authority of the attorney-general appointed for another area, and thereupon the portion so placed under the authority of the attorney-general in question shall, for the purpose of the exercise of that authority, be deemed to form part of the original area for which he was appointed.

40. Artikel *agt-en-negentig* van die Wet op Landdroshowe, 1944, word hierby gewysig deur in sub-artikel (4) na die woorde „onderhewig is nie” die woorde „of waarin die hof van ’n streek-afdeling ’n vonnis opgelê het” in te voeg.

Wysiging van artikel 98 van Wet 32 van 1944.

41. Artikel *sewe* van die Algemene Regswysigingswet, 1949, word hierby gewysig deur in paragraaf (i) van sub-artikel (1) die woorde „provincies van die Unie” deur die woorde „provinciale afdelings van die Hooggeregshof van Suid-Afrika” te vervang.

Wysiging van artikel 7 van Wet 54 van 1949, soos gewysig deur artikel 19 van Wet 13 van 1954.

42. Artikel *negentien* van die Radiowet, 1952, word hierby gewysig—

Wysiging van artikel 19 van Wet 3 van 1952.

(a) deur in paragraaf (a) van sub-artikel (1) die woorde „dertien of sewentien” deur die woorde „of dertien” te vervang;

(b) deur in genoemde sub-artikel na die woorde „aan ’n misdryf skuldig en” die woorde „behalwe soos by sub-artikel (1)*bis* bepaal” in te voeg; en

(c) deur die volgende sub-artikel na sub-artikel (1) in te voeg:

„(1)*bis* Iemand wat in stryd met artikel vyf deur middel van radio oorsend of wat in stryd met sub-artikel (1) van artikel *ses* radio-apparaat, behalwe ’n radio-ontvangtoestel, in sy besit het of iemand, wat kragtens ’n lisensie, sertifikaat of permit ingevolge hierdie Wet uitgereik, gemagtig is om deur middel van radio oor te send of om in besit van radio-apparaat, soos voornoemd, te wees, wat enige voorwaarde van bedoelde lisensie, sertifikaat of permit oortree of in gebreke bly om daaraan te voldoen, of wat artikel *sewentien* oortree, is by skuldigbevinding strafbaar met ’n boete van hoogstens driehonderd pond of met gevangenisstraf vir ’n tydperk van hoogstens drie jaar of met beide sodanige boete en sodanige gevangenisstraf, en die hof wat bedoelde persoon skuldig vind kan verder enige van die in sub-paragraaf (i), (ii) of (iii) van sub-artikel (1) van hierdie artikel bedoelde bevels uitreik.”

43. Artikel *een* van die Wet op Tweedehandse Goed, 1955, word hierby gewysig deur in die omskrywing van „handelaar” na die uitdrukking „(Wet No. 32 van 1925)” die woorde „of van ’n besluit ingevolge artikel *dertien* van die Finansiële Wet, 1939 (Wet No. 33 van 1939)” in te voeg.

Wysiging van artikel 1 van Wet 23 van 1955, soos gewysig deur artikel 21 van Wet 50 van 1956.

44. (1) Artikel *veertien* van die Wet op Tweedehandse Goed, 1955, word hierby gewysig deur die woorde „die vorm van aansoek om ’n volgens artikel *drie* vereiste sertifikaat en die besonderhede wat met so ’n aansoek verstrekt moet word” deur die woorde „enige aangeleentheid wat kragtens hierdie Wet voorgeskryf moet of kan word” te vervang.

Wysiging van artikel 14 van Wet 23 van 1955.

(2) Die wysiging deur sub-artikel (1) aangebring, word geag op die eerste dag van Januarie, 1956 in werking te getree het.

45. Artikel *vyf* van die Strafproseswet, 1955, word hierby deur die volgende artikel vervang:

Vervanging van artikel 5 van Wet 56 van 1955.

„Vervolging 5. (1) Behoudens die wetsbepalings op die staats- van oortreders deur prokureur-generaal van die Hooggeregshof van Suid-Afrika ’n prokureur-generaal aan, wat die bevoegdheid besit om onder beheer van Minister in die naam van Haar Majesteit die Koningin in enige naam van die gebied ten opsigte waarvan hy aangestel is iemand te vervolg wat aangekla word weens ’n misdryf met betrekking waartoe ’n hof in bedoelde gebied regsbevoegdheid besit, en hy kan alle werksaamhede verrig wat met die uitoefening van bedoelde bevoegdheid in verband staan.

(2) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* ’n deel van die gebied waarvoor ’n prokureur-generaal aangestel is, aan sy gesag kragtens hierdie Wet of enige ander wet onttrek en dit stel onder die gesag van die prokureur-generaal wat vir ’n ander gebied aangestel is, en die deel wat aldus onder die gesag van die betrokke prokureur-generaal gestel word, word by die uitoefening van daardie gesag, dan geag deel uit te maak van die oorspronklike gebied waarvoor hy aangestel is.

(3) Every attorney-general shall exercise his authority and perform his functions under this Act or under any other law subject to the control and directions of the Minister who may reverse any decision arrived at by an attorney-general and may himself in general or in any specific matter exercise any part of such authority and perform any such function.

(4) The Minister may, subject to the laws governing the public service, in respect of each area for which an attorney-general has been appointed, appoint one or more deputy attorneys-general, who may, subject to the control and directions of the attorney-general concerned, do anything which may be lawfully done by the attorney-general.

(5) Any person who at the commencement of this section holds office as attorney-general, solicitor-general, deputy attorney-general or deputy solicitor-general in any area referred to in sub-section (1), shall be deemed to have been appointed under this section as attorney-general or deputy attorney-general, as the case may be, in respect of the area in question.

(6) Any reference in any law to the solicitor-general or a deputy solicitor-general in respect of the area of jurisdiction of the Eastern Districts Local Division of the Supreme Court, shall be construed as a reference to the attorney-general or a deputy attorney-general respectively for the area of jurisdiction of the Eastern Cape Division of the Supreme Court of South Africa."

Amendment of
section 64 of
Act 56 of 1955.

46. Section *sixty-four* of the Criminal Procedure Act, 1955, is hereby amended by the insertion in sub-section (2) after the word "*sixty-five*" of the word "*bis*".

Substitution
of section 65 of
Act 56 of 1955.

47. The following sections are hereby substituted for section *sixty-five* of the Criminal Procedure Act, 1955:

"Court may
grant leave
of absence
from a pre-
paratory ex-
amination.

65. If after a preparatory examination has commenced, the court is, upon application made in person by an accused or his representative, satisfied—

(a) that the physical condition of that accused is such that he is unable to attend or that it is undesirable that he should attend the examination; or

(b) that circumstances in connection with the illness or death of a member of that accused's family have arisen which make his presence elsewhere necessary or expedient,

the court may, if in its opinion the examination cannot be postponed without undue prejudice, embarrassment or inconvenience to the prosecution or any co-accused or any witness in attendance or subpoenaed to attend, authorize the absence of that accused from the examination for a period fixed by the court and subject to such conditions as it deems fit to impose.

Court may
order pre-
paratory
examination
to be pro-
ceeded with
in absence of
accused.

65*bis*. (1) If after a preparatory examination has commenced, an accused—

(a) absconds; or

(b) conducts himself in such a manner that his removal from the court is desirable and is ordered by the court; or

(c) is granted leave of absence under section *sixty-five*; or

(d) is absent for any other reason,
the court may direct that the preparatory examination be proceeded with in his absence, and thereafter the said examination shall, except to the extent to which a special procedure is in this Chapter directed to be observed in the case of an absent accused, be proceeded with in all respects as if that absent accused were present.

(2) A direction referred to in sub-section (1) shall not be made if the court is of opinion that a postponement of the examination can be granted without undue prejudice, inconvenience or embarrassment to

(3) Elke prokureur-generaal oefen sy gesag uit en verrig sy werksaamhede ingevolge hierdie Wet of ingevolge enige ander wetsbepaling onderworpe aan die beheer en voorskrifte van die Minister wat 'n beslissing waartoe 'n prokureur-generaal geraak het, kan omverwerp en self in die algemeen of met betrekking tot 'n besondere aangeleentheid enige deel van daardie gesag kan uitoefen en enige sodanige werksaamheid kan verrig.

(4) Die Minister kan, behoudens die wetsbepalings op die staatsdiens, ten opsigte van elke gebied waarvoor 'n prokureur-generaal aangestel is, een of meer adjunk-prokureurs-generaal aanstel wat, onderworpe aan die beheer en voorskrifte van die betrokke prokureur-generaal, enigiets kan doen wat die prokureur-generaal wettiglik kan doen.

(5) Iemand wat by die inwerkingtreding van hierdie artikel die amp van prokureur-generaal, sollisiteur-generaal, adjunk-prokureur-generaal of adjunk-sollisiteur-generaal in 'n in sub-artikel (1) bedoelde gebied beklee, word geag ingevolge hierdie artikel as prokureur-generaal of adjunk-prokureur-generaal, na gelang van die geval, ten opsigte van die betrokke gebied aangestel te gewees het.

(6) 'n Verwysing in enige Wet na die sollisiteur-generaal of 'n adjunk-sollisiteur-generaal ten opsigte van die regsgebied van die Plaaslike Afdeling Oostelike Distrikte van die Hooggeregshof, word uitgelê as 'n verwysing na die prokureur-generaal of 'n adjunk-prokureur-generaal onderskeidelik vir die regsgebied van die Oos-Kaapse Afdeling van die Hooggeregshof van Suid-Afrika."

46. Artikel vier-en-sestig van die Strafproseswet, 1955, word hierby gewysig deur in sub-artikel (2) na die woord „vyf-en-sestig” die woord „bis” in te voeg. Wysiging van artikel 64 van Wet 56 van 1955.

47. Artikel vyf-en-sestig van die Strafproseswet, 1955, word hierby deur die volgende artikels vervang: Vervanging van artikel 65 van Wet 56 van 1955.

„Hof kan verlof tot afwesigheid van voorlopige ondersoek toestaan.

65. Indien die hof na die aanvang van 'n voorlopige ondersoek oortuig is, op aansoek in persoon gerig deur 'n beskuldigde of sy verteenwoordiger—

(a) dat die fisiese toestand van daardie beskuldigde sodanig is dat hy nie in staat is om die ondersoek by te woon nie of dat dit onwenslik is dat hy die ondersoek moet bywoon; of

(b) dat omstandighede in verband met die siekte of dood van 'n lid van daardie beskuldigde se familie ontstaan het wat die beskuldigde se teenwoordigheid elders nodig of raadsaam maak,

kan die hof, indien die ondersoek volgens sy oordeel nie uitgestel kan word nie sonder onbehoorlike benadeling, belemmering of ongerief vir die vervolging of 'n medebeskuldigde of 'n getuie wat teenwoordig is of gedagvaar is om teenwoordig te wees, die afwesigheid van daardie beskuldigde van die ondersoek magtig vir 'n tydperk deur die hof bepaal en onderworpe aan sulke voorwaardes as wat die hof goedvind om op te lê.

65bis. (1) Indien 'n beskuldigde na die aanvang van 'n voorlopige ondersoek—

(a) vlug; of

(b) hom op so 'n wyse gedra dat sy verwydering uit die hof wenslik is en deur die hof gelas word; of

(c) verlof tot afwesigheid kragtens artikel vyf-en-sestig toegestaan word; of

(d) om enige ander rede afwesig is, kan die hof gelas dat die voorlopige ondersoek in sy afwesigheid voortgaan, en daarna word, behalwe vir sover hierdie Hoofstuk 'n spesiale prosedure voorskryf wat in die geval van 'n afwesige beskuldigde gevolg moet word, met bedoelde ondersoek in alle opsigte voortgegaan asof daardie afwesige beskuldigde teenwoordig was.

(2) 'n In sub-artikel (1) bedoelde lasgewing word nie uitgereik nie indien die hof van oordeel is dat 'n uitstel van die ondersoek verleen kan word sonder onbehoorlike benadeling, ongerief of belemmering vir die vervolging of 'n medebeskuldigde

Hof kan gelas dat voorlopige ondersoek in afwesigheid van beskuldigde voortgaan.

the prosecution or any co-accused or any witness in attendance or subpoenaed to attend.

(3) A preparatory examination in regard to which a direction is made that it be proceeded with in the absence of an accused, shall in respect of that accused, unless he is discharged under the provisions of sub-section (3) of section *sixty-eight*, be postponed if he is not in attendance at the stage at which the provisions of section *sixty-six* come into operation and be proceeded with, subject to the provisions of sub-sections (4) and (5), from that stage when the accused is again in attendance.

(4) If an accused in respect of whom the court has directed that a preparatory examination be proceeded with in his absence again attends at such examination, the evidence recorded in his absence shall not be required to be read over to him but, if he was not represented during his absence, the court shall briefly inform him of the nature and purport of that evidence and permit him to inspect the record and to make or cause copies thereof to be made at all reasonable times under the supervision of the clerk of the court.

(5) If an accused in whose absence a preparatory examination was directed to be proceeded with again attends the examination, the court may, unless such accused was legally represented during his absence, upon the application of that accused or his representative recall for further examination any witness who testified at the examination during that accused's absence.

Preparatory examination may be concluded against accused present.

65ter. Whenever a court has in the course of a preparatory examination against two or more accused made a direction under sub-section (1) of section *sixty-five bis* and is unable to conclude the said examination in respect of an absent accused by reason of the provisions of sub-section (3) of the said section, the preparatory examination may be concluded against the accused then present in all respects as if he were the only accused appearing thereat."

Amendment of section 66 of Act 56 of 1955.

48. Section *sixty-six* of the Criminal Procedure Act, 1955, is hereby amended by the deletion in sub-section (1) of the words "in the presence of the accused" and the insertion in the said sub-section after the words "ask the accused" of the words "then present".

Provisions of sections 46, 47 and 48 to apply also with reference to any pending preparatory examination.

49. The provisions of sections *forty-six*, *forty-seven* and *forty-eight* of this Act shall apply also with reference to any preparatory examination commenced before but not concluded at the commencement of the said sections, and shall be deemed to have been applicable from the commencement of such examination: Provided that the application of the said provisions shall not have the effect of invalidating anything validly done at such examination before the commencement of the said sections.

Amendment of section 156 of Act 56 of 1955.

50. Section *one hundred and fifty-six* of the Criminal Procedure Act, 1955, is hereby amended by the substitution in sub-section (1) for the word "Every" of the words "Subject to the provisions of section *one hundred and fifty-six ter*, every".

Insertion of sections 156*bis* and 156*ter* in Act 56 of 1955.

51. The following sections are hereby inserted in the Criminal Procedure Act, 1955, after section *one hundred and fifty-six*:

"Court may grant leave of absence from trial.

156bis. If two or more accused, after a preparatory examination, are charged jointly at a trial before a court of any regional division established under section *two* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), or at a trial without a jury before a superior court, with any offence, whether the same or different offences, referred to in section *one hundred and eleven* or sub-section (1) of section *one hundred and twelve*, and the court is, at any time

of 'n getuie wat teenwoordig is of gedagvaar is om teenwoordig te wees.

(3) 'n Voorlopige ondersoek met betrekking waartoe 'n lasgewing uitgereik is dat dit in die afwesigheid van 'n beskuldigde voortgaan, word met betrekking tot daardie beskuldigde, tensy hy kragtens die bepalings van sub-artikel (3) van artikel *agt-en-sestig* ontslaan word, uitgestel indien hy nie teenwoordig is in die stadium waarop die bepalings van artikel *ses-en-sestig* in werking tree nie, en word, onderhewig aan die bepalings van sub-artikels (4) en (5), vanaf daardie stadium voortgesit wanneer die beskuldigde weer teenwoordig is.

(4) As 'n beskuldigde ten opsigte van wie die hof gelas het dat 'n voorlopige ondersoek in sy afwesigheid voortgaan, weer daardie ondersoek bywoon, word nie vereis dat die getuienis wat tydens sy afwesigheid afgeneem is aan hom voorgelees word nie, maar, as hy nie tydens sy afwesigheid verteenwoordig was nie, deel die hof hom kortliks die aard en strekking van daardie getuienis mee en laat die hof hom toe om op alle redelike tye onder toesig van die klerk van die hof die rekord na te gaan en om afskrifte daarvan te maak of te laat maak.

(5) As 'n beskuldigde in wie se afwesigheid dit gelas is dat 'n voorlopige ondersoek voortgaan, weer die ondersoek bywoon, kan die hof, tensy 'n regsverteenvoortreder tydens die ondersoek se afwesigheid vir hom opgetree het, op aansoek van daardie beskuldigde of sy verteenwoordiger 'n getuie wat by die ondersoek in die afwesigheid van daardie beskuldigde getuig het, vir verdere ondervraging oproep.

Voorlopige ondersoek kan teen aanwesige beskuldigde beëindig word.

65ter. Wanneer 'n hof tydens 'n voorlopige ondersoek teen twee of meer beskuldigdes 'n lasgewing kragtens sub-artikel (1) van artikel *vyf-en-sestig bis* uitgereik het en, vanweë die bepalings van sub-artikel (3) van bedoelde artikel, nie die ondersoek ten opsigte van 'n afwesige beskuldigde kan beëindig nie, kan die voorlopige ondersoek teen die beskuldigde wat dan teenwoordig is in alle opsigte beëindig word asof hy die enigste beskuldigde is wat daarby verskyn."

48. Artikel *ses-en-sestig* van die Strafproseswet, 1955, word hierby gewysig deur in sub-artikel (1) die woorde „in die teenwoordigheid van die beskuldigde" te skrap en in genoemde sub-artikel na die woord „beskuldigde" waar dit die tweede keer voorkom die woorde „wat dan teenwoordig is" in te voeg.

Wysiging van artikel 66 van Wet 56 van 1955.

49. Die bepalings van artikels *ses-en-veertig*, *sewe-en-veertig* en *agt-en-veertig* van hierdie Wet is van toepassing ook met betrekking tot 'n voorlopige ondersoek wat begin is voor maar nie beëindig is nie by die inwerkingtreding van bedoelde artikels, en word geag van toepassing te gewees het vanaf die begin van daardie ondersoek: Met dien verstande dat die toepassing van bedoelde bepalings nie die uitwerking het dat enigiets ongeldig gemaak word wat voor die inwerkingtreding van bedoelde artikels geldiglik by so 'n ondersoek verrig is nie.

Bepalings van artikels 46, 47 en 48 is ook van toepassing met betrekking tot 'n onafgehandelde voorlopige ondersoek.

50. Artikel *honderd ses-en-vyftig* van die Strafproseswet, 1955, word hierby gewysig deur in sub-artikel (1) die woorde „Iedere strafverhoor geskied en die getuies lê" deur die woorde „Onderhewig aan die bepalings van artikel *honderd ses-en-vyftig ter*, geskied iedere strafverhoor, en lê die getuies" te vervang.

Wysiging van artikel 156 van Wet 56 van 1955.

51. Die volgende artikels word hierby na artikel *honderd ses-en-vyftig* in die Strafproseswet, 1955, ingevoeg:

Invoeging van artikels 156bis en 156ter in Wet 56 van 1955.

„Hof kan verlot tot afwesigheid van verhoor toestaan.

156bis. As twee of meer beskuldigdes, na 'n voorlopige ondersoek, by 'n verhoor voor 'n hof van 'n streek-afdeling ingestel kragtens artikel *twee* van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), of by 'n verhoor sonder 'n jurie voor 'n hoërhof, gesamentlik aangekla word weens enige misdryf, hetsy dieselfde of verskillende misdrywe, in artikel *honderd-en-elf* of sub-artikel (1) van artikel *honderd-en-twaalf* genoem, en die hof te

after the commencement of the trial, satisfied upon application made in person by any such accused or his representative—

- (a) that the physical condition of that accused is such that he is unable to attend or that it is undesirable that he should attend the trial; or
- (b) that circumstances in connection with the illness or death of a member of that accused's family have arisen which make his presence elsewhere necessary or expedient,

the court may, if in its opinion the trial cannot be postponed without undue prejudice, embarrassment or inconvenience to the prosecution or any co-accused or any witness in attendance or subpoenaed to attend, authorize the absence of that accused from the trial for a period fixed by the court and subject to such conditions as it deems fit to impose.

When trial may proceed in the absence of an accused and procedure to be observed.

156ter. (1) If an accused at a trial referred to in section *one hundred and fifty-six bis*—

- (a) absconds; or
- (b) is removed from the court as provided in sub-section (1) of section *one hundred and fifty-six*; or
- (c) is granted leave of absence under section *one hundred and fifty-six bis*; or

(d) is absent for any other reason, the court before which the trial takes place may at any time during the trial direct that the trial be proceeded with in the absence of that accused if he has pleaded to the charge or if it appears by the return of the proper officer or by other sufficient proof that a copy of the charge and, in the case of a superior court, of the notice of trial have been duly served.

(2) A direction referred to in sub-section (1) shall not be made if the court is of opinion that a postponement of the trial can be granted without undue prejudice, embarrassment or inconvenience to the prosecution or any co-accused or any witness in attendance or subpoenaed to attend.

(3) When the accused are called upon to plead to the charge, the court shall order a plea of not guilty to be entered on behalf of an absent accused in respect of whom the court has directed that the trial be proceeded with in his absence, and a plea so entered shall for all purposes have the same effect as if it had been actually pleaded.

(4) If an accused in respect of whom a court has made a direction under sub-section (1) attends or again attends the trial, he may, unless he was legally represented during his absence, examine any witness who gave evidence during his absence, and inspect the record of the proceedings or require the court to have such record read over to him.

(5) If the examination referred to in sub-section (4) takes place after the close of the evidence for the prosecution or any co-accused, the prosecution or such co-accused may, in respect of any issue raised by the examination, lead evidence in rebuttal of any evidence relating to the issue so raised.

(6) (a) When the evidence in respect of all the accused present has been closed and the evidence in respect of any absent accused has not been closed, the court shall, subject to the provisions of paragraph (b), postpone the proceedings until such absent accused is in attendance and, if necessary, further postpone the proceedings until the evidence in respect of that accused has been closed.

(b) If it appears to the court that the presence of such an absent accused cannot reasonably be obtained, the court may direct that the proceedings in respect of the accused present be concluded as if his trial had been separated from the

eniger tyd na die aanvang van die verhoor op aan-
soek in persoon gerig deur enige van die beskuldigdes
of sy verteenwoordiger, oortuig is—

(a) dat die fisiese toestand van daardie beskuldigde
sodanig is dat hy nie in staat is om die verhoor
by te woon nie of dat dit onwenslik is dat hy
die verhoor moet bywoon; of

(b) dat omstandighede in verband met die siekte
of dood van 'n lid van daardie beskuldigde se
familie ontstaan het wat sy teenwoordigheid
elders nodig of raadsaam maak,

kan die hof, indien die verhoor volgens die hof se
oordeel nie uitgestel kan word nie sonder onbe-
hoorlike benadeling, belemmering of ongerief vir
die vervolging of 'n medebeskuldigde of 'n getuie
wat teenwoordig is of gedagvaar is om teenwoordig
te wees, die afwesigheid van daardie beskuldigde
van die verhoor magtig vir 'n tydperk deur die hof
bepaal en onderworpe aan die voorwaardes wat die
hof goedvind om op te lê.

156ter. (1) Indien 'n beskuldigde by 'n in artikel
honderd ses-en-vyftig bis bedoelde verhoor—

(a) vlug; of

(b) uit die hof verwyder word soos bepaal by sub-
artikel (1) van artikel honderd ses-en-vyftig; of

(c) verlof tot afwesigheid toegestaan word kragtens
artikel honderd ses-en-vyftig bis; of

(d) om enige ander rede afwesig is,

kan die hof waarvoor die verhoor plaasvind te
eniger tyd tydens die verhoor gelas dat die verhoor
voortgaan in die afwesigheid van daardie beskul-
digde as hy op die aanklag gepleit het of as dit uit
die relaas van die bevoegde beampte of uit ander
voldoende bewys blyk dat 'n afskrif van die aanklag
en, in die geval van 'n hoërhof, van die kennis-
gewing van verhoor behoorlik bestel is.

(2) 'n In sub-artikel (1) bedoelde lasgewing
word nie uitgereik nie as die hof van oordeel is
dat 'n uitstel van die verhoor toegestaan kan word
sonder onbehoorlike benadeling, belemmering of
ongerief vir die vervolging of 'n mede-beskuldigde
of 'n getuie wat teenwoordig is of gedagvaar is om
teenwoordig te wees.

(3) Wanneer die beskuldigdes aangesê word om
op die aanklag te pleit, gelas die hof dat 'n pleit
van onskuldig aangeteken word namens 'n afwesige
beskuldigde ten opsigte van wie die hof gelas
het dat die verhoor in sy afwesigheid voortgaan,
en 'n pleit aldus aangeteken het vir alle doeleindes
dieselfde uitwerking asof dit inderdaad gepleit was.

(4) As 'n beskuldigde ten opsigte van wie 'n
hof 'n lasgewing kragtens sub-artikel (1) uitgereik
het, die verhoor bywoon of weer bywoon, kan hy,
tensy 'n regsverteenvoortdiger tydens sy afwesig-
heid vir hom opgetree het, enige getuie ondervra
wat tydens sy afwesigheid getuienis afgelê het, en
die rekord van die verrigtinge nagaan of verlang
dat die hof bedoelde rekord aan hom laat voorlees.

(5) As die in sub-artikel (4) bedoelde onder-
vraging plaasvind na die getuienis vir die vervolging
of 'n mede-beskuldigde afgesluit is, kan die ver-
volging of daardie mede-beskuldigde ten opsigte
van enige geskilpunt wat ontstaan het as gevolg
van die ondervraging, getuienis lei ter weerlegging
van enige getuienis betreffende die geskilpunt wat
aldus ontstaan het.

(6) (a) Wanneer die getuienis ten opsigte van
al die beskuldigdes wat teenwoordig is, afge-
sluit is, en die getuienis ten opsigte van 'n
afwesige beskuldigde nie afgesluit is nie, stel
die hof, behalwe soos bepaal by paragraaf (b),
die verrigtinge uit totdat daardie afwesige
beskuldigde teenwoordig is en, indien nood-
saaklik, stel die hof die verrigtinge verder uit
toddan die getuienis ten opsigte van daardie
beskuldigde afgesluit is.

(b) As dit vir die hof blyk dat die teenwoordigheid
van so 'n afwesige beskuldigde nie redelikerwys
verkry kan word nie, kan die hof gelas dat
die verrigtinge ten opsigte van die beskuldigde
wat teenwoordig is, afgehandel word asof sy

Wanneer
verhoor in
die afwesig-
heid van 'n
beskuldigde
kan voort-
gaan en
prosedure
wat gevolg
moet word.

trial of the absent accused at the stage at which that accused became absent from the trial and when such absent accused is again in attendance, his trial shall continue from that stage of the proceedings at which he became absent and the court shall not be required to be differently constituted merely by reason of such separation.

- (c) When the evidence in respect of all the accused at the trial has been closed and any accused is absent when the verdict is to be delivered, the verdict may be delivered in respect of all the accused or be withheld until all the accused are present or be delivered in respect of any accused present and withheld in respect of the absent accused until he is again in attendance."

Amendment of
section 189 of
Act 56 of 1955.

52. Section *one hundred and eighty-nine* of the Criminal Procedure Act, 1955, is hereby amended by the addition at the end of sub-section (4) of the following proviso:

"Provided that if the evidence is that of a witness who was previously examined at a preparatory examination in the absence of the accused, and the magistrate who presided at that preparatory examination is the magistrate who is presiding at the subsequent trial, the accused may, subject to the right to cross-examine that witness, consent to such evidence being read or used at such trial."

Amendment of
section 193 of
Act 56 of 1955.

53. Section *one hundred and ninety-three* of the Criminal Procedure Act, 1955, is hereby amended—

- (a) by the insertion in sub-section (1) after the word "charged" of the words "or that he did commit an offence under section *thirty-six* of the General Law Amendment Act, 1955 (Act No. 62 of 1955)" and the insertion after the word "theft" where it occurs the second time of the words "or of a contravention of the said section *thirty-six*"; and
- (b) by the insertion in sub-section (2) after the word "stolen" where it occurs the second time of the words "or that the accused acquired or received into his possession stolen goods in contravention of sub-section (1) of section *thirty-seven* of the General Law Amendment Act, 1955 (Act No. 62 of 1955)" and the insertion after the word "stolen" where it occurs the fourth time of the words "or of a contravention of the said sub-section (1) of section *thirty-seven*, as the case may be".

Amendment of
section 195 of
Act 56 of 1955.

54. Section *one hundred and ninety-five* of the Criminal Procedure Act, 1955, is hereby amended—

- (a) by the insertion in sub-section (1) after the words "with such female" of the words "or, if the person so charged is a coloured person as defined in the law relating to immorality between white persons and coloured persons, of the statutory offence of unlawful carnal intercourse with a white female person or of the statutory offence of committing any immoral or indecent act with such female person; or, if the person so charged is a white person as defined in the law relating to immorality between white persons and coloured persons, of the statutory offence of unlawful carnal intercourse with a coloured female person or of the statutory offence of committing any immoral or indecent act with such female person";
- (b) by the insertion in sub-section (3) after the words "with such female" of the words "or, if the person so charged is a coloured person as defined in the law relating to immorality between white persons and coloured persons, of the statutory offence of committing any immoral or indecent act with a white female person or a white male person, as the case may be; or if the person so charged is a white person as defined

verhoor van die verhoor van die afwesige beskuldigde geskei was in die stadium waarop daardie beskuldigde van die verhoor afwesig geraak het, en wanneer so 'n afwesige beskuldigde weer teenwoordig is, gaan sy verhoor voort vanaf die stadium van die verrigtinge waarop hy afwesig geraak het en is dit nie nodig dat die hof vanweë bedoelde skeiding anders saamgestel word nie.

- (c) Wanneer die getuienis ten opsigte van al die beskuldigdes by die verhoor afgesluit is en 'n beskuldigde is afwesig wanneer uitspraak gelewer moet word, kan uitspraak ten opsigte van al die beskuldigdes gelewer word of teruggehou word totdat al die beskuldigdes teenwoordig is of gelewer word ten opsigte van die beskuldigdes wat teenwoordig is en teruggehou word ten opsigte van die afwesige beskuldigde totdat hy weer teenwoordig is."

52. Artikel *honderd nege-en-tagtig* van die Strafproseswet, 1955, word hierby gewysig deur die volgende voorbehoudsbepaling aan die end van sub-artikel (4) by te voeg:

Wysiging van artikel 189 van Wet 56 van 1955.

„Met dien verstande dat as die getuienis dié is van 'n getuie wat vantevore by 'n voorlopige ondersoek in die afwesigheid van die beskuldigde ondervra is, en die magistraat wat by daardie voorlopige ondersoek voorgesit het die magistraat is wat by die daaropvolgende verhoor voorsit, die beskuldigde kan toestem, behoudens die reg om daardie getuie onder kruisverhoor te neem, dat sodanige getuienis by bedoelde verhoor uitgelees of gebruik word."

53. Artikel *honderd drie-en-negentig* van die Strafproseswet, 1955, word hierby gewysig—

Wysiging van artikel 193 van Wet 56 van 1955.

- (a) deur in sub-artikel (1) na die woorde „ten laste gelegde misdryf van roof" die woorde „of 'n misdryf ingevolge artikel *ses-en-dertig* van die Algemene Regswysigingswet, 1955 (Wet No. 62 van 1955)" in te voeg en na die woord „diefstal" waar dit die tweede keer voorkom die woorde „of weens 'n oortreding van bedoelde artikel *ses-en-dertig*" in te voeg; en
- (b) deur in sub-artikel (2) na die woorde „gesteel is" waar daardie woorde die eerste keer voorkom, die woorde „of dat die beskuldigde, in stryd met sub-artikel (1) van artikel *sewe-en-dertig* van die Algemene Regswysigingswet, 1955 (Wet No. 62 van 1955), gesteelde goed verkry of in sy besit ontvang het" in te voeg, en na die woorde „gesteel is" waar daardie woorde die tweede keer voorkom, die woorde „of aan 'n oortreding van bedoelde sub-artikel (1) van artikel *sewe-en-dertig*, na gelang van die geval" in te voeg.

54. Artikel *honderd vyf-en-negentig* van die Strafproseswet, 1955, word hierby gewysig—

Wysiging van artikel 195 van Wet 56 van 1955.

- (a) deur in sub-artikel (1) na die woorde „poging daartoe" waar daardie woorde die laaste keer voorkom, die woorde „of, indien die aldus aangeklaagde persoon 'n nie-blanke persoon is soos omskryf in die wet betreffende ontug tussen blanke persone en nie-blanke persone, aan die wetteregtelike misdryf van onwettige vleeslike gemeenskap met 'n blanke vrouspersoon of aan die wetteregtelike misdryf van die pleging van 'n onsedelike of onbehoorlike daad met so 'n vrouspersoon; of, indien die aldus aangeklaagde persoon 'n blanke persoon is soos omskryf in die wet betreffende ontug tussen blanke persone en nie-blanke persone, aan die wetteregtelike misdryf van onwettige vleeslike gemeenskap met 'n nie-blanke vrouspersoon of aan die wetteregtelike misdryf van die pleging van 'n onsedelike of onbehoorlike daad met so 'n vrouspersoon" in te voeg;
- (b) deur in sub-artikel (3) na die woorde „poging daartoe" die woorde „of, indien die aldus aangeklaagde persoon 'n nie-blanke persoon is soos omskryf in die wet betreffende ontug tussen blanke persone en nie-blanke persone, aan die wetteregtelike misdryf van die pleging van 'n onsedelike of onbehoorlike daad met 'n blanke vrouspersoon of 'n blanke manspersoon, na gelang van die geval; of, indien die aldus aangeklaagde persoon 'n blanke persoon is soos omskryf

in the law relating to immorality between white persons and coloured persons, of the statutory offence of committing any immoral or indecent act with a coloured female person or a coloured male person, as the case may be,"; and

- (c) by the substitution for sub-section (4) of the following sub-section:

"(4) (a) Any person charged with the statutory offence of unlawful carnal intercourse with another person may be found guilty of the statutory offence of committing an immoral or indecent act with such other person; or of the statutory offence of enticing, soliciting or importuning such other person to have unlawful carnal intercourse; or of the statutory offence of enticing, soliciting or importuning such other person to commit an immoral or indecent act; or of the statutory offence of conspiring with such other person to have unlawful carnal intercourse, if such be the facts proved.

- (b) Any person charged with any statutory offence referred to in paragraph (a) may be found guilty of indecent assault or assault, if such be the facts proved."

Substitution of section 200 of Act 56 of 1955.

55. The following section is hereby substituted for section *two hundred* of the Criminal Procedure Act, 1955:

"Persons charged with theft may be convicted of other offences. 200. Any person charged with theft may be found guilty of receiving stolen goods knowing them to have been stolen, or of a contravention of section *thirty-six* of the General Law Amendment Act, 1955 (Act No. 62 of 1955), or of a contravention of sub-section (1) of section *thirty-seven* of that Act or of a contravention of sub-section (1) of section *one* of the General Law Amendment Act, 1956 (Act No. 50 of 1956), if such be the facts proved."

Amendment of section 243 of Act 56 of 1955.

56. Section *two hundred and forty-three* of the Criminal Procedure Act, 1955, is hereby amended by the insertion in sub-section (1) after the word "*sixty-five*" of the word "*bis*".

Amendment of section 328 of Act 56 of 1955.

57. Section *three hundred and twenty-eight* of the Criminal Procedure Act, 1955, is hereby amended by the deletion of the word "*both*" and the substitution for the words "*such offence*" of the words "*the respective offences*".

Amendment of section 342 of Act 56 of 1955.

58. Section *three hundred and forty-two* of the Criminal Procedure Act, 1955, is hereby amended by the deletion in sub-section (3) of the expression "*or (2)*" where it occurs for the last time.

Amendment of section 345 of Act 56 of 1955.

59. Section *three hundred and forty-five* of the Criminal Procedure Act, 1955, is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

"(2) Whenever any medical practitioner certifies in writing that any person sentenced under sub-section (1) is not in a fit state to undergo the sentence or any part thereof, the person appointed by the court to execute the sentence shall submit the certificate immediately to the court which passed the sentence or to a court having like jurisdiction which may thereupon, if it is satisfied that such person is not in a fit state to undergo such sentence or any part thereof, amend such sentence as it deems fit: Provided that if such medical practitioner is not a district surgeon or a person with like authority, the court may, if the circumstances so permit, require the district surgeon or a person with like authority, to certify in writing whether or not the person concerned is in a fit state to undergo such sentence or any part thereof."

Short title.

60. (1) This Act shall be called the General Law Amendment Act, 1957.

(2) Section *one* shall come into operation on the first day of January, 1958.

(3) Section *three* shall come into operation on the first day of January, 1962.

in die wet betreffende ontug tussen blanke persone en nie-blanke persone, aan die wetterregtelike misdryf van die pleging van 'n onsedelike of onbehoorlike daad met 'n nie-blanke vrouspersoon of 'n nie-blanke manspersoon, na gelang van die geval" in te voeg; en (c) deur sub-artikel (4) deur die volgende sub-artikel te vervang:

- „(4) (a) Iemand wat weens die wetterregtelike misdryf van onwettige vleeslike gemeenskap met 'n ander persoon aangekla word, kan skuldig bevind word aan die wetterregtelike misdryf van die pleging van 'n onsedelike of onbehoorlike daad met daardie ander persoon; of aan die wetterregtelike misdryf van daardie persoon tot onwettige vleeslike gemeenskap aan te lok, uit te lok of daartoe lastig te val; of aan die wetterregtelike misdryf van daardie persoon tot die pleging van 'n onsedelike of onbehoorlike daad aan te lok, uit te lok of daartoe lastig te val; of aan die wetterregtelike misdryf van sameswering met daardie persoon om onwettige vleeslike gemeenskap te hou, indien die feite dit bewys.
- (b) Iemand wat weens 'n wetterregtelike misdryf in paragraaf (a) genoem, aangekla word, kan skuldig bevind word aan onsedelike aanranding of aanranding, indien die feite dit bewys.”

55. Artikel tweehonderd van die Strafproseswet, 1955, word hierby deur die volgende artikel vervang:

„Persone wat weens diefstal aangekla word, kan weens ander misdrywe skuldig bevind word.

200. Iemand wat weens diefstal aangekla word, kan skuldig bevind word weens die ontvang van gesteelde goed wetende dat dit gesteel is, of weens 'n oortreding van artikel ses-en-dertig van die Algemene Regswysigingswet, 1955 (Wet No. 62 van 1955), of weens 'n oortreding van sub-artikel (1) van artikel sewe-en-dertig van bedoelde Wet, of weens 'n oortreding van sub-artikel (1) van artikel een van die Algemene Regswysigingswet, 1956 (Wet No. 50 van 1956), indien die feite dit bewys.”

Vervanging van artikel 200 van Wet 56 van 1955.

56. Artikel tweehonderd drie-en-veertig van die Strafproseswet, 1955, word hierby gewysig deur in sub-artikel (1) na die woord „vyf-en-sestig” die woord „bis” in te voeg.

Wysiging van artikel 243 van Wet 56 van 1955.

57. Artikel driehonderd agt-en-twintig van die Strafproseswet, 1955, word hierby gewysig deur die woord „beide” te skrap en die woord „daardie” deur die woorde „die onderskeie” te vervang.

Wysiging van artikel 328 van Wet 56 van 1955.

58. Artikel driehonderd twee-en-veertig van die Strafproseswet, 1955, word hierby gewysig deur in sub-artikel (3) die uitdrukking „of (2)” waar dit die laaste maal voorkom, te skrap.

Wysiging van artikel 342 van Wet 56 van 1955.

59. Artikel driehonderd vyf-en-veertig van die Strafproseswet, 1955, word hierby gewysig deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

Wysiging van artikel 345 van Wet 56 van 1955.

„(2) Wanneer 'n geneeskundige skriftelik sertifiseer dat iemand wat ingevolge sub-artikel (1) gevonnisd is, nie geskik is om die vonnis of enige gedeelte daarvan te ondergaan nie, lê die persoon wat deur die hof aangewys is om die vonnis ten uitvoer te lê die sertifikaat onverwyld voor aan die hof wat die vonnis opgelê het of 'n hof wat soortgelyke regsbevoegdheid besit, wat dan, indien hy oortuig is dat so iemand nie geskik is om daardie vonnis of enige gedeelte daarvan te ondergaan nie, bedoelde vonnis na goëddunke kan wysig: Met dien verstande dat as bedoelde geneeskundige nie 'n distriksgeneesheer of iemand met soortgelyke gesag is nie, die hof, indien die omstandighede dit toelaat, die distriksgeneesheer of iemand met soortgelyke gesag kan gelas om skriftelik te sertifiseer of die betrokke persoon geskik is om bedoelde vonnis of enige gedeelte daarvan te ondergaan al dan nie.”

60. (1) Hierdie Wet heet die Algemene Regswysigingswet, Kort titel. 1957.

(2) Artikel een tree in werking op die eerste dag van Januarie, 1958.

(3) Artikel drie tree in werking op die eerste dag van Januarie, 1962.

(4) Section *four*, paragraph (a) of section *fifteen*, sections *sixteen*, *seventeen*, *twenty*, *twenty-one* and *forty-one* shall not come into operation until a date to be fixed by the Governor-General by proclamation in the *Gazette*.

Schedule.

Province of Union.	No. and year of law.	Title or subject matter.	Extent of repeal.
Natal ..	Law No. 12 of 1884.	"To render a Writing necessary for Actions in respect of certain Contracts".	So much as is unrepealed.
Transvaal.	Proclamation No. 8 of 1902.	Transfer Duty Proclamation, 1902.	Section <i>thirty</i> .
Orange Free State.	Ordinance No. 12 of 1906.	Transfer Duty Ordinance, 1906.	Section <i>forty-nine</i> .

(4) Artikel vier, paragraaf (a) van artikel vyftien, artikels sestien, sewentien, twintig, een-en-twintig en een-en-veertig tree nie in werking voor 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal nie.

Bylae.

Provinsie of Unie.	No. en jaar van Wet.	Titel of onderwerp.	In hoeverre herroep.
Natal ..	Wet No. 12 van 1884.	„To render a Writing necessary for Actions in respect of certain Contracts”.	Soveel as wat nog nie herroep is nie.
Transvaal.	Proklamasie No. 8 van 1902.	„Transfer Duty Proclamation, 1902”.	Artikel dertig.
Oranje-Vrystaat.	Ordonnansie No. 12 van 1906.	„Transfer Duty Ordinance, 1906”.	Artikel <i>nege-en-veertig</i> .

No. 80, 1957.]

ACT

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

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

(Assented to 24th 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:—

Granting of certain benefits.

1. Notwithstanding anything to the contrary in any law, every person indicated as a beneficiary in an item of the Schedule to this Act shall be entitled to the benefit specified in that item.

Short title.

2. This Act shall be called the Pensions (Supplementary) Act, 1957.

Schedule.

1. The award to the Rev. M. L. de Villiers, in recognition of his outstanding service to the people of South Africa in setting to music "Die Stem van Suid-Afrika", of a pension of £500 per annum with effect from 1st May, 1957.

2. The award to C. C. Wilson, formerly major, South African Permanent Force, with effect from 13th June, 1954, of a pension of £303 1s. 4d. per annum, subject to recovery of an amount equal to the benefit (£823 18s. 0d.) already paid to him under the Government Service Pensions Act, 1936.

3. The award to Margaret P. B. Creswell, widow of Colonel the Honourable F. H. P. Creswell, of a pension of £300 per annum with effect from 1st April, 1957, payable during widowhood.

4. The award to Annie Stals, widow of Dr. the Honourable A. J. Stals, of a pension of £300 per annum with effect from 1st April, 1957, payable during widowhood.

5. The award to J. A. Slabbert, formerly secretary of the Jansenville school board, with effect from 1st April, 1957, of a pension of £120 per annum, as a charge against the Provincial Revenue Fund of the Cape Province.

6. The award to J. G. Fourie, formerly head warder, Department of Prisons, with effect from 11th June, 1950, of a pension of £109 4s. 0d. per annum, subject to recovery of an amount equal to the benefit (£370 9s. 4d.) already paid to him under the Government Service Pensions Act, 1936.

7. The award on compassionate grounds to Beatrice E. Swain, with effect from 1st April, 1957, of a pension of £90 per annum: Provided that such pension shall lapse immediately she is granted a pension under the Old Age Pensions Act, 1928.

8. The award to the dependants of the late Ernest Kubheka, No. 19966, native constable, South African Police, with effect from 1st April, 1957, of the pension to which they would have been entitled had the circumstances of their case conformed to the requirements of section thirty of the Government Service Pensions Act, 1936, as amended by section six of Act No. 44 of 1953: Provided that no recovery shall be made in respect of the gratuity of £82 10s. 0d. previously paid in terms of section thirty-nine of the said Government Service Pensions Act, 1936.

9. The award to Roxa I. Babcock, with effect from 1st April, 1957, of the pension to which she would have been entitled under the provisions of the Old Age Pensions Act, 1928, had her case conformed to the requirements of paragraph (d) of section one of that Act.

10. The award to Agatha de Cerjat, with effect from 1st April, 1957, of the pension to which she would have been entitled under the provisions of the Old Age Pensions Act, 1928, had her case conformed to the requirements of paragraph (d) of section one of that Act.

11. The award to Ruth Lloyd, with effect from 1st April, 1957, of the pension to which she would have been entitled under the provisions of the Old Age Pensions Act, 1928, had her case conformed to the requirements of paragraph (d) of section one of that Act.

12. The award to Matjie M. J. Roffi, with effect from 1st April, 1957, of the pension to which she would have been entitled under the provisions of the Old Age Pensions Act, 1928, had her case conformed to the requirements of paragraph (d) of section one of that Act.

13. The award to Gladys D. Smith, with effect from 1st April, 1957, of the pension to which she would have been entitled under the provisions of the Old Age Pensions Act, 1928, had her case conformed to the requirements of paragraph (d) of section one of that Act.

14. The award to Annie M. von Grotthuss, with effect from 1st April, 1957, of the pension to which she would have been entitled under the provisions of the Old Age Pensions Act, 1928, had her case conformed to the requirements of paragraph (d) of section one of that Act.

15. The application for a veteran's pension by R. L. A. Weyers, shall, with effect from 1st April, 1957, be considered as if it had been accepted that he performed full-time military service with the Republican forces during the Anglo-Boer War, 1899-1902.

No. 80, 1957.]

WET

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

(Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 24 Junie 1957.)

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

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

2. Hierdie Wet heet die Wet tot Aanvulling van Pensioene, Kort titel. 1957.

Bylae.

1. Die toekenning aan Ds. M. L. de Villiers, ter erkenning van sy belangrike diens aan die volk van Suid-Afrika deur die toonsetting van „Die Stem van Suid-Afrika”, van 'n pensioen van £500 per jaar met ingang van 1 Mei 1957.

2. Die toekenning aan C. C. Wilson, voorheen majoor, Suid-Afrikaanse Staande Mag, met ingang van 13 Junie 1954, van 'n pensioen van £303 1s. 4d. per jaar, onderworpe aan terugvordering van 'n bedrag gelyk aan die voordeel (£823 18s. 0d.) reeds aan hom betaal kragtens die Regeringsdiens Pensioenwet, 1936.

3. Die toekenning aan Margaret P. B. Creswell, weduwee van Sy Edele Kolonel F. H. P. Creswell, van 'n pensioen van £300 per jaar met ingang van 1 April 1957, betaalbaar gedurende weduweeskap.

4. Die toekenning aan Annie Stals, weduwee van Sy Edele Dr. A. J. Stals, van 'n pensioen van £300 per jaar met ingang van 1 April 1957, betaalbaar gedurende weduweeskap.

5. Die toekenning aan J. A. Slabbert, voorheen sekretaris van die skoolraad van Jansenville, met ingang van 1 April 1957 van 'n pensioen van £120 per jaar as 'n las teen die Provinsiale Inkomstefonds van die Kaapprovinsie.

6. Die toekenning aan J. G. Fourie, voorheen hoofbewaarder, Departement van Gevangenis, met ingang van 11 Junie 1950, van 'n pensioen van £109 4s. 0d. per jaar, onderworpe aan terugvordering van 'n bedrag gelyk aan die voordeel (£370 9s. 4d.) reeds aan hom betaal kragtens die Regeringsdiens Pensioenwet, 1936.

7. Die toekenning uit meegevoel aan Beatrice E. Swain, met ingang van 1 April 1957, van 'n pensioen van £90 per jaar: Met dien verstande dat bedoelde pensioen verval sodra 'n pensioen kragtens die Ouderdomspensioenwet, 1928, aan haar toegeken word.

8. Die toekenning aan die afhanklikes van wyle Ernest Kubheka, No. 19966, Naturellekonstabel, Suid-Afrikaanse Polisie, met ingang van 1 April 1957, van die pensioen waarop hulle geregtig sou gewees het indien die omstandighede van hulle geval aan die vereistes van artikel dertig van die Regeringsdiens Pensioenwet, 1936, soos gewysig deur artikel ses van Wet No. 44 van 1953, voldoen het: Met dien verstande dat geen terugbetaling geskied ten opsigte van die gratifikasie van £82 10s. 0d. wat voorheen ooreenkomstig artikel nege-en-dertig van die gemelde Regeringsdiens Pensioenwet, 1936, betaal is nie.

9. Die toekenning aan Roxa I. Babcock, met ingang van 1 April 1957, van die pensioen waarop sy kragtens die bepalinge van die Ouderdomspensioenwet, 1928, geregtig sou gewees het indien haar geval aan die vereistes van paragraaf (d) van artikel een van daardie Wet voldoen het.

10. Die toekenning aan Agatha de Cerjat, met ingang van 1 April 1957, van die pensioen waarop sy kragtens die bepalinge van die Ouderdomspensioenwet, 1928, geregtig sou gewees het indien haar geval aan die vereistes van paragraaf (d) van artikel een van daardie Wet voldoen het.

11. Die toekenning aan Ruth Lloyd, met ingang van 1 April 1957, van die pensioen waarop sy kragtens die bepalinge van die Ouderdomspensioenwet, 1928, geregtig sou gewees het indien haar geval aan die vereistes van paragraaf (d) van artikel een van daardie Wet voldoen het.

12. Die toekenning aan Matjie M. J. Roffi, met ingang van 1 April 1957, van die pensioen waarop sy kragtens die bepalinge van die Ouderdomspensioenwet, 1928, geregtig sou gewees het indien haar geval aan die vereistes van paragraaf (d) van artikel een van daardie Wet voldoen het.

13. Die toekenning aan Gladys D. Smith, met ingang van 1 April 1957, van die pensioen waarop sy kragtens die bepalinge van die Ouderdomspensioenwet, 1928, geregtig sou gewees het indien haar geval aan die vereistes van paragraaf (d) van artikel een van daardie Wet voldoen het.

14. Die toekenning aan Annie M. von Grotthuss, met ingang van 1 April 1957, van die pensioen waarop sy kragtens die bepalinge van die Ouderdomspensioenwet, 1928, geregtig sou gewees het indien haar geval aan die vereistes van paragraaf (d) van artikel een van daardie Wet voldoen het.

15. Die aansoek om 'n oudstryderspensioen deur R. L. A. Weyers moet met ingang van 1 April 1957 beskou word asof aanvaar was dat hy gedurende die Anglo-Boere-oorlog, 1899-1902, voltydse militêre diens met die Republikeinse magte verrig het.

16. The pension of Lady Gertrude Cory, widow of Sir George E. Cory, to be increased from £120 to £200 per annum with effect from 1st April, 1957, the pension to terminate upon her remarriage.

17. The award to Elsie J. du Plessis, widow of P. J. du Plessis, head constable, South African Police, of a gratuity of £487 19s. 4d.

18. The award to Martha S. Badenhorst, widow of A. A. Badenhorst, sergeant, South African Police, of a gratuity of £419 14s. 5d.

19. The award to Myrtle D. Scott, widow of K. W. Scott, charge male nurse, Department of Health, of a gratuity of £371 5s. 4d.

20. The award to Dorothy V. Dewey, widow of R. H. D. Dewey, sergeant, South African Police, of a gratuity of £346 16s. 10d.

21. The award to Johanna E. Meyer, widow of C. A. F. Meyer, coloured sergeant, South African Police, of a gratuity of £218 17s. 6d.

22. The applications for compensation by the following persons shall be considered as if such applications had been lodged under the War Special Pensions Act, 1919, prior to the first day of April, 1932, subject to the condition that no compensation shall be payable in respect of any period prior to the first day of April, 1956:—

(a) H. Clarke, formerly No. 7217, private, 9th South African Horse; and

(b) G. H. Smith, formerly No. 17116, private, 1st South African Infantry.

23. The applications for compensation by the following persons shall be considered as if such applications had been lodged under the War Special Pensions Act, 1919, prior to the first day of April, 1932, subject to the condition that no compensation shall be payable in respect of any period prior to the first day of April, 1957:—

(a) C. E. Bell, formerly No. 1087, gunner, South African Heavy Artillery;

(b) H. G. Bower, formerly No. 1091, gunner, South African Heavy Artillery;

(c) D. R. Burger, formerly No. 4188, driver, South African Service Corps;

(d) H. de Clercq, formerly burgher, Bloemhof Commando;

(e) C. N. Frank, formerly No. 603, private, 3rd South African Infantry;

(f) S. W. Hunt, formerly No. X.735, private, 4th South African Infantry;

(g) A. J. Kennedy, formerly No. 328, Natal Field Artillery;

(h) A. E. Kirsten, formerly No. 2258, private, 5th South African Infantry;

(i) I. C. Lack, formerly No. 5730, sergeant-major, 1st South African Infantry;

(j) G. P. le Sueur, formerly No. A.3664, corporal, Cape Fortress Engineers;

(k) E. T. Moore, formerly No. 1714, private, South African Service Corps;

(l) R. E. Scott, formerly No. 417, private, 5th South African Infantry;

(m) H. P. Staal, formerly No. 8435, private, 10th South African Infantry;

(n) M. W. Surmon, formerly No. 9537, private, 1st South African Infantry;

(o) D. van der Lith, formerly No. 14820, private, 8th South African Infantry;

(p) G. van Oudtshoorn, formerly No. 11835, private, 7th South African Infantry; and

(q) E. Wilson, formerly No. 1335, gunner, South African Field Artillery.

24. The application for compensation by R. T. M. Rawbone, formerly No. 1966, private, 1st South African Infantry, in respect of wounds to his hand and left knee, and injuries to his spine and eardrum shall be considered as if it had been lodged under the War Special Pensions Act, 1919, prior to the first day of April, 1932, subject to the condition that no compensation in respect of those disabilities shall be payable in respect of any period prior to the first day of April, 1956.

25. The application for compensation by B. Ritchie, formerly No. 1173, private, 4th South African Infantry, in respect of the effects of "trench feet", shall be considered as if it had been lodged under the War Special Pensions Act, 1919, prior to the first day of April, 1932, subject to the condition that no compensation in respect of such effects shall be payable in respect of any period prior to the first day of April, 1956.

26. The application for compensation by H. A. Smuts, formerly No. 14392, private, 1st South African Infantry, in respect of the effects of malaria, dysentery and frost bite shall be considered as if it had been lodged under the War Special Pensions Act, 1919, prior to the first day of April, 1932, subject to the condition that no compensation in respect of such effects shall be payable in respect of any period prior to the first day of April, 1957.

27. The application for compensation by W. E. Thorpe, formerly No. 211, private, South African Medical Corps, in respect of an injury to his back shall be considered as if it had been lodged under the War Special Pensions Act, 1919, prior to the first day of April, 1932, subject to the condition that no compensation in respect of such injury shall be payable in respect of any period prior to the first day of April, 1955.

28. For the purposes of section four of the War Special Pensions Act, 1919, the pre-war earnings of V. A. Mellish, formerly No. 394, gunner, South African Heavy Artillery, shall be accepted at £450 per annum with effect from 1st April, 1957.

29. The award to Johanna S. D. Turner, widow of I. S. Turner, formerly No. 13062, private, 2nd South African Infantry, with effect from

16. Dat die pensioen van Lady Gertrude Cory, weduwe van Sir George E. Cory, met ingang van 1 April 1957 van £120 tot £200 per jaar verhoog word, en dat die pensioen verval indien sy weer trou.

17. Die toekenning aan Elsie J. du Plessis, weduwe van P. J. du Plessis, hoofkonstabel, Suid-Afrikaanse Polisie, van 'n gratifikasie van £487 19s. 4d.

18. Die toekenning aan Martha S. Badenhorst, weduwe van A. A. Badenhorst, sersant, Suid-Afrikaanse Polisie, van 'n gratifikasie van £419 14s. 5d.

19. Die toekenning aan Myrtle D. Scott, weduwe van K. W. Scott, eerste verpleër, Departement van Gesondheid, van 'n gratifikasie van £371 5s. 4d.

20. Die toekenning aan Dorothy V. Dewey, weduwe van R. H. D. Dewey, sersant, Suid-Afrikaanse Polisie, van 'n gratifikasie van £346 16s. 10d.

21. Die toekenning aan Johanna E. Meyer, weduwe van C. A. F. Meyer, kleurlingsersant, Suid-Afrikaanse Polisie, van 'n gratifikasie van £218 17s. 6d.

22. Die aansoeke om vergoeding deur die volgende persone word beskou asof bedoelde aansoeke voor die eerste dag van April 1932 ingevolge die „Oorlogs Speciale Pensioenen Wet, 1919” ingedien was, onderworpe aan die voorwaarde dat geen vergoeding ten opsigte van enige tydperk voor die eerste dag van April 1956 betaalbaar is nie:—

(a) H. Clarke, voorheen No. 7217, manskap, 9de Suid-Afrikaanse Ruiters; en

(b) G. H. Smith, voorheen No. 17116, manskap, 1ste Suid-Afrikaanse Infanterie.

23. Die aansoeke om vergoeding deur die volgende persone word beskou asof bedoelde aansoeke voor die eerste dag van April 1932 ingevolge die „Oorlogs Speciale Pensioenen Wet, 1919” ingedien was, onderworpe aan die voorwaarde dat geen vergoeding ten opsigte van enige tydperk voor die eerste dag van April 1957 betaalbaar is nie:—

(a) C. E. Bell, voorheen No. 1087, kanonnier, Suid-Afrikaanse Swaargeskut;

(b) H. G. Bower, voorheen No. 1091, kanonnier, Suid-Afrikaanse Swaargeskut;

(c) D. R. Burger, voorheen No. 4188, motorbestuurder, Suid-Afrikaanse Dienskorps;

(d) H. de Clercq, voorheen burger, Bloemhof-kommando;

(e) C. N. Frank, voorheen No. 603, manskap, 3de Suid-Afrikaanse Infanterie;

(f) S. W. Hunt, voorheen No. X.735, manskap, 4de Suid-Afrikaanse Infanterie;

(g) A. J. Kennedy, voorheen No. 328, Natalse Veldartillerie;

(h) A. E. Kirsten, voorheen No. 2258, manskap, 5de Suid-Afrikaanse Infanterie;

(i) I. C. Lack, voorheen No. 5730, sersant-majoor, 1ste Suid-Afrikaanse Infanterie;

(j) G. P. le Sueur, voorheen No. A.3664, korporaal, „Cape Fortress Engineers”;

(k) E. T. Moore, voorheen No. 1714, manskap, Suid-Afrikaanse Dienskorps;

(l) R. E. Scott, voorheen No. 417, manskap, 5de Suid-Afrikaanse Infanterie;

(m) H. P. Staal, voorheen No. 8435, manskap, 10de Suid-Afrikaanse Infanterie;

(n) M. W. Surmon, voorheen No. 9537, manskap, 1ste Suid-Afrikaanse Infanterie;

(o) D. van der Lith, voorheen No. 14820, manskap, 8ste Suid-Afrikaanse Infanterie;

(p) G. van Oudtshoorn, voorheen No. 11835, manskap, 7de Suid-Afrikaanse Infanterie; en

(q) E. Wilson, voorheen No. 1335, kanonnier, Suid-Afrikaanse Veldartillerie.

24. Die aansoek om vergoeding deur R. T. M. Rawbone, voorheen No. 1966, manskap, 1ste Suid-Afrikaanse Infanterie, ten opsigte van wonde aan sy hand en linker knie, en beserings aan sy ruggraat en trommelvlies word beskou asof dit voor die eerste dag van April 1932 ingevolge die „Oorlogs Speciale Pensioenen Wet, 1919”, ingedien was, onderworpe aan die voorwaarde dat geen vergoeding ten opsigte van daardie ongeskikthede ten opsigte van enige tydperk voor die eerste dag van April 1956 betaalbaar is nie.

25. Die aansoek om vergoeding deur B. Ritchie, voorheen No. 1173, manskap, 4de Suid-Afrikaanse Infanterie, ten opsigte van die gevolge van „boetson”, word beskou asof dit voor die eerste dag van April 1932 ingevolge die „Oorlogs Speciale Pensioenen Wet, 1919”, ingedien was, onderworpe aan die voorwaarde dat geen vergoeding ten opsigte van bedoelde gevolge ten opsigte van enige tydperk voor 1 April 1956 betaalbaar is nie.

26. Die aansoek om vergoeding deur H. A. Smuts, voorheen No. 14392, manskap, 1ste Suid-Afrikaanse Infanterie, ten opsigte van die gevolge van malariakoors, disenterie en bevroesing word beskou asof dit voor die eerste dag van April 1932 ingevolge die „Oorlogs Speciale Pensioenen Wet, 1919”, ingedien was, onderworpe aan die voorwaarde dat geen vergoeding ten opsigte van bedoelde gevolge ten opsigte van enige tydperk voor die eerste dag van April 1957 betaalbaar is nie.

27. Die aansoek om vergoeding deur W. E. Thorpe, voorheen No. 211, manskap, Suid-Afrikaanse Mediese Korps, ten opsigte van 'n besering aan sy rug, word beskou asof dit voor die eerste dag van April 1932 ingevolge die „Oorlogs Speciale Pensioenen Wet, 1919”, ingedien was, onderworpe aan die voorwaarde dat geen vergoeding ten opsigte van bedoelde besering ten opsigte van enige tydperk voor die eerste dag van April 1955 betaalbaar is nie.

28. Vir die doeleindes van artikel vier van die „Oorlogs Speciale Pensioenen Wet, 1919”, word die vooroorlogse verdienste van V. A. Mellich, voorheen No. 394, kanonnier, Suid-Afrikaanse Swaargeskut, met ingang van 1 April 1957 as £450 per jaar aanvaar.

29. Die toekenning aan Johanna S. D. Turner, weduwe van I. S. Turner, voorheen No. 13062, manskap, 2de Suid-Afrikaanse Infanterie,

1st April, 1956, of the alternative allowance to which she would have been entitled in terms of section *eighteen* of the War Special Pensions Act, 1919, had the pre-war earnings of the said I. S. Turner amounted to £312 10s. 0d. per annum.

30. That the break in service of Adriaan Bekker, Porter, South African Railways, from 18th February, 1944, to 5th November, 1952, be condoned for pension purposes and that such break be regarded as special leave of absence without pay, not counting as pensionable service but preserving to him the benefit of his previous pensionable service from 12th July, 1928, to 17th February, 1944, subject to the following conditions:—

- (a) The amount paid to him from the New Railways and Harbours Superannuation Fund when the said break in service occurred shall be repaid to that Fund together with interest thereon at the rate of four and one-half per cent. per annum, compounded monthly, from the date of payment to the date of repayment. The aforementioned amount, including the interest thereon, shall be advanced to him from the Railway and Harbour Fund and shall be paid to the said Superannuation Fund on his behalf;
- (b) the amount paid on his behalf to the said Superannuation Fund in terms of sub-paragraph (a) shall be repaid by him to the Railway Administration in such instalments as the Administration's Chief Accountant may direct, provided that, if his services are terminated for any reason or he dies before the amount so advanced has been fully repaid or recovered, the amount still outstanding shall be deducted from benefits payable under the appropriate section of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), to him, or, in the event of his death, to some other person. For the purpose of this sub-paragraph the expression "benefits" shall be deemed to include, in the event of his death, the capital sum on which, in terms of section *thirty-one* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), as amended, the calculation of any annuity payable to his widow is to be based. Any amount so deducted shall be refunded to the Railway and Harbour Fund.

31. Subject to such conditions as the Commissioner of Pensions may determine and to the repayment by Norma G. Gerber, temporary woman clerk, Department of Defence, of the sum of £10 19s. 3d. paid to her from the Government Employees' Provident Fund in 1955, together with interest on such sum at the rate of four per cent. per annum, compounded annually as at 31st March, from the date of payment to date of repayment, the break in her service from 16th June, 1955, to 17th July, 1955, to be condoned for pension purposes, being regarded as special leave of absence without pay not counting as service but preserving to her the benefit of her previous service for such purposes.

32. The break in service of F. C. Sharpe, temporary clerk, Department of Defence, from 22nd June, 1956, to 1st July, 1956, shall be condoned for pension purposes being regarded as special leave of absence without pay not counting as service but preserving to him the benefit of his previous service for the purposes of paragraph (c) of section *eighty-six* of the Government Service Pensions Act, 1955.

33. The break in service of S. E. P. Simoncelli, principal engineering assistant, Department of Public Works, from 1st June, 1924, to 6th November, 1924, shall be condoned for pension purposes, being regarded as special leave of absence without pay not counting as service, and subject to such conditions as the Commissioner of Pensions may determine, he shall be permitted to contribute to the Union pension fund in accordance with the scale set forth in section *twenty-five* of the Government Service Pensions Act, 1955, in respect of his service from 22nd April, 1919, to 31st May, 1924.

34. Subject to the repayment by H. van der Merwe, teacher, Transvaal Education Department, of the sum of £757 18s. 6d. paid to him from the Transvaal Teacher's Pension Fund on his resignation in 1955, together with interest thereon at the rate of four per cent. per annum, compounded annually, from 1st November, 1955, to date of repayment, the break in his service from 1st October, 1955, to 18th January, 1956, shall be condoned for pension purposes being regarded as special leave of absence without pay not counting as service but preserving to him the benefit of his previous pensionable service.

35. The break in service of J. P. Wagner, No. 9881, sergeant, South African Police, from 4th May, 1921, to 30th June, 1921, shall be condoned for pension purposes, being regarded as special leave of absence without pay not counting as service, and, subject to such conditions as the Commissioner of Pensions may determine, he shall be permitted to contribute to the South African police and prisons service pension fund in accordance with the scale set forth in section *forty-four* of the Government Service Pensions Act, 1955, in respect of his service from 16th September, 1918, to 3rd May, 1921.

36. Subject to such conditions as the Commissioner of Pensions may determine and to the repayment by S. J. de Kock, senior medical officer, Department of Labour, of the benefit of £65 18s. 0d. paid to him from the Government Employees' Provident Fund in 1938, together with interest thereon at the rate of four per cent. per annum, compounded annually as at 31st March, from date of payment to date of repayment, he shall be permitted to contribute to the Union pension fund in accordance with the scale set forth in section *twenty-five* of the Government Service Pensions Act, 1955, in respect of his service from 1st February, 1929, to 13th September, 1938.

37. Izak J. du Plessis, teacher, Transvaal Education Department, shall be deemed to have elected within the prescribed period to contribute to the Transvaal Teachers' Pension Fund in respect of his service from 17th January, 1928.

38. Maria C. Esterhuizen, woman clerk, Department of Labour, shall be deemed to have elected in terms of sub-section (2) of section *twenty-two* of the Government Service Pensions Act, 1955, to contribute to the Union Pension Fund in respect of her service from 16th November, 1953.

met ingang van 1 April 1956, van die alternatiewe toelae waarop sy ingevolge artikel *agtien* van die „Oorlogs Speciale Pensioene Wet, 1919”, geregtig sou gewees het indien die vooroorlogse verdienste van bedoelde I. S. Turner £312 10s. 0d. per jaar bedra het.

30. Dat die diensonderbreking van Adriaan Bekker, kruier, Suid-Afrikaanse Spoorweë, vanaf 18 Februarie 1944 tot 5 November 1952 vir pensioendoeleindes verskoon word en dat sodanige onderbreking beskou word as spesiale afwesigheidsverlof sonder besoldiging wat nie as pensioendraende diens geld nie, maar wat hom die voordeel van sy vorige pensioendraende diens vanaf 12 Julie 1928 tot 17 Februarie 1944 laat behou, onderworpe aan die volgende voorwaardes:

- (a) Die bedrag wat uit die Nuwe Spoorweg- en Hawesuperannuasiefonds aan hom betaal is toe genoemde diensonderbreking plaasgevind het, moet aan daardie Fonds terugbetaal word tesame met rente daarop teen vier en 'n half persent per jaar, maandeliks saamgestel, vanaf die datum waarop dit betaal is tot die datum waarop dit terugbetaal word. Voormelde bedrag, met inbegrip van die rente daarop, word uit die Spoorweg- en Hawefonds aan hom voorgesket en ten behoeve van hom aan bedoelde Superannuasiefonds betaal;
- (b) die bedrag wat ingevolge sub-paragraaf (a) ten behoeve van hom aan bedoelde Superannuasiefonds betaal word, moet deur hom aan die Spoorwegadministrasie terugbetaal word in sodanige paalemente as wat die Administrasie se Hoofrekenmeester mag bepaal: Met dien verstande dat indien sy dienste om enige rede beëindig word, of hy te sterwe kom voordat die bedrag wat aldus voorgesket is ten volle terugbetaal of verhaal is, die bedrag wat nog uitstaande is, verhaal moet word op voordele wat kragtens die toepaslike artikel van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925), aan hom, of, in geval van sy dood, aan iemand anders betaalbaar is. Vir die doeleindes van hierdie sub-paragraaf word onder die uitdrukking „voordele” in geval van sy dood ook verstaan die kapitaalsom waarop die berekening van 'n jaargeld wat aan sy weduwee betaalbaar is, ingevolge artikel 31 van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925), soos gewysig, gebaseer moet word. Enige bedrag wat aldus verhaal is, moet aan die Spoorweg- en Hawefonds terugbetaal word.

31. Dat, onderworpe aan die voorwaardes wat die Kommissaris van Pensioene mag bepaal en op voorwaarde dat Norma G. Gerber, tydelike vroulike klerk, Departement van Verdediging, die bedrag van £10 19s. 3d. wat in 1955 uit die Regeringswerknemersondersteuningsfonds aan haar betaal is, terugbetaal saam met rente op bedoelde bedrag teen die koers van vier persent per jaar, jaarliks saamgestel op 31 Maart, van die datum van betaling tot die datum van terugbetaling, haar diensonderbreking vanaf 16 Junie 1955 tot 17 Julie 1955 vir pensioendoeleindes verskoon word en beskou word as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie, maar wat haar die voordeel van haar vorige diens vir sodanige doeleindes laat behou.

32. Die diensonderbreking van F. C. Sharpe, tydelike klerk, Departement van Verdediging, vanaf 22 Junie 1956 tot 1 Julie 1956 word vir pensioendoeleindes verskoon en beskou as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie, maar wat hom die voordeel van sy vorige diens vir die doeleindes van paragraaf (c) van artikel *sê-en-tagtig* van die Regeringsdiens-pensioenwet, 1955, laat behou.

33. Die diensonderbreking van S. E. P. Simoncelli, eerste ingenieurs-assistent, Departement van Publieke Werke, vanaf 1 Junie 1924 tot 6 November 1924, word vir pensioendoeleindes verskoon en beskou as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie, en onderworpe aan die voorwaardes wat die Kommissaris van Pensioene mag bepaal, word hy toegelaat om ooreenkomstig die skaal in artikel *vyf-en-twintig* van die Regeringsdiens-pensioenwet, 1955, uiteengesit tot die Unie-pensioenfonds by te dra ten opsigte van sy diens vanaf 22 April 1919 tot 31 Mei 1924.

34. Die diensonderbreking van H. van der Merwe, onderwyser, Transvaalse Onderwysdepartement, vanaf 1 Oktober 1955 tot 18 Januarie 1956 word vir pensioendoeleindes verskoon en beskou as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie, maar wat hom die voordeel van sy vorige pensioengewende diens laat behou, op voorwaarde dat hy die bedrag van £757 18s. 6d. wat by sy bedanking in 1955 uit die Transvaalse Onderwyserspensioenfonds aan hom betaal is, terugbetaal, tesame met rente daarop teen die koers van vier persent per jaar, jaarliks saamgestel, vanaf 1 November 1955 tot die datum van terugbetaling.

35. Die diensonderbreking van J. P. Wagner, No. 9881, sersant, Suid-Afrikaanse Polisie, vanaf 4 Mei 1921 tot 30 Junie 1921 word vir pensioendoeleindes verskoon en beskou as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie, en, onderworpe aan die voorwaardes wat die Kommissaris van Pensioene mag bepaal, word hy toegelaat om, ooreenkomstig die skaal in artikel *vier-en-veertig* van die Regeringsdiens-pensioenwet, 1955, uiteengesit, tot die Suid-Afrikaanse polisie- en gevangenisdiens-pensioenfonds by te dra ten opsigte van sy diens vanaf 16 September 1918 tot 3 Mei 1921.

36. Onderworpe aan die voorwaardes wat die Kommissaris van Pensioene mag bepaal en aan die terugbetaling deur S. J. de Kock, senior mediese beampte, Departement van Arbeid, van die voordeel van £65 18s. 0d. wat in 1938 uit die Regeringswerknemersondersteuningsfonds aan hom betaal is, tesame met rente daarop teen die koers van vier persent per jaar, jaarliks op 31 Maart saamgestel, vanaf die datum van betaling tot die datum van terugbetaling, word hy toegelaat om ooreenkomstig die skaal in artikel *vyf-en-twintig* van die Regeringsdiens-pensioenwet uiteengesit, tot die Unie-pensioenfonds by te dra ten opsigte van sy diens vanaf 1 Februarie 1929 tot 13 September 1938.

37. Izak J. du Plessis, onderwyser, Transvaalse Onderwysdepartement word geag binne die voorgeskrewe tydperk te gekies het om tot die Transvaalse Onderwyserspensioenfonds by te dra ten opsigte van sy diens vanaf 17 Januarie 1928.

38. Maria C. Esterhuizen, vroulike klerk, Departement van Arbeid, word geag ooreenkomstig sub-artikel (2) van artikel *twee-en-twintig* van die Regeringsdiens-pensioenwet, 1955, te gekies het om tot die Unie-pensioenfonds by te dra ten opsigte van haar diens vanaf 16 November 1953.

39. Provided that M. N. S. Immelman, principal of the Technical College Port Elizabeth, elects in terms of paragraph 39 of the regulations governing the Technical Colleges Provident Fund and Pension Scheme, to reckon his past pensionable service as service for the purposes of the said scheme he shall for the purpose of paragraph 46 of the said regulations, be deemed to have been admitted to the Technical Colleges Provident Fund prior to the twenty-eighth day of April, 1950.

40. C. J. Olivier, teacher, Cape Education Department, shall be permitted to contribute to the Cape Teachers' Pension Fund in respect of his teaching experience from 1st July, 1919, to 30th September, 1924, as if he had elected in terms of section 228 of Cape Ordinance No. 5 of 1921 so to contribute, and after the payment by him of the necessary contributions and interest, he shall, notwithstanding anything to the contrary in any other law contained, be credited with the whole period of such experience for pension purposes.

41. Subject to such conditions as the Commissioner of Pensions may determine, W. B. Rankin, senior magistrate, Department of Justice, shall be permitted to contribute to the Union pension fund in respect of his military service from 7th May, 1915, to 16th July, 1915, and from 5th August, 1915, to 6th February, 1918; the continuity of his service for pension purposes shall be deemed not to be interrupted by any periods between 7th May, 1915, and 1st March, 1919, during which he was not on military service, such periods being regarded as special leave of absence without pay not counting as service.

42. Subject to such conditions as the Commissioner of Pensions may determine, H. B. Rycroft, director, National Botanic Gardens, Kirstenbosch, shall be permitted to contribute to the Technical Colleges Provident Fund in respect of his service from 1st January, 1954 to 28th October, 1954, and provided he refunds the sum of £300 0s. 9d. which was paid to him from the Union Public Service Pension Fund in 1955 together with interest thereon at the rate of four per cent. per annum, compounded annually as at 31st March, from date of payment to date of repayment, he shall for the purposes of section *twenty-seven* of the Government Service Pensions Act, 1936, and the regulations governing the Provident Fund and Pension Scheme for Technical Colleges, be deemed to have been transferred from the public service to the service of an institution for higher education with effect from 1st January, 1954.

43. Subject to such conditions as the Commissioner of Pensions may determine, R. J. Smit, deputy chief health officer, Department of Health, shall be permitted to contribute to the Union pension fund in accordance with the rate set forth in section *twenty-five* of the Government Service Pensions Act, 1955, in respect of his service from 6th June, 1931, to 30th November, 1936: Provided that he shall pay interest on the contributions due in respect of the period 1st December, 1935, to 30th November, 1936, at the rate of four per cent. per annum, compounded annually as at 31st March and calculated—

- (a) according to the dates upon which the said contributions would have been payable had he during that period been a contributor to the Union pension fund, and
- (b) up to the date on which the said contributions are paid.

44. Anna M. E. Sonntag, formerly sister, Department of Education, Arts and Science, shall be deemed to have elected in terms of sub-section (2) of section *twenty-six* of the Government Service Pensions Act, 1936, to reckon her past pensionable service from 1st June, 1934, to 31st October, 1953, as pensionable service under that Act.

45. That each of the undermentioned servants of the Railway Administration shall have the option of electing to have the period of pensionable service with the Department of Defence indicated opposite his name admitted for pension purposes under the provisions of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), subject to the following conditions:

- (a) Contributions shall be paid to the New Railways and Harbours Superannuation Fund at the rates per cent. prescribed in section *eight* (1) of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), as amended, plus £ for £ thereon, plus interest on both at the rate of five per cent. per annum, compounded annually, from the dates such contributions became payable up to the last day of his service in the Department of Defence, plus further interest on the amount thus due at the rate of four and one-half per cent. per annum, compounded monthly, from the day following such date up to the date payment on account thereof is actually made. The total amount thus due shall be advanced to him from the Railway and Harbour Fund and shall be paid to the said Superannuation Fund on his behalf;
- (b) the amount paid on his behalf to the said Superannuation Fund in terms of sub-paragraph (a) shall be repaid by him to the Railway Administration in such instalments as the Administration's Chief Accountant may direct, provided that, if his services are terminated for any reason or he dies before the amount so advanced has been fully repaid or recovered, the amount still outstanding shall be deducted from benefits payable under the appropriate section of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), to him, or, in the event of his death, to some other person. For the purpose of this sub-paragraph the expression "benefits" shall be deemed to include, in the event of his death, the capital sum on which, in terms of section *thirty-one* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), as amended, the calculation of any annuity payable to his widow is to be based. Any amount so deducted shall be refunded to the Railway and Harbour Fund; and
- (c) the said option shall be exercised by the servant within a period of three months from the date on which there is furnished to him by the Administration's Chief Accountant an official statement

39. Op voorwaarde dat M. N. S. Immelman, prinsipaal van die Tegniese Kollege, Port Elizabeth, ingevolge paragraaf 39 van die regulasies wat die Voorsorgfonds- en Pensioenskema vir Tegniese Kolleges beheer, kies om sy vorige pensioengewende diens as diens vir die doeleindes van bedoelde skema te reken, word hy, vir die doeleindes van paragraaf 46 van bedoelde regulasies, geag voor die agt-en-twintigste dag van April 1950 tot die Voorsorgfonds vir Tegniese Kolleges toegelaat te gewees het.

40. C. J. Olivier, onderwyser, Kaapse Onderwysdepartement, word toegelaat om tot die Kaapse Onderwyserspensioenfonds by te dra ten opsigte van sy onderwysondervinding vanaf 1 Julie 1919 to 30 September 1924, asof hy ingevolge die bepalings van artikel 228 van Kaapse Ordonnansie No. 5 van 1921 gekies het om aldus by te dra, en, nadat die nodige bydraes en rente deur hom betaal is, word hy, ondanks enige andersluidende wetsbepaling, vir pensioendoeleindes met die volle tydperk van daardie ondervinding gekrediteer.

41. Onderworpe aan die voorwaardes wat die Kommissaris van Pensioene mag bepaal, word W. B. Rankin, senior magistraat, Departement van Justisie, toegelaat om tot die Unie-pensioenfonds by te dra ten opsigte van sy militêre diens vanaf 7 Mei 1915 tot 16 Julie 1915 en vanaf 5 Augustus 1915 tot 6 Februarie 1918; die aaneenlopendheid van sy diens vir pensioendoeleindes word geag nie onderbreek te word deur enige tydperke tussen 7 Mei 1915 en 1 Maart 1919 gedurende welke hy nie in militêre diens was nie en sodanige tydperke word beskou as spesiale afwesighedsverlof sonder betaling wat nie as diens geld nie.

42. Onderworpe aan die voorwaardes wat die Kommissaris van Pensioene mag bepaal, word H. B. Rycroft, direkteur, Nasionale Botaniese Tuin, Kirstenbosch, toegelaat om tot die Voorsorgfonds vir Tegniese Kolleges by te dra ten opsigte van sy diens vanaf 1 Januarie 1954 tot 28 Oktober 1954, en op voorwaarde dat hy die bedrag van £300 0s. 9d. wat in 1955 uit die Unie-staatsdienspensioenfonds aan hom betaal is, terugbetaal, saam met rente daarop teen die koers van vier persent per jaar, jaarliks saamgestel op 31 Maart, vanaf die datum van betaling tot die datum van terugbetaling, word hy vir die doeleindes van artikel *sewe-en-twintig* van die Regeringsdiens-pensioenwet, 1936, en die regulasies wat die Voorsorgfonds- en Pensioenskema vir Tegniese Kolleges beheer, geag met ingang van 1 Januarie 1954 uit die staatsdiens na die diens van 'n inrigting vir hoër onderwys verplaas te gewees het.

43. Onderworpe aan die voorwaardes wat die Kommissaris van Pensioene mag bepaal, word R. J. Smit, Adjunk-hoofgesondheidsbeampte, Departement van Gesondheid, toegelaat om ooreenkomstig die skaal in artikel *vyf-en-twintig* van die Regeringsdiens-pensioenwet, 1955, uitengesit tot die Unie-pensioenfonds by te dra ten opsigte van sy diens vanaf 6 Junie 1931 tot 30 November 1936: Met dien verstande dat hy rente op die bydraes verskuldig ten opsigte van die tydperk 1 Desember 1935 tot 30 November 1936 betaal teen die koers van vier persent per jaar, jaarliks op 31 Maart saamgestel en bereken—

(a) volgens die datums waarop genoemde bydraes betaalbaar sou gewees het indien hy gedurende daardie tydperk 'n bydraer tot die Unie-pensioenfonds was, en

(b) tot die datum waarop bedoelde bydraes betaal word.

44. Anna M. E. Sonntag, voorheen suster, Departement van Onderwys, Kuns en Wetenskap, word geag ingevolge sub-artikel (2) van artikel *ses-en-twintig* van die Regeringsdiens Pensioenwet, 1936, te gekies het om haar vorige pensioengewende diens vanaf 1 Junie 1934 tot 31 Oktober 1953 as pensioengewende diens kragtens daardie Wet te reken.

45. Dat elk van die ondergenoemde dienare van die Spoorwegadministrasie die opsie moet hê om te kies om die tydperk van pensioendraende diens by die Departement van Verdediging wat teenoor sy naam aange-toon word, vir pensioendoeleindes te laat geld kragtens die bepalings van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925), onderworpe aan die volgende voorwaardes:

(a) Bydraes moet aan die Nuwe Spoorweg- en Hawesuperannuasiefonds betaal word teen die persentasieskale voorgeskryf in artikel *agt* (1) van die „Spoorwegen en Havens Superannuatie Fonds Wet 1925” (Wet No. 24 van 1925), soos gewysig, plus £ vir £ daarop, plus rente op albei teen die koers van vyf persent per jaar, jaarliks saamgestel, vanaf die datums waarop genoemde bydraes betaalbaar geword het tot die laaste dag van sy diens in die Departement van Verdediging, plus verdere rente op die bedrag aldus verskuldig teen die koers van vier en 'n half persent per jaar, maandeliks saamgestel, vanaf die dag na genoemde datum tot die datum wanneer die betaling op rekening daarvan werklik gedoen word. Die totale bedrag wat aldus verskuldig is, oet uit die Spoorweg- en Hawefonds aan hom voorgeskiet word en moet ten behoeve van hom aan bedoelde Superannuasiefonds betaal word;

(b) die bedrag wat ooreenkomstig sub-paragraaf (a) ten behoeve van hom aan bedoelde Superannuasiefonds betaal word, moet deur hom aan die Spoorwegadministrasie terugbetaal word in sodanige paaiemente as wat die Administrasie se Hoofrekenmeester mag bepaal, met dien verstande dat indien sy dienste om enige rede beëindig word, of hy te sterwe kom, voordat die bedrag wat aldus voorgeskiet is ten volle terugbetaal of verhaal is, die bedrag wat nog uitstaande is, verhaal moet word op voordele, wat kragtens die toepaslike artikel van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925), aan hom, of, in geval van sy dood, aan iemand anders betaalbaar is. Vir die doel van hierdie sub-paragraaf word onder die uitdrukking „voordele”, in geval van sy dood, ook verstaan die kapitaalsom waarop die berekening van 'n jaargeld wat aan sy weduwee betaalbaar is, ingevolge artikel *een-en-dertig* van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925), soos gewysig, gebaseer moet word. Enige bedrag wat aldus verhaal is moet aan die Spoorweg- en Hawefonds terugbetaal word; en

(c) die bedoelde opsie moet deur die dienaar uitgeoefen word binne 'n tydperk van drie maande van die datum waarop hy deur die Administrasie se Hoofrekenmeester voorsien word van 'n amptelike

setting out the total amount that will become payable to the New Railways and Harbours Superannuation Fund should he exercise the option:

Pension No.	Name.	Period of Pensionable Service with Department of Defence.	
		From.	To
242300	Smit, J. A.	15.3.40	30.4.46
242278	Furrows, N. F.	14.12.36	22.2.46
250950	Daniels, H. F.	16.1.41	4.3.47

46. The award to Jacob Johannes Bastiaanse, Storeman, House of Assembly, of an annuity of £198 with effect from 15th November, 1957, with the right to convert twenty-five per cent. thereof into a gratuity in accordance with the scale set forth in sub-paragraph (ii) of paragraph (b) of sub-section (2) of section *nineteen* of the Government Service Pensions Act, 1955: Provided that such right shall be exercised not later than one month after the abovementioned date.

staat wat die totale bedrag aantoon wat aan die Nuwe Spoorweg- en Hawesuperannuasiefonds betaalbaar sal word as hy die opsie uitoefen:

Pensioen- nommer.	Naam.	Pensioendraende Diensttermyn by Departement van Verdediging.	
		Van	Tot
242300	Smit, J. A.	15.3.40	30.4.46
242278	Furrows, N. F. . .	14.12.36	22.2.46
250950	Daniels, H. F. . .	16.1.41	4.3.47

46. Die toekenning aan Jacob Johannes Bastiaanse, Magasynmeester, Volksraad, van 'n jaargeld van £198 met ingang van 15 November 1957, met die reg om vyf-en-twintig persent daarvan in 'n gratifikasie om te sit ooreenkomstig die skaal aangegee in sub-paragraaf (ii) van paragraaf (b) van sub-artikel (2) van artikel *negentien* van die Regeringsdienspensioenwet, 1955: Met dien verstande dat dié reg nie later as een maand na die bogenoemde datum uitgeoefen moet word nie.