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**DEPARTEMENT VAN VOLKSWELSYN EN
PENSIOENE.**

**DEPARTMENT OF SOCIAL WELFARE AND
PENSIONS.**

Die volgende Wetsontwerp wat die Minister van Volkswelsyn en Pensioene voornemens is om by die volgende parlementssitting in te dien, word hiermee vir algemene ligting bekendgemaak.

The following Bill which the Minister of Social Welfare and Pensions proposes introducing at the next Session of Parliament, is hereby published for general information.

WETSONTWERP

Om voorsiening te maak vir die aanstelling van kommissarisse van kindersorg en vir die instelling van kinderhowe; vir die beskerming en welsyn van sekere kinders; vir toesig oor hulle, en vir die oprigting of erkenning van sekere instellings vir die toelating van kinders en jeugdige persone en vir die behandeling van kinders en jeugdige persone na hul opname in bedoelde instellings; vir die betaling van onderhoudstoelae vir sekere kinders en jeugdige persone deur sekere persone; vir die aanneming van kinders; vir die wysiging van die wet op Welsynsorganisasies, 1947, die Wet op Werkkolonies, 1949, die Strafproseswet, 1955 en die Wet op Gevangenis, 1959; en vir ander bykomstige aangeleenthede.

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

Woord-
bepaling.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) „aangenome kind”, ’n kind wat ooreenkomstig die bepalinge van Hoofstuk VII van hierdie Wet, of van die Kinderwet, 1937 (Wet No. 31 van 1937), of van die „Aanneming van Kinderen Wet, 1923” (Wet No. 25 van 1923), aangeneem is; (ii) 10
 - (ii) „aannemende ouer”, ’n persoon wat ’n kind kragtens die bepalinge van Hoofstuk VII van hierdie Wet, of van die Kinderwet, 1937, of van die „Aanneming van Kinderen Wet, 1923”, aanneem of aangeneem het; (iii) 15
 - (iii) „Administrateur”, met betrekking tot ’n provinsie, die Administrateur van daardie provinsie handelende op advies van die uitvoerende komitee daarvan; (i)
 - (iv) „assistent-kommissaris van kindersorg” of „assistent-kommissaris”, ’n assistent-kommissaris van kindersorg bedoel in artikel twee; (v) 20
 - (v) „beskernde jong kind”, ’n jong kind bedoel in sub-artikel (1) van artikel tien; (xxxviii)
 - (vi) „bestuur”, met betrekking tot ’n inrigting, die raad van bestuur van daardie inrigting; (xxiv)
 - (vii) „bestuurders”, met betrekking tot ’n kinderhuis, 25
versorgingsoord, kraaminrigting, herstellingsoord, hospitaal, opleidingsinrigting of plek waar die versorging van kinders onderneem word, die persone wat met die bestuur en beheer daarvan belas is; (xxv)

BILL

To provide for the appointment of commissioners of child welfare and for the establishment of children's courts; for the protection and welfare of certain children, for their supervision and for the establishment or recognition of certain institutions for the reception of children and juveniles; for the treatment of children and juveniles after their reception in such institutions; for contribution by certain persons towards the maintenance of certain children and juveniles; for the adoption of children; to amend the Welfare Organizations Act, 1947, the Work Colonies Act, 1949, the Criminal Procedure Act, 1955, and the Prisons Act, 1959; and to provide for other incidental matters.

ARRANGEMENT OF SECTIONS.

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

1. In this Act unless the context otherwise indicates— **Definitions.**
- 5 (i) "Administrator", in relation to any province, means the Administrator of that province acting on the advice of the Executive Committee thereof; (iii)
- 10 (ii) "adopted child" means a child adopted under the provisions of Chapter VII of this Act or of the Children's Act, 1937 (Act No. 31 of 1937), or of the Adoption of Children Act, 1923 (Act No. 25 of 1923); (i)
- 15 (iii) "adoptive parent" means a person who adopts or has adopted a child under the provisions of Chapter VII of this Act or of the Children's Act, 1937 or of the Adoption of Children Act, 1923; (ii)
- (iv) "approved agency" means an association of persons, to which a certificate has been granted under section forty-eight; (xi)
- 20 (v) "assistant commissioner of child welfare" or "assistant commissioner" means an assistant commissioner of child welfare mentioned in section two; (iv)
- (vi) "attendance centre" any building or place which a child has to attend on the order of a commissioner to receive guidance and to undergo treatment in order that he may be disciplined, educated and rehabilitated; (viii)
- 25 (vii) "authorized officer", in relation to any act, means any person authorized in writing by a magistrate, commissioner of child welfare or justice of the peace to perform that act; (x)
- 30

- (viii) „bywoningsentrum”, enige gebou of plek wat ’n kind op las van ’n kommissaris moet bywoon om leiding te ontvang en behandeling te ondergaan met die oog op sy dissiplinering, opvoeding en rehabilitasie; (vi)
- (ix) „distrik”, die gebied waarvoor ’n landdros- of naturelle-kommissarishof regsbevoegdheid besit en ook ’n sub-distrik en ’n gebied bestaande uit twee of meer distrikte of gedeeltes van distrikte waarvoor ’n kommissaris van kindersorg aangestel is; (xv) 5
- (x) „gemagtigde amptenaar”, met betrekking tot een of 10 ander handeling, ’n persoon wat deur ’n landdros, ’n kommissaris van kindersorg of ’n vrederegtter skriftelik gemagtig is om daardie handeling te verrig; (vii)
- (xi) „goedgekeurde vereniging”, ’n vereniging van persone 15 waaraan ’n sertifikaat ingevolge artikel *agt-en-veertig* toegeken is; (iv)
- (xii) „inrigting”, ’n verbeteringskool, ’n nywerheidskool of ’n kinderskool wat kragtens artikel *nege-en-dertig* opgerig is of ’n kinderskool wat kragtens artikel *twee-en-veertig* geregistreer is; (xix) 20
- (xiii) „jong kind”, ’n persoon onder die leeftyd van sewe jaar; (xviii)
- (xiv) „kind”, ’n persoon, hetsy hy ’n jong kind is, al dan nie, wat minder as agtien jaar oud is en by die toepassing— 25
 - (a) van artikel *ses-en-dertig* en Hoofstuk V, vir sover hulle betrekking het op ’n bevel wat kragtens paragraaf (a), (b) of (c) van sub-artikel (1) of sub-artikel (2) van artikel *een-en-dertig* van hierdie Wet of paragraaf (a) of (b) van sub-artikel (1) of sub-artikel (2), gelees met paragraaf (a) of (b) van sub-artikel (1), of paragraaf (a) van sub-artikel (3) van artikel *driehonderd twee-en-veertig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), uitgereik is; en 35
 - (b) van Hoofstuk VII, ook ’n persoon wat meer as agtien jaar maar minder as een-en-twintig jaar oud is; (ix)
- (xv) „kinderhof”, ’n kinderskool bedoel in artikel *vier* en ook ’n bantoe-kinderhof bedoel in artikel *vyf*; (xi) 40
- (xvi) „kinderskool”, enige verblyfplek of tehuis wat in stand gehou word vir die opname, beskerming, versorging en opvoeding van meer as ses kinders of leerlinge weg van hulle ouers af maar nie ook ’n nywerheidskool of ’n verbeteringskool nie; (xii) 45
- (xvii) „kommissaris van kindersorg” of „kommissaris”, ’n kommissaris van kindersorg bedoel in artikel *twee*, en ook ’n assistent-kommissaris van kindersorg; (xiii)
- (xviii) „kontribusie-orde”, ’n bevel tot betaling of herhaalde betaling van ’n som geld as ’n bydrae tot die onderhoud 50 van ’n kind in ’n veiligheidsplek of in enige bewaring waarin hy kragtens hierdie Wet of die Strafproseswet, 1955, geplaas is, of tot die onderhoud van ’n leerling; (xiv)
- (xix) „landdros”, ook ’n addisionele landdros en ’n assistent-landdros en enige naturellekommissaris, addisionele naturellekommissaris of assistent-naturellekommissaris; (xxii) 55
- (xx) „landdroshof”, ook ’n naturellekommissarishof; (xxiii)
- (xxi) „leerling”, ’n persoon wat ingevolge een of ander Wet 60 na ’n inrigting gestuur of daarin opgeneem is of daarin versorg word, of ’n persoon wat met vergunning daaruit vrygelaat is of aan wie verlof daaruit toegestaan is, of wat daaruit ontsnap het, terwyl hy nog onder beheer of onder beskerming van die bestuur van daardie inrigting gestaan het of wat daarheen teruggebring kan word; (xl)
- (xxii) „Minister”, in enige bepaling van hierdie Wet, die Minister aan wie of die Ministers aan wie in oorleg met mekaar, die uitvoering van daardie bepaling by 70 ’n ingevolge artikel *twee-en-negentig* uitgevaardigde proklamasie opgedra is; (xxvi)
- (xxiii) „naturellekommissarishof”, ’n naturellekommissarishof ingestel kragtens artikel *tien* van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927); 75 (xxvii)
- (xxiv) „nywerheidskool”, ’n nywerheidskool bedoel in sub-artikel (1) van artikel *nege-en-dertig*; (xliii)
- (xxv) „openbare plek”, enige straat, pad, plein, deurgang, park of enige spoorweg-, sport- of ontspanningsterrein, 80 of enige ope dorpsgebied waartoe die publiek toegang het, hetsy sonder of teen betaling; (xxxix)

- (viii) "board", in relation to a school of industries or a reform school, or a children's home established under section *thirty-nine*, means the board of management appointed in respect of that school of industries, reform school or children's home under sub-section (4) of that section; (xxxiii)
- (ix) "child" means any person, whether an infant or not, who is under the age of eighteen years, and for the purposes—
- (a) of section *thirty-six* and Chapter V, in so far as they relate to an order made under paragraph (a), (b) or (c) of sub-section (1) or sub-section (2) of section *thirty-one* of this Act or paragraph (a) or (b) of sub-section (1) or sub-section (2), read with paragraph (a) or (b) of sub-section (1), or paragraph (a) of sub-section (3) of section *three hundred and forty-two* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955); and
- (b) of Chapter VII, includes a person who is over the age of eighteen years but under the age of twenty-one years; (xiv)
- (x) "child in need of care" means a child who—
- (a) has been abandoned; or
- (b) has no parent or guardian or has parents or a parent or guardian who do or does not or are or is unfit to exercise proper control over that child; or
- (c) is in the custody of a person who has been convicted of committing upon or in connection with that child any offence mentioned in the First Schedule to this Act; or
- (d) cannot be controlled by his parents or guardian or the person in whose custody he is; or
- (e) is an habitual truant; or
- (f) frequents the company of any immoral or vicious person, or is otherwise living in circumstances calculated to cause or conduce to his seduction, corruption or prostitution; or
- (g) begs or being under the age of sixteen years engages in street trading within the area of jurisdiction of a local authority unless that local authority has by means of bye-laws made under section *twenty-two* or any other law, prescribed that such a child may engage in that form of street trading, or otherwise than in accordance with bye-laws made under section *twenty-two*; or
- (h) is being maintained apart from his parents or guardian in domestic circumstances which are detrimental to his interests and whose parents or guardian cannot be found or, have failed to make suitable provision for the care and custody of the child although they have been called upon to do so; or
- (i) is physically or spiritually neglected; or
- (j) has, in terms of the Population Registration Act, 1950 (Act No. 30 of 1950), been classified as belonging to a race other than the race of his parents or guardian if there is in the family a child who belongs to the same race as the parents or guardian; (xxxv)
- (xi) "children's court" means a children's court mentioned in section *four* and also a bantu children's court mentioned in section *five*; (xv)
- (xii) "children's home" means any residence or home maintained for the reception, protection, maintenance and bringing up of more than six children or pupils apart from their parents but does not include any school of industries or any reform school; (xvi)
- (xiii) "commissioner of child welfare" or "commissioner" means a commissioner of child welfare mentioned in section *two* and includes an assistant commissioner of child welfare; (xvii)
- (xiv) "contribution order" means an order for the payment or recurrent payment of a sum of money as a contribution towards the maintenance of a child in a place of safety or in any custody wherein he was placed under this Act or the Criminal Procedure Act, 1955, or towards the maintenance of a pupil; (xviii)
- (xv) "district" means the area subject to the jurisdiction of the court of any magistrate or native commissioner and includes a sub-district and any area comprising two or

- (xxvi) „opleidingsinrigting”, ’n spoorwegkollege, polisiekollege, mynskool, verpleegsterstehuis of dergelike instelling wat vir doeleindes van die opleiding van werknemers instandgehou word, of ’n lugmag-, leer- of vlootgimnasium, of ’n spesiale skool waarheen leerlinge vir mediese of ander behandeling gestuur kan word; (xlv)
- (xxvii) „ouer”, die vader of die moeder van ’n kind gebore uit of geëgte deur ’n wettige huwelik of die moeder van ’n buite-egtelike kind, en behalwe in Hoofstuk VII, ook ’n aannemende ouer; (xxix)
- (xxviii) „plaaslike bestuur”, ’n stedelike plaaslike bestuur binne die bedoeling van artikel sewe van die „Volksgezondheidswet, 1919” (Wet No. 36 van 1919); (xxi)
- (xxix) „pleegouer”, ’n persoon wat hetsy teen vergoeding, al dan nie, die tydelike versorging van ’n kind onderneem wat kragtens paragraaf (b) van sub-artikel (1) van artikel een-en-dertig of sub-artikel (2) van artikel agt-en-veertig of sub-artikel (1) van artikel vyftig van hierdie Wet, of paragraaf (b) van sub-artikel (1) van artikel driehonderd twee-en-veertig van die Strafproseswet, 1955, in die bewaring van bedoelde persoon geplaas is; (xvi)
- (xxx) „plek van bewaring”, ’n plek opgerig of goedgekeur ingevolge artikel agt-en-dertig; (xxxiii)
- (xxxi) „polisiebeampte”, ’n polisiebeampte soos omskryf in artikel een van die Strafproseswet, 1955; (xxv)
- (xxxii) „proefbeampte”, ’n proefbeampte aangestel ingevolge artikel agt-en-vyftig; (xxxvii)
- (xxxiii) „raad”, met betrekking tot ’n nywerheidsskool of ’n verbeteringsskool of ’n kinderskool wat kragtens artikel nege-en-dertig opgerig is, die raad van bestuur wat kragtens sub-artikel (4) van daardie artikel ten opsigte van daardie nywerheidsskool, verbeteringsskool of kinderskool aangestel is; (viii)
- (xxxiv) „Sekretaris” en „ander senior amptenaar”, in enige bepaling van hierdie Wet, onderskeidelik, die hoof en ander senior amptenaar van die Staatsdepartement onder beheer van die Minister aan wie die uitvoering van daardie bepaling by ’n ingevolge artikel twee-en-negentig uitgevaardigde proklamasie opgedra is; (xiv)
- (xxxv) „sorgbehoewende kind”, ’n kind—
 (a) wat verlate is; of
 (b) wat geen ouer of voog het nie, of wat ouers of ’n ouer of voog het wat geen behoorlike toesig oor die kind uitoefen nie, of onbevoeg is om sodanige toesig uit te oefen; of
 (c) wat in die sorg van ’n persoon is wat skuldig bevind is aan ’n misdryf vermeld in die Eerste Bylae by hierdie Wet, begaan ten opsigte van of in verband met daardie kind; of
 (d) wat nie deur sy ouers of voog of die persoon in wie se bewaring hy is, beheer kan word nie; of
 (e) wat hom dikwels aan skoolversuim skuldig maak; of
 (f) wat omgaan met ’n onsedelike of slegte persoon, of wat andersins onder omstandighede leef wat waarskynlik die verleiding, verslegting of prostitutie van die kind sal veroorsaak of in die hand sal werk; of
 (g) wat bedel of synde minder as sestiën jaar oud, straathandel dryf binne die regsgebied van ’n plaaslike bestuur, tensy daardie plaaslike bestuur deur middel van verordenings kragtens artikel twee-en-twintig of ’n ander wet voorgeskryf het dat so ’n kind daardie soort straathandel mag dryf, of anders as ooreenkomstig verordenings ingevolge artikel twee-en-twintig uitgevaardig; of
 (h) wat onderhou word weg van sy ouers of voog af onder huislike omstandighede wat met die belange van die kind in stryd is en wie se ouers of voog nie opgespoor kan word nie, of versuim het om behoorlike voorsiening vir die versorging en bewaring van die kind te maak, alhoewel hulle aangesê is om dit te doen; of
 (i) wat in ’n toestand van fisiese of geestelike verwaarloosing verkeer; of
 (j) wat ingevolge die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), geklassifiseer is as behorende tot ’n ander ras as die ras van sy ouers of voog indien daar in die gesin ’n kind is wat tot dieselfde ras behoort as die ouers of voog; (x)

- more districts or portions of districts for which a commissioner of child welfare has been appointed; (ix)
- 5 (xvi) "foster parent" means any person who, whether for reward or otherwise, undertakes the temporary care of any child who has been placed in his custody in terms of paragraph (b) of sub-section (1) of section *thirty-one* or sub-section (2) of section *forty-eight* or sub-section (1) of section *fifty* of this Act or paragraph (b) of sub-section (1) of section *three hundred and forty-two* of the Criminal Procedure Act, 1955; (xxix)
- 10 (xvii) "guardian" means a tutor testamentary, tutor dative or assumed tutor to whom letters of confirmation have been granted under the law relating to the administration of estates; (xliii)
- 15 (xviii) "infant" means a person under the age of seven years; (xiii)
- (xix) "institution" means a reform school, a school of industries or a children's home established in terms of section *thirty-nine* or a children's home registered in terms of section *forty-two*; (xii)
- 20 (xx) "justice of the peace" means a justice of the peace appointed under section *two* or *four* of the Justices of the Peace and Oaths Act, 1914 (Act No. 16 of 1914); (xlv)
- 25 (xxi) "local authority" means an urban local authority within the meaning of section *seven* of the Public Health Act, 1919 (Act No. 36 of 1919); (xxviii)
- (xxii) "magistrate" includes an additional magistrate and an assistant magistrate and any native commissioner, additional native commissioner or assistant native commissioner; (xix)
- 30 (xxiii) "magistrate's court" includes a native commissioner's court; (xx)
- (xxiv) "management", in relation to an institution means the board of management of that institution; (vi)
- 35 (xxv) "managers", in relation to a children's home, place of care, maternity home, convalescent home, hospital, training institution or place where the care of children is undertaken, means the persons who have the management and control thereof; (vii)
- 40 (xxvi) "Minister", in any provision of this Act, means the Minister to whom, or the Ministers to whom acting in consultation with one another, the administration of that provision, has been assigned by proclamation issued under section *ninety-two*; (xxii)
- 45 (xxvii) "native commissioner's court" means a native commissioner's court established in terms of section *ten* of the Native Administration Act, 1927 (Act No. 38 of 1927); (xxiii)
- 50 (xxviii) "observation centre" means an observation centre mentioned in sub-section (4) of section *thirty-eight*; (xlv)
- (xxix) "parent" means the father or the mother of a child born of or legitimated by a lawful marriage, or the mother of an illegitimate child, and save in Chapter VII includes an adoptive parent; (xxvii)
- 55 (xxx) "period of protection", in relation to a pupil of an institution, means the period during which that pupil shall, in terms of sub-section (3) of section *thirty-six* of this Act or sub-section (2) of section *three hundred and forty-three* of the Criminal Procedure Act, 1955, remain under the protection of the management of that institution; (xxxviii)
- 60 (xxxi) "period of retention" means the period prescribed in sub-section (1) of section *thirty-six* of this Act or in sub-section (1) of section *three hundred and forty-three* of the Criminal Procedure Act, 1955, during which a child or person shall remain in an institution to which he was sent or in any custody or under any supervision or control in or under which he was placed; (xxxvii)
- 70 (xxxii) "place of care" means any building or premises maintained or used, whether for profit or otherwise, for the reception, protection and temporary or partial care of more than six children apart from their parents, but does not include any boarding school, any school hostel or any establishment which is maintained or used mainly for the tuition or training of children; (xli)
- 75 (xxxiii) "place of detention" means a place established or approved under section *thirty-eight*; (xxx)
- 80 (xxxiv) "place of safety" means any place established under section *thirty-eight* and also any police station, hos-

- (xxxvi) „straathandel” ook—
 (a) die ventery van enige artikel en die verspreiding van strooibiljette of advertensies; en
 (b) speel, sing of opvoer uit winsbejag, skoenskoonmakery, die oppas van motorkarre, en enige ander dergelike werk wat op 'n openbare plek verrig word; (xlv)
- (xxxvii) „tydperk van aanhouding”, die tydperk voorgeskryf in sub-artikel (1) van artikel *ses-en-dertig* van hierdie Wet of in sub-artikel (1) van artikel *driehonderd drie-en-veertig* van die Straffproseswet, 1955, gedurende welke 'n kind of persoon in 'n inrigting waarna hy verwys is, of 'n bewaring waarin of 'n toesig of beheer waaronder hy geplaas is, moet bly; (xxxi)
- (xxxviii) „tydperk van beskerming”, met betrekking tot 'n leerling in 'n inrigting, die tydperk gedurende welke die leerling onder beskerming van die bestuur van daardie inrigting staan, ooreenkomstig die bepalinge van sub-artikel (3) van artikel *ses-en-dertig* van hierdie Wet, of sub-artikel (2) van artikel *driehonderd drie-en-veertig* van die Straffproseswet, 1955; (xxx)
- (xxxix) „veiligheidsplek”, 'n plek wat ingevolge artikel *agt-en-dertig* opgerig is en ook 'n polisiestasie, 'n hospitaal of enige plek wat geskik is vir die opname van 'n kind en waartoe die okkupeerder bereid is om die kind toe te laat; (xxxiv)
- (xl) „verbeteringskool”, 'n verbeteringskool bedoel in sub-artikel (2) van artikel *nege-en-dertig*; (xli)
- (xli) „versorgingsoord”, enige gebou of perseel wat in stand gehou of aangewend word vir die opname, beskerming en tydelike of gedeeltelike versorging van meer as ses kinders weg van hulle ouers af, met of sonder winsbejag, maar sluit nie in 'n kosskool, 'n koshuis of 'n instelling wat hoofsaaklik vir die onderrig of opleiding van kinders in stand gehou of aangewend word; (xxxii)
- (xlii) „verweerder”, 'n persoon wat regtens aanspreeklik is vir die onderhoud of vir 'n bydrae tot die onderhoud van 'n kind of 'n leerling, vir wie se onderhoud 'n kontribusie-order aangevra word of uitgevaardig is; (xlii)
- (xliii) „voog”, 'n testamentêre voog, benoemde voog of toegevoegde voog aan wie briewe van bekragtiging verleen is ingevolge die wet betreffende die bereddering van boedels; (xvii)
- (xliv) „voorgeskrewe”, voorgeskrewe deur 'n regulasie of reël ooreenkomstig hierdie Wet uitgevaardig; (xxxvi)
- (xlv) „vrederegter”, 'n vrederegter aangestel ingevolge artikel *twee* of *vier* van die „Wet op Vrederechters en Eden, 1914” (Wet No. 16 van 1914); (xx)
- (xlvi) „waarnemingsentrum”, 'n waarnemingsentrum bedoel in sub-artikel (4) van artikel *agt-en-dertig*. (xxviii)

HOOFSTUK I.

KOMMISSARISSE VAN KINDERSORG EN KINDERHOWE.

Kommissarisse
van kindersorg.

2. (1) Elke landdros is 'n kommissaris van kindersorg en elke addisionele landdros en assistent-landdros is 'n assistent-kommissaris van kindersorg, vir die distrik of sub-distrik waarvan hy 'n landdros, addisionele landdros of assistent-landdros is.

(2) Die Minister van Justisie, of die Minister van Bantoe-administrasie en -ontwikkeling, indien die betrokke gebied onder die administratiewe beheer van laasgenoemde val, kan 'n landdros of addisionele landdros as kommissaris, en een of meer addisionele of assistent-landdroste as assistent-kommissaris of assistent-kommissarisse, aanstel vir 'n distrik of vir 'n gebied bestaande uit twee of meer distrikte of gedeeltes van distrikte.

(3) Die Minister van Justisie of die Minister van Bantoe-administrasie en -ontwikkeling, indien die betrokke gebied onder die administratiewe beheer van laasgenoemde val, kan 'n bevoegde amptenaar in die Staatsdiens aanstel om as kommissaris of assistent-kommissaris van kindersorg op te tree, hetsy in die algemeen (dog vir 'n vasgestelde tydperk) of vir 'n bepaalde aangeleentheid vir een of ander distrik of sub-distrik of vir 'n gebied waarvoor 'n kommissaris aangestel is ingevolge sub-artikel (2), en so 'n amptenaar kan aangestel word of in die plek van of benewens 'n kommissaris of assistent-kommissaris wat in daardie distrik, sub-distrik of gebied bevoeg is.

(4) Die Minister van Bantoe-administrasie en -ontwikkeling kan ten opsigte van 'n gebied waarvoor 'n natuurlike kommissaris-

- pital, or any place suitable for the reception of a child, into which the occupier thereof is willing to receive a child; (xxxix)
- (xxxv) "policeman" means a policeman as defined in section one of the Criminal Procedure Act, 1955; (xxxi)
- (xxxvi) "prescribed" means prescribed by regulation or rule made under this Act; (xlv)
- (xxxvii) "probation officer" means a probation officer appointed under section *fifty-eight*; (xxxii)
- 10 (xxxviii) "protected infant" means an infant mentioned in sub-section (1) of section *ten*; (v)
- (xxxix) "public place" means any street, road, square, lane, park or any railway premises, sports-ground or recreation-ground or any vacant town lands to which the public has access, whether free or on payment of a fee; (xxv)
- 15 (xl) "pupil" means any person who, under any law was sent to or received in or is maintained in an institution or any person who has been released on licence or who has been granted leave of absence or who has absconded from an institution and who is still under the control or protection of the management of that institution, or is liable to be brought back thereto; (xxi)
- 20 (xli) "reform school" means a reform school mentioned in sub-section (2) of section *thirty-nine*; (xl)
- (xlii) "respondent" means any person legally liable to maintain or to contribute towards the maintenance of a child or of a pupil for whose maintenance a contribution order is sought or was made; (xlii)
- 30 (xliii) "school of industries" means a school of industries mentioned in sub-section (1) of section *thirty-nine*; (xxiv)
- (xliv) "Secretary" and "other senior officer" in any provision of this Act mean, respectively, the head and other senior officer of the Department of State administered by the Minister to whom the administration of that provision has been assigned by proclamation issued under section *ninety-two*; (xxxiv)
- 35 (xlv) "street trading" includes—
- (a) the hawking of any article and the distribution of handbills or advertisements; and
- (b) playing, singing or performing for profit, shoe-cleaning, motor-car tending and any other like occupation carried on in a public place; (xxxvi)
- 40 (xlv) "training institution" means any railway college, police college, school of mines, nurses' hostel or similar establishment maintained for the training of employees, or any air-force, army or naval gymnasium, or any special school to which pupils can be sent for remedial or other treatment. (xxvi)
- 50

CHAPTER I.

COMMISSIONERS OF CHILD WELFARE AND CHILDREN'S COURTS.

2. (1) Every magistrate shall be a commissioner of child welfare and every additional magistrate and assistant magistrate shall be an assistant commissioner of child welfare for the district or sub-district of which he is magistrate, additional magistrate or assistant magistrate. Commissioners of child welfare.
- (2) The Minister of Justice, or, if the area affected is under the administrative control of the Minister of Bantu Administration and Development, the Minister of Bantu Administration and Development may appoint a magistrate or additional magistrate to be a commissioner and one or more additional or assistant magistrates to be an assistant commissioner or assistant commissioners for any district or for an area comprising two or more districts or portions of districts.
- (3) The Minister of Justice or, if the area affected is under the administrative control of the Minister of Bantu Administration and Development, the Minister of Bantu Administration and Development may appoint any competent officer in the public service to act, either generally, but during a specified period, or in a particular matter, as commissioner or assistant commissioner of child welfare for any district or sub-district or for any area for which a commissioner has been appointed as provided in sub-section (2) and such an officer may be appointed either in the stead of or in addition to any commissioner or assistant commissioner holding office in that district, sub-district or area.
- (4) The Minister of Bantu Administration and Development may, in respect of any area for which a native commissioner's

hof ingestel is, enige van die bevoegdhede uitoefen wat hy of die Minister van Justisie ingevolge sub-artikels (2) en (3) kan uitoefen.

Werkzaamhede van kommissarisse van kindersorg.

3. (1) 'n Kommissaris van kindersorg verrig die werkzaamhede wat hierdie Wet of een of ander kragtens hierdie Wet uitgevaardigde regulasie of enige ander wet aan hom toevertrou. 5

(2) 'n Assistent-kommissaris van kindersorg verrig alle werkzaamhede van 'n kommissaris wat of die Minister of die landdros van die distrik waarvan hy addisionele of assistent-landdros is, hom nie in die algemeen of in 'n spesiale geval ontsê het nie. 10

(3) 'n Landdros, addisionele landdros of assistent-landdros van 'n distrik of sub-distrik waarvoor 'n kommissaris ingevolge sub-artikel (2) of sub-artikel (4) gelees met sub-artikel (2), van artikel twee, aangestel is of van 'n distrik of sub-distrik wat geheel of gedeeltelik val binne 'n gebied waarvoor 'n kommissaris aldus aangestel is, mag in daardie distrik of gebied, in sy hoedanigheid van kommissaris of assistent-kommissaris *ex officio*, geen werkzaamhede verrig nie wat die Minister spesiaal aangewys het as werkzaamhede wat verrig moet word deur die kommissaris en 'n assistent-kommissaris wat vir daardie gebied aangestel is. 20

(4) Elke addisionele landdros en elke assistent-landdros wat as kommissaris of assistent-kommissaris optree, hetsy *ex officio* of by wyse van aanstelling ingevolge sub-artikel (2) of sub-artikel (4), gelees met sub-artikel (2) van artikel twee, staan in sy hoedanigheid as kommissaris of assistent-kommissaris onder die administratiewe beheer van die landdros van die distrik waarvan hy addisionele of assistent-landdros is; of as hy addisionele of assistent-landdros is van meer as een distrik wat geheel of gedeeltelik binne sy regsgebied val, dan staan hy in sy voormelde hoedanigheid, onder die administratiewe beheer van die landdros van dié een van daardie distrikte wat die Minister van Justisie of die Minister van Bantoe-administrasie en -ontwikkeling aanwys. 35

(5) 'n Naturellekommissaris, addisionele naturellekommissaris of assistent-naturellekommissaris wat as kommissaris of assistent-kommissaris van kindersorg *ex officio* optree en iemand wat as kommissaris of assistent-kommissaris van kindersorg aangestel is ingevolge sub-artikel (4), gelees met sub-artikels (2) en (3), van artikel twee, verrig nie die werkzaamhede van daardie amp by verrigtings ingevolge hierdie Wet nie, behalwe dié wat betrekking het op kinders wat naturelle is soos omskryf in artikel vyf-en-dertig van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927). 45

Kinderhowe.

4. (1) Die Minister van Justisie, of die Minister van Bantoe-administrasie en -ontwikkeling, indien die betrokke distrikte onder die administratiewe beheer van laasgenoemde val, kan 'n kindersorg instel vir 'n distrik of vir 'n gebied wat bestaan uit twee of meer distrikte of gedeeltes van distrikte. 50

(2) Elke landdroshof is 'n kindersorg vir enige deel van sy regsgebied waarvoor daar geen kindersorg kragtens sub-artikel (1) ingestel is nie.

Bantoe-kinderehowe.

5. (1) Die Minister van Bantoe-administrasie en -ontwikkeling kan 'n bantoe-kinderehowe instel vir 'n gebied waarvoor 'n naturellekommissarishof ingestel is of vir 'n gebied wat bestaan uit twee of meer gebiede waarvoor naturellekommissarishowe ingestel is of gedeeltes van sodanige gebiede. 55

(2) Elke naturellekommissarishof is 'n bantoe-kinderehowe vir enige deel van die gebied waarvoor hy ingestel is, waarvoor daar geen bantoe-kinderehowe kragtens sub-artikel (1) ingestel is nie. 60

Bevoegdhede van naturellekommissarishowe en naturelle-appelhowe.

6. (1) Ondanks andersluidende bepalings in die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), of in enige ander wet, is 'n naturellekommissarishof of 'n bantoe-kinderehowe bevoeg om met betrekking tot 'n kind wat 'n naturelle is soos omskryf in artikel vyf-en-dertig van bedoelde Naturelle-administrasie Wet, 1927, enige aansoek te verhoor, bevel uit te reik of beslissing te gee wat 'n landdroshof of 'n kindersorg ingevolge hierdie Wet kan verhoor, uitreik of gee. 70

(2) Enige verwysing in 'n bepaling van hierdie Wet na 'n Afdeling van die Hooggeregshof word vir sover bedoelde bepaling betrekking het op 'n naturellekommissarishof of 'n bantoe-kinderehowe uitgelê as 'n verwysing na die gepaste naturelle-appelhof en bedoelde naturelle-appelhof het in verband met enige aangeleentheid wat uit hoofde van die bepalings van hierdie sub-artikel voor hom dien dieselfde bevoegdhede as wat so 'n Afdeling besit in 'n dergelike geval wat voor so 'n Afdeling dien. 75

court has been constituted, exercise any of the powers which he or the Minister of Justice may exercise in terms of sub-sections (2) and (3).

3. (1) A commissioner of child welfare shall perform such functions as may be entrusted to him by this Act or any regulation made thereunder or by any other law. Functions of commissioners of child welfare.

(2) An assistant commissioner of child welfare shall perform such of the functions of a commissioner as he is not generally or in any particular case prohibited from performing either by the Minister or by the magistrate of the district of which he is additional or assistant magistrate.

(3) A magistrate, additional magistrate or assistant magistrate of any district or sub-district for which a commissioner has been appointed under sub-section (2) or sub-section (4), read with sub-section (2), of section *two*, or of any district or sub-district wholly or partly included within an area for which a commissioner had been so appointed, shall not, in his capacity as commissioner or assistant commissioner *ex officio*, perform within that district or area any function which has been specially reserved by the Minister to be performed by the commissioner and an assistant commissioner appointed for the area.

(4) Every additional magistrate and every assistant magistrate holding office as commissioner or assistant commissioner whether *ex officio* or by appointment under sub-section (2) or sub-section (4), read with sub-section (2), of section *two*, shall in his capacity as commissioner or assistant commissioner be subject to the administrative control of the magistrate of the district of which he is additional or assistant magistrate; or if he is additional or assistant magistrate of more than one district wholly or partly comprised within the area for which he holds office, he shall be subject in such capacity as aforesaid to the administrative control of the magistrate of such one of those districts as the Minister of Justice or the Minister of Bantu Administration and Development may direct.

(5) A native commissioner, additional native commissioner or assistant native commissioner holding office as commissioner or assistant commissioner of child welfare *ex officio* and any person appointed in terms of sub-section (4), read with sub-sections (2) and (3), of section *two*, as commissioner or assistant commissioner of child welfare shall not perform the functions of that office in proceedings under this Act other than those relating to children who are Natives as defined in section *thirty-five* of the Native Administration Act, 1927 (Act No. 38 of 1927).

4. (1) The Minister of Justice, or, if the districts affected are under the administrative control of the Minister of Bantu Administration and Development, the Minister of Bantu Administration and Development may establish a children's court for any district or for any area comprising two or more districts or portions of districts. Children's courts.

(2) Every magistrate's court shall be a children's court for any part of the area of its jurisdiction for which no children's court has been established under sub-section (1).

5. (1) The Minister of Bantu Administration and Development may establish a bantu children's court for any area for which a native commissioner's court has been established or for any area comprising two or more areas for which native commissioners' courts have been established or portions of such areas. Bantu children's courts.

(2) Every native commissioner's court is a bantu children's court for any part of the area for which no bantu children's court has been established under sub-section (1).

6. (1) Notwithstanding anything to the contrary in the Native Administration Act, 1927 (Act No. 38 of 1927), or in any other law, contained, it shall be competent for a native commissioner's court or a bantu children's court to hear any application, make any order or give any decision in relation to a child who is a native as defined in section *thirty-five* of the said Native Administration Act, 1927, which a magistrate's court or a children's court may hear, make or give in terms of this Act. Powers of native commissioners' courts and native appeal courts.

(2) Any reference in a provision of this Act to a Division of the Supreme Court, shall, in so far as such provision relates to a native commissioner's court or a bantu children's court, be construed as a reference to the appropriate native appeal court and such native appeal court shall, in connection with any matter brought before it in pursuance of the provisions of this sub-section, have the same powers as such a Division has in a similar case which has been brought before such a Division

(3) 'n Landdroshof of 'n in artikel vier bedoelde kindersorg se bevoegdhede en regsmag word op generlei wyse geraak deur die bevoegdhede en regsmag wat aan enige natuurlekommis-sarishof of bantoe-kindersorg ingevolge hierdie Wet verleen word nie.

5

Amptenare
van 'n
kinderhof.

7. (1) 'n Kommissaris of assistent-kommissaris van kindersorg sit in 'n kindersorg voor, en 'n kindersorg het die regsmag en bevoegdhede wat hierdie Wet of enige ander wet aan hom verleen.

(2) Ten einde hom van advies te dien by 'n ondersoek ingevolge artikel dertig of by die verhoor van 'n aansoek om 'n order van aanneming ooreenkomstig artikel een-en-sewentig, kan 'n kommissaris van kindersorg die hulp inroep, om hom as assessor of assessors by te staan, van enige persoon of enige twee persone wat na sy mening ervaring besit in verband met enige saak wat ter beslissing mag opkom by bedoelde ondersoek of verhoor.

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(3) So 'n assessor kan ontbied word om saam met die kommissaris sitting te neem by 'n bepaalde ondersoek of by die verhoor van 'n bepaalde aansoek, of by enige ondersoek of by die verhoor van enige aansoek gedurende 'n tydperk wat in die ontbieding vermeld word.

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(4) Bedoelde assessors moet die kommissaris van advies dien in verband met alle ander sake as regsrae wat by die ondersoek of verhoor mag opkom, maar die bevinding, beslissing, bevel of order van die betrokke kindersorg word deur die kommissaris bepaal.

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(5) Assessors is geregtig op sodanige vergoeding vir hulle dienste as wat voorgeskryf word.

(6) Met inagneming van die wetsbepalings op die Staatsdiens kan—

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(a) die Minister van Bantoe-administrasie en -ontwikkeling vir elke bantoe-kindersorg of vir elke kindersorg wat geleë is binne 'n gebied wat onder sy administratiewe beheer val; en

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(b) die Minister van Justisie vir elke ander kindersorg, 'n amptenaar (of twee of meer sulke amptenare) aanstel wat die benaming sal dra van assistent van die kindersorg, wat by die verhoor van 'n saak deur die kindersorg waaraan hy verbonde is, enige beskikbare getuie is wat op die saak betrekking het, moet voordra, en wat in die loop van die saak enige getuie wat getuie is afleë en wat nie deur hom opgeroep is nie, aan kruisverhoor kan onderwerp en wat in alle ander opsigte bedoelde hof by die verrigting van sy werksaamhede behulpsaam moet wees.

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(7) 'n Amptenaar wat deur 'n Prokureur-generaal aangestel is om van staatsweë as vervolger op te tree in die landdroshof van een of ander distrik, is *ex officio* 'n assistent van die kindersorg van enige kindersorg in daardie distrik gehou.

Prosedure in
kindersorge.

8. (1) 'n Kindersorg hou sitting in 'n ander vertrek as dié waarin 'n ander hof gebruiklik byeenkom, tensy geen sodanige ander vertrek beskikbaar en geskik is nie.

50

(2) Niemand mag oor die radio of in 'n dokument wat deur die drukpers of op 'n ander wyse van vermenigvuldiging vervaardig is, die naam, adres of skool van 'n kind wat by verrigtings in 'n kindersorg betrokke is of was, bekendmaak of iets anders publiseer wat sy identiteit waarskynlik sal openbaar: Met dien verstande dat as die Minister of as die kommissaris wat by daardie verrigtings voorsit of voorgesit het, van oordeel is dat 'n sodanige bekendmaking of publikasie reg en billik en in een of ander bepaalde persoon se belang sou wees, hy by bevel van die verbodsbepaling van hierdie sub-artikel vrystelling kan verleen in so 'n mate as wat in die bevel aangegee word.

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(3) By die sitting van 'n kindersorg mag niemand aanwesig wees nie, tensy sy teenwoordigheid nodig is in verband met die verrigtings van die hof, of tensy hy 'n ouer of die voog of 'n persoon *in loco parentis* is van 'n kind wie se teenwoordigheid soos voormeld nodig is (of tensy hy die prokureur of advokaat is van so 'n kind, ouer, voog of persoon *in loco parentis*) en hy saam met die kind in die hof verskyn, of tensy die kommissaris wat by die sitting voorsit aan hom vergunning verleen het om teenwoordig te wees.

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(4) Op aanvraag van 'n assistent van 'n kindersorg, bedoel in artikel sewe, moet die klerk van die kindersorg waaraan die assistent verbonde is, 'n getuie dagvaar om getuie af te lê of om 'n boek of dokument oor te lê by die verrigtings van bedoelde hof.

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(5) Op aanvraag van iemand wat waarskynlik betrokke sal wees by 'n bevel of order wat deur 'n kindersorg uitgevaardig mag word ten gevolge van verrigtings in daardie kindersorg

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(3) The powers and jurisdiction of a magistrate's court or a children's court mentioned in section *four* shall in no way be affected by the powers and jurisdiction which is conferred upon any native commissioner's court or bantu children's court by this Act.

7. (1) A commissioner or assistant commissioner of child welfare shall preside over a children's court and such a court shall have such jurisdiction and powers as may be conferred upon it by this Act or any other law. Officers of a children's court.

10 (2) A commissioner of child welfare may, for the purpose of advising him at any enquiry under section *thirty* or at the hearing of any application for an order of adoption under section *seventy-one*, summon to his aid to sit with him as assessor or assessors, any person who has, or any two persons who have, in his opinion, experience in any matter which may arise for decision at the said enquiry or hearing.

(3) Such an assessor may be so summoned to sit with the commissioner for the holding of a particular enquiry or for the hearing of a particular application or for the holding of any enquiry or for the hearing of any application during a period specified in the summons.

(4) Such assessors shall advise the commissioner on all questions, except questions of law, arising during the enquiry or hearing but the finding, decision or order of the children's court in question shall be determined by the commissioner.

(5) Such assessors shall be entitled to such allowances for their services as may be prescribed.

(6) Subject to the laws governing the public service—

30 (a) the Minister of Bantu Administration and Development may, for every bantu children's court or for every children's court situated within any area under his administrative control; and

(b) the Minister of Justice may for every other children's court,

35 appoint an officer to be styled a children's court assistant (or two or more such officers) who shall at any proceedings of the children's court to which he is attached adduce any available evidence relevant to those proceedings and who may at such proceedings cross-examine any witness giving evidence thereat whom he did not call, and who shall generally assist the said court in performing its functions.

(7) Any officer delegated by an Attorney-General to conduct prosecutions at the public instance before the magistrate's court of any district shall be *ex officio* a children's court assistant of any children's court held within that district.

8. (1) A children's court shall sit in a room other than that in which any other court ordinarily sits, unless no such other room is available and suitable. Procedure in children's courts.

50 (2) No person shall publish by radio or in any document produced by printing or any other method of multiplication the name, address, school or any other information likely to reveal the identity of any child who is or was concerned in any proceedings in a children's court: Provided that if the Minister or if the commissioner who presides or presided at such proceedings is of the opinion that such publication would be just and equitable and in the interest of any particular person, he may by order dispense with the prohibition of this sub-section to such an extent as may be specified in the order.

60 (3) At any sitting of a children's court no person shall be present unless his presence is necessary in connection with the proceedings of that court, or unless he is a parent or the guardian or a person *in loco parentis* of a child whose presence is necessary as aforesaid (or the attorney or counsel of such a child, parent, guardian or person *in loco parentis*) and he is present with that child, or unless the commissioner presiding at that sitting has granted him permission to be present.

70 (4) On the application of a children's court assistant mentioned in section *seven* the clerk of the children's court to which that assistant is attached shall subpoena any witness to give evidence or to produce a book or document at any proceedings of that court.

(5) On the application of any person who is likely to be affected by any order which may be made by a children's court as a result of any proceedings therein (or on the application of

(of op aanvraag van die verteenwoordiger van so iemand) moet die klerk van 'n kindersorg 'n getuie dagvaar om by daardie verrigtings getuie af te lê of om 'n boek of dokument oor te lê.

(6) 'n Dagvaarding moet op die betrokke getuie gediën word *mutatis mutandis* asof dit 'n dagvaarding was om as getuie te verskyn of om 'n boek of dokument oor te lê by 'n strafsak in 'n landdroshof. 5

(7) Die bepalings van artikels *tweehonderd-en-elf*, *tweehonderd-en-twaalf* en *tweehonderd-en-negentien* van die Strafproseswet, 1955 (Wet No. 56 van 1955), is *mutatis mutandis* van toepassing in verband met 'n persoon wat ingevolge sub-artikel (4) of (5) van hierdie artikel gedagvaar is, of wat deur 'n kommissaris van kindersorg gelas word om by verrigtings in 'n kindersorg getuie af te lê. 15

(8) 'n Ouer of die voog of bewaarder van 'n kind betrokke by die verrigtings van 'n kindersorg, wat daardie verrigtings bygewoon het, en iemand wat daardie verrigtings bygewoon het om getuie af te lê of 'n boek of dokument oor te lê, is geregtig op die toelae wat aan hom sou toekom as hy die verrigtings van 'n strafsak in 'n landdroshof sou bygewoon het om getuie af te lê of om 'n boek of dokument oor te lê: Met dien verstande dat alle toelae wat betaalbaar is aan getuies wat gedagvaar is om verrigtings in verband met 'n aansoek om 'n order van aanneming van 'n kind by te woon of by sodanige verrigtings opgeroep is, en alle koste aangegaan om sodanige getuies na die hof te bring, deur die applikant om die order betaal moet word: Met dien verstande voorts dat so 'n ouer of voog of bewaarder, of 'n getuie wat op aanvraag van 'n ander persoon as die assistent van die kindersorg (of op aanvraag van die verteenwoordiger van so 'n persoon) gedagvaar was om te verskyn, of wat deur so 'n persoon of sy verteenwoordiger as getuie opgeroep was, nie geregtig is op so 'n toelae uit Staatsgelde nie, tensy die kommissaris wat by die verrigtings voorgesit het, gelas het dat aan hom so 'n toelae soos voormeld of so 'n deel van so 'n toelae as wat die kommissaris vasstel, betaal moet word. 20 25 30 35

Sekere bepalings van Wet 32 van 1944 en van Wet 38 van 1927 van toepassing op kindersorg.

9. (1) Behalwe vir sover hierdie Wet of 'n ander wet uitdruklik anders bepaal, is die bepalings van—

(a) die Wet op Landdroshof, 1944 (Wet No. 32 van 1944), en van die reëls daarkragtens uitgevaardig; en 40
(b) die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), en van die reëls daarkragtens uitgevaardig met betrekking tot naturellekommissarishof, *mutatis mutandis* op kindersorg en bantoe kindersorg, onderskeidelik, van toepassing vir sover bedoelde bepalings betrekking het op— 45

- (i) die aanstelling en werksaamhede van amptenare;
- (ii) die uitreiking en bestelling van prosesstukke;
- (iii) die verskyning in die hof van advokate, prokureurs en wetsagente; 50
- (iv) die prosedure by die verrigtings van 'n hof;
- (v) die tenuitvoerlegging van 'n vonnis; en
- (vi) die oplegging van straf weens nie-nakoming van bevel of orders van die hof, weens belemmering van die tenuitvoerlegging van vonnisse, en weens minagting van die hof, 55

en vir sover kragtens paragraaf (i) van sub-artikel (1) van artikel *een-en-negentig* geen ander voorsiening gemaak is nie aangaande enige aangeleentheid in hierdie sub-artikel vermeld, behalwe in sub-paragraaf (iii). 60

(2) Van die verrigtings in 'n kindersorg moet die voorgeskrewe notule gehou word, wat beskikbaar is aan sodanige persone en op sodanige voorwaardes, wat betref betaling van gelde en andersins, as wat voorgeskryf word.

(3) Die inhoud van 'n verklaring of 'n verslag van 'n proef-beampte wat by 'n kindersorg ingedien is, mag nie vir die doeleindes van 'n siviele geding openbaar gemaak word nie, behalwe op las van 'n hof, aan 'n hof, as sodanige bekendmaking in belang van een of ander bepaalde persoon sal wees. 65

HOOFTUK II.

70

BESKERMING VAN JONG KINDERS.

10. (1) Behalwe vir sover sub-artikel (3) anders bepaal, moet iemand wat 'n jong kind ontvang om hom vir 'n langer tydperk as dertig dae weg van sy ouers af te onderhou, binne sewe dae nadat hy daardie jong kind ontvang het, skriftelik kennis gee in die voorgeskrewe vorm van die ontvangs van 75

Kennisgewings in verband met of toestemming vir die ontvangs van sekere jong kinders.

the representative of such a person) the clerk of a children's court shall subpoena any witness to give evidence or to produce a book or document at those proceedings.

(6) Any such subpoena shall be served upon the witness concerned *mutatis mutandis* as if it were a subpoena to give evidence or to produce a book or document at a criminal trial in a magistrate's court.

(7) The provisions of sections *two hundred and eleven, two hundred and twelve* and *two hundred and nineteen* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply in connection with a person subpoenaed under sub-section (4) or (5) of this section or required by a commissioner of child welfare to give evidence at any proceedings in a children's court.

(8) A parent or the guardian or custodian of a child concerned in any proceedings in a children's court, who has attended those proceedings, and any person who has attended any such proceedings to give evidence or to produce a book or document shall be entitled to such an allowance as would be due to him if he had attended to give evidence or to produce a book or document at a criminal trial in a magistrate's court: Provided that all allowances payable to witnesses who were subpoenaed to attend or who were called at proceedings in connection with an application for an order for the adoption of a child and all expenses incurred in securing the attendance of such witnesses shall be paid by the applicant for that order: Provided further that such a parent or guardian or custodian, or a witness who was subpoenaed to attend on the application of any person other than the children's court assistant (or on the application of the representative of such a person) or who was called as a witness by such a person or his representative, shall not be entitled to any such allowances from public funds unless the commissioner who presided at those proceedings has directed that he be paid such an allowance as aforesaid or any part of such an allowance as the commissioner may have determined.

9. (1) Save as is expressly provided in this Act or in any other law, the provisions of—

- (a) the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and of the rules made thereunder; and
- (b) the Native Administration Act, 1927 (Act No. 38 of 1927), and of the rules made thereunder with reference to native commissioners' courts.

Certain provisions of Act 32 of 1944 and of Act 38 of 1927, to apply to children's courts.

shall apply *mutatis mutandis* to children's courts and bantu children's courts, respectively, in so far as such provisions relate to—

- (i) the appointment and functions of officers;
- (ii) the issue and service of process;
- (iii) the appearance in court of advocates, attorneys and law agents;
- (iv) the conduct of proceedings;
- (v) the execution of judgments; and
- (vi) the imposition of penalties for non-compliance with orders of court, for obstruction of execution of judgments, and for contempt of court,

and in so far as no other provision has been made under paragraph (i) of sub-section (1) of section *ninety-one* for any matter mentioned in this sub-section other than in sub-paragraph (iii).

(2) Such records of the proceedings of a children's court shall be kept and shall be accessible to such persons upon such conditions as to payment of fees and otherwise as may be prescribed.

(3) The contents of a statement or a report of a probation officer which has been lodged with a children's court, shall not be disclosed for the purposes of any civil action except by order of any court to a court where such disclosure would be in the interest of any particular person.

CHAPTER II.

PROTECTION OF INFANTS.

10. (1) Save as provided in sub-section (3) any person who has received an infant for the purpose of maintaining him apart from his parents for a longer period than thirty days shall within seven days after receiving that infant transmit a notice in writing in the prescribed form of the receipt of that infant

Notices in connection with or consent to receive certain infants.

daardie jong kind aan die kommissaris van kindersorg van die distrik waarin die plek geleë is waar daardie jong kind onderhou sal word.

(2) Behalwe vir sover sub-artikel (3) anders bepaal, moet 'n ouer of persoon wat die bewaring van 'n jong kind het en wat daardie jong kind aan iemand vir die in sub-artikel (1) genoemde doel besorg het, binne sewe dae nadat hy daardie jong kind besorg het, skriftelik kennis gee in die voorgeskrewe vorm van die besorging van daardie jong kind aan die kommissaris van kindersorg van die distrik waarin die plek geleë is waar daardie jong kind onderhou sal word.

(3) Die bepalings van sub-artikels (1) en (2) is nie van toepassing nie op—

(a) die ontvangs van 'n jong kind deur 'n grootvader, grootmoeder, broer, suster, oom of tante van die jong kind of die eggenoot of eggenote of wewenaar of weduwee van so 'n bloedverwant van die jong kind: Met dien verstande dat as die jong kind 'n buite-egtelike kind is voorgaande uitdrukkings niemand insluit wat nie met die jong kind deur sy moeder aldus verwant is nie; of

(b) die ontvangs van 'n jong kind deur 'n kraaminrigting, 'n hospitaal, 'n herstellingsoord, 'n veiligheidsplek of 'n kinderhuis; of

(c) die besorging van 'n jong kind aan so iemand of so 'n plek soos in paragraaf (a) of (b) bedoel word.

(4) (a) Niemand behalwe die bestuurders van 'n plek soos bedoel in paragraaf (b) van sub-artikel (3) mag 'n jong kind wat 'n buite-egtelike kind is, ontvang met die bedoeling om hom vir 'n langer tydperk as dertig dae weg van sy ouers af te onderhou, tensy die skriftelike toestemming van 'n kommissaris van die distrik waarin die kind gebore is, verkry is nie.

(b) By oorweging van 'n aansoek om sodanige toestemming moet die kommissaris al die in sub-artikel (2) van artikel vyf-en-dertig genoemde aangeleenthede in ag neem.

(c) By die toepassing van hierdie sub-artikel word geen aangenome kind as 'n buite-egtelike kind beskou nie.

(5) Iemand wat by die inwerkingtrede van hierdie Wet 'n jong kind onderhou wat 'n buite-egtelike kind is en wat hy voor die inwerkingtrede van hierdie Wet ontvang het, word geag die toestemming van 'n kommissaris kragtens sub-artikel (4) te verkry het.

(6) (a) As 'n beskermde jong kind uit die bewaring van die persoon wat hom vroeër onderhou het, verwyder is, of as 'n persoon wat 'n beskermde jong kind onderhou van woonplek verander het, dan moet daardie persoon van daardie verwydering of verandering van woonplek onmiddellik skriftelik kennis gee, in die voorgeskrewe vorm, aan die kommissaris van kindersorg van die distrik waarin die beskermde jong kind woonagtig was onmiddellik voor die verwydering of verandering van woonplek.

(b) As die persoon in wie se bewaring die beskermde jong kind na die verwydering oorgeplaas is woonagtig is, of as die woonplek waarna die persoon verhuis het wat die beskermde jong kind onderhou, geleë is in 'n ander distrik as dié van die kommissaris aan wie soos voormeld kennis gegee is, dan stuur die kommissaris wat die kennisgewing ontvang het, onmiddellik aan die kommissaris van die ander distrik 'n afskrif van die kennisgewing en van enige kennisgewing wat vroeër ingevolge sub-artikel (1) in verband met die betrokke jong kind aan hom gestuur is.

(7) As 'n beskermde jong kind sterf, dan moet die persoon in wie se bewaring die beskermde jong kind ten tyde van sy dood was, onmiddellik in die voorgeskrewe vorm aan die kommissaris van kindersorg van die distrik waarin die kind oorlede is, van die sterfgeval kennis gee, en daardie kennisgewing moet uitdruklik vermeld of enige ander jong kind wat 'n beskermde jong kind was volgens hierdie Wet of 'n wet wat deur hierdie Wet herroep word, te eniger tyd voor die datum van bedoelde kennisgewing, oorlede is terwyl dit in die bewaring van die persoon was wat die kennisgewing verstrek.

Stappe wat deur die kommissaris gedoen moet word in verband met beskermde jong kinders.

11. (1) As 'n kommissaris van kindersorg deur 'n kennisgewing wat ooreenkomstig hierdie Hoofstuk aan hom verstrek is, of andersins, te wete gekom het dat binne sy distrik—

(a) 'n beskermde jong kind, behalwe 'n jong kind wat met

to the commissioner of child welfare of that district in which is situate the place where that infant is to be maintained.

(2) Save as provided in sub-section (3) any parent or person having the custody of an infant who has delivered that infant to any person for the purpose mentioned in sub-section (1) shall within seven days after delivering that infant transmit a notice in writing in the prescribed form of the delivery of that infant to the commissioner of child welfare of the district in which is situate the place where that infant is to be maintained.

(3) The provisions of sub-sections (1) and (2) shall not apply to—

(a) the receipt of an infant by a grandfather, grandmother, brother, sister, uncle or aunt of the infant or the husband or wife or widower or widow of any such relative of the infant: Provided that if the infant is an illegitimate child the foregoing terms shall not include any person who is not so related to the infant through his mother; or

(b) the receipt of an infant by a maternity home, a hospital, a convalescent home, a place of safety or a children's home; or

(c) the delivery of an infant to any such person or place as is mentioned in paragraph (a) or (b).

(4) (a) No person other than the managers of a place mentioned in paragraph (b) of sub-section (3), may receive any infant, who is an illegitimate child, for the purpose of maintaining him apart from his parents for a longer period than thirty days, unless the consent in writing of a commissioner of the district in which the child was born, has been obtained.

(b) The commissioner shall, in considering any application for such consent, have regard to all the matters mentioned in sub-section (2) of section *thirty-five*.

(c) For the purposes of this sub-section no adopted child shall be regarded as an illegitimate child.

(5) Any person who at the commencement of this Act is maintaining any infant who is an illegitimate child and whom he received before the commencement of this Act, shall be deemed to have obtained the consent of a commissioner in terms of sub-section (4).

(6) (a) If a protected infant has been removed from the custody of the person who previously maintained him, or if a person maintaining a protected infant has changed his residence, that person shall forthwith give notice in writing in the prescribed form of such removal or change of residence to the commissioner of child welfare of the district in which the protected infant was resident immediately before the removal or change of residence.

(b) If the person to whose custody the protected infant has been removed is resident, or if the residence to which the person maintaining the protected infant has moved is situate, in a district other than that of the commissioner to whom the said notice was given, the commissioner who received the notice shall forthwith transmit to the commissioner of that other district a copy of the notice and of any notice previously transmitted to him under sub-section (1) in respect of the infant in question.

(7) If a protected infant has died, the person in whose custody the protected infant was at the time of his death shall forthwith give notice of the death in the prescribed form to the commissioner of child welfare of the district in which the death occurred, and that notice shall state specially whether any other infant who was a protected infant in terms of this Act or in terms of any law repealed by this Act died at any time before the date of the said notice, while in the custody of the person giving the notice.

11. (1) If a commissioner of child welfare has ascertained, whether by notice transmitted to him under this Chapter or otherwise, that within his district—

(a) a protected infant, other than an infant who has been

Steps to be taken by commissioner in connection with protected infants.

die toestemming van 'n kommissaris kragtens sub-artikel (4) van artikel *tien* ontvang is, aangehou word; of

- (b) 'n jong kind, weg van sy ouers af, aangehou word onder omstandighede wat om gegronde redes geag word 5 nadelig vir sy welsyn te wees,

dan moet hy ondersoek laat instel na die omstandighede waaronder die jong kind aangehou word.

(2) As die kommissaris, na die ondersoek, van oordeel is dat dit nie in die belang van die jong kind is om by die persoon 10 te bly in wie se bewaring hy is nie, dan mag hy, by skriftelike kennisgewing, die ouers van die jong kind gelas om binne 'n tydperk wat hy in die kennisgewing moet bepaal, en wat nie minder as drie dae mag wees nie vanaf die dag waarop die ouers die kennisgewing ontvang het, gepaste voorsiening vir 15 die versorging en bewaring van die jong kind te maak.

(3) As die adres of woonplek van die ouers onbekend is, of as die ouers na kennisgewing ooreenkomstig sub-artikel (2) versuim het om binne die tyd, in die kennisgewing bepaal, gepaste voorsiening vir die versorging en bewaring van die jong 20 kind te maak, dan word met hom gehandel ooreenkomstig die bepalinge van artikel *dertig*.

Besoek aan en besigtiging van sekere jong kinders.

12. (1) 'n Kommissaris van kindersorg kan skriftelik onder sy handtekening 'n persoon as kinderbeskermingsbesoeker aanstel om hom behulpsaam te wees by die uitvoering van die 25 bepalinge van hierdie Hoofstuk, en kan so 'n besoeker magtig, hetsy by wyse van algemene of spesiale opdrag, om enige beskermde jong kind wat in sy distrik woonagtig is, te besoek en te besigtig.

(2) 'n Aldus aangestelde en gemagtigde kinderbeskermings- 30 besoeker en 'n vrederegter, 'n proefbeampte, en 'n polisie-beampte kan van tyd tot tyd 'n beskermde jong kind en die gebou waarin dié jong kind gehuisves is, besoek en besigtig ten einde seker te maak dat die jong kind behoorlik versorg en onderhou word. 35

(3) 'n Kommissaris van kindersorg kan 'n kinderbeskermings-besoeker, proefbeampte, of polisiebeampte skriftelik magtig om op enige plek binne die kommissaris se distrik so 'n jong kind soos bedoel in paragraaf (b) van sub-artikel (1) van artikel 40 *elf*, en die gebou waarin daardie jong kind gehuisves is, te besoek en te besigtig.

(4) 'n Kommissaris van kindersorg kan te eniger tyd opdrag gee dat 'n beskermde jong kind of so 'n jong kind soos bedoel 45 in paragraaf (b) van sub-artikel (1) van artikel *elf*, wat binne sy distrik aangehou word, deur die distrikgeneesheer of deur 'n ander bevoegde geneesheer, medies ondersoek moet word.

(5) Iemand wat 'n jong kind in sy bewaring het en wat weier om die ondersoek of besigtiging van daardie jong kind, of van die gebou waarin die jong kind gehuisves is, waartoe kragtens hierdie artikel opdrag gegee is, toe te laat, en iemand wat so 'n ondersoek 50 of besigtiging belemmer, is aan 'n misdryf skuldig.

Beperking van die aantal en die leeftyd van jong kinders in 'n bepaalde woning.

13. 'n Kommissaris van kindersorg kan by bevelskrif gerig aan die okkupeerder van 'n woning waarin 'n beskermde jong kind gehuisves is, die aantal jong kinders wat in daardie woning gehuisves mag word, vasstel, en hy kan in daardie bevelskrif 55 verbied dat 'n beskermde jong kind van 'n jongere leeftyd as dié wat in die bevelskrif vasgestel word, in bedoelde woning gehuisves word, en iemand wat in 'n woning waarop die bevelskrif betrekking het, meer jong kinders as die aldus vasgestelde aantal, of 'n jong kind benede die aldus vasgestelde leeftyd 60 huisves, is aan 'n misdryf skuldig.

Sekere persone mag geen beskermde jong kinders hou nie.

14. As iemand—

- (a) uit wie se bewaring 'n jong kind ingevolge 'n bevel kragtens hierdie Wet of die Kinderwet, 1937 (Wet No. 31 van 1937), of die „Wet ter Bescherming van Kin- 65 deren, 1913” (Wet No. 25 van 1913), verwyder is; of

(b) wat aan 'n misdryf ingevolge Hoofstuk III van hierdie Wet of ingevolge Hoofstuk III van die Kinderwet, 1937, of ingevolge Hoofstuk I van die „Wet ter Bescherming van Kinderen, 1913”, skuldig bevind is; 70 'n beskermde jong kind aanhou sonder die skriftelike toestemming van 'n kommissaris van kindersorg, of as iemand met wete 'n beskermde jong kind sonder voormelde toestemming deur so 'n voormelde persoon laat aanhou, dan is hy aan 'n misdryf skuldig. 75

Verpligtings van persone aan die hoof van kraaminrigtings.

15. (1) As 'n jong kind deur iemand anders as 'n ouer of so 'n bloedverwant, soos bedoel in paragraaf (a) van sub-artikel (3) van artikel *tien*, uit 'n kraaminrigting verwyder word dan

received with the consent of a commissioner in terms of sub-section (4) of section *ten*, is being kept; or

- (b) any infant is being kept apart from his parents in circumstances believed on reasonable grounds to be prejudicial to his interests,
 5 he shall cause enquiry to be made into the conditions in which that infant is kept.

(2) If upon enquiry the commissioner is satisfied that it is not in the interest of the infant to remain with the person in
 10 whose custody he is, he may by notice in writing call upon the parents of the infant to make suitable provision for the care and custody of the infant within a time to be fixed by him in the notice (which shall not be less than three days as from the date of the receipt by the parents of that notice).

- 15 (3) If the address or place of residence of the parents is unknown, or if, notice having been given as provided in sub-section (2), the parents have failed within the time specified in the notice to make suitable provision for the care and custody of the infant, he shall be dealt with in manner provided in section *thirty*.

20 12. (1) A commissioner of child welfare may by writing under his hand appoint any person to be an infant protection visitor to assist him in carrying out the provisions of this Chapter, and may authorize either generally or specially any such visitor to visit and inspect any protected infant resident in his
 25 district.

Visiting and examination of certain infants.

(2) Any infant protection visitor appointed and authorized as aforesaid and any justice of the peace, any probation officer and any policeman may from time to time visit and inspect
 30 any protected infant and the premises in which the infant is kept in order to ensure the proper care and maintenance of the infant.

(3) A commissioner of child welfare may authorize in writing any infant protection visitor, probation officer or policeman to visit and inspect at any place within the commissioner's district
 35 any such infant as is mentioned in paragraph (b) of sub-section (1) of section *eleven* and the premises in which that infant is kept.

(4) A commissioner of child welfare may at any time direct that a protected infant or any such infant as is mentioned in
 40 paragraph (b) of sub-section (1) of section *eleven* who is kept within his district, be medically examined by the district surgeon or by any other qualified medical practitioner.

(5) Any person having the custody of an infant who refuses to allow the examination or inspection authorized under this
 45 section of that infant or of the premises in which that infant is kept, and any person who hinders any person authorized to carry out any such examination or inspection, shall be guilty of an offence.

13. A commissioner of child welfare may by an order in
 50 writing addressed to the occupant of any dwelling in which any protected infant is kept, fix the number of infants who may be kept in that dwelling and may in that order prohibit the keeping in that dwelling of any protected infant of an age less than that specified in the order, and any person who keeps in
 55 a dwelling to which such an order relates, any infant in excess of the number so fixed or any infant of less than the age so specified shall be guilty of an offence.

Limitation of number and age of protected infants in particular dwelling.

14. If any person—

60 (a) from whose custody any infant has been removed in terms of an order made under this Act or under the Children's Act, 1937 (Act No. 31 of 1937), or under the Children's Protection Act, 1913 (Act No. 25 of 1913); or

Certain persons may not keep protected infants.

65 (b) who has been convicted of an offence under Chapter III of this Act or under Chapter III of the Children's Act, 1937, or under Chapter I of the Children's Protection Act, 1913;

keeps a protected infant without the authority in writing of a commissioner of child welfare, or if any person knowingly
 70 causes a protected infant to be kept by any such person as aforesaid, without such authority, he shall be guilty of an offence.

15. (1) If any infant is removed from a maternity home by
 75 any person other than a parent or such a relative as is mentioned in paragraph (a) of sub-section (3) of section *ten* the

Duties of persons in charge of maternity homes.

moet die persoon onder wie die kraaminrigting staan onmiddellik, in die voorgeskrewe vorm, van die verwydering skriftelik kennis gee aan die kommissaris van kindersorg van die distrik waarin die kraaminrigting geleë is.

(2) (a) Elke persoon, onder wie 'n kraaminrigting staan, moet 'n register in die voorgeskrewe vorm aanhou, waarin hy onmiddellik die geboorte of die dood van elke jong kind wat in bedoelde inrigting gebore of oorlede is en die verwydering van elke jong kind daaruit, moet aanteken.

(b) Die in paragraaf (a) bedoelde register moet ter insage beskikbaar gestel word aan 'n kommissaris van kindersorg, proefbeampte, 'n kragtens artikel *twaalf* aangestelde kinderbeskermingsbesoeker en aan enige ander, deur 'n kommissaris van kindersorg skriftelik gemagtigde persoon.

(3) Iemand onder wie 'n kraaminrigting staan, wat versuim om aan die vereistes van sub-artikel (2) te voldoen, of wat versuim om die register bedoel in sub-artikel (2) ter insage voor te lê aan iemand wat geregtig is en wat versoek om insae daarin te hê, is aan 'n misdryf skuldig.

(4) In hierdie artikel beteken 'n kraaminrigting, ook enige hospitaal of herstellingsoord of gebou wat gebruik word vir die opname van 'n vrou gedurende haar bevalling of kraambed.

Straf op versuim om voorgeskrewe kennisgewing te verstrek of om toestemming van kommissaris te verkry.

16. (1) Iemand wat ingevolge hierdie Hoofstuk verplig is om die toestemming van 'n kommissaris vir die ontvangs van 'n jong kind te verkry of om kennis te gee van die ontvangs of besorging van 'n jong kind en wat versuim om sodanige toestemming te verkry of om binne die daarvoor bepaalde tyd aldus kennis te gee, of wat wetens of roekeloos 'n valse of misleidende verklaring by die verkryging van so 'n toestemming of in so 'n kennisgewing maak of laat maak, is aan 'n misdryf skuldig.

(2) As iemand wat skuldig bevind is ingevolge sub-artikel (1), 'n som geld ontvang het vir die onderhoud van 'n jong kind ten opsigte van wie die misdryf gepleeg is, kan die hof wat die oortreder skuldig bevind het, bo en behalwe enige straf waaraan die oortreder onderhewig is kragtens hierdie Wet, die oortreder gelas om daardie geldsom of so 'n deel daarvan as wat die hof billik ag, by die hof in te betaal, en as die betrokke jong kind in lewe bly, moet daardie geldsom aan die betrokke kommissaris van kindersorg betaal word om deur hom, op sodanige wyse as wat hy goeddink, tot voordeel van die jong kind aangewend te word of as die jong kind oorlede is, moet die geld in die Gekonsolideerde Inkomstefonds gestort word.

(3) 'n Order in sub-artikel (2) vermeld het die regsrag van 'n siviele vonnis van die hof ten gunste van die Minister en kan as sodanig ten uitvoer gelê word.

Sertifikate van vrystelling met betrekking tot beskermde jong kinders.

17. (1) As die kommissaris van kindersorg van 'n distrik oortuig is dat die karakter en omstandighede van iemand wat in daardie distrik woon en wat die bewaring van 'n beskermde jong kind aanvaar het, so is, of dat 'n plek wat in daardie distrik geleë is en waarin jong kinders opgeneem en onderhou word, van so 'n aard is en so bestuur word, dat dit onwaarskynlik is dat so 'n jong kind mishandel of verwaarloos sal word, terwyl hy in die bewaring van bedoelde persoon of in bedoelde plek is, kan die kommissaris aan die persoon of aan die bestuurders van die plek 'n sertifikaat, in die voorgeskrewe vorm, uitreik wat bedoelde persoon en elke jong kind in sy bewaring en die gebou waarin die jong kinders gehou word, of wat die bestuurders en die plek en alle jong kinders in die plek en die gebou waarin hulle gehou word, uitsluit van die werking van die bepalings van artikels *tien* en *twaalf*.

(2) Die kommissaris kan te eniger tyd, volgens sy goëddunke, die sertifikaat intrek deur 'n skriftelike kennisgewing aan die persoon of aan die bestuurders van 'n plek aan wie 'n sertifikaat ingevolge sub-artikel (1) uitgereik is.

HOOFSTUK III.

VERHOEDING VAN VERWAARLOOSING, MISHANDELING EN UITBUITING VAN KINDERS.

Mishandeling of verwaarloos van kinders.

18. (1) 'n Ouer of voog van 'n kind, of iemand in wie se bewaring 'n kind is, wat die kind mishandel of op 'n ander wyse as deur versuim bedoel in sub-artikel (2) verwaarloos of die kind verlaat, of wat toelaat dat die kind mishandel word, is aan 'n misdryf skuldig wanneer die mishandeling, verwaarloosing of verlating waarskynlik ten gevolge sal hê dat die kind onnodig ly, of dat enige deel of funksie van sy gees of liggaam

person in charge of that maternity home shall forthwith give notice in writing in the prescribed form of the removal to the commissioner of child welfare for the district in which the maternity home is situated.

- 5 (2) (a) Every person in charge of a maternity home shall keep a register in the prescribed form in which he shall record forthwith the birth or death of every infant who was born or who died in that home and the removal of every infant who was removed therefrom.
- 10 (b) The register mentioned in paragraph (a) shall be open to inspection by a commissioner of child welfare, probation officer, infant protection visitor appointed under section *twelve* and any other person authorized in writing by a commissioner of child welfare.
- 15 (3) Any person in charge of a maternity home who fails to comply with the requirements of sub-section (2) or who fails to produce the register mentioned in sub-section (2) for inspection by any person entitled to inspect it who demands its inspection, shall be guilty of an offence.
- 20 (4) In this section the expression "maternity home" includes any hospital or convalescent home used for the accommodation of any woman during her confinement or lying-in.

16. (1) Any person who is in terms of this Chapter required to obtain the consent of a commissioner for the receipt of an infant or to give notice of the receipt or delivery of an infant and who fails to obtain such consent or who fails to give that notice within the time specified therefor, or who knowingly or recklessly makes or causes the making of any false or misleading statement when obtaining any such consent or in any such notice, shall be guilty of an offence.
- 25 Penalties for failure to give prescribed notice or to obtain consent of commissioner.

- (2) If any person convicted under sub-section (1) has received any sum of money for the maintenance of the infant in respect of whom the offence was committed, the court by which the offender is convicted may in addition to imposing any punishment to which the offender is liable under this Act, order the offender to pay the said sum, or such portion thereof as to the court may seem just, into court, and if the infant in question survives, that sum shall be paid out to the commissioner of child welfare concerned, to be applied by him for the benefit of the infant in such manner as he may deem fit, or if the infant has died it shall be paid into the Consolidated Revenue Fund.
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- 40

(3) An order mentioned in sub-section (2) shall have the effect of and shall be executable as a civil judgment of the court given in favour of the Minister.

- 45 17. (1) If the commissioner of child welfare of any district is satisfied that the character and circumstances of any person resident within that district who has undertaken the custody of a protected infant, are such or that any place situated within that district in which infants are received and maintained is of such a character and is so conducted, that it is improbable that any such infant while in the custody of that person or in that place will be ill-treated or neglected, the commissioner may grant to that person or to the managers of that place a certificate in the form prescribed exempting the said person and every infant in his custody and the premises wherein any such infant is kept, or exempting the managers and the place and all infants in that place and the premises wherein they are kept, from the operation of the provisions of sections *ten* and *twelve*.
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- (2) The commissioner may at any time in his discretion by notice in writing addressed to the person to whom or to the managers of a place to whom a certificate has been granted under sub-section (1), cancel that certificate.
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CHAPTER III.

PREVENTION OF NEGLECT, ILL-TREATMENT AND EXPLOITATION OF CHILDREN.

- 65 18. (1) Any parent or guardian of a child or any person having the custody of a child who ill-treats, neglects (otherwise than by such failure as is mentioned in sub-section (2)) or abandons that child or allows it to be ill-treated, shall be guilty of an offence if as a result of the ill-treatment, neglect or abandonment the child is likely to suffer unnecessarily or any part or function of its mind or body is likely to be injured or detri-
- Ill-treatment or neglect of children.

beskadig of nadelig aangetas sal word, alhoewel in werklikheid geen sodanige gevolge ingetree het nie, of alhoewel die waarskynlikheid van sodanige gevolge deur die toedoen van 'n ander persoon verhinder geword het.

(2) Iemand wat wettiglik verantwoordelik is vir die onderhoud van 'n kind, en wat versuim om die kind van genoegsame voedsel, kleding, herberg en mediese behandeling te voorsien, terwyl hy wel in staat is om dit te doen, is aan 'n misdryf skuldig.

(3) By die verhoor van 'n persoon op aanklag van 'n misdryf bedoel in sub-artikel (2), word sy vermoë om die betrokke kind van genoegsame voedsel, kleding, herberg of mediese behandeling te voorsien, veronderstel, maar hy kan hierdie veronderstelling weerlê deur bewys te lewer dat die beweerde versuim toe te skryf was aan gebrek aan middele, en dat daardie gebrek aan middele nie aan sy versuim of nalatigheid te wyte was nie.

(4) As die beskuldigde geen redelike stappe gedoen het nie om van 'n ander persoon wat wettiglik verantwoordelik is vir die onderhoud van die kind, of van 'n beskikbare gesag, vereniging of instelling wat noodleniging ten doel het, die voedsel, kleding, herberg of mediese behandeling vir die kind te verkry, wat hy self nie in staat is om te verskaf nie, dan word hy geag skuldig te wees aan versuim binne die bedoeling van sub-artikel (3).

(5) Iemand wat ingevolge hierdie artikel aan 'n misdryf skuldig bevind is, is strafbaar met 'n boete van hoogstens tweehonderd pond, of, by wanbetaling van die boete, met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sodanige gevangenisstraf sonder die keuse van 'n boete, of met beide sodanige boete en sodanige gevangenisstraf; of as bewys is dat bedoelde persoon bewus daarvan was dat hy as gevolg van die dood van die kind in verband met wie die misdryf gepleeg is, direk of indirek enige eiendom of belang in enige eiendom sou verkry, of op indirekte wyse enige voordeel sou trek uit wat 'n ander persoon aldus sou verkry, dan is hy strafbaar met 'n boete van hoogstens vyfhonderd pond, of, by wanbetaling van die boete met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of met sodanige gevangenisstraf sonder die keuse van 'n boete of met beide sodanige boete en sodanige gevangenisstraf.

Verleiding van kinders.

19. (1) As 'n ouer of voog of iemand wat die bewaring van 'n kind het, toelaat dat die kind in 'n bordeel woon of 'n bordeel besoek, is hy aan 'n misdryf skuldig.

(2) 'n Ouer of voog of iemand wat die bewaring van 'n kind het en wat die verleiding, ontvoering of prostitusie van daardie kind of die pleging deur daardie kind van onsedelike handelings veroorsaak of in die hand werk, is aan 'n misdryf skuldig.

(3) By die toepassing van sub-artikel (2), word iemand geag die verleiding, ontvoering of prostitusie van 'n kind, wat verlei of ontvoer is of 'n prostituut geword het, te veroorsaak het, indien hy, as ouer of voog of as persoon wat die kind in sy bewaring het, wetens toegelaat het dat die kind omgaan met, of in diens tree of in diens bly van 'n prostituut of van 'n as onsedelik bekendstaande persoon.

(4) Iemand wat aan 'n misdryf ingevolge hierdie artikel skuldig bevind is, is strafbaar met 'n boete van hoogstens tweehonderd pond of, by wanbetaling van die boete, met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sodanige gevangenisstraf sonder die keuse van 'n boete, of met beide sodanige boete en sodanige gevangenisstraf.

Mediese ondersoek en behandeling van kinders.

20. (1) As 'n mediese beampte van 'n plaaslike bestuur of van 'n afdelingsraad rede het om te vermoed dat 'n kind binne die regsgebied van die bestuur of raad, of as 'n mediese beampte in diens van die regering of van 'n provinsiale administrasie rede het om te vermoed dat 'n kind binne die gebied waarvoor die beampte aangestel is, aan 'n siekte of geneesbare liggaamlike gebrek ly, of met ongedierte besmet is of dat die kleding van die kind met ongedierte besmet is of in 'n vieslike toestand verkeer, of as 'n mediese beampte in diens van die regering ingevolge sub-artikel (3) van artikel dertig deur 'n kinderhof gelas is om 'n kind te ondersoek, kan hy die kind en sy kleding ondersoek of 'n ander geneesheer magtig om dit te doen.

(2) 'n Mediese beampte soos bedoel in sub-artikel (1) kan, as hy dit vir die behoorlike ondersoek van 'n kind nodig ag, aan die persoon in wie se bewaring die kind is, skriftelik opdrag gee om die kind binne 'n in die opdrag gemelde tydperk na 'n insgelyks gemelde hospitaal of ander plek vir die ondersoek te bring.

(3) Indien dit by daardie ondersoek blyk dat die kind aan 'n siekte of 'n geneesbare liggaamlike gebrek ly, kan bedoelde beampte—

mentally affected, even though no such suffering, injury or detriment has in fact been caused or even though the likelihood of such suffering, injury, or detriment has been averted by the action of another person.

- 5 (2) Any person legally liable to maintain a child who, while able to do so, fails to provide that child with adequate food, clothing, lodging and medical aid, shall be guilty of an offence.

(3) On the trial of any person charged with an offence under sub-section (2), his ability to provide the child in question with
10 adequate food, clothing, lodging or medical aid shall be presumed, but he may rebut that presumption by proving that the failure alleged was due to lack of means and that such lack of means was not attributable to his default or negligence.

(4) Omission by the person charged to take reasonable
15 steps to obtain for the child from any other person legally liable to maintain him or from any available authority, association or establishment whose object is the relief of indigency, such food, clothing, housing or medical aid as he is himself unable to provide, shall for the purposes of sub-section (3) be
20 deemed to be a default on his part.

(5) Any person convicted of an offence under this section shall be liable to a fine not exceeding two hundred pounds or in default of payment of such fine to imprisonment for a period not exceeding two years or to such imprisonment without the
25 option of a fine or to both such fine and such imprisonment; or if it was proved that the said person would, to his knowledge, directly or indirectly acquire any property or an interest in any property or indirectly derive any benefit from any such acquisition by any other person in the event of the death of the child
30 in respect of whom that offence was committed, he shall be liable to a fine not exceeding five hundred pounds or in default of payment of such fine to imprisonment for a period not exceeding five years or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

35 19. (1) Any parent or guardian or any person having the custody of a child who allows that child to reside in or to frequent a brothel shall be guilty of an offence. Corruption of children.

(2) Any parent or guardian or any person having the custody of a child who causes or conduces to the seduction, abduction
40 or prostitution of that child or the commission by that child of immoral acts shall be guilty of an offence.

(3) For the purposes of sub-section (2) a person shall be deemed to have caused the seduction, abduction or prostitution of a child who has been seduced or abducted or has become
45 a prostitute if, being the parent or guardian or having the custody of that child, he has knowingly allowed the child to consort with or enter or continue in the employment of any prostitute or person of known immoral character.

(4) Any person convicted of an offence under this section
50 shall be liable to a fine not exceeding two hundred pounds or in default of payment of such fine to imprisonment for a period not exceeding two years or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

20. (1) If a medical officer of a local authority or of a divisional council has reason to suspect that a child within the area of jurisdiction of that authority or council, or if any medical officer in the service of the Government or of a provincial administration has reason to suspect that a child within the area for which that officer was appointed, is suffering from
55 any disease or some curable physical defect or is infested with vermin or that the clothing of that child is verminous or filthy, or if any medical officer in the service of the Government has been ordered by any children's court in terms of sub-section (3) of section thirty to examine any child, he may examine or
60 authorize any other medical practitioner to examine the person and clothing of that child. Medical examination and treatment of children.

(2) Any medical officer mentioned in sub-section (1) may, if he deems it necessary for the proper examination of such a child, in writing direct the person in whose custody the child
70 is to remove the child within a period specified in the direction, to a hospital or other place similarly specified for such examination.

(3) If at that examination it appears that the child is suffering from any disease or any curable physical defect, the said officer
75 may—

- (a) aan die persoon in wie se bewaring die kind is, skriftelik opdrag gee om die kind binne 'n redelike tydperk, in die opdrag gemeld, na 'n insgelyks gemelde hospitaal of ander plek vir mediese behandeling te bring; of
- (b) indien die ondersoek gedoen is by 'n hospitaal of plek waarheen die kind ingevolge 'n opdrag kragtens sub-artikel (2) gebring is, opdrag gee dat die kind vir sodanige behandeling in daardie hospitaal of plek bly; of
- (c) aan die persoon in wie se bewaring die kind is, skriftelik opdrag gee om binne 'n redelike in die opdrag gemelde tydperk die insgelyks gemelde mediese behandeling vir die kind te voorsien.
- (4) As by bedoelde ondersoek blyk dat die kind met ongedierte besmet is, of dat sy kleding met ongedierte besmet is of in 'n vieslike toestand verkeer, kan bedoelde beampte aan die persoon in wie se bewaring die kind is, skriftelik opdrag gee dat hy die kind en sy kleding moet reinig op 'n wyse en binne 'n tydperk wat in die opdrag voorgeskryf word: Met dien verstande dat bedoelde tydperk op nie korter vasgestel mag word nie as vier-en-twintig uur vanaf die tydstop waarop bedoelde persoon die opdrag ontvang het.
- (5) As die persoon aan wie so 'n opdrag gegee is, versuim het om binne die daarin bepaalde tydperk daaraan te voldoen, kan die beampte wat die opdrag gegee het, die kind na 'n geskikte plek bring of laat bring en, al na die geval, die kind daar ondersoek of laat ondersoek of behoorlike mediese behandeling laat ondergaan, of hom of sy kleding laat reinig.
- (6) As bedoelde beampte van mening is dat dit nodig is dat die betrokke kind 'n operasie moet ondergaan, of dat hy behandeling moet ondergaan wat nie sonder die toestemming van die ouer of voog van die kind uitgevoer mag word nie, en die ouer of voog toestemming tot die operasie of behandeling weier, of nie opgespoor kon word nie, of weens geestesgekenktheid onbevoeg is om sodanige toestemming te gee of oorlede is, moet bedoelde beampte die saak aan die Minister rapporteer, wat dan die nodige toestemming kan verleen in plaas van die ouers of voog van die kind, wanneer hy na behoorlike ondersoek oortuig is dat die operasie of die behandeling noodsaaklik is.
- (7) Indien die mediese superintendent van 'n hospitaal van mening is dat 'n operasie of mediese behandeling noodsaaklik is om 'n persoon onder die leeftyd van een-en-twintig jaar se lewe te red of om hom van 'n ernstige en blywende liggaamlike letsel of gebrek te vrywaar en dat die noodsaaklikheid van die operasie of mediese behandeling so dringend is dat dit geen uitstel gedoog om die persoon te raadpleeg wat wettiglik bevoeg is om toestemming tot die operasie of mediese behandeling te verleen nie, dan kan bedoelde superintendent, nadat hy die mening van 'n ander geneesheer verkry het, die nodige toestemming verleen.
- (8) Die persoon op wie die verpligting rus om die betrokke kind of persoon te onderhou, is aanspreeklik vir die koste van die behandeling of operasie wat die kind of persoon ingevolge sub-artikel (5), (6) of (7) ontvang of ondergaan het, asof hy daartoe opdrag gegee het.
- (9) As 'n persoon aan wie ingevolge sub-artikel (4) opdrag gegee is, versuim het om binne die daarin vasgestelde tyd daaraan te voldoen, of as die betrokke kind, nadat daardie persoon aan die opdrag voldoen het of nadat die kind of sy klere ooreenkomstig sub-artikel (5) gereinig is, weer met ongedierte besmet word of sy kleding weer met ongedierte besmet word of in 'n vieslike toestand verkeer, is hy aan 'n misdryf skuldig.
- (10) 'n Mediese beampte of 'n geneesheer wat, ingevolge sub-artikel (1), geregtig is om 'n kind te ondersoek, kan, te eniger tyd gedurende die dag of te eniger redelike tyd gedurende die nag, toegang eis tot 'n gebou of vertrek waar hy rede het om te vermoed dat die kind hom bevind, en hy kan die persoon in wie se bewaring die kind is, gelas om die kind in daardie persoon se woning te voorskyn te bring; en as iemand, nadat hy in kennis gestel is van die doel waarvoor toegang vereis word, die toegang weier of die verlening van toegang onredelik verdraag, of op enige wyse die mediese beampte of geneesheer hinder by die ondersoek van die kind of sy kleding, of in gebreke bly om die kind soos voormeld te voorskyn te bring nadat hy gelas is om dit te doen, is hy aan 'n misdryf skuldig.

Bedel, ongeoorloofde straathandel of ongeoorloofde opvoerings deur kinders.

21. (1) As iemand 'n kind daartoe beweeg, of as 'n ouer of voog van 'n kind of iemand wat die bewaring van 'n kind het, die kind toelaat, om—

- (a) te bedel, of om die gee van aalmoese teweeg te bring of om te trag om dit teweeg te bring, of om donasies of bydrae tot een of ander doel te vra; of

- (a) in writing direct the person in whose custody the child is to remove him, within a reasonable period specified in the direction, to a hospital or any other place similarly specified for medical treatment; or
- 5 (b) if the examination was made at a hospital or place to which the child was removed in pursuance of a direction under sub-section (2), direct that he remains in that hospital or place for such treatment; or
- 10 (c) in writing direct the person in whose custody the child is, to provide within a reasonable period specified in the direction such medical treatment for the child as may be likewise specified.

(4) If at the said examination it appears that the child is infested with vermin or that his clothing is verminous or filthy, 15 the said officer may direct, in writing, the person in whose custody the child is to cleanse the person and clothing of the child in a manner and within a period specified in the direction: Provided that the period so specified shall not be shorter than twenty-four hours as from the receipt by the said person of 20 the direction.

(5) If the person to whom such a direction was given, has failed to comply therewith within the period specified therein, the officer who gave the direction may remove the child or cause him to be removed to a suitable locality and there examine 25 him or cause him to be examined or submit him to proper medical treatment or cleanse his person or clothing, as the case may be.

(6) If the said officer is of the opinion that it is necessary to perform an operation upon the child in question or to submit 30 him to any treatment which may not be applied without the consent of the parent or guardian of the child, and the parent or guardian refuses his consent to the operation or treatment or cannot be found or is by reason of mental disability unable to give such consent or is deceased, the said officer shall report 35 the matter to the Minister who may, if satisfied after due enquiry that the operation or treatment is necessary, consent thereto in lieu of the child's parents or guardian.

(7) If the medical superintendent of a hospital is of the opinion that an operation or medical treatment is necessary to preserve 40 the life of a person under the age of twenty-one years or to save him from serious and lasting physical injury or disability and that the need for the operation or medical treatment is so urgent that it ought not to be deferred for the purpose of consulting the person who is legally competent to consent to the operation 45 or medical treatment, the said superintendent may, after obtaining the views of another medical practitioner, give the necessary consent.

(8) The person whose duty it is to maintain the child or person in question shall be liable for the cost of any treatment of, or operation upon, the child or person under sub-section (5), (6) or (7) 50 as if the treatment had been given or the operation had been performed on his instructions.

(9) If a person to whom a direction was given under sub-section (4) has failed to comply therewith within the period 55 specified therein, or if, after that person has complied therewith or after the child or his clothing has been cleansed in terms of sub-section (5), the child in question again becomes infested with vermin or his clothing again becomes verminous or filthy, he shall be guilty of an offence.

60 (10) Any medical officer or medical practitioner who is entitled under sub-section (1) to examine a child may, at any time during the day and at any reasonable hour during the night, demand admittance into any premises or room in which he has reason to believe that child to be, and may call upon the 65 person in whose custody the child is to produce the child to him at that person's residence and if any person, on being made aware of the purpose for which admittance is demanded, refuses such admittance or makes any unreasonable delay in granting it or in any way obstructs such medical officer or medical 70 practitioner in examining the person and clothing of the child or fails to produce the child as aforesaid when called upon to do so, he shall be guilty of an offence.

21. (1) Any person who causes any child or any parent or guardian of a child or any person having the custody of a child 75 who allows that child—

- (a) to beg or to induce or to endeavour to induce the giving of alms, or to solicit donations or contributions towards any object; or

Begging, unauthorized street trading or unauthorized performance by children.

- (b) iemand te vergesel terwyl hy 'n handeling verrig wat in paragraaf (a) vermeld word; of
- (c) as die kind onder die leeftyd van sestien jaar is, enige soort straathandel te dryf binne die regsgebied van 'n plaaslike bestuur tensy daardie plaaslike bestuur deur middel van verordenings kragtens artikel twee-en-twintig of 'n ander Wet, voorgeskryf het dat so 'n kind daardie soort straathandel mag dryf, en tensy hy dit doen ooreenkomstig verordenings wat die plaaslike bestuur ingevolge artikel twee-en-twintig uitgevaardig het; of

(d) as die kind onder die leeftyd van veertien jaar is, op enige wyse tot openbare vermaak op te voer of voor te dra of vertoon te word behalwe kragtens 'n lisensie uitgereik ingevolge artikel drie-en-twintig, is hy aan 'n misdryf skuldig: Met dien verstande dat die bepalings van paragraaf (a) nie van toepassing is nie as 'n kind van die leeftyd van sestien jaar of meer donasies of bydrae vra, waarvan nóg die kind self, nóg enigeen van sy bloedverwante, nóg sy voog of bewaarder, nóg die eienaar of persoon aan die hoof van die instelling of plek waar die kind gehuisves of gevoed word, waarskynlik enige stoflike voordeel sal trek: Met dien verstande voorts dat die bepalings van paragraaf (d) nie van toepassing is nie in verband met 'n opvoering of voordrag deur of vertoning van 'n kind waarvoor geen beloning gegee is of gegee sal word nie aan die kind, of aan 'n bloedverwant, voog of bewaarder van die kind, of aan die eienaar of die persoon aan die hoof van die instelling of plek waar die kind gehuisves of gevoed word.

(2) As 'n kind gehandel het soos in sub-artikel (1) vermeld, word die persoon in wie se bewaring die kind tydens die handeling was, geag die kind toe te gelaat het om soos voormeld te handel, tensy bewys word dat hy nie die kind toegelaat het om aldus te handel nie en dat hy nie by magte was om die handeling te belet nie.

Die reëling
van straat-
handel.

22. (1) Afgesien van verordenings op straathandel wat 'n plaaslike bestuur ingevolge enige ander wet kan uitvaardig, kan 'n plaaslike bestuur verordenings uitvaardig om straathandel deur kinders onder die leeftyd van sestien jaar, binne sy regsgebied, te lisensieer, te reël, te beperk of te verbied en in sodanige verordenings kan die bepalings verskil na gelang van die verskil in leeftyd, ras en geslag van kinders, en ook ten opsigte van verskillende plekke.

(2) Geen verordening ingevolge sub-artikel (1) uitgevaardig het regskrag nie tensy dit deur die Minister en deur die betrokke Administrateur goedgekeur is en afgekondig is op die wyse voorgeskryf vir die afkondiging van verordenings kragtens die wetsbepalings wat so 'n plaaslike bestuur beheers.

Lisensies
vir meewerking
van kinders by
openbare ver-
maaklikhede.

23. (1) (a) 'n Kommissaris van kindersorg kan op aansoek van iemand wat van voorneme is om in die distrik van daardie kommissaris 'n openbare vermaaklikheid aan te bied, aan bedoelde persoon 'n lisensie uitreik, wat 'n kind van onder die leeftyd van veertien jaar veroorloof om by daardie vermaaklikheid op te voer of voor te dra of vertoon te word in 'n rol wat in die lisensie bepaal is en wel oor die tydperk, gedurende die ure, op die voorwaardes en met die beperkings wat die kommissaris wenslik ag om vas te stel: Met dien verstande dat 'n kommissaris geen lisensie mag uitreik nie, tensy hy oortuig is—

- (i) dat die kind liggaamlik en geestelik geskik is om in die bepaalde rol op te tree of vertoon te word; en
- (ii) dat die opvoering of voordrag of vertoning die kind nie aan gevaar van liggaamlike, verstandelike of sedelike besering of benadeling blootstel nie; en
- (iii) dat die aansoeker om die lisensie behoorlik sorg vir die gesondheid, opvoeding en liefdevolle behandeling van al die kinders wat aan voormelde vermaaklikheid sal deelneem.

(b) Die kommissaris kan, na goëddunke, so 'n lisensie wysig, aanvul of herroep.

(2) 'n Kommissaris van 'n distrik kan, op aansoek van die houer van 'n lisensie wat ingevolge sub-artikel (1) deur 'n kommissaris van 'n ander distrik uitgereik is, die lisensie endosseer, en dit wysig of aanvul, en nadat dit geëndosseer is, en behoudens so 'n wysiging of aanvulling is die lisensie in eersbedoelde distrik geldig.

- (b) to accompany any person while he acts in the manner described in paragraph (a); or
- (c) if the child is under the age of sixteen years, to engage in any form of street trading within the area of jurisdiction of a local authority unless that local authority has by means of bye-laws made under section *twenty-two* or any other law, prescribed that such a child may engage in that form of street trading, or otherwise than in accordance with bye-laws made by that local authority under section *twenty-two*; or
- (d) if the child is under the age of fourteen years to perform or to be exhibited in any way for public entertainment except under a licence mentioned in section *twenty-three*,
- 15 shall be guilty of an offence: Provided that the provisions of paragraph (a) shall not apply in connection with the solicitation, by a child of the age of sixteen years or more, of donations or contributions from which neither the child himself nor any of his relatives nor his guardian or custodian, nor the owner or
- 20 person in charge of the establishment or place where that child is housed or fed, is likely to derive any material benefit: Provided further that the provisions of paragraph (d) shall not apply in connection with any performance by or exhibition of a child for which no consideration has been or is to be given to the child
- 25 or to any relative, guardian or custodian of the child, or to the owner or person in charge of the establishment or place where the child is housed or fed.

(2) If a child has acted in a manner described in sub-section (1), the person who had the custody of the child when the said

30 action took place, shall be deemed to have allowed the child to act as aforesaid, unless it is proved that he did not allow the child so to act and that he could not have prevented him from doing so.

22. (1) A local authority may, apart from any bye-laws relating to street trading which it may make under any other law, make bye-laws to licence, regulate, restrict or prohibit street trading by children under the age of sixteen years within its area of jurisdiction and different provisions may be made in such bye-laws for children of different ages, races and sexes

40 and in respect of different localities.

Regulation
of street
trading.

(2) No bye-law framed under sub-section (1) shall have any force or effect unless it has been approved by the Minister and by the Administrator concerned and has been published in the manner prescribed for the publication of bye-laws under

45 the laws governing such local authority.

23. (1) (a) A commissioner of child welfare may upon the application of any person who intends to give a public entertainment in the district of that commissioner, issue to him a licence authorizing a child under the age of fourteen years to perform or to be exhibited at that entertainment in a role specified in the licence over such a period and during such hours and on such conditions and subject to such restrictions as the commissioner may think fit to determine: Provided that a commissioner shall not issue such a licence unless he is satisfied—

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(i) that the child is physically and mentally fit to perform or be exhibited in the role so specified at the entertainment in question; and

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(ii) that the performance or exhibition involves no risk of physical, mental or moral injury or detriment to the child; and

(iii) that the applicant for the licence is making proper provision for securing the health, education and kind treatment of all the children who are to take part in the said entertainment.

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Licences
for perfor-
mance by
children at
public enter-
tainments.

(b) The commissioner may in his discretion vary, add to or rescind any such licence.

(2) A commissioner for any district may upon the application of the holder of a licence issued under sub-section (1) by a commissioner for any other district endorse that licence and make any alteration in or addition to the licence, and upon that endorsement, and subject to any such alteration or addition, the licence shall become valid in the first-mentioned district.

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(3) 'n Polisiebeampte of iemand wat deur 'n kommissaris van kindersorg skriftelik gemagtig is, kan op alle redelike tye die perseel waarop 'n kind onder die leeftyd van veertien jaar, teen beloning by 'n openbare vermaaklikheid opvoer of voordra of vertoon word, betree en besigtig, en kan so 'n vermaaklikheid 5 sonder betaling bywoon.

(4) Iemand wat so 'n polisiebeampte of ander persoon in die uitoefening van sy bevoegdhede, ingevolge sub-artikel (3), belemmer of hinder, is aan 'n misdryf skuldig.

Beveiliging
van kinder-
gehoor by
openbare
vermaaklik-
hede.

24. (1) 'n Okkupeerder van 'n perseel waarop 'n openbare 10 vermaaklikheid vir kinders aangebied word, of 'n openbare vermaaklikheid waarop die meerderheid van persone wat verwag word om dit by te woon, vermoedelik kinders sal wees, wat versuim om te sorg vir 'n genoegsame aantal volwasse oppassers, behoorlik ingelig omtrent hulle pligte en hulle op die nodige 15 plekke in die perseel geplaas te hou, om te belet dat meer kinders of ander persone een of ander deel van die perseel betree as wat daardie deel behoorlik kan hou, en om die kinders en ander persone, wat na so 'n deel toegelaat is, in orde te hou terwyl hulle in- en uitgaan, en om alle ander redelike voorsorgmaatreëls 20 vir die veiligheid van die kinders te tref, is aan 'n misdryf skuldig.

(2) 'n Polisiebeampte kan enige perseel betree as hy rede het om te vermoed dat 'n openbare vermaaklikheid vir kinders daarin aangebied word of op die punt is om daarin aangebied 25 te word, of dat die meerderheid van persone wat so 'n vermaaklikheid bywoon of sal bywoon, kinders is of kinders sal wees, en hy kan so 'n perseel besigtig om vas te stel of die bepalings van hierdie artikel uitgevoer word.

(3) As die okkupeerder van 'n perseel ingevolge sub-artikel 30 (1) skuldig bevind word aan 'n misdryf gepleeg in verband met daardie perseel, en hy, binne die tydperk van vyf jaar wat die skuldigbevinding onmiddellik voorafgegaan het, in verband met dieselfde perseel skuldig bevind is ingevolge daardie sub-artikel of ingevolge sub-artikel (1) van artikel twee-en-twintig van die 35 Kinderwet, 1937 (Wet No. 31 van 1937), kan die hof wat bedoelde okkupeerder skuldig bevind, afgesien van enige straf wat die hof weens bedoelde misdryf kan opleë, enige lisensie wat bedoelde okkupeerder hou vir openbare vermaaklikhede op die betrokke perseel, intrek, en daarna is hy onbevoeg om weer 40 'n lisensie vir daardie perseel te verkry.

Bydra tot
pleeg van
'n misdryf
deur 'n kind.

25. (1) As 'n ouer of voog van 'n kind of iemand wat die bewaring van 'n kind het daartoe bygedra het dat die kind 'n misdryf pleeg, is hy aan 'n misdryf skuldig.

(2) As 'n kind 'n misdryf gepleeg het wat hy waarskynlik 45 nie sou gepleeg het nie as die ouer of voog van die kind of die persoon wat die bewaring van die kind het, behoorlike toesig oor die kind uitgeoefen het, word die ouer of voog of bedoelde persoon, by die toepassing van sub-artikel (1), geag by te gedra het tot die pleging van die misdryf. 50

HOOFSTUK IV.

WYSE WAAROP MET SORGBEHOEWENDE EN SEKERE ANDER KINDERS GEHANDEL KAN WORD.

Verwydering
van sekere
kinders na
'n veilig-
heidsplek
hangende
ondersoek.

26. (1) 'n Polisiebeampte, 'n proefbeampte of 'n daartoe gemagtigde amptenaar, kan 'n kind van enige plek verwyder 55 en na 'n veiligheidsplek bring—

(a) as die kind, na die mening van die polisiebeampte, proefbeampte of gemagtigde amptenaar, 'n sorgbehoewende kind is; of

(b) as daar 'n gegronde vermoede bestaan dat 'n misdryf 60 in die Eerste Bylae by hierdie Wet vermeld, teenoor of in verband met daardie kind gepleeg word of gepleeg is:

Met dien verstande dat as die kind in 'n openbare plek is in geselskap van die persoon in wie se bewaring die kind is of as die 65 kind nie in 'n openbare plek is nie, dan mag hy nie teen die wil van die persoon in wie se bewaring hy is, aldus verwyder word nie, tensy daar rede bestaan om te vermoed dat so 'n misdryf soos voormeld teenoor of in verband met daardie kind deur bedoelde persoon gepleeg is of gepleeg word. 70

(2) Die polisiebeampte, proefbeampte of gemagtigde amptenaar wat 'n kind na 'n veiligheidsplek gebring het, moet so spoedig daarna as doenlik, dog behoudens die bepalings van sub-artikel (3) van artikel dertig die kind bring of laat bring voor die kinderhof van die distrik waarin die plek van waar 75 die kind verwyder is, geleë is.

(3) Any policeman or any person authorized in writing by a commissioner for child welfare may at all reasonable times enter and inspect any premises in which a child under fourteen years of age performs or is exhibited for any consideration at a public entertainment, and may attend any such entertainment free of charge.

(4) Any person who obstructs or hinders any such policeman or other person in the exercise of his powers under sub-section (3) shall be guilty of an offence.

10 24. (1) Any person in occupation of premises in which is given a public entertainment for children or a public entertainment at which the majority of persons who are expected to attend are likely to be children, who fails to provide and keep stationed wherever necessary upon the premises a sufficient
15 number of adult attendants properly instructed as to their duties, to prevent more children or other persons entering any part of the premises than that part can properly accommodate and to control the children and other persons admitted to any such part, whilst entering and leaving and to take all other
20 reasonable precautions for the safety of the children, shall be guilty of an offence.

Safeguarding of child audiences at public entertainments.

(2) A policeman may enter any premises in which he has reason to believe that a public entertainment is being or is about to be provided for children or at which the majority of persons
25 attending are or will be children and may inspect such premises for the purpose of ascertaining whether the provisions of this section are being carried into effect.

(3) If the occupier of any premises is convicted under sub-section (1) of an offence committed in connection with those
30 premises and he was, within the period of five years immediately preceding that conviction, in connection with the same premises convicted under that sub-section or under sub-section (1) of section *twenty-two* of the Children's Act, 1937 (Act No. 31 of 1937), the court convicting the said occupier may, apart from
35 any penalty which it may impose for the said offence, cancel any licence which the said occupier may hold for public entertainments in the premises in question, and thereupon he shall be disqualified from obtaining another licence for those premises.

40 25. (1) If any parent or guardian of a child or any person having the custody of a child has conducted to the commission of an offence by that child, he shall be guilty of an offence.

Conducting to commission of an offence by a child.

(2) If a child has committed an offence which it would probably not have committed if the parent or guardian of the child or the person having the custody of the child had taken proper
45 care of the child, the parent or guardian or that person shall for the purposes of sub-section (1) be deemed to have conducted to the commission of that offence.

CHAPTER IV.

50 MANNER IN WHICH CHILDREN IN NEED OF CARE AND CERTAIN OTHER CHILDREN MAY BE DEALT WITH.

26. (1) Any policeman, probation officer or authorized officer may remove a child from any place to a place of safety—

- (a) if he is, in the opinion of that policeman, probation officer or authorized officer, a child in need of care;
55 or
(b) if there are reasonable grounds for believing that any offence mentioned in the First Schedule to this Act is being or has been committed upon or in connection with that child;

Removal of certain children to a place of safety pending enquiry.

60 Provided that if the child is in a public place accompanied by the person having the custody of the child, or if the child is not in a public place, he shall not be so removed against the will of the person in whose custody he is, unless there is reason to believe that an offence aforesaid has been committed or is
65 being committed by that person upon or in connection with the child.

(2) The policeman, probation officer or authorized officer who has removed a child to a place of safety shall as soon thereafter as may be, subject to the provisions of sub-section

70 (3) of section *thirty* bring the child or cause him to be brought before the children's court of the district in which is situate the place from where the child was removed.

(3) Iemand wat 'n polisiebeampte, proefbeampte of gemagtigde amptenaar in die uitoefening van sy bevoegdhede ingevolge sub-artikel (1), belemmer of hinder, is aan 'n misdryf skuldig.

Verwydering
van jong
kind na 'n
veiligheidsplek.

27. As aan 'n landdros, 'n kommissaris van kindersorg of 'n vrederegtter blyk dat 'n jong kind binne sy regsgebied— 5

(a) deur enige persoon ontvang is in stryd met die bepalings van sub-artikel (4) van artikel tien; of

(b) 'n beskermde jong kind is en onderhou word in omstandighede wat nadelig vir sy welsyn is en dat dit noodsaaklik is dat die jong kind onmiddellik van die plek 10 waar hy aangehou word, verwyder word,

kan hy, by skriftelike bevel, aan enige persoon opdrag gee om die kind na 'n veiligheidsplek te neem, totdat ander gepaste voorsiening vir die bewaring van die kind gemaak is.

Verwydering
van kind na
veiligheids-
plek weens
misdryf wat
gedurende
regsgeding
aan die lig
gekom het.

28. Wanneer aan 'n hof in die loop van verrigtings in daardie hof, of wanneer aan 'n landdros in die loop van 'n voorlopige 15 ondersoek, blyk dat 'n misdryf in die Eerste Bylae by hierdie Wet vermeld, teenoor of in verband met 'n kind gepleeg is of gepleeg word, of wanneer iemand in wie se bewaring 'n kind is, deur so 'n hof of landdros skuldig bevind of ter strafsitting 20 verwys word weens so 'n misdryf, kan die hof of landdros, as hy dit raadsaam ag, gelas dat die kind na 'n veiligheidsplek geneem moet word, en dat hy so spoedig daarna as doenlik, voor 'n kinderhof gebring moet word.

Verwydering
van kind na
veiligheids-
plek na
beëdigde aan-
gifte van 'n
misdryf.

29 (1) Wanneer aan 'n landdros, 'n kommissaris van kindersorg of 'n vrederegtter op grond van iemand se beëdigde verkla- 25 ring blyk dat daar 'n gegronde vermoede bestaan dat 'n misdryf in die Eerste Bylae by hierdie Wet vermeld, gepleeg word of gepleeg is teenoor of in verband met 'n kind wat op daardie tydstip in sy regsgebied is, en dat dit wenslik is om die kind na 'n 30 veiligheidsplek te laat neem, dan kan die landdros, kommissaris of vrederegtter 'n lasbrief uitreik waarin 'n polisiebeampte gemagtig word om die kind op te spoor en hom na 'n veiligheidsplek te neem om daar aangehou te word totdat hy voor 'n kinderhof gebring kan word. 35

(2) 'n Polisiebeampte, wat deur 'n ingevolge hierdie artikel uitgereikte lasbrief gemagtig is om 'n kind op te spoor en weg te neem, kan enige in die lasbrief vermelde huis of ander perseel betree (en wel met geweld indien nodig), en kan die kind van 40 daar verwyder.

(3) 'n Landdros, kommissaris of vrederegtter, wat 'n lasbrief ingevolge hierdie artikel uitreik, kan iemand wat in die opdrag vermeld word, magtig om die polisiebeampte wat die lasbrief moet uitvoer, te vergesel.

(4) In 'n lasbrief wat ingevolge die bepalings van hierdie 45 artikel uitgereik word, hoef die naam van die kind wie se verwydering daarin gelas word, nie vermeld te word nie.

Die bring van
kinders voor
'n kinderhof
en hou van
ondersoek.

30. (1) 'n Kind wat beweer word 'n sorgbehoewende kind te wees, mag deur 'n polisiebeampte, 'n proefbeampte, of 'n 50 gemagtigde amptenaar, of deur 'n ouer of voog of enige ander persoon in wie se bewaring die kind is, gebring word voor die kinderhof van die distrik waarin die kind woonagtig is of waarin die kind hom bevind.

(2) Die hof waarvoor 'n kind ingevolge sub-artikel (1) gebring word, moet ondersoek instel en bepaal of die kind sorg- 55 behoewend is: Met dien verstande dat as die kind gewoonlik woonagtig is in die distrik van 'n ander kinderhof, eersbedoelde hof die ondersoek na die hof van die ander distrik kan verwys.

(3) 'n Kinderhof wat ondersoek instel of 'n kind sorgbehoewend is, kan te eniger tyd gedurende die ondersoek enige 60 mediese beampte in diens van die regering gelas om daardie kind te ondersoek.

(4) As aan 'n kinderhof blyk dat 'n kind wat beweer word 'n sorgbehoewende kind te wees en wat onder die regsmag van die hof val, weens te jonge leeftyd, slegte gesondheid of om 65 'n ander voldoende rede, nie voor die hof gebring behoort te word nie, dan kan die hof die ondersoek instel in afwesigheid van die kind.

Bevoegdhede
van kinder-
howe.

31. (1) 'n Kinderhof wat deur ondersoek volgens voorskrif van artikel dertig homself daarvan vergewis het dat 'n kind 'n 70 sorgbehoewende kind is, kan—

(a) beveel dat die kind herstel moet word of moet bly in die bewaring van sy ouer of voog of van die persoon in wie se bewaring hy was onmiddellik voor die aan- 75 vang van die verrigtings; of

(b) beveel dat die kind in die bewaring van 'n geskikte pleegouer geplaas word; of

(3) Any person who hinders or obstructs any policeman, probation officer or authorized officer in the exercise of his powers under sub-section (1) shall be guilty of an offence.

27. If it appears to any magistrate, commissioner of child welfare or justice of the peace that an infant within the area of his jurisdiction—

Removal of infant to place of safety.

- (a) has been received by any person in contravention of the provisions of sub-section (4) of section *ten*; or
 (b) is a protected infant and is being maintained in circumstances detrimental to his welfare and that it is necessary that the infant be removed forthwith from the place where he is kept,

he may, by order in writing, direct any person to remove the infant to a place of safety pending the making of other suitable provision for the custody of the infant.

28. If it appears to any court in the course of any proceeding before that court or to a magistrate in the course of a preparatory examination that an offence mentioned in the First Schedule to this Act has been or is being committed upon or in connection with any child or if the person having the custody of a child is by any such court or magistrate convicted of or committed for trial for any such offence, that court or magistrate may, if it or he deems it expedient, order that the child be taken to a place of safety and be brought as soon as may be thereafter before a children's court.

Removal of child to place of safety because of an offence disclosed during legal proceedings.

29. (1) If it appears to any magistrate, commissioner of child welfare or justice of the peace on information on oath given by any person that there is reasonable ground for suspecting that any offence mentioned in the First Schedule to this Act is being or has been committed upon or in connection with a child who is then within the area of his jurisdiction and that it is expedient that the child be taken to a place of safety, that magistrate, commissioner or justice of the peace may issue a warrant authorizing any policeman to search for the child and to take him to a place of safety to be there kept until he can be brought before a children's court.

Removal of child to place of safety on sworn information of an offence.

(2) Any policeman authorized by warrant issued under this section to search for and remove a child may enter (by force if need be) any house or other premises mentioned in the warrant and may remove the child therefrom.

(3) A magistrate, commissioner or justice of the peace issuing a warrant under this section may authorize any person indicated in the direction to accompany the policeman who is to execute the warrant.

(4) It shall not be necessary in any warrant issued under the provisions of this section to state the name of the child whose removal is thereby ordered.

30. (1) Any child alleged to be a child in need of care, may be brought before the children's court of the district in which the child resides or happens to be by any policeman, probation officer or authorized officer or by a parent, guardian or other person having the custody of the child.

Bringing children before children's court and holding of enquiries.

(2) The court before which a child is brought under sub-section (1) shall hold an enquiry and determine whether the child is in need of care: Provided that if the child ordinarily resides in a district of another children's court the firstmentioned court may refer the enquiry to the court of that other district.

(3) Any children's court holding an enquiry as to whether any child is in need of care, may, at any time during the enquiry order any medical officer in the service of the government to examine that child.

(4) If it appears to a children's court that a child who is alleged to be a child in need of care, and who is subject to the court's jurisdiction, should by reason of his infancy, ill-health or other sufficient cause not be brought before the court, the court may hold the enquiry in the absence of the child.

31. (1) A children's court which, after holding an enquiry as provided in section *thirty*, is satisfied that a child is a child in need of care may—

Powers of children's courts.

- (a) order that the child be returned to or remain in the custody of his parent or guardian or of the person in whose custody he was immediately before the commencement of the proceedings; or
 (b) order that the child be placed in the custody of any suitable foster parent; or

- (c) beveel dat die kind onder die beheer van 'n goedgekeurde vereniging geplaas word; of
- (d) beveel dat die kind na 'n kinderskool verwys word; of
- (e) beveel dat die kind na 'n nywerheidsskool verwys word.
- (2) 'n Kinderhof wat 'n bevel kragtens paragraaf (a) of (b) 5 van sub-artikel (1) uitgereik het, kan ook beveel dat die kind onder behandeling van 'n proefbeampte of onder toesig van 'n proefbeampte of van 'n persoon of vereniging van persone wat hom vir die beskerming, welsyn en redding van kinders beywer, geplaas word. 10
- (3) 'n Kommissaris van 'n distrik waarin daar 'n kind woonagtig is wat kragtens sub-artikel (2) deur 'n kinderhof onder behandeling van 'n proefbeampte geplaas is of wat kragtens artikel vyftig deur die Minister na sodanige behandeling oorgeplaas is, kan te eniger tyd, by skriftelike bevel, aan enige persoon 15 opdrag gee om die kind voor 'n kinderhof in daardie distrik te bring.
- (4) Waar 'n kinderhof 'n kind kragtens sub-artikel (2) onder behandeling van 'n proefbeampte geplaas het of waar 'n kind ingevolge sub-artikel (3) voor 'n kinderhof gebring is, kan 20 daardie kinderhof gelas dat die kind of sy ouer of voog, tot tyd en wyl daardie kinderhof of 'n ander kinderhof anders gelas, moet voldoen aan sodanige van die voorgeskrewe vereistes as wat die hof mag bepaal.
- (5) 'n Proefbeampte wat 'n kind onder behandeling het, kan 25 gedurende die loop van daardie behandeling en moet by die afloop daarvan aan die kommissaris van die distrik waarin die kind woonagtig is, verslag doen oor die gedrag, vordering en welstand van die kind.
- (6) (a) Die kommissaris van 'n distrik waarin daar 'n kind 30 van veertien jaar of ouer is wat onder behandeling van 'n proefbeampte is, kan te eniger tyd skriftelik gelas dat daardie kind 'n in die lasgewing vermelde bywoningsentrum moet bywoon op die dae en gedurende die tye in die lasgewing vermeld: Met dien verstande 35 dat geen kind gelas kan word om so 'n sentrum langer as twee uur per week of twaalf uur in die geheel by te woon nie.
- (b) Indien aan die lasgewing nie voldoen word nie, is— 40
- (i) die kind aan 'n misdryf skuldig; en
- (ii) die ouer of voog van die kind aan 'n misdryf skuldig, tensy hy bewys dat hy alle redelike stappe gedoen het om te verseker dat aan die lasgewing voldoen word, 45
- en by skuldigbevinding is hulle strafbaar met die onderskeie strawwe wat ten opsigte van 'n in artikel twee-en-dertig vermelde misdryf voorgeskryf word.
- (7) 'n Kinderhof wat homself daarvan vergewis het dat 'n kind 'n sorgbehoewende kind is, kan beveel dat die kind in 'n 50 veiligheidsplek of in 'n waarnemingsentrum vir waarneming gehou word of terugbesorg word in die bewaring van sy ouer of voog of die persoon in wie se bewaring die kind onmiddellik voor die aanvang van die betrokke verrigtings was, totdat die hof ten opsigte van daardie kind 'n bevel kragtens sub-artikel (1) uitgereik het of tot tyd en wyl daar aan 'n bevel wat die hof 55 uitgereik het, gevolg gegee kan word.
- (8) 'n Kinderhof wat homself daarvan vergewis het dat 'n kind 'n sorgbehoewende kind is omdat hy deur sy ouer mishandel of verwaarloos is en ten opsigte van so 'n kind 'n bevel kragtens paragraaf (b), (c), (d) of (e) van sub-artikel (1) uitgereik het, 60 moet, indien die ouer teenwoordig is, die bepalinge van artikel drie-en-sewentig onder die aandag van die ouer bring en die feit dat dit gedoen is in die notule van verrigtings aanteken.

Nie-nakoming
van sekere
vereistes
'n misdryf.

32. Iemand wat versuim om te voldoen aan 'n in sub-artikel (4) van artikel een-en-dertig bedoelde vereiste, waaraan dit sy 65 plig is om te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

- (a) as die persoon wat veroordeel is die betrokke kind is, met— 70
- (i) 'n waarskuwing of berisping; of
- (ii) 'n boete van hoogstens vyftig pond, of, by wanbetaling van die boete, met matige lyfstraf soos bepaal in artikel driehonderd vyf-en-veertig van die Strafproseswet, 1955 (Wet No. 56 van 1955), of met sodanige lyfstraf sonder die keuse van 'n 75 boete;
- (b) as die persoon wat veroordeel is die ouer of voog van die kind is, met 'n boete van hoogstens honderd pond, of, by wanbetaling van die boete, met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met sodanige 80 gevangenisstraf sonder die keuse van 'n boete.

- (c) order that the child be placed under the control of an approved agency; or
 (d) order that the child be sent to a children's home; or
 (e) order that the child be sent to a school of industries.
- 5 (2) A children's court which has made an order under paragraph (a) or (b) of sub-section (1), may also order that the child be placed under treatment of a probation officer or under the supervision of a probation officer or of any person or association of persons who are working for the protection, welfare and
 10 reclamation of children.
- (3) Any commissioner of a district in which a child resides who has, in terms of sub-section (2), been placed under treatment of a probation officer by a children's court or who has, in terms of section *fifty*, been transferred to such treatment by
 15 the Minister may, at any time, by order in writing, direct any person to bring that child before a children's court in that district.
- (4) When a children's court has, in terms of sub-section (2), placed a child under treatment of a probation officer or when a
 20 child has, in terms of sub-section (3), been brought before a children's court, that children's court may order the child or his parent or guardian to comply, until such time as that children's court or any other children's court otherwise orders, with such of the prescribed requirements as the court may
 25 determine.
- (5) Any probation officer who has a child under treatment may, during the course of that treatment, and shall, on the termination thereof, furnish to the commissioner of the district in which the child resides a report on the behaviour, progress
 30 and welfare of the child.
- (6) (a) The commissioner of any district in which there is a child of fourteen years or older who is under treatment of a probation officer may, at any time, order that child in writing to attend an attendance centre mentioned in the order on such days and during such
 35 hours as may be stated in the order: Provided that no child may be ordered to attend such a centre for longer than two hours per week or twelve hours in all.
- (b) If such order is not complied with—
 40 (i) the child shall be guilty of an offence; and
 (ii) the parent or guardian of the child shall be guilty of an offence, unless he proves that he has taken all reasonable steps to ensure that the order is
 45 complied with,
 and they shall on conviction be liable to the respective penalties prescribed in respect of an offence mentioned in section *thirty-two*.
- (7) A children's court which is satisfied that a child is a child in need of care may order that the child be kept in a place of
 50 safety or in an observation centre or be returned to the custody of its parent or guardian or of the person in whose custody the child was immediately before the commencement of the proceedings in question until the court has made an order under sub-section (1) in respect of that child or until such time as
 55 effect can be given to any order which such court has made.
- (8) A children's court which is satisfied that a child is a child in need of care because his parent has ill-treated or neglected him and has made in respect of such child an order under paragraph (b), (c), (d) or (e) of sub-section (1) shall, if such
 60 parent is present, draw the attention of the parent to the provisions of section *seventy-three* and record on the record of the proceedings the fact that it has been done.

32. Any person who fails to comply with a requirement referred to in sub-section (4) of section *thirty-one*, with which
 65 it is his duty to comply, shall be guilty of an offence and liable on conviction—

Failure to observe certain requirements, an offence.

- (a) if the person convicted is the child concerned, to—
 70 (i) a caution or reprimand; or
 (ii) a fine not exceeding fifty pounds or, in default of payment of that fine, to a moderate whipping as provided in section *three hundred and forty-five* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), or to such whipping without the option of a fine;
- 75 (b) if the person convicted is the parent or guardian of the child, to a fine not exceeding one hundred pounds or, in default of payment of that fine, to imprisonment for a period not exceeding one year, or to such imprisonment without the option of a fine.

Veilige be-
waring of
waarneming
van kind
hangende
ondersoek.

33. As die hof wat 'n ondersoek ingevolge artikel *dertig* hou, dit wenslik ag, kan hy van tyd tot tyd die ondersoek uitstel of verdaag vir tydperke van nie langer as veertien dae op 'n keer nie, en kan gelas dat die kind in die tussentyd in 'n veiligheidsplek moet bly of in 'n waarnemingsentrum vir waarneming gehou moet word, of dat die kind terugbesorg moet word in die bewaring van sy ouers of voog of die bewaring waarin hy, onmiddellik voor die aanvang van die ondersoek was op sodanige voorwaardes as wat die hof voorskryf.

Dagvaarding
van ouer of
voog van
kind om
ondersoek
by te woon.

34. (1) Kennis dat 'n ondersoek ingevolge artikel *dertig* ten opsigte van 'n kind gehou word en dat van die persoon aan wie kennis gegee word, vereis word om dit by te woon, moet, tensy die kommissaris van kindersorg anders gelas, op die voorgeskrewe wyse aan die ouer of voog of persoon in wie se bewaring daardie kind is, gegee word.

(2) Met 'n ouer of voog of persoon in wie se bewaring 'n kind is wat, na ontvangs van kennisgewing soos voormeld dat 'n ondersoek ten opsigte van daardie kind gehou word, sonder verlof van die kommissaris of ander redelike verontskuldiging (waarvan die bewyslas op hom rus), versuim om die ondersoek by te woon en om gedurende die ondersoek teenwoordig te bly, kan gehandel word, *mutatis mutandis*, soos bepaal in sub-artikel (4) van artikel *sewe-en-vyftig* van die Strafproseswet, 1955 (Wet No. 56 van 1955).

Bepaling van
inrigting, ens.,
waarna 'n
kind verwys
moet word.

35. (1) 'n Kinderhof wat 'n bevel ingevolge paragraaf (d) of (e) van sub-artikel (1) van artikel *een-en-dertig* uitreik, moet beveel dat die kind verwys word na die nywerheidskool of kinderskool (al na die geval) wat in elke geval deur die Sekretaris aangewys is.

(2) By die keuse van 'n persoon in wie se bewaring 'n kind geplaas gaan word of 'n kinderskool, behalwe 'n kinderskool wat kragtens sub-artikel (3) van artikel *nege-en-dertig* opgerig is, waarna 'n kind verwys gaan word, moet daar in ag geneem word die geloofsverband, kultuurverband en etniese groepering van die kind en, by die keuse van so 'n persoon, ook die nasionaliteit van die kind en die verwantskap tussen hom en bedoelde persoon.

Tydperk van
aanhouding,
toesig en
behandeling

36. (1) 'n Kind wat kragtens artikel *een-en-dertig* in 'n bewaring of onder 'n toesig of 'n beheer geplaas is, of na 'n kinderskool of nywerheidskool verwys is, of wat as gevolg van 'n oorplasing deur die Minister kragtens artikel *vyftig* in 'n bewaring of onder 'n toesig of 'n beheer of in 'n kinderskool of nywerheidskool is, bly, behoudens die bepalings van artikel *vyftig*, in daardie bewaring of onder daardie toesig of beheer of in daardie kinderskool of nywerheidskool—

(a) indien hy op die tydstip toe die bevel van die kinderhof uitgereik is, onder die leeftyd van sestien jaar was, totdat hy die leeftyd van agtien jaar bereik; of

(b) indien hy op die tydstip toe die bevel van die kinderhof uitgereik is, oor die leeftyd van sestien jaar was, totdat hy die leeftyd van een-en-twintig jaar bereik;

of, in elke geval, totdat hy ooreenkomstig die bepalings van hierdie Wet ontslaan of met vergunning vrygelaat word voordat hy bedoelde leeftyd bereik het.

(2) 'n Kind wat kragtens sub-artikel (2) van artikel *een-en-dertig* deur 'n kinderhof onder behandeling van 'n proefbeambte geplaas is of wat kragtens artikel *vyftig* deur die Minister na sodanige behandeling oorgeplaas is, bly onder daardie behandeling vir so 'n tydperk, een jaar nie te bowe gaande nie, as wat die kinderhof of die Minister, na gelang van die geval, in sy bevel bepaal: Met dien verstande dat waar 'n tydperk van minder as 'n jaar ten opsigte van 'n kind bepaal is 'n kommissaris aan wie ingevolge sub-artikel (5) van artikel *een-en-dertig* verslag gedoen is, kan gelas dat daardie kind vir sodanige verdere tydperk of tydperke as wat hy bepaal maar wat tesame met die oorspronklike tydperk een jaar nie te bowe mag gaan nie, onder bedoelde behandeling moet bly.

(3) Na afloop van die tydperk van aanhouding van 'n leerling in 'n kinderskool of nywerheidskool, hetsy deur verloop van tyd of as gevolg van vrylating met vergunning, bly die leerling onder die beskerming van die bestuur van die kinderskool of nywerheidskool totdat hy die leeftyd van een-en-twintig jaar bereik of totdat hy ooreenkomstig die bepalings van hierdie Wet van daardie beskerming ontslaan word voordat hy bedoelde leeftyd bereik het.

(4) Die Minister kan, indien hy dit nodig ag, gelas dat 'n vorige leerling van of 'n leerling in 'n kinderskool of nywerheidskool of 'n kind wat in 'n bewaring is, wie se tydperk van

33. The court holding an enquiry under section *thirty* may, if it deems it expedient, from time to time postpone or adjourn the enquiry for periods not exceeding fourteen days at a time, and may order that in the interim the child remain in a place of safety or be kept in an observation centre for observation or that the child be returned to the custody of his parents or guardian or the custody in which he was immediately before the commencement of the enquiry on such conditions as the court may prescribe.
34. (1) Notice of the holding of an enquiry under section *thirty* in respect of any child and that the attendance thereat is required of the person to whom the notice is given shall, unless the commissioner of child welfare otherwise directs, be given in the prescribed manner to the parents or guardian or person having the custody of that child.
- (2) Any parent or guardian or any person having the custody of a child who, having received notice as aforesaid of the holding of an enquiry in respect of that child and without the permission of the commissioner or other reasonable excuse (the proof whereof shall rest upon him), fails to attend and to remain in attendance during the enquiry may be dealt with *mutatis mutandis* as provided in sub-section (4) of section *fifty-seven* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955).
35. (1) A children's court making an order under paragraph (d) or (e) of sub-section (1) of section *thirty-one* shall order that the child be sent to the school of industries or children's home (as the case may be) which shall in each case have been designated by the Secretary.
- (2) In selecting any person in whose custody a child is to be placed or any children's home, other than a children's home established in terms of sub-section (3) of section *thirty-nine*, to which a child is to be sent, regard shall be had to the religious and cultural background and ethnological grouping of the child and, in selecting such a person, also to the nationality of the child and the relationship between him and such person.
36. (1) A child who has under section *thirty-one* been placed in any custody or under any supervision or any control or sent to any children's home or school of industries or who is, as a result of any transfer by the Minister in terms of section *fifty*, in any custody or under any supervision or any control or in any children's home or school of industries shall, subject to the provisions of section *fifty*, remain in that custody or under that supervision or control or in that children's home or school of industries—
- (a) if at the time of the making of the order of the children's court he was under the age of sixteen years, until he attains the age of eighteen years; or
- (b) if at the time of the making of the order of the children's court he was over the age of sixteen years, until he attains the age of twenty-one years,
- or, in either case, until he is discharged or released on licence in accordance with the provisions of this Act, before having attained the said age:
- (2) A child who has, in terms of sub-section (2) of section *thirty-one*, been placed by a children's court under treatment of a probation officer or who has in terms of section *fifty* been transferred by the Minister to such treatment shall remain under such treatment for such a period, not exceeding one year, as the children's court or the Minister, as the case may be, may determine in its or his order: Provided that where a period of less than one year has been determined in respect of any child, any commissioner to whom a report has been furnished in terms of sub-section (5) of section *thirty-one* may order that that child shall remain under such treatment for such further period or periods as he may determine but which shall, together with the original period, not exceed one year.
- (3) After expiration of the period of retention of a pupil in a children's home or school of industries, whether by effluxion of time or release on licence, that pupil shall remain under the protection of the management of the children's home or school of industries until he attains the age of twenty-one years or until he is discharged from that protection in accordance with the provisions of this Act, before having attained the said age.
- (4) The Minister may, if he deems it necessary, order that any former pupil or pupil in a children's home or school of industries or any child who is in any custody, whose period of

Safe custody
or observa-
tion of
child pending
enquiry.

Summoning of
parent or
guardian of
child to attend
enquiry.

Determina-
tion of in-
stitution,
etc., to
which a
child is to
be sent.

Period of
retention,
supervision
and treat-
ment.

aanhouding verstryk het of op die punt staan om te verstryk, na die kinderhuis, nywerheidskool of bewaring moet terugkeer of daarin moet aanbly, na gelang van die geval, vir so 'n verdere tydperk as wat hy mag vasstel, en hy kan daardie tydperk van tyd tot tyd verleng: Met dien verstande dat so 'n bevel of verlenging nie die tydperk van aanhouding van 'n leerling verleng tot na die verstryking van die tydperk van beskerming van die leerling, of die tydperk van aanhouding van 'n kind in 'n bewaring verleng tot na die einde van die jaar waarin die kind die leeftyd van agtien jaar bereik nie.

Persoon wat leeftyd van agtien jaar bereik tydens ondersoek in 'n kindershof.

37. 'n Kinderhof kan 'n bevel ingevolge artikel *een-en-dertig* uitreik ten opsigte van iemand wat by die aanvang van die ondersoek, in die loop waarvan die bevel uitgereik word, onder die leeftyd van agtien jaar was, alhoewel hy reeds voor die datum waarop die bevel uitgereik word, die leeftyd van agtien jaar bereik het.

HOOFSTUK V.

VEILIGHEIDSPLEKKE, PLEKKE VAN BEWARING, NYWERHEIDSKOLE, VERBETERINGSKOLE, KINDERHUISE, VERSORGINGSOORDE, WAARNEMINGSENTRUMS EN UITBESTEDING VAN KINDERS.

Veiligheidsplekke, plekke van bewaring en waarneming-sentrums.

38. (1) Die Minister kan veiligheidsplekke oprig en in stand hou vir die toelating van kinders ingevolge hierdie Wet.

(2) Die Minister kan plekke van bewaring oprig en in stand hou vir die opname en bewaring van kinders in afwagting van hulle verhoor of vonnis, of van hulle verwydering na 'n verbeteringskool.

(3) Die Minister kan die gebruik goedkeur, as 'n plek van bewaring vir die doeleindes in sub-artikel (2) vermeld, van enige verbeteringskool of kindershuis.

(4) Die Minister kan die gebruik van 'n veiligheidsplek of 'n plek van bewaring opgerig kragtens sub-artikel (1) of (2), goedkeur as 'n waarnemingsentrum waar 'n kind vir die doeleindes van hierdie Wet onder waarneming gehou kan word.

Nywerheid- en verbeteringskole en Staatskinderhuise.

39. (1) (a) Die Minister kan nywerheidskole oprig en in stand hou vir die opname, versorging, onderwys en opleiding van kinders wat ingevolge artikel *een-en-dertig*, op bevel van 'n kindershof daarna verwys word, of wat op bevel van die Minister ooreenkomstig sub-artikel (1) van artikel *vyftig* daarheen oorgeplaas word.

(b) Elke nywerheidskool wat ingevolge die Kinderwet, 1937 (Wet No. 31 van 1937), opgerig is of wat geag word 'n nywerheidskool te wees wat aldus opgerig is en wat by die inwerkingtreding van hierdie Wet bestaan, word, vanaf daardie inwerkingtreding, geag 'n nywerheidskool te wees wat ingevolge hierdie Wet opgerig is; en 'n verwysing in enige wet of dokument na 'n staatsnywerheidskool, word geag 'n verwysing te wees na 'n nywerheidskool wat ingevolge hierdie Wet opgerig is.

(2) (a) Die Minister kan verbeteringskole ('n uitdrukking wat ook opleidingskepe in territoriale waters omvat) oprig en in stand hou vir die opname, versorging en opleiding van kinders en persone wat, ingevolge hierdie Wet of enige ander wet, daarheen verwys word.

(b) Elke verbeteringshuis wat ingevolge die Kinderwet, 1937, opgerig is of wat geag word 'n verbeteringshuis te wees wat aldus opgerig is en wat by die inwerkingtreding van hierdie Wet bestaan, word, vanaf daardie inwerkingtreding, geag 'n verbeteringskool te wees wat ingevolge hierdie Wet opgerig is; en 'n verwysing in enige wet of dokument na 'n verbeteringshuis, word geag 'n verwysing te wees na 'n verbeteringskool wat ingevolge hierdie Wet opgerig is.

(3) (a) Die Minister kan kindershuise oprig en in stand hou vir die opname, versorging en opvoeding van sorg-behoewende kinders.

(b) Elke inrigting of tehuis wat ingevolge sub-artikel (2) *bis* van artikel *agt-en-dertig* van die Kinderwet, 1937, opgerig is, en wat by die inwerkingtreding van hierdie Wet bestaan, word, vanaf daardie inwerkingtreding, geag 'n kindershuis te wees wat ingevolge hierdie Wet opgerig is.

(4) (a) Die Minister stel vir elke nywerheidskool, verbeteringskool of kindershuis wat kragtens hierdie Wet deur hom opgerig is, 'n raad van bestuur aan wat uit

retention has expired or is about to expire, return to or remain in that children's home, school of industries or custody, as the case may be, for any further period which he may fix, and may from time to time extend that period: Provided that no such order or extension shall extend the period of retention of any pupil beyond the expiration of the period of protection of that pupil or extend the period of retention of any child in any custody beyond the end of the year in which that child attains the age of eighteen years.

- 10 37. A children's court may make an order under section *thirty-one* in respect of any person who at the commencement of the enquiry in the course of which the order is made, was under the age of eighteen years, notwithstanding that before the date of the order that person has attained the age of eighteen years.

Persons attaining age of eighteen years during enquiry in children's court.

CHAPTER V.

PLACES OF SAFETY, PLACES OF DETENTION, SCHOOLS OF INDUSTRIES, REFORM SCHOOLS, CHILDREN'S HOMES, PLACES OF CARE, OBSERVATION CENTRES AND PLACING OF CHILDREN.

- 20 38. (1) The Minister may establish and maintain places of safety for the reception of children under this Act. Places of safety, places of detention and observation centres.
- (2) The Minister may establish and maintain places of detention for the reception and detention of children awaiting trial or sentence, or awaiting removal to a reform school.
- 25 (3) The Minister may approve of the use as a place of detention for the purposes mentioned in sub-section (2), of any reform school or children's home.
- (4) The Minister may approve of the use of any place of safety or any place of detention established under sub-section
- 30 (1) or (2) as an observation centre where a child may be kept under observation for the purposes of this Act.
- 35 39. (1) (a) The Minister may establish and maintain schools of industries for the reception, maintenance, education and training of children sent thereto by order of a children's court under section *thirty-one* or transferred thereto by order of the Minister under sub-section (1) of section *fifty*. Schools of industries, reform schools and Government children's homes.
- (b) Every industrial school established under the Children's Act, 1937 (Act No. 31 of 1937) or which is deemed to be an industrial school which was so established and which is in existence at the commencement of this Act, shall, as from that commencement be deemed to be a school of industries established under this Act; and any reference in any law or document to a Government industrial school shall be construed as a reference to a school of industries established under this Act.
- 40 (2) (a) The Minister may establish and maintain reform schools (in which term shall be included training ships in territorial waters) for the reception, maintenance and training of children and persons committed thereto under this Act or any other law.
- 45 (b) Every reformatory established under the Children's Act, 1937, or which is deemed to be a reformatory which was so established and which is in existence at the commencement of this Act, shall, as from that commencement be deemed to be a reform school established under this Act and any reference in any law or document to a reformatory shall be construed as a reference to a reform school established under this Act.
- 50 (3) (a) The Minister may establish and maintain children's homes for the reception, maintenance and upbringing of children in need of care.
- 55 (b) Every institution or hostel established under sub-section (2)*bis* of section *thirty-eight* of the Children's Act, 1937, and which is in existence at the commencement of this Act, shall, as from that commencement, be deemed to be a children's home established under this Act.
- 60 (4) (a) The Minister shall appoint for every school of industries, reform school or children's home established by him under this Act, a board of management which
- 65
- 70

nie minder as drie en nie meer as nege lede bestaan nie, wat hulle amp gedurende 'n voorgeskrewe tydperk beklee.

- (b) Die Minister kan te eniger tyd so 'n aanstelling intrek, en hy kan 'n lid aanstel in die plek van 'n lid wat oorlede is of wat bedank het of wie se aanstelling ingetrek is. 5

(5) 'n Raad het die bevoegdhede en moet die werksaamhede verrig wat hierdie Wet of die uit kragte daarvan uitgevaardigde regulasies aan hom verleen of opdra. 10

(6) Wanneer 'n raad weens 'n onvoldoende ledetal nie kan funksioneer nie, moet die Minister voormelde bevoegdhede uitoefen en voormelde werksaamhede verrig.

(7) Die hoof van 'n nywerheidskool, 'n verbeteringskool of 'n ingevolge sub-artikel (3) opgerigte kinderskool, heet „prinsipaal”. 15

Aanstelling, diensvoorwaardes, pensioenregte en aftredingsvoordele van personeel aan nywerheids- en verbeteringskole en herroeping van wette.

40. (1) Behoudens die bepalings van hierdie Wet of van enige ander wet, is die bepalings van die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955), wat op of ten opsigte van die diensstaat van en persone in diens by 'n beroepskool van toepassing is, *mutatis mutandis* van toepassing op of ten opsigte van die diensstaat van en persone in diens by 'n nywerheids- of verbeteringskool. 20

(2) By die toepassing, ingevolge sub-artikel (1), van die bepalings van die Wet op Beroepsonderwys, 1955, beteken „Minister”, die Minister aan wie die Goewerneur-generaal die uitvoering van die bepalings van hierdie Wet met betrekking tot nywerheids- en verbeteringskole, kragtens artikel twee-en-negentig opgedra het. 25

(3) Die regulasies uitgevaardig kragtens die Wet op Beroepsonderwys, 1955, en van krag by die inwerkingtreding van hierdie artikel, word, vir sover hulle betrekking het op persone in diens by nywerheids- of verbeteringskole, vanaf sodanige inwerkingtreding, geag uitgevaardig te gewees het deur die Minister aan wie die uitvoering van die bepalings van hierdie Wet met betrekking tot bedoelde skole opgedra is. 35

(4) (a) Behoudens die bepalings van paragraaf (b) en (c), word die Wet op die Beheer van Staatsnywerheidskole, 1931 (Wet No. 3 van 1931), en die Verbeteringsgestigte Dienswet, 1935 (Wet No. 34 van 1935), hierby herroep. 40

(b) Enigiets gedoen kragtens 'n bepaling van 'n wet by paragraaf (a) herroep of van 'n regulasie daarkragtens uitgevaardig, word geag kragtens die ooreenstemmende bepaling van die Wet op Beroepsonderwys, 1955, of van 'n regulasie daarkragtens uitgevaardig, soos op of ten opsigte van die diensstaat van en persone in diens by nywerheids- of verbeteringskole van toepassing, gedoen te gewees het. 45

(c) 'n Bepaling van 'n wet by paragraaf (a) herroep of van 'n regulasie daarkragtens uitgevaardig, wat onmiddellik voor die inwerkingtreding van hierdie artikel op of ten opsigte van enige nywerheids- of verbeteringskool of enige persoon van toepassing was, hou aan om op of ten opsigte van sodanige skool of persoon van toepassing te wees, vir sover en vir solank dit nie in stryd is met 'n bepaling van die Wet op Beroepsonderwys, 1955, of van 'n regulasie daarkragtens uitgevaardig, soos op of ten opsigte van die diensstaat van en persone in diens by nywerheids- of verbeteringskole van toepassing. 55

(5) Enige diens wat 'n persoon by 'n nywerheids- of verbeteringskool gehad het en wat nie voor die inwerkingtreding van hierdie artikel geëindig het nie, word geag diens te gewees het ingevolge 'n aanstelling kragtens die Wet op Beroepsonderwys, 1955, soos by hierdie artikel toegepas, asof daardie Wet vanaf die datum van sy oorspronklike aanstelling op hom van toepassing was. 60

(6) Hierdie artikel word geag op die eerste dag van April, 1958, in werking te getree het. 70

Aanstelling van trustkomitees vir nywerheids- en verbeteringskole.

41. (1) Die Minister kan, onderworpe aan die voorwaardes wat hy bepaal, die lede van die raad van 'n nywerheids- of verbeteringskool as 'n trustkomitee aanstel om enige gelde te ontvang en onder leiding en beheer van die Sekretaris te bestuur wat— 75

(a) uit ander bronne as die Staat aan die skool geskenk of bemaak is of word of deur die skool ontvang is of word (behalwe by wyse van onderhoudsgelde of ander inkomste wat aan die Staat toekom); of

shall consist of not less than three and not more than nine members who shall hold office during a prescribed period.

- 5 (b) The Minister may at any time withdraw any such appointment and may appoint a member in the place of any member who has died or has resigned his appointment or whose appointment has been withdrawn.

(5) A board shall be vested with the powers and shall perform the duties conferred and imposed upon a board by this Act or by regulation made thereunder.

(6) Whenever a board is unable to function by reason of a lack of sufficient members, the Minister shall exercise the said powers and perform the said duties of the board.

- 15 (7) The head of a school of industries, a reform school or children's home established under sub-section (3) shall be styled the "principal".

40. (1) Subject to the provisions of this Act or of any other law, the provisions of the Vocational Education Act, 1955 (Act No. 70 of 1955) applicable to or in respect of the establishment of and persons employed at a vocational school shall *mutatis mutandis* apply to or in respect of the establishment of and persons employed at a school of industries or a reform school.

25 (2) In the application, in terms of sub-section (1), of the provisions of the Vocational Education Act, 1955, "Minister" means the Minister to whom the Governor-General has, in terms of section *ninety-two*, assigned the administration of the provisions of this Act relating to schools of industries and reform schools.

30 (3) The regulations made under the Vocational Education Act, 1955, and in force at the commencement of this section, shall, in so far as they relate to persons employed at schools of industries and reform schools, from that commencement, be deemed to have been made by the Minister to whom the administration of the provisions of this Act relating to such schools has been assigned.

40 (4) (a) Subject to the provisions of paragraphs (b) and (c), the Government Industrial Schools Administration Act, 1931 (Act No. 3 of 1931), and the Reformatories Service Act, 1935 (Act No. 34 of 1935), are hereby repealed.

45 (b) Anything done under any provision of a law repealed by paragraph (a) or of any regulation made thereunder shall be deemed to have been done under the corresponding provision of the Vocational Education Act, 1955, or of any regulation made thereunder, as applicable to or in respect of the establishment of and persons employed at schools of industries or reform schools.

50 (c) Any provision of a law repealed by paragraph (a) or of a regulation made thereunder which immediately before the commencement of this section was applicable to or in respect of any school of industries or reform school or any person, shall continue to apply to or in respect of such school or person in so far and for so long as it is not repugnant to any provision of the Vocational Education Act, 1955, or of any regulation made thereunder, as applicable to or in respect of the establishment of and persons employed at schools of industries and reform schools.

60 (5) Any service which any person has had at a school of industries or a reform school and which did not terminate before the commencement of this section, shall be deemed to have been service in pursuance of an appointment in terms of the Vocational Education Act, 1955, as applied by this section, as if that Act had been applicable to him from the date of his original appointment.

70 (6) This section shall be deemed to have come into operation on the first day of April, 1958.

41. (1) The Minister may, subject to such conditions as he may determine, appoint the members of the board of a school of industries or a reform school as a trust committee to receive and administer, under the guidance and control of the Secretary, any moneys which—

80 (a) have been or are donated or bequeathed to the school or have been or are received by the school from sources other than the State (except by way of maintenance moneys or other revenue which accrues to the State); or

Appointment, conditions of service, pension rights and retirement benefits of personnel of schools of industries and reform schools and repeal of laws.

Appointment of trust committees for schools of industries and reform schools.

(b) deur die Minister met goedkeuring van die Minister van Finansies aan die trust- of skoolfonds van sodanige skool oorbetaal word uit gelde wat deur die Parlement bewillig word.

(2) Die werksaamhede en bevoegdhede van 'n trustkomitee en die prosedure by vergaderings van so 'n komitee, is soos voorgeskryf word. 5

(3) Die lede van 'n trustkomitee word op sodanige voorwaardes as wat voorgeskryf word, aangestel.

(4) Die Sekretaris kan enige gelde wat by die inwerking-treding van hierdie Wet tot die krediet van die skoolfonds van 'n nywerheid- of verbeteringskool staan laat betaal aan die trustkomitee van die betrokke skool vir bestuur ingevolge hierdie artikel. 10

(5) Gelde waarna in sub-artikels (1) en (4) verwys word, is word ooreenkomstig die voorwaardes van die trust, skenking of bemaking, na gelang van die geval, waaronder dit verkry is, gebruik. 15

(6) Die boeke en rekeninge van 'n trustkomitee word deur die Kontroleur en Ouditeur-generaal geouditeer. 20

Registrasie
en klassifi-
kasie van
kinderhuise
en versor-
gingsoorde.

42. (1) Geen kind mag in 'n kindershuis (behalwe 'n kindershuis wat deur die Staat in stand gehou en beheer word) opgeneem word nie, tensy daardie kindershuis deur 'n vereniging van persone bestaande uit nie minder as sewe lede nie bestuur word en dit kragtens hierdie artikel geregistreer is, of anders as ooreenkomstig die voorwaardes waarop daardie kindershuis aldus geregistreer is. 25

(2) Geen kind mag in 'n versorgingsoord (behalwe 'n versorgingsoord wat deur die Staat in stand gehou en beheer word) opgeneem word nie, tensy daardie versorgingsoord kragtens hierdie artikel geregistreer is, of anders as ooreenkomstig die voorwaardes waarop daardie versorgingsoord aldus geregistreer is. 30

(3) 'n Aansoek om die registrasie van 'n kindershuis of 'n versorgingsoord moet ooreenkomstig die voorgeskrewe prosedure aan die Minister gerig word en die Minister kan— 35

(a) voordat hy so 'n aansoek oorweeg, eis dat die applikant bewys moet lewer dat daar 'n redelike behoefte is vir die oprigting van die kindershuis of versorgingsoord;

(b) voordat hy so 'n aansoek oorweeg, eis dat daar aan hom voorgelê word enige inligting met betrekking tot die betrokke applikant of die voorgestelde kindershuis of versorgingsoord wat hy verlang om te verkry; 40

(c) so 'n aansoek van die hand wys, of, indien hy oortuig is dat die kindershuis of versorgingsoord so beheer en gedryf word dat dit geskik is vir die opname, beskerming, versorging en opvoeding of vir die opname, beskerming en tydelike of gedeeltelike versorging van kinders, die aansoek toestaan, hetsy onvoorwaardelik of op voorwaardes wat hy goedgevind en aan die applikant 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik. 45 50

(4) Die Minister kan by die registrasie van 'n kindershuis of versorgingsoord of op enige tydstip daarna, so 'n kindershuis of versorgingsoord klassifiseer of 'n vroeëre klassifikasie wysig en enige sodanige klassifikasie kan verskil na gelang van die ras, geslag of ouderdom of van die liggaamlike of geestelike behoeftes van die kinders ten opsigte van wie die kindershuis of versorgingsoord in stand gehou word en na gelang daarvan of dit kinders is met wie kragtens hierdie Wet of die Strafbepaling, 1955 (Wet No. 56 van 1955), gehandel is: Met dien verstande dat 'n inrigting wat kragtens artikel *nege-en-dertig bis* van die Kinderwet, 1937 (Wet No. 31 van 1937), geregistreer is, geag word geklassifiseer te wees vir die opname van dié klas kinders waarvoor 'n sertifikaat van registrasie aan die bestuurders daarvan uitgereik is. 55 60 65

(5) (a) 'n Registrasiesertifikaat wat kragtens sub-artikel (3) uitgereik is, kan te eniger tyd deur die Minister ingetrek word of kan te eniger tyd aan die Minister teruggegee word, maar so 'n sertifikaat word nie aldus ingetrek nie, behalwe nadat minstens een maand vooraf aan die persoon in wie se naam dit uitgereik is, skriftelik kennis gegee is van die voorneme om dit in te trek, en nadat die Minister enige verhoër wat na aanleiding van so 'n kennisgewing voorgelê mag word, oorweeg het. 70 75

(b) Skriftelike kennis moet gegee word van enige intrekking of teruggawe van 'n registrasiesertifikaat.

(6) (a) Die intrekking of teruggawe van 'n registrasiesertifikaat tree in werking op die datum wat in die 80

- (b) are paid over by the Minister, with the approval of the Minister of Finance, to the trust or school fund of such school out of moneys appropriated for the purpose by Parliament.
- 5 (2) The functions and powers of a trust committee and the procedure at meetings of any such committee shall be as may be prescribed.
- (3) The members of a trust committee shall be appointed on such conditions as may be prescribed.
- 10 (4) The Secretary may cause any moneys which, at the commencement of this Act, stand to the credit of the school fund of any school of industries or reform school, to be paid over to the trust committee of the school concerned to be administered in terms of this section.
- 15 (5) Moneys referred to in sub-sections (1) and (4) shall be dealt with in accordance with the conditions of the trust, donation or bequest, as the case may be, under which they were obtained.
- (6) The books and accounts of a trust committee shall be
- 20 audited by the Controller and Auditor-General.

42. (1) No child may be received in any children's home (other than a children's home maintained and controlled by the State) unless that children's home is managed by an association of persons consisting of not less than seven members and has been registered under this section, or otherwise than in accordance with the conditions on which that children's home has been so registered.

Registration and classification of children's homes and places of care.

(2) No child may be received in any place of care (other than a place of care maintained and controlled by the State) unless that place of care has been registered under this section, or otherwise than in accordance with the conditions on which that place of care has been so registered.

(3) Application for the registration of a children's home or a place of care shall be made to the Minister in accordance with the prescribed procedure, and the Minister may—

- 35 (a) before considering any such application, require the applicant to prove that there is reasonable need for the establishment of such children's home or place of care;
- 40 (b) before considering any such application, require that he be furnished with any information in connection with the applicant concerned or the proposed children's home or place of care which he may desire to obtain;
- 45 (c) reject any such application, or, if he is satisfied that the children's home or place of care is so managed and conducted that it is suitable for the reception, protection, care and bringing-up or for the reception, protection and temporary or partial care of children, grant the application either unconditionally or on such conditions as he may deem fit and issue to the applicant a certificate of registration in the form prescribed.

(4) The Minister may, at the time of registration of any children's home or place of care, or at any time thereafter, classify any such children's home or place of care or may amend any earlier classification, and any such classification may differ according to the race, sex or age or to the physical or spiritual needs of the children in respect of whom the children's home or place of care is being maintained and according to whether it is children who were dealt with under this Act or under the Criminal Procedure Act, 1955 (Act No. 56 of 1955): Provided that any establishment registered under section *thirty-nine bis* of the Children's Act, 1937 (Act No. 31 of 1937), shall be deemed to be classified for the reception of that class of child for which a certificate of registration was granted to the managers thereof.

(5) (a) A certificate of registration issued under sub-section (3) may at any time be cancelled by the Minister or may at any time be surrendered to the Minister, but no such certificate shall be so cancelled except after not less than one month's written notice of the intention to cancel that certificate has been given to the person in whose name it was issued, and after consideration by the Minister of any representations which may be submitted in pursuance of such notice.

(b) Written notice shall be given of any cancellation or surrender of a registration certificate.

(6) (a) The cancellation or surrender of a registration certificate shall take effect on the date specified in the

dokument waarby kennis van die intrekking of teruggawe gegee word, aangedui word.

- (b) Tensy die Minister en die persoon in wie se naam die registrasiesertifikaat uitgereik is oor die datum ooreenkom, mag bedoelde datum nie vroeër wees as 'n datum drie maande na die datum waarop kennis van die intrekking of teruggawe gegee is nie. 5
- (7) By die intrekking of teruggawe van 'n sertifikaat wat aan die bestuurders van 'n kinderkuis verleen is, gaan die reg van beskerming ten opsigte van 'n leerling wat uit die kinderkuis verslaan is, wat regtens aan die bestuurders toekom, en alle deur artikel vier-en-veertig aan bedoelde bestuurders verleende bevoegdhede oor op die Minister. 10
- (8) (a) Behalwe vir sover in hierdie Wet anders bepaal word, moet die bestuurders van 'n kinderkuis binne drie maande nadat skriftelik kennis gegee is van die intrekking of teruggawe van die registrasiesertifikaat van daardie kinderkuis ooreenkomstig sub-artikel (5), elke kind in daardie kinderkuis, behalwe 'n kind wat kragtens hierdie Wet in die bewaring van daardie kinderkuis geplaas is, na sy ouers of voog of na 'n deur die Minister goedgekeurde kinderkuis of ander geskikte plek stuur. 20
- (b) Na die intrekking of teruggawe van die registrasiesertifikaat van 'n kinderkuis ingevolge hierdie artikel, 25 moet die Minister kragtens artikel nege-en-veertig, of kragtens sub-artikel (1) van artikel vyftig, handel met elke leerling wat kragtens hierdie Wet in die bewaring van daardie kinderkuis geplaas is en wat tydens die intrekking of teruggawe van die sertifikaat 30 in die kinderkuis was.
- (9) (a) Elke inrigting of tehuis wat onmiddellik voor die inwerkingtreëing van hierdie Wet kragtens sub-artikel (5) van artikel nege-en-dertig van die Kinderwet, 1937, geag was 'n gesertifiseerde inrigting of gesertifiseerde tehuis te wees en elke inrigting wat onmiddellik voor die inwerkingtreëing van hierdie Wet kragtens artikel nege-en-dertig bis van die Kinderwet, 1937, geregistreer is, word vanaf sodanige inwerkingtreëing geag kragtens hierdie Wet as 'n kinderkuis of versorgingsoord, na gelang van die geval, geregistreer te wees. 40
- (b) Indien 'n kinderkuis wat ingevolge paragraaf (a) geag word kragtens hierdie Wet geregistreer te wees nie deur so 'n vereniging van persone soos in sub-artikel (1) bedoel word, bestuur word nie, moet die Minister sodanige registrasie by verstryking van 'n tydperk van twaalf maande na die inwerkingtreëing van hierdie Wet ooreenkomstig sub-artikel (5) intrek tensy die kinderkuis voor die verstryking van daardie tydperk onder die bestuur van so 'n vereniging van persone 50 geplaas word.
- (10) Iemand wat 'n bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.
- (11) Die hoof van 'n kragtens sub-artikel (1) geregistreerde kinderkuis heet „prinsipaal”. 55

Verpligting tot onderhoud van 'n kind toegelaat kragtens hierdie Wet.

43. (1) Geen persoon, vereniging van persone of kinderkuis is verplig om 'n kind te ontvang of die bewaring van 'n kind te aanvaar nie, maar 'n persoon of vereniging van persone of die bestuurders van 'n kinderkuis wat 'n kind ontvang of toegelaat het, wat kragtens een of ander wet in die bewaring van daardie persoon of vereniging geplaas of na daardie kinderkuis verwys is, word geag die bewaring van die kind te hê, en is verplig om die kind te onderhou en te versorg totdat die tydperk van sy aanhouding verstryk is: Met dien verstande dat so 'n persoon of vereniging van persone of die bestuurders van so 'n kinderkuis te eniger tyd, na verstryking van 'n tydperk van nie minder as drie maande na skriftelike kennisgewing aan die Minister verdere verantwoordelikheid vir die onderhoud en bewaring van 'n kind kan opsê: Met dien verstande voorts dat 'n persoon of vereniging van persone of kinderkuis wat ingevolge hierdie Wet, 'n kind ontvang of sy bewaring aanvaar het op voorwaarde dat die Minister of iemand anders 'n toelae of bydrae tot die onderhoud van die kind betaal, nie verplig is om die kind te onderhou, of hom in sy bewaring te hou nie, as daardie toelaag of bydrae nie betaal word nie. 75

(2) Die belyings van sub-artikel (1) raak nie die verpligting wat 'n ander wet as hierdie Wet, 'n persoon opleë om 'n kind te versorg of te onderhou nie.

document whereby notice is given of the cancellation or surrender.

- (b) Unless the Minister and the person in whose name the registration certificate was issued agree on the date, the date may not be earlier than a date three months after the date upon which notice of the cancellation or surrender was given.

(7) Upon the cancellation or surrender of a certificate granted the managers of a children's home, the power of supervision in respect of any pupil released from the children's home which those managers have under any law, and any powers conferred upon the said managers by section *forty-four* shall devolve upon the Minister.

(8) (a) Save as is otherwise provided in this Act, the managers of a children's home shall, within three months after written notice has been given of the cancellation or surrender of the registration certificate of that children's home in terms of sub-section (5), transfer to his parents or guardian, or to any children's home or other suitable place approved by the Minister, every child in such first-mentioned children's home other than a child placed in the custody of that children's home under this Act.

(b) After the cancellation or surrender of the registration certificate of any children's home in terms of this section the Minister shall act under section *thirty-nine*, or under sub-section (1) of section *fifty*, in respect of every pupil who was placed in the custody of that children's home under this Act and who was in that children's home at the time of the cancellation or surrender of the certificate.

(9) (a) Every institution or hostel which, immediately before the commencement of this Act, was deemed in terms of sub-section (5) of section *thirty-nine* of the Children's Act, 1937, to be a certified institution or hostel, and every institution which, immediately before the commencement of this Act, was registered under section *thirty-nine bis* of the Children's Act, 1937, shall as from such commencement be deemed to be registered under this Act as a children's home or place of care, as the case may be.

(b) If any children's home which is in terms of paragraph (a) deemed to be registered under this Act, is not managed by such an association of person as is mentioned in sub-section (1), the Minister shall, on the expiration of a period of twelve months after the commencement of this Act, cancel such registration unless that children's home is placed under the management of such an association of persons before the expiration of such period.

(10) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

(11) The head of children's home registered under sub-section (1) shall be styled the "principal".

43. (1) No person, association of persons or children's home shall be obliged to receive or assume the custody of any child, but any person who has, or association of persons or the managers of any children's home who have received or admitted any child placed in the custody of that person or association or sent to that institution under any law shall be deemed to have the custody of that child and shall be bound to maintain and care for that child until the expiration of his period of retention: Provided that such a person or association of persons or the managers of such a children's home may at any time after having given to the Minister not less than three months' written notice, disclaim further responsibility for the maintenance and custody of any child: Provided further that a person who or an association of persons or a children's home which has received or assumed the custody of a child under this Act upon condition of payment by the Minister or by any other person of a grant or contribution towards the maintenance of the child, shall not be obliged to maintain the child or retain him in his or its custody if that grant or contribution is not paid.

Liability for maintenance of a child received under this Act.

(2) The provisions of sub-section (1) shall not affect any obligation imposed by any law other than this Act on any person to care for or maintain any child.

Leerling van
inrigting
kan met
vergunning
vrygelaat
word.

44. (1) (a) Die bestuur van 'n inrigting kan aan 'n leerling van die inrigting skriftelik vergunning verleen om in die bewaring van 'n geskikte persoon of in 'n opleidingsinrigting te gaan woon op die voorwaardes en vir die tydperk waarop ooreengekom word tussen bedoelde persoon of die bestuurders van die opleidingsinrigting en die bestuur van die inrigting of vir enige langer tydperk waarop van tyd tot tyd aldus ooreengekom word: Met dien verstande—
- (i) dat die oorspronklike tydperk van vergunning waarop ooreengekom word nie twee jaar mag oorskry nie; en
 - (ii) dat 'n tydperk van vergunning nie sonder die toestemming van die Minister so verleng kan word dat dit twee jaar oorskry nie; en
 - (iii) dat die tydperk van vergunning nie later as die einde van die tydperk waarvoor die leerling onder beskerming van die bestuur van die inrigting staan, mag verstryk nie.
- (b) By verlening van sodanige vergunning moet die bestuur van die inrigting die in sub-artikel (2) van artikel vyf-en-dertig genoemde aangeleenthede vir sover toepaslik in ag neem.
- (2) Die bestuur van 'n inrigting kan in so 'n vergunning bepaal dat die leerling, solank hy in die bewaring van die persoon of in die opleidingsinrigting is wat in die vergunning genoem word onder die toesig sal staan van 'n proefbeampte of van 'n by regulasie voorgeskrewe persoon of liggaam.
- (3) Die bestuur van 'n inrigting wat 'n vergunning verleen het kan na raadpleging met die toesighouer, te eniger tyd by skriftelike kennisgewing gerig aan die persoon in wie se bewaring die betrokke leerling is of die bestuurders van die opleidingsinrigting waarin die leerling is, die vergunning intrek en aan bedoelde persoon of bestuurders opdrag gee om die leerling na die inrigting waaruit hy vrygelaat is, terug te bring of terug te stuur: Met dien verstande dat 'n belanghebbende persoon hom binne een maand vanaf die datum van die kennisgewing op die Minister kan beroep teen die intrekking van die vergunning en dat die Minister nadat hy die saak na die bestuur van die inrigting verwys het en behoorlike ondersoek ingestel het, of die intrekking van die vergunning kan bevestig of die vergunning kan herstel: Met dien verstande voorts dat 'n vergunning wat met die toestemming van die Minister verleng is nie sonder die toestemming van die Minister ingetrek kan word nie.
- (4) As die tydperk waarvoor 'n vergunning aan 'n leerling verleen is, voor die verstryking van die tydperk van beskerming van die leerling verstryk, moet die bestuur van die inrigting na raadpleging met die toesighouer—
- (a) die leerling aansê om na die inrigting waaruit hy vrygelaat is, terug te keer; of
 - (b) die vergunning vir 'n verdere tydperk verleng; of
 - (c) aan die leerling vergunning verleen om in die bewaring van 'n ander geskikte persoon of in 'n ander opleidingsinrigting te woon; of
 - (d) by die Minister aanbeveel—
- (i) dat die leerling ingevolge sub-artikel (1) van artikel vyftig oorgeplaas word; of
 - (ii) dat die leerling ingevolge artikel nege-en-veertig ontslaan word:

Met dien verstande dat waar 'n vergunning met die toestemming van die Minister verleng is die betrokke leerling nie sonder die toestemming van die Minister aangesê kan word om na die inrigting terug te keer nie, en 'n vergunning nie sonder die toestemming van die Minister aan die betrokke leerling verleen kan word om in die bewaring van 'n ander persoon of in 'n ander opleidingsinrigting te gaan woon nie.

(5) As 'n leerling, ten tyde van sy terugkeer na 'n inrigting as gevolg van die intrekking van sy vergunning, op so 'n leeftyd is dat hy nie meer in die inrigting aangehou kan word nie, moet hy weer, so spoedig moontlik en nie later as 'n dag drie maande na sy terugkeer nie, deur die betrokke bestuur met vergunning uitgeplaas word.

(6) 'n Bestuur wat 'n vergunning kragtens sub-artikel (3) ingetrek het, moet die intrekking en die rede daarvoor onmiddellik aan die Minister rapporteer, en wanneer 'n leerling, wie se vergunning aldus ingetrek is, weer met vergunning uitgeplaas word ooreenkomstig sub-artikel (5), moet die bestuur die Minister onmiddellik daarvan in kennis stel.

(7) (a) Die Minister kan te eniger tyd, by skriftelike bevel, 'n vergunning wat aan 'n leerling verleen is, intrek, as hy dit in belang van die leerling nodig ag, en beveel dat die leerling na die inrigting waarvan die bestuur

44. (1) (a) The management of an institution may by licence permit any pupil in that institution to live in the custody of a suitable person or in any training institution on such conditions and for such period as may be agreed upon between that person or the managers of the training institution and the management of the institution or for any longer period which may from time to time be so agreed upon: Provided—
- Pupil of institution may be released on licence.
- (i) that the original period agreed upon for any licence shall not exceed two years; and
- (ii) that the period for which a licence has been granted shall not, without the consent of the Minister, be so extended that it will exceed two years; and
- (iii) that the period for which a licence has been granted, shall not expire later than at the end of the period for which the pupil is under the protection of the institution.
- (b) In granting such licence the management of the institution shall, in so far as they are appropriate, have regard to the matters mentioned in sub-section (2) of section *thirty-five*.
- (2) The management of an institution may stipulate in any such licence that the pupil shall, while in the custody of the person or in the training institution named in the licence, be subject to the supervision of any probation officer or of any person or body prescribed by regulation.
- (3) The management of an institution by whom a licence has been granted may, after consultation with the supervisor, at any time, by notice in writing addressed to the person in whose custody the pupil concerned is or the managers of the training institution in which the pupil concerned is, cancel the licence and direct the said person or managers to return the pupil or to send the pupil back to the institution from which he was released: Provided that any interested person may within one month from the date of that notice appeal to the Minister against the cancellation of the licence and that the Minister may after reference to the management of the institution and after proper enquiry, either confirm the cancellation or restore the licence: Provided further that any licence which has been extended with the consent of the Minister, shall not be cancelled without the consent of the Minister.
- (4) If the period for which a licence has been granted to a pupil expires before the expiration of the period of protection of the pupil, the management of the institution shall, after consultation with the supervisor—
- (a) require the pupil to return to the institution from which he was released; or
- (b) extend the licence for a further period; or
- (c) grant a licence permitting the pupil to live in the custody of some other person or in some other training institution; or
- (d) recommend to the Minister—
- (i) that the pupil be transferred under sub-section (1) of section *fifty*; or
- (ii) that the pupil be discharged under section *forty-nine*:
- Provided that where a licence has been extended with the consent of the Minister the pupil concerned shall not be required, without the consent of the Minister, to return to the institution and a licence shall not be granted to the pupil concerned, without the consent of the Minister, to live in the custody of another person or in another training institution.
- (5) If at the time of the return of a pupil to an institution in consequence of the cancellation of his licence, he has reached such an age that he can no longer be retained in that institution, he shall, as soon as possible, and not later than a date three months after his return, be again placed out on licence by the management concerned.
- (6) A management which has cancelled a licence under sub-section (3) shall forthwith report the cancellation and the reasons therefor to the Minister and when any pupil whose licence has been so cancelled, is again placed out on licence, as provided in sub-section (5), the management shall forthwith report that fact to the Minister.
- (7) (a) The Minister may at any time by order in writing cancel a licence granted to a pupil if he deems it necessary in the interests of that pupil and may direct the pupil to return to the institution the management

die vergunning verleen het, moet terugkeer, of dat hy na 'n ander inrigting wat in die bevel vermeld word, moet gaan.

- (b) As 'n leerling beveel is om na 'n ander inrigting te gaan as dié waaruit hy met vergunning vrygelaat is, hou hy vanaf die datum van die Minister se bevel op om 'n leerling te wees van laasbedoelde inrigting en word hy 'n leerling van die inrigting waarheen hy beveel is om te gaan. 5

(8) Indien 'n leerling se vergunning ingetrek word of 'n leerling by die verstryking van sy tydperk van vergunning aangesê word om na die inrigting waaruit hy vrygelaat is, terug te keer of 'n leerling deur die Minister beveel word om na 'n ander inrigting as die inrigting waaruit hy vrygelaat is, te gaan, kan daar by die toepassing van hierdie artikel, maar behoudens die bepalinge van sub-artikels (5) en (6), met hom gehandel word asof hy vir die eerste keer in 'n inrigting opgeneem word. 10

(9) 'n Polisiebeampte, 'n proefbeampte of 'n daartoe gemagtigde amptenaar wat rede het om te vermoed dat 'n vergunning wat aan 'n leerling verleen is, ingetrek gaan word, kan die leerling na 'n veiligheidsplek of 'n plek van bewaring neem vir aanhouding tot tyd en wyl 'n besluit met betrekking tot bedoelde leerling geneem is en 'n kommissaris kan beveel dat 'n leerling wie se vergunning ingetrek is in 'n veiligheidsplek of 'n plek van bewaring aangehou moet word totdat hy na die inrigting waarin hy opgeneem moet word, kan gaan of totdat daar uitvoering gegee kan word aan enige bevel wat kragtens artikel *nege-en-veertig* of *vyftig* ten opsigte van hom uitgereik mag word. 20 25

Vergunning
mag gewysig
word.

45. Die bestuur van 'n inrigting wat aan 'n leerling 'n vergunning verleen het om in die bewaring van een of ander persoon of in 'n opleidingsinrigting te woon, kan te eniger tyd, met die toestemming van bedoelde persoon of die bestuurders van die opleidingsinrigting, die voorwaardes van die vergunning wysig of daarin die naam van bedoelde persoon of opleidingsinrigting, deur die naam van 'n ander geskikte persoon of opleidingsinrigting vervang. 30 35

Verslae oor
leerlinge
aan Minister.

46. (1) Wanneer 'n leerling in 'n nywerheidskool of in 'n kinderhuis die eerste twee jaar van sy tydperk van aanhouding daarin voltooi het, en by die voltooiing van elke daaropvolgende jaar van sy tydperk van aanhouding, moet die raad of bestuurders van bedoelde nywerheidskool of kinderhuis aan die Minister die redes meedeel waarom die leerling nie met vergunning uitgeplaas of vir ontslag aanbeveel is nie, en as die raad of bestuurders meen dat die verdere aanhouding van die leerling wenslik is, ook die gronde waarop daardie mening berus. 40 45

(2) As die Minister dit gelas, moet die bestuur van 'n inrigting aan die Minister 'n meedeling soortgelyk aan dié in sub-artikel (1) bedoel, verstrek omtrent een of ander deur die Minister aangeduide leerling of groep van leerlinge in daardie inrigting, wat nie twee jaar van sy of hulle tydperk van aanhouding voltooi het nie. 50

Afwesigheid
met verlof
uit 'n in-
rigting of
bewaring.

47. Die bestuur van 'n inrigting of 'n goedgekeurde vereniging kan aan 'n leerling in daardie inrigting of 'n kind onder beheer van daardie vereniging, verlof toestaan vir solank en op sodanige voorwaardes as wat voorgeskryf is, en kan te eniger tyd die verlof intrek en die leerling of kind gelas om terug te keer na die inrigting of bewaring waaruit hom verlof toegestaan is. 55

Erkenning en
werk-
saamhede van
goedgekeurde
verenigings.

48. (1) Op aansoek van 'n vereniging van persone, wat volgens die Minister se oordeel so saamgestel is en beheer word dat dit op bevredigende wyse die bevoegdhede kan uitoefen wat hierdie Wet en die daarkragtens uitgevaardigde regulasies aan 'n goedgekeurde vereniging verleen, kan die Minister aan daardie vereniging, op die voorgeskrewe voorwaardes, sy sertifikaat van goedkeuring as sodanig uitreik. 60

(2) (a) Wanneer 'n kind onder die beheer van 'n goedgekeurde vereniging geplaas is, of na sodanige beheer oorgeplaas is ooreenkomstig sub-artikel (1) van artikel *vyftig*, dan kan die goedgekeurde vereniging— 65

(i) veroorloof dat die kind by die persoon bly, in wie se bewaring hy is; of 70

(ii) die kind uit daardie bewaring verwyder en hom in die bewaring van 'n ander geskikte persoon plaas; of

(iii) nadat met die kind ooreenkomstig sub-paragraaf (ii) gehandel is, die kind weer terug plaas in die bewaring waaruit hy verwyder is, 75

en die vereniging moet voortdurend toesig hou oor die sedelike, liggaamlike en stoflike welvaart van alle

of which granted the licence, or to enter any other institution mentioned in the order.

- (b) If a pupil has been directed to enter an institution other than that from which he was released on licence, he shall as from the date of the Minister's order cease to be a pupil of the last-mentioned institution and shall become a pupil of the institution which he was directed to enter.

(8) If the licence of any pupil is cancelled or if at the expiration of the period for which a licence has been granted to a pupil he is directed to return to the institution from which he was released or if any pupil is directed by the Minister to enter an institution other than that from which he was released, he may for the purposes of this section, but subject to the provisions of sub-sections (5) and (6), be dealt with as if he were admitted to an institution for the first time.

(9) Any policeman, probation officer or authorized officer who has reason to believe that any licence which has been granted to a pupil will be cancelled, may take the pupil to a place of safety or a place of detention to be detained therein until such time as a decision has been taken in connection with such pupil and any commissioner may order that any pupil whose licence has been cancelled be detained in a place of safety or a place of detention until he can enter the institution to which he is to be admitted or until effect can be given to any order which may be made in respect of him under section *forty-nine or fifty*.

45. The management of an institution which has granted to a pupil a licence to live in the custody of any person or in any training institution may, at any time, with the consent of the said person or of the managers of that training institution, vary the terms of the licence or substitute therein for the name of the said person or training institution the name of any other suitable person or training institution.

Licence may be varied.

46. (1) The board of a school of industries or the board or managers of a children's home shall on the completion by any pupil of the first two years of his period of retention therein and on the completion of every succeeding year of his period of retention, report to the Minister the reasons why the pupil has not been released on licence or recommended for discharge and, if in the opinion of the board or managers the further retention of the pupil is advisable, the grounds on which that opinion is based.

Reports on pupils to Minister.

(2) Whenever the Minister so directs, the management of an institution shall submit to the Minister a report similar to the report mentioned in sub-section (1) on any pupil or group of pupils in that institution indicated by the Minister who has or who have not completed two years of his or their period of retention.

47. The management of an institution or an approved agency may grant leave of absence to any pupil in that institution or any child under the control of that agency, for such period and on such conditions as may be prescribed and may at any time cancel such leave and direct the pupil or child to return to the institution or custody from which he was granted leave.

Leave of absence from an institution or custody.

48. (1) On the application of any association of persons, which is, in the opinion of the Minister, so constituted and controlled that it can satisfactorily exercise the powers conferred upon an approved agency by this Act and any regulation made thereunder, he may, on the prescribed conditions, grant to that association a certificate of his approval as such an agency.

Recognition and functions of approved agencies.

(2) (a) When a child has been placed under the control of an approved agency or has been transferred to such control in terms of sub-section (1) of section *fifty*, the approved agency may—

- (i) allow the child to remain with the person in whose custody he is; or
 - (ii) remove the child from that custody and place him in the custody of a suitable other person; or
 - (iii) after having dealt with the child under subparagraph (ii) return the child to the custody from which he was removed,
- and it shall at all times supervise the moral, physical and material welfare of every such child and, where

sodanige kinders en ook, waar 'n kind in die bewaring van 'n ouer of voog geplaas is, die maatskaplike welsyn van die gesin as 'n geheel.

- (b) By die uitoefening van sy bevoegdhede kragtens paragraaf (a) moet die vereniging al die in sub-artikel (2) van artikel vyf-en-dertig genoemde aangeleenthede in ag neem.

(3) 'n Gemagtigde amptenaar van 'n goedgekeurde vereniging onder wie se beheer 'n kind wettiglik geplaas is, het op alle redelike tye die reg van toegang tot die kind, en tot die gebou van die persoon in wie se bewaring die kind is, waarin die kind woonagtig is, en iemand wat so 'n amptenaar by die uitoefening van sy bevoegdhede kragtens hierdie sub-artikel belemmer, is aan 'n misdryf skuldig.

(4) 'n Sertifikaat wat aan 'n goedgekeurde vereniging verleen is, kan te eniger tyd deur die vereniging teruggegee of deur die Minister ingetrek word: Met dien verstande dat die teruggawe van 'n sertifikaat, sonder die toestemming van die Minister, nie eerder in werking sal tree nie, as drie maande nadat die vereniging aan die Minister skriftelik daarvan kennis gegee het.

(5) Na die intrekking of teruggawe van so 'n sertifikaat, moet die Minister, kragtens sub-artikel (1) van artikel vyftig, of kragtens artikel nege-en-veertig, handel met elke kind wat tydens die intrekking of teruggawe van die sertifikaat onder die beheer van die betrokke vereniging gestaan het.

Ontslag uit inrigting of van bewaring, beheer, behandeling of toesig.

49. Die Minister kan te eniger tyd, by skriftelike bevel, 'n leerling of kind ontslaan van die gevolge van 'n bevel wat deur 'n hof uitgereik is ingevolge artikel een-en-dertig van hierdie Wet of artikel driehonderd twee-en-veertig van die Strafproseswet, 1955 (Wet No. 56 van 1955), of van die gevolge van 'n wysiging van so 'n bevel: Met dien verstande dat die Minister die betrokke bestuur of goedgekeurde vereniging moet raadpleeg, voordat hy 'n leerling uit 'n inrigting, of van die beskerming van die bestuur van 'n inrigting of 'n kind van die toesig of beheer van 'n goedgekeurde vereniging ontslaan.

Oorplasing van 'n kind of leerling van een inrigting of beheer, ens., na 'n ander.

50. (1) Die Minister kan, behoudends die bepalinge van sub-artikel (3), by skriftelike bevel 'n leerling of kind oorplaas van 'n inrigting waarna hy wettiglik deur een of ander gesag verwys is, of 'n bewaring waarin of beheer, behandeling of toesig waaronder hy wettiglik deur een of ander gesag geplaas is, na enige inrigting, bewaring, behandeling, beheer of toesig wat in artikel een-en-dertig van hierdie Wet of artikel driehonderd twee-en-veertig van die Strafproseswet, 1955 (Wet No. 56 van 1955), vermeld word.

(2) Wanneer die Minister ingevolge hierdie artikel gehandel het met 'n leerling of kind, op wie 'n bevel van een of ander hof van toepassing is, dan word daardie bevel geag gewysig te wees deur die bevelskrif van die Minister.

(3) Geen bevel word deur die Minister uitgereik nie vir die oorplasing na 'n verbeteringskool van 'n leerling of kind van 'n nywerheidskool of kinderhuis, of van enige bewaring, beheer, behandeling of toesig waaronder hy geplaas is deur 'n bevel uitgereik ingevolge artikel een-en-dertig van hierdie Wet of artikel driehonderd twee-en-veertig van die Strafproseswet, 1955, behalwe na oorweging deur hom van 'n verslag oor die redes vir die voorgestelde oorplasing gedoen deur 'n kommissaris hetsy *mero motu* of op las van die Minister.

(4) As die Minister van mening is dat dit wenslik is in belang van 'n leerling in 'n verbeteringskool om hom na 'n nywerheidskool of na 'n kinderhuis oor te plaas, dan kan die Minister, na raadpleging met die raad van 'n nywerheidskool of met die bestuurders van 'n kinderhuis en nadat hy homself oortuig het dat die voorgenome oorplasing nie nadelig sal wees vir die leerlinge in bedoelde nywerheidskool of kinderhuis nie, by skriftelike bevel, die leerling na daardie nywerheidskool of kinderhuis oorplaas, en vanaf die datum van die bevelskrif word die leerling geag kragtens artikel een-en-dertig na daardie nywerheidskool of kinderhuis verwys te wees.

(5) (a) Die Minister van Justisie kan, na raadpleging met die Minister, by skriftelike bevel iemand onder die leeftyd van een-en-twintig jaar, wat in 'n gevangenis of tronk, gevangenisstraf ondergaan, waarvan die onverstreke tydperk nie minder as vier maande bedra nie, na 'n verbeteringskool oorplaas, en vanaf die datum van die bevelskrif word bedoelde persoon geag na daardie verbeteringskool gestuur te wees kragtens artikel driehonderd twee-en-veertig van die Strafproseswet, 1955.

(b) Waar 'n bevelskrif kragtens paragraaf (a) uitgereik is ten opsigte van iemand met betrekking tot wie se 80

the child has been placed in the custody of a parent or guardian, also the social welfare of the family as a whole.

- 5 (b) In exercising its powers under paragraph (a) the agency shall have regard to the matters mentioned in sub-section (2) of section *thirty-five*.

(3) An authorized officer of an approved agency under whose control any child has been lawfully placed shall have the right of access at all reasonable times to that child and to the premises
10 of the person having the custody of the child in which the child is living, and any person who obstructs any such officer in exercising his powers under this sub-section shall be guilty of an offence.

(4) A certificate granted to an approved agency may at any
15 time be surrendered by the association or be withdrawn by the Minister: Provided that any such surrender shall not, without the consent of the Minister, take effect earlier than three months after notice thereof in writing has been given by the agency to the Minister.

20 (5) Upon a withdrawal or surrender of such a certificate the Minister shall deal under sub-section (1) of section *fifty* or under section *forty-nine* with every child who was at the time of such withdrawal or surrender, under the control of the agency concerned.

25 49. The Minister may at any time, by order in writing, discharge any pupil or child from the effect of any order made by any court under section *thirty-one* of this Act or section *three hundred and forty-two* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), or of any variation of such an order:
30 Provided that before discharging a pupil from an institution or from the protection of the management of an institution or a child from the supervision or control of an approved agency, the Minister shall consult the management or approved agency concerned.

Discharge from institution or custody, control, treatment or supervision.

35 50. (1) The Minister may, subject to the provisions of sub-section (3), by order in writing transfer any pupil or child from any institution to which he has lawfully been sent by any authority or any custody in which or control, treatment or supervision under which he has lawfully been placed by any
40 authority, to any institution, custody, treatment, control or supervision mentioned in section *thirty-one* of this Act or section *three hundred and forty-two* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955).

Transfer of child or pupil from one institution, control, etc., to another.

(2) When the Minister has under this section dealt with a
45 pupil or child to whom an order made by any court applies, that order shall be deemed to have been varied by the Minister's order.

(3) No order shall be made by the Minister for the transfer to a reform school of any pupil or child from any school of
50 industries or children's home or from any custody, control, treatment or supervision in which he has been placed by order made under section *thirty-one* of this Act or section *three hundred and forty-two* of the Criminal Procedure Act, 1955, save after consideration by him of a report upon the reasons
55 for the proposed transfer made by a commissioner either *mero muto* or by direction of the Minister.

(4) If the Minister is of the opinion that it is desirable in the interests of a pupil in a reform school to transfer him to a school of industries or to a children's home, the Minister may,
60 after consultation with the board of any school of industries or with the managers of any children's home and after having satisfied himself that the intended transfer will not be prejudicial to the pupils in that school of industries or children's home by order in writing transfer the pupil to that school of
65 industries or children's home and as from the date of the order the pupil shall be deemed to have been sent to that school of industries or children's home under section *thirty-one*.

(5) (a) The Minister of Justice may after consultation with the Minister by order in writing transfer any person
70 under the age of twenty-one years who is undergoing in any prison or gaol a sentence of imprisonment, the unexpired term of which is not less than four months, to a reform school and as from the date of that order that person shall be deemed to have been sent to that reform school under section *three hundred and forty-two* of the Criminal Procedure Act, 1955.
75

(b) Where an order has been issued in terms of paragraph (a) in respect of any person in connection with whose

ouderdom daar onvoldoende bewys beskikbaar is, tree die bevelskrif nie in werking nie tensy 'n skatting van sy ouderdom ingevolge sub-artikel (2) van artikel vier-en-tagtig plaasgevind het en sy ouderdom op minder as een-en-twintig jaar geskat is.

5

Toelating van kinders van ander gebiede tot sekere instellings.

51. (1) Die Minister kan magtiging verleen vir die toelating tot 'n kinderhuis of 'n nywerheidsskool van enige kind wat deur 'n bevoegde hof of beampte van die gebied Suidwes-Afrika of van 'n Britse gebied in Afrika daarheen verwys is.

(2) Bedoelde magtiging kan verleen word op die voor- 10 waardes—

(a) wat die Minister, in die geval van 'n kind wat deur 'n bevoegde hof of beampte van die gebied Suidwes-Afrika verwys is, na oorleg met die Administrateur van daardie gebied bepaal; of 15

(b) waaroor, in die geval van 'n kind wat deur 'n bevoegde hof of beampte van 'n Britse gebied in Afrika verwys is, tussen die Minister en die Regering van die betrokke gebied ooreengekom word.

(3) 'n Kind wat kragtens sub-artikel (1) toegelaat is, word, 20 vanaf die datum van die Minister se magtiging vir sy toelating, geag ingevolge hierdie Wet daarheen verwys te wees.

(4) Die bestuurders van 'n kinderhuis of die raad van 'n nywerheidsskool waarheen 'n kind kragtens sub-artikel (1) verwys is, handel nie sonder die toestemming van die Minister met 25 betrekking tot daardie kind ingevolge artikel vier-en-veertig nie.

Oorplasing van leerlinge van sekere Staats-ondersteunde skole na nywerheidsskole.

52. (1) Die Minister kan die toelating tot 'n nywerheidsskool magtig van 'n leerling van 'n skool wat opgerig is of in stand gehou word of 'n toelae ontvang kragtens die bepalings van die Wet op Spesiale Skole, 1948 (Wet No. 9 van 1948). 30

(2) Iemand wat kragtens hierdie artikel tot 'n nywerheidsskool toegelaat is, val onder die tugmaatreëls wat in daardie skool geld, maar die bepalings van hierdie Wet betreffende leerlinge van daardie skool is nie op hom van toepassing nie.

Toelating tot Unie-verbeteringskole van jeugdige persone uit ander gebiede.

53. (1) (a) Die Goewerneur-generaal kan 'n ooreenkoms 35 aangaan met die hoof van die regering van enige Britse gebied in Afrika, om iemand onder die leeftyd van een-en-twintig jaar wie se aanhouding in 'n verbeteringskool gelas is deur 'n bevoegde hof of beampte van bedoelde gebied ooreenkomstig die in daardie 40 gebied geldende reg, in 'n verbeteringskool in die Unie toe te laat en aan te hou.

(b) Nadat so 'n ooreenkoms aangegaan is, publiseer die Minister in die *Staatskoerant* 'n kennisgewing daarvan, en ook 'n kort opsomming van die inhoud van die 45 ooreenkoms.

(2) Die Minister kan die toelating en aanhouding in 'n verbeteringskool gelas van 'n persoon onder die leeftyd van een-en-twintig jaar, wie se aanhouding in 'n verbeteringskool beveel is deur 'n bevoegde hof of beampte van die gebied 50 Suidwes-Afrika of van 'n gebied met die regeringshoof waarvan die Goewerneur-generaal 'n ooreenkoms aangegaan het, soos in sub-artikel (1) vermeld.

(3) Iemand wat op las van die Minister kragtens sub-artikel (2) tot 'n verbeteringskool toegelaat is kan daarin aangehou 55 word totdat die tydperk wat vasgestel is deur die hof of beampte wat bedoelde persoon se aanhouding in 'n verbeteringskool gelas het, verstryk het, maar nie langer as die tydperk waarvoor hy in 'n verbeteringskool aangehou sou kon geword het nie, ooreenkomstig die bepalings van artikel driehonderd drie-en-veertig 60 van die Straffproseswet, 1955 (Wet No. 56 van 1955), indien hy op las van 'n bevoegde hof in die Unie na 'n verbeteringskool verwys was.

(4) Die toepaslike bepalings van hierdie Wet en van die daarkragtens uitgevaardigde regulasies en van die Straffproses- 65 wet, 1955, is van toepassing op 'n persoon wat tot 'n verbeteringskool toegelaat is en daarin aangehou word kragtens die bepalings van hierdie artikel, asof hy na genoemde verbeteringskool verwys was kragtens sub-artikel (1) van artikel driehonderd twee-en-veertig van laasgenoemde Wet: Met dien verstande dat, 70 in verband met so iemand (behalwe iemand wat tot 'n verbeteringskool toegelaat is ten gevolge van 'n bevel van 'n hof of beampte in die gebied Suidwes-Afrika) die toepassing van daardie bepalings aan die volgende voorbehoud onderworpe is: 75

(a) Die Minister mag so iemand nie kragtens artikel vyftig, oorplaas nie, behalwe na 'n ander verbeteringskool;

age insufficient evidence is available, the order shall not come into operation unless an estimate of his age has been made under sub-section (2) of section *eighty-four* and his age has been estimated as being less than twenty-one years.

51. (1) The Minister may authorize the admission to a children's home or a school of industries, of any child sent thereto by a competent court or officer of the territory of South-West Africa or of any British territory in Africa. Admission of children from other territories to certain establishments.
- 10 (2) Such authority may be granted on such conditions as may—
- 15 (a) in the case of a child sent by a competent court or officer of the territory of South-West Africa, be determined by the Minister after consultation with the Administrator of that territory; or
- (b) in the case of a child sent by a competent court or officer of a British territory in Africa, be agreed upon between the Minister and the Government of the territory concerned.
- 20 (3) A child admitted under sub-section (1) shall, as from the date of the Minister's authority for his admission, be deemed to have been sent thereto under this Act.
- (4) The managers of a children's home or the board of a school of industries to which a child has been sent under sub-section (1) shall not without the consent of the Minister deal with that child under section *forty-four*.
- 25 52. (1) The Minister may authorize the admission to a school of industries of any pupil of a school established, maintained or receiving a grant-in-aid under the provisions of the Special Schools Act, 1948 (Act No. 9 of 1948). Transfer of pupils from certain State-aided schools to industrial schools.
- (2) A person admitted to a school of industries under this section shall be subject to the disciplinary provisions in force in that school, but the provisions of this Act relating to pupils of that school shall not apply to him.
- 35 53. (1) (a) The Governor-General may enter into an agreement with the head of the government of any British territory in Africa for the reception into and retention in any reform school in the Union of any person under the age of twenty-one years whose detention in a reform school has been ordered by a competent court or officer of the said territory according to the law in force therein. Reception in Union reform schools of juveniles from other territories.
- 40 (b) When such an agreement has been entered into, the Minister shall publish in the *Gazette* a notice of that fact and a summary of the terms of the agreement.
- 45 (2) The Minister may direct the reception and detention in a reform school of any person under the age of twenty-one years whose detention in a reform school has been ordered by a competent court or officer of the territory of South-West Africa or of a territory with the head of whose government the Governor-General entered into an agreement mentioned in sub-section (1).
- 50 (3) Any person who was received into a reform school by direction of the Minister under sub-section (2) may be retained therein until the expiry of the period fixed by the court or officer which or who ordered the said person's detention in a reform school, but not exceeding the period during which he could have been retained therein in accordance with the provisions of section *three hundred and forty-three* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), if he had been sent to a reform school by order of a competent court in the Union.
- 55 (4) The relevant provisions of this Act and of the regulations made thereunder and of the Criminal Procedure Act, 1955, shall apply to a person received into or detained in a reform school under the provisions of this section as if he had been sent to that reform school under sub-section (1) of section *three hundred and forty-two* of the lastmentioned Act: Provided that in connection with any such person (other than a person who was received into a reform school by virtue of an order of
- 70 a court or officer in the territory of South-West Africa) the application of those provisions shall be subject to the following qualifications:
- (a) The Minister shall not transfer such a person under section *fifty* except to another reform school;

- (b) behoudens die bepalinge van die ooreenkoms (as daar een bestaan), waarvolgens so iemand tot 'n verbeteringskool toegelaat is, hoef die Minister nie die raad van bedoelde verbeteringskool te raadpleeg nie ingevolge die voorbehoud by artikel *nege-en-veertig*, voordat hy so iemand daaruit ontslaan;
- (c) die raad van die verbeteringskool waarin so iemand aangehou word, mag hom nie, kragtens sub-artikel (1) van artikel *vier-en-veertig*, met vergunning vrylaat nie;
- (d) die bepalinge van sub-artikel (2) van artikel *driehonderd drie-en-veertig* van die Strafproseswet, 1955, is nie op so iemand van toepassing nie.

Leerlinge wat uit inrigting of bewaring weggeloop.

54. (1) 'n Leerling wat uit 'n inrigting weggeloop het, of iemand wat weggeloop het van 'n veiligheidsplek of uit die bewaring van iemand waarin hy, kragtens hierdie Wet of die Strafproseswet, 1955 (Wet No. 56 van 1955), geplaas was, kan sonder lasbrief deur 'n polisiebeampte of proefbeampte in hegtenis geneem word, en moet so spoedig doenlik gebring word voor 'n kommissaris van kindersorg van die distrik waarin hy in hegtenis geneem is en kan totdat hy voor 'n kommissaris gebring kan word in 'n veiligheidsplek of 'n plek van bewaring gehou word.

(2) 'n Kind of leerling aan wie verlot tot afwesigheid van 'n inrigting of van 'n bewaring waarin hy wettiglik geplaas is, toegestaan is, of wat met vergunning uit 'n inrigting vrygelaat is en wat na die herroeping of verstryking van sy verlot versuim het om terug te keer na die inrigting of bewaring waaruit hom verlot verleen is, of wat versuim het, nadat sy vergunning ingetrek is, om terug te keer tot die inrigting waarheen hy gelas was om terug te keer, of om na die inrigting te gaan wat hy gelas was om na te gaan, as gevolg van die intrekking van sy vergunning, word geag weg te geloop het van die inrigting of bewaring waaruit hom verlot verleen is, of van die inrigting waarheen hy aldus gelas was om terug te keer, of wat hy aldus gelas was om na te gaan.

(3) (a) Wanneer 'n kind of leerling in hegtenis geneem is en voor 'n kommissaris van kindersorg gebring word, ingevolge die bepalinge van sub-artikel (1), moet die kommissaris, nadat hy die kind of leerling ondervra het aangaande die redes waarom hy weggeloop het, gelas dat hy teruggeneem word na die inrigting, of in die bewaring, of na die veiligheidsplek waaruit hy weggeloop het en aan die Minister die uitslag van sy ondervraging van die kind of leerling meedeel.

(b) Na oorweging van die meedeling en na enige verdere ondersoek wat hy nodig ag, gelas die Minister dat met die kind of leerling gehandel word ooreenkomstig die voorgeskrewe regulasies of plaas die kind of leerling oor soos bepaal in sub-artikel (1) van artikel *vyftig*, of ontslaan hom soos bepaal in artikel *nege-en-veertig*.

Onwettige verwydering van jeugdige persone of aansporing tot ontvlugting.

55. Iemand wat 'n kind of leerling uit 'n inrigting, veiligheidsplek of plek van bewaring of uit die bewaring, waarin die kind of leerling wettiglik geplaas is, ontvoer of verwyder of hom direk of indirek aanraai, beweeg of help om daaruit weg te loop, of wat 'n kind of leerling, wat, soos vermeld, ontvoer of verwyder is of weggeloop het, met voorkennis herberg of verberg, of verhinder dat hy terugkeer na die inrigting, veiligheidsplek, plek van bewaring, of onder die bewaring, waarvandaan hy ontvoer of verwyder is of weggeloop het, is aan 'n misdryf skuldig.

Tronkstraf vir weggeloopte leerlinge.

56. (1) 'n Leerling bo die leeftyd van agtien jaar wat weggeloop uit 'n verbeteringskool is aan 'n misdryf skuldig en kan, met die toestemming van die Minister, aangekla word weens daardie misdryf in 'n bevoegde hof in wie se regsgebied die leerling in hegtenis geneem is of die verbeteringskool waaruit die leerling weggeloop het, geleë is, en by skuldigbevinding is hy strafbaar met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(2) Wanneer die leerling die vonnis wat ingevolge sub-artikel (1) aan hom opgelê is, ondergaan het, kan hy teruggestuur word na die verbeteringskool waaruit hy weggeloop het, of kan hy oorgeplaas word na 'n ander verbeteringskool, of kan hy ontslaan word.

Inspeksie van kinders wat weg van hulle ouers af onderhou word en van die plekke waar hulle onderhou word.

57. (1) Met inagneming van die wetsbepalinge op die Staatsdiens, kan die Minister van tyd tot tyd soveel beamptes in die Staatsdiens aanstel as wat hy nodig ag, om kinderhuise, versorgingsoorde en kinders wat onder hierdie Wet val, te inspekter.

- (b) subject to the provisions of the agreement (if any) by virtue whereof such a person was received into a reform school, the Minister need not consult the board of that reform school in terms of the proviso to section *forty-nine* before discharging that person therefrom;
- (c) the board of the reform school in which such a person is detained, shall not release him on licence under sub-section (1) of section *forty-four*;
- (d) the provisions of sub-section (2) of section *three hundred and forty-three* of the Criminal Procedure Act, 1955, shall not apply to such a person.

54. (1) Any pupil who has absconded from any institution or any person who has absconded from any place of safety or from the custody of any person in which he was placed under this Act, or the Criminal Procedure Act, 1955 (Act No. 56 of 1955), may be apprehended without warrant by any policeman or probation officer and shall be brought as soon as may be before a commissioner of child welfare of the district in which he was apprehended and may, until he can be brought before a commissioner, be kept in any place of safety or place of detention.

Abscondment of pupils from institutions or custody.

(2) Any child or pupil who has been granted leave of absence from any institution or from any custody in which he has lawfully been placed or who has been released on licence from an institution and who on the revocation or expiration of his leave of absence fails to return to the institution or custody from which he was granted leave of absence, or who, on the cancellation of his licence, fails to return to, or to enter the institution to which he was directed to return or which he was directed to enter as a result of the cancellation of his licence, shall be deemed to have absconded from the institution or custody from which he was granted leave of absence or from the institution to which he was so directed to return or which he was so directed to enter.

(3) (a) When any child or pupil has been apprehended and is brought before a commissioner of child welfare under the provisions of sub-section (1) the commissioner shall, after having questioned the child or pupil as to the reasons why he absconded, order that he be returned to the institution or to the custody or to the place of safety from which he absconded and report to the Minister the result of his interrogation of the child or pupil.

(b) On consideration of the report and after any enquiry which he may deem necessary, the Minister shall direct that the child or pupil be dealt with in accordance with the prescribed regulations or transfer the child or pupil as provided in sub-section (1) of section *fifty*, or discharge him as provided in section *forty-nine*.

55. Any person who abducts or removes any child or pupil, or directly or indirectly counsels, induces or aids any child or pupil to abscond from any institution, place of safety, place of detention or custody in which the child or pupil was lawfully placed or knowingly harbours, or conceals a child or pupil who has been abducted or removed or has absconded as aforesaid or prevents him from returning to the institution, place of safety, place of detention or custody from which he was abducted or removed or absconded shall be guilty of an offence.

Unlawful removal of juveniles or inciting them to abscond.

56. (1) Any pupil over the age of eighteen years who absconds from any reform school shall be guilty of an offence and he may, with the consent of the Minister, be charged with that offence before any competent court within whose area of jurisdiction the pupil was apprehended or the reform school from which the pupil absconded, is situated, and he shall on conviction be liable to imprisonment for a period not exceeding six months.

Imprisonment of absconding pupils.

(2) When the pupil has undergone any sentence imposed upon him under sub-section (1) he may be returned to the reform school from which he absconded or be transferred to any other reform school, or may be discharged.

57. (1) Subject to the laws governing the public service, the Minister may from time to time appoint so many officers in the public service as he shall deem necessary for the inspection of children's homes, places of care and children under this Act.

Inspection of children maintained apart from their parents, and of the places where they are maintained.

(2) 'n Inspekteur kragtens hierdie artikel aangestel, kan met inagneming van enige bevel wat die Minister gegee het, enige kindersorg of versorgingsoord of die woonhuis van 'n persoon in wie se bewaring 'n kind kragtens hierdie Wet, of kragtens artikel *driehonderd twee-en-veertig* van die Straffproseswet, 1955 (Wet No. 56 van 1955), geplaas is, betree en kan daardie kindersorg, versorgingsoord of woonhuis, en die boeke en dokumente wat daarop betrekking het, asook elke leerling of kind daarin, inspekteer. 5

(3) Die bevoegdheid wat hierdie artikel aan 'n inspekteur verleen, kan ook uitgeoefen word deur 'n kommissaris van kindersorg binne sy distrik, en deur 'n proefbeampte, wat hetsy by wyse van algemene opdrag, hetsy in 'n spesiale geval, deur die Minister daartoe gemagtig is. 10

(4) Die Minister kan by skriftelike bevel, 'n kragtens hierdie artikel aangestelde inspekteur, of 'n kommissaris of 'n proefbeampte, magtig en gelas om 'n kindersorg, versorgingsoord of woonhuis wat in die bevelskrif vermeld word, waarin 'n kind of leerling, weg van sy ouers af, onderhou word onder omstandighede wat om gegronde redes vermoed word nadelig vir die kind of leerling te wees, te besoek en te inspekteer en ook om elke sodanige kind of leerling te inspekteer. 15 20

(5) Iemand wat 'n kommissaris of 'n kragtens hierdie artikel aangestelde inspekteur of gemagtigde proefbeampte belemmer by die uitoefening van die bevoegdheid wat hierdie artikel hom verleen, of wat versuim om op bevel van 'n kommissaris of van so 'n inspekteur of proefbeampte, 'n kind, leerling, boek of dokument wat in sy bewaring is, te voorskyn te bring, is an 'n misdryf skuldig; en as die bestuurders van so 'n kindersorg of versorgingsoord of die okkupeerder van so 'n woonhuis soos voormeld weier om 'n kommissaris, inspekteur of proefbeampte toe te laat om daardie kindersorg, versorgingsoord of woonhuis te betree en te inspekteer, of om hom toegang te verleen tot so 'n kind of leerling, dan strek dit tot 'n gegronde vermoede binne die bedoeling van artikel *nege-en twintig*, dat 'n misdryf in die Eerste Bylae by hierdie Wet vermeld, gepleeg word of gepleeg is teenoor of in verband met 'n kind of leerling in daardie kindersorg, versorgingsoord, of woonhuis. 25 30 35

Proefbeamptes.

58. (1) Met inagneming van die wetsbepalings op die Staatsdiens, kan die Minister sowel mans as vrouens aanstel as proefbeamptes om die volgende werksaamhede te verrig, naamlik— 40

(a) om ondersoek in te stel en aan die hof of landdros verslag te doen aangaande die karakter en omgewing van kinders of persone onder die leeftyd van een-en-twintig jaar wat voor daardie hof teregstaan of 'n voorlopige ondersoek voor daardie landdros ondergaan en aangaande die oorsake en omstandighede wat tot die oortredings van sodanige kinders of persone aanleiding gegee het: Met dien verstande dat die bepalings van hierdie paragraaf nie so uitgelê word dat dit die wetsbepalings oor die toelaatbaarheid van getuienis in strafregtelike sake verander nie; 45 50

(b) om maatreëls te beraam en uit te voer vir die waarneming en verbetering van misdadige neigings by kinders en vir die opsporing en verwydering van omstandighede wat jeugmisdadig mag veroorsaak of aanleiding daartoe mag gee; 55

(c) om toesig of beheer uit te oefen oor 'n kind of persoon wat aan 'n misdryf skuldig bevind is, en wat onder toesig van die proefbeampte gestel is; 60

(d) om sodanige ander werksaamhede te verrig as wat hierdie of 'n ander wet, of die Minister aan hulle opdra. 65

(2) 'n Proefbeampte is 'n beampte van elke kindersorg of van elke landdroshof wat gehou word binne die gebied waarin hy werksaam is. 65

(3) Wanneer 'n kind of leerling onder toesig of onder behandeling van 'n proefbeampte gestel word, moet daardie beampte as die bekleër van sy amp en nie by die naam van 'n bepaalde persoon wat die pos bekleë, aangedui word nie.

Oordrag van sekere ouerlike magte.

59. (1) (a) Behoudens die bepalings van sub-artikel (3), word 'n ouer of voog van 'n leerling in 'n inrigting of van 'n kind wat, ingevolge hierdie Wet of ingevolge artikel *driehonderd twee-en-veertig* van die Straffproseswet, 1955 (Wet No. 56 van 1955), in 'n ander bewaring as die bewaring van die ouer of voog geplaas is, onthef van sy reg van beheer oor daardie leerling of kind en van die reg om hom in sy bewaring te hê, en daardie regte insluitende die reg om tug en dissipline uit te oefen, gaan oor— 70 75

(2) Any inspector appointed under this section may, subject to any directions given by the Minister, enter any children's home or place of care or the dwelling of any person in whose custody a child has been placed under this Act or under section 5 *three hundred and forty-two* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), and may inspect any such children's home, place of care or dwelling, and the books and documents appertaining thereto and any pupil or child therein.

(3) The powers conferred by this section upon an inspector 10 may also be exercised by any commissioner of child welfare within his district and by any probation officer who has generally or in any case specially been authorized thereto by the Minister.

(4) The Minister may by order in writing authorize and direct 15 any inspector appointed under this section or any commissioner or any probation officer to visit and inspect any children's home, place of care or dwelling specified in the order in which any child or pupil is being maintained apart from his parents, in circumstances which are believed upon reasonable grounds to be detrimental to the child, and to inspect any such child 20 or pupil.

(5) Any person who obstructs any commissioner or any inspector appointed or probation officer authorized under this section in the exercise of the powers conferred upon him by this section or who fails to produce any child, pupil, book or 25 document in his custody whose production a commissioner or such an inspector or probation officer has demanded shall be guilty of an offence; and a refusal by the managers of any such children's home or place of care or by the occupant of any such dwelling as aforesaid to allow a commissioner, inspector, or probation officer to enter and inspect that children's 30 home, place of care or dwelling, or to have access to any such child or pupil, shall be a reasonable ground within the meaning of section *twenty-nine*, for suspecting that an offence mentioned in the First Schedule to this Act is being or has been committed 35 upon or in connection with a child or pupil in that children's home, place of care or dwelling.

58. (1) Subject to the laws governing the public service the Minister may appoint persons of either sex to be probation 60 officers, whose functions shall be—

- 40 (a) to enquire into and report to the court or magistrate upon the character and environment of children or persons under the age of twenty-one years on trial before that court or undergoing preparatory examination before that magistrate and into and upon the 45 causes and circumstances contributing to the delinquency of such children or persons: Provided that nothing contained in this paragraph shall be construed as varying the provisions of any law governing the admissibility of evidence in criminal cases;
- 50 (b) to devise and carry out measures for the observation and correction of tendencies to delinquency in children and for the discovery and removal of conditions causing or contributing to juvenile delinquency;
- 55 (c) to supervise and control any child or person convicted of an offence and placed under the supervision of the probation officer;
- (d) to perform such other duties as may be imposed upon them by this Act or any other law or by the Minister.

(2) A probation officer shall be an officer of every children's 60 court and every magistrate's court held within the area for which he is appointed.

(3) When a child or pupil is placed under the supervision or under treatment of a probation officer, that officer shall be 65 designated by his office and not by the name of any particular person holding that office.

59. (1) (a) Subject to the provisions of sub-section (3), a 70 parent or guardian of any pupil of an institution or of any child who has under this Act or under section *three hundred and forty-two* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), been placed in any custody other than the custody of the parent or guardian, shall be divested of his right of control over and of his right to the custody of that pupil or child and those rights, including the right to punish and to 75 exercise discipline, shall be vested—

Probation officers.

Transference of certain parental powers.

- (i) op die bestuur van die inrigting waarheen die leerling verwys is; of
 - (ii) op die persoon in wie se bewaring die kind geplaas is; of
 - (iii) in die geval van 'n leerling aan wie kragtens artikel vier-en-veertig vergunning verleen is om in die bewaring van 'n persoon of in 'n opleidingsinrigting te gaan woon, op bedoelde persoon of op die bestuurders van bedoelde opleidingsinrigting. 10
- (b) Die bestuur van so 'n inrigting of die bestuurders van so 'n opleidingsinrigting kan die prinsipaal van die inrigting of die hoof van die opleidingsinrigting magtig om enige bevoegdhede met betrekking tot tug en dissipline wat kragtens hierdie sub-artikel aan hulle verleen is, namens hulle uit te oefen. 15
- (2) As 'n minderjarige wat by sy ouer of voog woon, kragtens 'n bevel of vergunning wat ingevolge hierdie Wet of die Strafproseswet, 1955, uitgereik of verleen is, onder behandeling van 'n proefbeampte geplaas is of onder toesig of beheer van 'n proefbeampte, persoon of vereniging van persone staan, dan moet die ouer of voog sy reg van beheer oor die minderjarige uitoefen ooreenkomstig die voorskrifte wat hy van bedoelde proefbeampte, persoon of vereniging ontvang het.
- (3) Die regte wat ingevolge sub-artikel (1) oorgedra word van 'n ouer of voog aan die bestuur van 'n inrigting of die bestuurders van 'n opleidingsinrigting of aan 'n ander persoon, sluit nie die bevoegdheid in om oor enige eiendom van die leerling of kind te beskik nie, of die bevoegdheid om toestemming te verleen tot die huwelik van 'n leerling of kind, of tot die uitvoering op of die verskaffing aan 'n leerling of kind van 'n operasie of mediese behandeling wat met ernstige lewensgevaar gepaard gaan nie. 25
- (4) Indien die Minister, na behoorlike ondersoek, oortuig is dat dit in belang van 'n in paragraaf (a) van sub-artikel (1) bedoelde leerling of kind is om 'n huwelik aan te gaan, en dat 'n ouer of die voog van die leerling of kind op onredelike wyse toestemming tot die huwelik weier, of dat 'n ouer, wat nie toestemming tot die huwelik gegee het nie, of albei ouers of die voog, nie opgespoor kan word nie of dat 'n ouer of die voog oorlede is of weens geestesgekenktheid onbevoeg is om toestemming te gee, kan die Minister self toestemming tot die huwelik verleen, en by die toepassing van enige wet wat op die voltrekking van huwelike betrekking het, het sy toestemming dieselfde uitwerking as die toestemming van die ouer of voog. 30
- (5) Indien die Minister, na behoorlike ondersoek, oortuig is dat die uitvoering op of die verskaffing aan so 'n leerling of kind van 'n operasie of mediese behandeling wat met ernstige lewensgevaar gepaard gaan, noodsaaklik is, en dat 'n ouer of die voog van die leerling of kind op onredelike wyse sy toestemming tot die uitvoering of verskaffing van die operasie of mediese behandeling weier, of dat 'n ouer wat nie toestemming tot die operasie of mediese behandeling gegee het nie, of albei ouers of die voog, nie opgespoor kan word nie, of dat 'n ouer of die voog oorlede is of weens geestesgekenktheid onbevoeg is om toestemming te gee, kan die Minister self magtiging verleen tot die uitvoering van die operasie op of die verskaffing van die mediese behandeling aan die leerling of kind. 45
- (6) Indien die prinsipaal van die betrokke inrigting of die hoof van die betrokke opleidingsinrigting of die persoon in wie se bewaring so 'n leerling of kind is, goeie rede het om te glo dat die uitvoering van 'n operasie op of die verskaffing van mediese behandeling aan so 'n leerling of kind noodsaaklik is om sy lewe te red of om hom van 'n ernstige en blywende liggaamlike letsel of gebrek te red, en dat die noodsaaklikheid van die operasie of mediese behandeling so dringend is, dat dit geen uitstel gedoog om die ouers of voog van die leerling of kind, of die Minister te raadpleeg nie, dan kan die prinsipaal of die hoof of die betrokke persoon self magtiging verleen tot die uitvoering daarvan op of die verskaffing daarvan aan die leerling of kind. 60
- (7) Ondanks andersluidende wetsbepalings is enige toestemming wat 'n ouer of voog gee tot die huwelik van 'n in paragraaf (a) van sub-artikel (1) bedoelde leerling of kind van nul en gener waarde tensy die Minister ook sy toestemming tot die huwelik verleen het. 75

Ontheffing
van vader
of moeder
van ouer-
like mag.

60. (1) As 'n kindertehuis oortuig is dat 'n kind met sy moeder woon, weg van sy vader af, omdat laasgenoemde die kind of sy moeder verlaat of gereeld mishandel het, of geweier het om enigeen van hulle twee te onderhou of dat 'n kind met sy vader 80

- (i) in the management of the institution to which the pupil was sent; or
 (ii) in the person in whose custody the child was placed; or
 5 (iii) in the case of any pupil to whom a licence was granted under section *forty-four* to live in the custody of any person or in any training institution, in such person or in the managers of such training institution.
 10 (b) The management of any such institution or the managers of any such training institution may authorize the principal of the institution or the head of the training institution to exercise on their behalf any powers in connection with punishment and discipline
 15 which are conferred upon them in terms of this sub-section.

(2) If a minor living with his parent or guardian has, by virtue of an order made or licence granted under this Act, or the Criminal Procedure Act, 1955, been placed under treatment
 20 of a probation officer or under the supervision or control of a probation officer, person or association of persons the parent or guardian shall exercise his right of control over the minor in accordance with any directions which he may have received from the said probation officer, person, or association.

(3) The rights transferred by sub-section (1) from a parent or guardian to the management of any institution or the managers of any training institution or to any other person shall not include the power to deal with any property of a pupil or child or the power to consent to the marriage of a pupil or
 30 child or to the performance upon or the provision to a pupil or child of an operation or medical treatment which is attended with serious danger to life.

(4) If the Minister, after due enquiry, is satisfied that it is in the interest of a pupil or child mentioned in paragraph (a)
 35 of sub-section (1) to contract a marriage and that a parent or the guardian of the pupil or child unreasonably refuses to consent to that marriage, or that a parent who has not consented to the marriage or both parents or the guardian cannot be found, or that a parent or the guardian is deceased or is
 40 because of any mental disorder, incompetent to give consent, the Minister may himself grant consent to the marriage and his consent shall for the purposes of any law relating to the solemnization of marriages have the same effect as the consent of the parent or guardian.

(5) If the Minister is satisfied, after due enquiry, that the performance upon or the provision to any such pupil or child of an operation or medical treatment which is attended with serious danger to life, is necessary, and that a parent or the guardian of the pupil or child unreasonably refuses his consent
 50 to the performance or provision of the operation or medical treatment, or that a parent who has not consented to the operation or medical treatment or both parents or the guardian cannot be found or that a parent or the guardian is deceased or is, because of any mental disorder, incompetent to give
 55 consent, the Minister may himself authorize the performance of the operation upon or the provision of the medical treatment to the pupil or child.

(6) If the principal of the institution in question or the head of the training institution in question or the person in whose
 60 custody the pupil or child is, has good grounds for believing that the performance of any operation upon or the provision of medical treatment to the pupil or child is necessary to preserve his life or to save him from a serious and lasting physical injury or disability and that the need for the operation or
 65 medical treatment is so urgent that it ought not to be deferred for the purpose of consulting the parents or guardian of the pupil or child, or the Minister, the principal or the head or the person concerned may himself authorize its performance upon or provision to the pupil or child.

(7) Notwithstanding anything to the contrary in any law contained, any consent granted by a parent or guardian to the marriage of any pupil or child mentioned in paragraph (a) of sub-section (1) shall be null and void unless the Minister has also granted his consent to the marriage.

75 60. (1) If a children's court is satisfied that a child is living with his mother apart from his father because his father deserted or habitually ill-treated the child or his mother or refused to maintain either of them or that a child is living with his father
 Deprivation of father or mother of parental power.

woon, weg van sy moeder af, dan kan die hof, ondanks anders-luidende wetsbepalings, op aansoek van die moeder of van die vader, na gelang van die geval, die vader of die moeder onthef van die reg om met betrekking tot die kind enige ouerlikke magte uit te oefen en die uitsluitlike reg om daardie magte (insluitende die mag om toestemming te gee tot die huwelik of aanneming van die kind) uit te oefen, aan die moeder of die vader van die kind verleen: Met dien verstande dat as die woonplek of adres van die vader of die moeder bekend is, die hof hom of haar nie van sy of haar ouerlike magte mag onthef nie, tensy aan hom of haar redelike kennis gegee is om redes aan te voer waarom hy of sy nie van sy of haar ouerlike magte onthef behoort te word nie, en hy of sy versuim het om sulks te doen.

(2) (a) Op aansoek van 'n vader of 'n moeder wat van sy of haar ouerlike magte met betrekking tot sy of haar kind onthef is, soos voormeld, kan die hof wat hom of haar aldus onthef het, te eniger tyd die bevel wat hom of haar aldus onthef het, herroep, en hom of haar weer met bedoelde magte bekleed, as die hof oortuig is (nadat aan die moeder of die vader van die betrokke kind, na gelang van die geval, geleentheid gegee is om die aansoek te bestry en om redes aan te voer waarom sy of hy die aansoek bestry) dat hy of sy die magte na behore sal uitoefen, en dat die herroeping van die bevel nie tot nadeel van die kind sal strek nie.

(b) Die herroeping van 'n in paragraaf (a) bedoelde bevel raak nie die regsgeldigheid van enigiets wat voor die herroeping van die bevel gedoen is nie.

(3) Iemand wat kragtens sub-artikel (1) van sy of haar ouerlike magte oor sy of haar kind onthef is, of wie se aansoek ingevolge sub-artikel (1) of (2) geweier is, kan teen die bevel wat hom of haar aldus onthef het, of teen bedoelde weiering, appelleer na die Afdeling van die Hooggeregshof wat bevoeg is om appèlle te verhoor van 'n landdroshof van die distrik waarin die bevel uitgereik of die aansoek geweier is, en daardie Afdeling kan dan daarop of so 'n bevel uitreik as wat die kindersou kon uitgereik het, of die appèl van die hand wys.

(4) 'n Appèl ingevolge sub-artikel (3) moet aangeteken en voortgesit word, *mutatis mutandis*, asof dit 'n appèl was teen 'n siviele vonnis van 'n landdroshof.

(5) In so 'n appèl moet die Minister as verweerder genoem word en geen koste van so 'n appèl kan deur die een party op die ander verhaal word nie.

Onwettige
verwydering
van kind of
leerling uit
die Unie.

61. Iemand wat 'n leerling van 'n inrigting of 'n beskermde jong kind of 'n kind wat kragtens 'n bepaling van hierdie Wet of kragtens 'n bevel wat ingevolge so 'n bepaling of ingevolge artikel *driehonderd twee-en-veertig* van die Strafbepalingswet, 1955 (Wet No. 56 van 1955), uitgereik is, in die bewaring of onder die beheer of toesig van een of ander persoon, inrigting of vereniging is, sonder die skriftelike toestemming van die Minister uit die Unie verwyder, is aan 'n misdryf skuldig.

HOOFSTUK VI.

KONTRIBUSIE-ORDERS.

Kinderhof of
landdroshof
kan kontri-
busie-orders
of voorlopige
kontribusie-
orders uitreik.

62. (1) 'n Kontribusie-order kan uitgereik word—

(a) deur 'n kindersou teen 'n verweerder wat binne die regsgebied van die hof woon, besigheid dryf of in diens is, vir die onderhoud van 'n kind wat voor die hof gebring word met die oog op 'n ondersoek ingevolge artikel *dertig*;

(b) deur 'n landdroshof teen 'n verweerder wat binne die regsgebied van die hof woon, besigheid dryf of in diens is, vir die onderhoud van 'n kind of van 'n leerling van 'n inrigting,

en so 'n order is van krag vanaf die datum van uitreiking, tensy die hof gelas dat dit vanaf 'n vroeëre of latere datum van krag is.

(2) 'n Voorlopige kontribusie-order kan uitgereik word teen 'n verweerder woonagtig in 'n land wat „'n geproklameerde land” is, binne die bedoeling van artikel *een* van die „Onderhoudsvonnissen Wet, 1923” (Wet No. 15 van 1923), deur 'n kindersou vir die onderhoud van 'n kind wat voor daardie hof gebring word met die oog op 'n ondersoek ingevolge artikel *dertig*, of deur 'n landdroshof vir die onderhoud van 'n persoon onder die leeftyd van een-en-twintig jaar, wat deur daardie hof of deur 'n hoër hof, by 'n verhoor in die regsgebied van bedoelde landdroshof, gelas is om na 'n verbeteringskool verwys te word, of in die bewaring van een of ander persoon geplaas is, ingevolge artikel *driehonderd twee-en-veertig* van die Strafbepalingswet, 1955 (Wet No. 56 van 1955).

apart from his mother, the court may notwithstanding anything to the contrary in any law contained, on the application of the mother or of the father, as the case may be, deprive the father or the mother of the right to exercise in regard to that child any parental powers and confer upon the mother or the father of the child the exclusive right to exercise those powers (including the power to grant consent to the marriage or adoption of the child): Provided that if the place of residence or address of the father or the mother is known the court shall not deprive him or her of his or her parental powers unless reasonable notice has been given to him or her to show cause why he or she should not be deprived of his or her parental powers, and he or she has failed to do so.

(2) (a) On the application of a father or a mother who has been deprived of his or her parental powers in regard to his or her child, as aforesaid, the court which so deprived him or her may at any time rescind the order whereby he or she was so deprived and reinvest him or her with the said powers, if the court is satisfied (after having given to the mother or the father of the child concerned, as the case may be, an opportunity to oppose the application and to adduce reasons for her or his opposition) that he or she will exercise those powers satisfactorily and that the rescission of the order will not be to the disadvantage of the child.

(b) The rescission of any order mentioned in paragraph (a) shall not affect the validity of anything done before the rescission of such order.

(3) Any person who has under sub-section (1) been deprived of his or her parental powers over his or her child or whose application under sub-section (1) or (2) was refused, may appeal against the order whereby he or she was so deprived, or against the said refusal to the division of the Supreme Court having jurisdiction to entertain appeals from the magistrate's court of the district in which the order was made, or the application was refused, and that Division may thereupon make such an order as the children's court could have made, or disallow the appeal.

(4) An appeal under sub-section (3) shall be noted and prosecuted *mutatis mutandis* as if it were an appeal against a civil judgment of a magistrate's court.

(5) In any such appeal the Minister shall be cited as respondent and no costs of any such appeal shall be recoverable by either party thereto from the other party.

61. Any person who, without the consent in writing of the Minister, removes from the Union a pupil of an institution or a protected infant or a child who is by virtue of any provision of this Act or by virtue of any order made under such a provision or under section *three hundred and forty-two* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), in the custody or under the control or supervision of any person, institution or association, shall be guilty of an offence.

Unlawful removal of child or pupil from Union.

CHAPTER VI.

CONTRIBUTION ORDERS.

62. (1) A contribution order may be made—

(a) by a children's court against a respondent residing, carrying on business or employed within the jurisdiction of that court, for the maintenance of a child brought before that court for the purpose of an enquiry under section *thirty*;

(b) by a magistrate's court against a respondent residing, carrying on business or employed within the jurisdiction of that court for the maintenance of any child or any pupil of an institution,

Children's court or magistrate's court may make contribution orders or provisional contribution orders.

and any such order shall have effect from the date on which it is made unless the court orders that it shall have effect from an earlier or later date.

(2) A provisional contribution order may be made against a respondent resident in any country which is a "proclaimed country" within the meaning of section *one* of the Maintenance Orders Act, 1923 (Act No. 15 of 1923), by a children's court for the maintenance of any child brought before that court for the purpose of an enquiry under section *thirty* or by a magistrate's court for the maintenance of any person under the age of twenty-one years whom that court or a superior court sitting in the area of the said magistrate's court's jurisdiction has ordered to be sent to a reform school or placed in the custody of any person in terms of section *three hundred and forty-two* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955).

Uitwerking van
kontribusie-
orders.

63. (1) 'n Kontribusie-order en 'n voorlopige kontribusie-order, kragtens hierdie Hoofstuk uitgereik, het die uitwerking, onderskeidelik, van 'n vonnis tot betaling van onderhoud en van 'n voorlopige vonnis tot betaling van onderhoud, ooreenkomstig die „Onderhoudsvonnissen Wet, 1923” (Wet No. 15 van 1923). 5

(2) 'n Kontribusie-order het die uitwerking van 'n siviele vonnis van 'n landdroshof teen die verweerder, ten gunste van die Unieregering, en die klerk van die landdroshof van die distrik waarin so 'n order uitgereik is, moet die stappe wat voorgeskryf is, doen ter tenuitvoerlegging van die order en die bepalings van die Wet op Landdroshof, 1944 (Wet No. 32 van 1944), of die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), na gelang van die geval, en van die reëls daarkragtens opgestel, is van toepassing op verrigtings in verband met die tenuitvoerlegging van so 'n order. 10 15

(3) 'n Kontribusie-order word geag so 'n order te wees as wat vermeld word in artikel *honderd-en-tien* van die Algemene Regswysigingswet, 1935 (Wet No. 46 van 1935).

Bepalings van
'n kontribusie-
order.

64. (1) 'n Kontribusie-order moet die verweerder gelas om die bedrag daarin vermeld, te betaal aan 'n beampte van die hof wat die order uitreik of bevestig, of aan so 'n ander beampte as wat daardie hof mag bepaal. 20

(2) 'n Kontribusie-order lê geen verpligting op tot betaling van geld vir die onderhoud van 'n persoon gedurende enige tydperk nadat hy die leeftyd van een-en-twintig jaar bereik het nie. 25

Hof kan be-
slaglegging
op loon tot
betaling
van kontri-
busie-order
beveel.

65. (1) (a) 'n Hof wat 'n kontribusie-order kragtens hierdie Hoofstuk uitgereik het, kan te eniger tyd by skriftelike bevel enige werkgewer van die verweerder gelas om van enige loon wat aan die verweerder betaalbaar is of betaalbaar mag word, 'n bedrag af te trek, voldoende om enige bedrag wat ooreenkomstig die kontribusie-order betaalbaar is, te betaal. 30

(b) 'n Werkgewer moet enige bedrag wat hy aldus afgetrek het onverwyld aan 'n in die beveldskrif aangeduide amptenaar oorbetal. 35

(2) 'n Hof wat 'n bevel ooreenkomstig sub-artikel (1) uitge-reik het, kan so 'n bevel te eniger tyd wysig, opskort of intrek.

Wysiging, op-
skorting of
herroeping
van kontri-
busie-order.

66. (1) 'n Hof wat 'n kontribusie-order uitgereik het, kan die order te eniger tyd wysig, opskort of intrek, of die order na sy intrekking herstel. 40

(2) 'n Kragtens sub-artikel (1) uitgereikte order is geldig vanaf die datum van uitreiking, tensy die hof gelas dat dit vanaf 'n ander vasgestelde vroeëre of latere datum geldig is: Met dien verstande dat die intrekking of wysiging van 'n kontribusie-order wat vanaf 'n vroeëre datum geldig is, aan die verweerder nie die reg verleen nie om geld wat hy reeds betaal het, volgens voorskrif van die kontribusie-order, weer terug te eis of in rekening te bring teen gelde wat hy nog skuld. 45

Appel teen
kontribusie-
order, ens.

67. (1) Teen 'n kontribusie-order, of teen die wysiging, opskorting, intrekking of herstelling van 'n kontribusie-order, of teen die weiering van 'n aansoek om 'n kontribusie-order of om die wysiging, opskorting, intrekking of herstelling van 'n kontribusie-order kan ge-appelleer word na die bevoegde Afdeling van die Hooggeregshof, en as aldus ge-appelleer word, moet die appel aangeteken en voortgesit word, asof dit 'n appel was teen 'n siviele vonnis van 'n landdroshof. 55

(2) As 'n verweerder aldus appelleer, moet die Minister as verweerder in die appèlsaak genoem word.

Verandering van
woonplek of
werkplek deur
die verweerder.

68. (1) (a) As 'n verweerder, teen wie 'n kontribusie-order uitgereik is, gedurende die geldigheid van die order van woonplek of werkplek verander, moet hy onverwyld skriftelik kennis daarvan gee aan die klerk van die hof, wat die order uitgereik het, en in die kennisgewing moet hy volledig en duidelik vermeld waar die woonplek waarna hy verhuis het, geleë is of waar sy nuwe werkplek is. 60 65

(b) Iemand wat versuim om volgens voorskrif van hierdie sub-artikel kennis te gee, is aan 'n misdryf skuldig.

(2) Wanneer 'n verweerder teen wie 'n kontribusie-order in werking is, verhuis na en gaan woon in 'n ander distrik of gaan werk in 'n ander distrik as die distrik van die hof wat die order uitgereik het, dan kan daardie hof, as hy dit wenslik ag, sonder voorafgaande kennisgewing aan die verweerder, die order wysig, deur 'n beampte van die ooreenstemmende hof van die distrik waarheen die verweerder verhuis het of waar hy gaan werk het, 75

63. (1) A contribution order and a provisional contribution order made under this Chapter shall have the effect respectively of a maintenance order and of a provisional maintenance order in terms of the Maintenance Orders Act, 1923 (Act No. 15 of 1923). Effect of contribution orders.

(2) A contribution order shall have the effect of a civil judgment of a magistrate's court against the respondent in favour of the Government of the Union, and the clerk of the magistrate's court of the district in which such an order has been made shall take such steps for enforcing the order as may be prescribed and the provisions of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), or the Native Administration Act, 1927 (Act No. 38 of 1927), as the case may be, and of the rules made thereunder shall apply to any proceedings for the enforcement of such an order.

(3) A contribution order shall be deemed to be such an order as is referred to in section *one hundred and ten* of the General Law Amendment Act, 1935 (Act No. 46 of 1935).

64. (1) A contribution order shall direct the respondent to pay the sum stated therein to an officer of the court making or confirming the order or to such other officer as that court may determine. Provisions of contribution order.

(2) A contribution order shall not impose any obligation to pay any money for the maintenance of any person during any period after his attainment of the age of twenty-one years.

65. (1) (a) Any court which has made a contribution order under this Chapter may at any time by order in writing require any employer of the respondent to deduct from any wages which are payable or which may become payable to the respondent an amount sufficient to pay any amount payable in terms of the contribution order. Court may order attachment of wages in payment of contribution order.

(b) An employer shall forthwith pay any amount which he has so deducted to any officer indicated in the order.

(2) A court which has made an order in terms of sub-section (1) may at any time vary, suspend or rescind any such order.

66. (1) A court which has made a contribution order may at any time vary, suspend or rescind the order or revive the order after it has been rescinded. Variation, suspension or rescission of contribution order.

(2) Any order made under sub-section (1) shall have effect from the date on which it is made, unless the court directs that it shall have effect from some specified earlier or later date: Provided that no rescission or variation of a contribution order with effect from an antecedent date shall entitle the respondent to recover or set off any money already paid by him in accordance with the terms of the contribution order.

67. (1) An appeal shall lie against any contribution order or against the variation, suspension, rescission or revivor of a contribution order or against the refusal of an application for a contribution order or for the variation, suspension, rescission or revivor of a contribution order, to the competent Division of the Supreme Court, and if brought, shall be noted and prosecuted, as if it were an appeal against a civil judgment of a magistrate's court. Appeal against contribution order, etc.

(2) If such an appeal is brought by a respondent, the Minister shall be cited as respondent in the appeal.

68. (1) (a) If a respondent against whom a contribution order has been made during the currency of the order changes his place of residence or place of work, he shall forthwith give notice in writing to the clerk of the court by which the order was made and shall in that notice state fully and clearly where the place of residence to which he has removed, is situate or where his new place of work is. Change of place of residence or place of work of respondent.

(b) Any person who fails to give notice as required by this sub-section shall be guilty of an offence.

(2) When a respondent against whom a contribution order is in force, removes to and becomes resident or takes up employment in a district other than that of the court which made the order, that court may, if it deems it desirable, without prior notice to the respondent, vary the order by designating as the officer to whom payment shall be made, an officer of the corresponding court of the district to which respondent has

aan te wys as die beamppte aan wie betaal moet word en wanneer 'n hof 'n order aldus gewysig het, moet hy 'n gewaarmerkte afskrif van die order stuur aan die hof waaraan die beamppte wat soos voormeld aangewys is, verbonde is, en aan die verweerder skriftelik kennis gee van die wysiging van die order en daarna is die order geldig en afdwingbaar asof dit 'n order van sodanige laasvermelde hof was. 5

Diening van prosesstukke, die tenuitvoerlegging van kontribusie-orders en koste.

69. (1) Elke dagvaarding, reël, subpoena, of kennisgewing in verband met verrigtings kragtens hierdie Hoofstuk, kan kosteloos deur 'n polisiebeamppte gedien word volgens voorskrif van die Reëls opgestel kragtens die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), vir die diening van dergelike dokumente in siviele sake in landdroshowe, tensy 'n ander wyse van diening voorgeskryf is ingevolge paragraaf (o) van sub-artikel (1) van artikel een-en-negentig van hierdie Wet. 15

(2) 'n Lasbrief vir beslaglegging om 'n kontribusie-order ten uitvoer te lê, moet ten uitvoer gelê word deur die bode van die landdroshof van die distrik waarin die eiendom geleë is waarop beslag gelê moet word, en die loon van die bode en die koste van die tenuitvoerlegging word uit die opbrengs van die verkoop van die eiendom waarop vir eksekusie beslag gelê is, betaal, en moet benewens en voor die bedrag wat kragtens die kontribusie-order verskuldig is, ingevorder word. 20

(3) Behoudens die bepalings van sub-artikel (2) kan iemand wat by verrigtings ingevolge hierdie Hoofstuk (insluitende 'n appèl in artikel sewe-en-sestig vermeld) as party betrokke is, geen koste van sodanige verrigtings op 'n ander party verhaal nie; en geen hofgelde is verskuldig in verband met die uitreiking of indiening van enige dokument in sodanige verrigtings nie. 25

HOOFSTUK VII.

30

AANNEMING VAN KINDERS.

Vereistes by die aanneming van kinders.

70. (1) Behoudens die bepalings van sub-artikels (2) en (3), kan die volgende persone 'n kind aanneem—

- (a) 'n man en sy vrou gesamentlik;
- (b) 'n wewenaar of weduwee of 'n ongetroude of geskeie persoon;
- (c) 'n getroude persoon wie se eggenoot of eggenote, ten tyde van die aanneming, geestelik gekrenk of gebrekkig is, binne die bedoeling van artikel twee van die „Wet op Geestesgebreken, 1916” (Wet No. 38 van 1916), en wat vir 'n onafgebroke tydperk van nie minder as sewe jaar nie, onmiddellik voorafgaande aan bedoelde tyd, aldus geestelik gekrenk of gebrekkig was;
- (d) 'n getroude persoon wat van sy of haar eggenote of eggenoot geskei is, by wyse van regterlike bevel. 35 45

(2) Niemand onder die leeftyd van vyf-en-twintig jaar mag (hetsy alleen of gesamentlik met sy of haar eggenote of eggenoot) 'n kind aanneem nie, en geen persoon mag (hetsy alleen of gesamentlik met sy of haar eggenote of eggenoot) 'n kind van die leeftyd van sestien jaar of daarbo aanneem nie, tensy hy of sy of albei aannemende ouers, ten minste vyf-en-twintig jaar ouer as daardie kind is: Met dien verstande dat 'n wewenaar of weduwee of 'n ongetroude of geskeie persoon 'n kind wat uit hom of haar gebore is en wat tevore kragtens hierdie Wet, of die Kinderwet, 1937 (Wet No. 31 van 1937), deur enig iemand aangeneem is, kan aanneem, hetsy hy of sy onder die leeftyd van vyf-en-twintig jaar of minder as vyf-en-twintig jaar ouer as daardie kind is, al dan nie; en met dien verstande voorts dat 'n man en sy vrou gesamentlik 'n kind wat uit een van hulle gebore is kan aanneem, selfs wanneer een van hulle, of albei, onder die leeftyd van vyf-en-twintig jaar is, of selfs wanneer die kind van die leeftyd van sestien jaar of daarbo is en een van die egpaar, of albei, minder as vyf-en-twintig jaar ouer as die kind is, mits die man ten minste vyftien jaar ouer is as so 'n kind van sy vrou, of die vrou ten minste tien jaar ouer is as so 'n kind van haar man. 50 55 60 65

(3) Niemand mag 'n kind, wat minder as vyf-en-twintig jaar jonger as hy of sy is, aanneem nie, tensy hy of sy dit gesamentlik met sy of haar eggenote of eggenoot doen of tensy die kind van dieselfde geslag as bedoelde persoon is of tensy daardie persoon 'n wewenaar of weduwee of 'n ongetroude of geskeie persoon is en 'n natuurlike ouer van die kind is. 70

Orders van aanneming van 'n kind.

71. (1) (a) Die aanneming van 'n kind word teweeggebring deur die order van die kindershof van die distrik waarin die aangenome kind woonagtig is, toegestaan op aansoek van die aannemende ouer of aannemende ouers. 75

removed or where he has taken up employment, and when a court has so varied an order it shall transmit a certified copy of the order to the court to which the officer designated as aforesaid is attached and inform the respondent by notice in writing of the variation of the order and thereupon the order shall have effect and be enforceable as if it were an order of such last mentioned court.

69. (1) Any summons, rule, subpoena or notice in connection with any proceeding under this Chapter may be served without fee by any policeman in the manner prescribed by the Rules framed under the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), for the service of similar documents in civil proceedings in magistrates' courts, unless any other manner of service has been prescribed under paragraph (o) of sub-section (1) of section ninety-one of this Act.

Service of process, execution of contribution order and costs.

(2) Any writ of attachment in execution of a contribution order shall be executed by the messenger of the magistrate's court of the district in which the property to be attached is situated, and the messenger's fees and charges for the execution shall be paid out of the proceeds of the sale of any such property attached in execution and shall be levied in addition and in preference to the sum payable under the contribution order.

(3) Save as provided in sub-section (2) no costs of any proceedings under this Chapter (including an appeal mentioned in section sixty-seven) shall be recoverable by any party thereto from any other party; and no court fee shall be payable in connection with the issue or lodgment of any document in any such proceeding.

CHAPTER VII.

30

ADOPTION OF CHILDREN.

70. (1) Subject to the provisions of sub-sections (2) and (3) the following persons may adopt any child—

Qualifications for adoption of children.

- (a) a husband and his wife jointly;
- (b) a widower or widow or unmarried or divorced person;
- 35 (c) a married person whose spouse is at the time of the adoption, and has been for a continuous period of not less than seven years immediately preceding that time mentally disordered or defective, within the meaning of section two of the Mental Disorders Act, 1916 (Act No. 38 of 1916);
- 40 (d) a married person who is separated from his or her spouse by judicial decree.

(2) No person under the age of twenty-five years shall (whether alone or jointly with his or her spouse) adopt any child and no person shall (whether alone or jointly with his or her spouse) adopt a child of the age of sixteen years or more unless he or she is or both adoptive parents are at least twenty-five years older than that child: Provided that a widower or widow or unmarried or divorced person may adopt a child born of him or her who has previously been adopted by any person under this Act or the Children's Act, 1937 (Act No. 31 of 1937), whether or not he or she is under the age of twenty-five years or is less than twenty-five years older than the child; and provided further that a husband and his wife jointly may adopt any child born of one of the spouses, even though one of them is or both of them are under the age of twenty-five years or even though the child is of the age of sixteen years or more and one of them is or both of them are less than twenty-five years older than the child, if the husband is at least fifteen years older than such a child of his wife or if the wife is at least ten years older than such a child of her husband.

(3) No person shall adopt, otherwise than jointly with his or her spouse, a child less than twenty-five years younger than the said person, unless the child is of the same sex as that person or that person is a widower or widow or unmarried or divorced person and is a natural parent of the child.

71. (1) (a) The adoption of a child shall be effected by the order of the children's court of the district in which the adopted child resides, granted on the application of the adoptive parent or parents.

Adoption orders.

70

- (b) By oorweging van so 'n aansoek moet die kinderhof al die in sub-artikel (2) van artikel *vyf-en-dertig* genoemde aangeleenthede in ag neem.
- (2) Behoudens die bepalings van artikel *twee-en-sewentig* mag 'n kinderhof waarby aansoek gedoen is om 'n order van aanneming van 'n kind, die aansoek nie toestaan nie, tensy die kind vir 'n tydperk van minstens ses maande in die bewaring van die voorgenome aannemende ouer of aannemende ouers was en die hof oortuig is—
- (a) dat die applikant of dat beide applikante bevoeg is om die kind aan te neem; en
- (b) dat die applikant of dat beide applikante goed aangeskrewe staan en geskik is om die bewaring van die kind te aanvaar en genoegsame middele besit om die kind te onderhou en op te voed; en
- (c) dat die voorgenome aanneming in belang van die kind en bevorderlik tot sy welsyn sal wees; en
- (d) dat toestemming tot die aanneming verleen is—
- (i) deur albei ouers van die kind, of, as die kind 'n buite-egtelike kind is, deur die moeder van die kind, hetsy die moeder onmondig of getroud is, al dan nie, en hetsy sy bygestaan word deur haar ouer, voog of eggenoot, na gelang van die geval, al dan nie; of
- (ii) as albei ouers dood is, of in die geval van 'n buite-egtelike kind, as die moeder dood is, deur die voog van die kind; of
- (iii) as een ouer dood is, deur die nog lewende ouer en deur enige voog van die kind wat deur die gestorwe ouer benoem mag gewees het; of
- (iv) as een van die ouers die kind verlaat het, deur die ander ouer; of
- (v) as een ouer weens geestesgekenktheid of gebrek onbevoeg is om toestemming tot die aanneming van die kind te verleen of kragtens artikel *driehonderd vyf-en-dertig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), tot 'n gewoontemisdadiger verklaar is, deur die ander ouer; of
- (vi) as een ouer dood is en die nog lewende ouer het die kind verlaat of is weens geestesgekenktheid of gebrek onbevoeg om toestemming tot die aanneming van die kind te verleen of is kragtens artikel *driehonderd vyf-en-dertig* van die Strafproseswet, 1955, tot 'n gewoontemisdadiger verklaar, deur enige voog van die kind wat die gestorwe ouer benoem mag gewees het; en
- (e) dat die kind, as hy bo die leeftyd van tien jaar is, tot die aanneming toestem; en
- (f) in die geval van 'n kind wat uit iemand gebore is wat 'n Suid-Afrikaanse burger is, dat die applikant 'n Suid-Afrikaanse burger is of dat beide applikante Suid-Afrikaanse burgers is, wat in die Unie woonagtig is: Met dien verstande dat die bepalings van hierdie paragraaf nie geld nie waar die applikant of een van die applikante—
- (i) 'n Suid-Afrikaanse burger of bloedverwant van die kind is wat buite die Unie woonagtig is; of
- (ii) 'n persoon is wat nie 'n Suid-Afrikaanse burger is nie maar wat binne die Unie woonagtig is, en die Minister die aanneming goedgekeur het.
- (3) Die toestemming vermeld in paragrafe (d) en (e) van sub-artikel (2), moet skriftelik verleen word en moet, indien in die Unie verleen, onderteken word deur die persoon of persone wat die toestemming verleen, in teenwoordigheid van 'n kommissaris van kindersorg wat die toestemming moet attesteer, of, indien dit buite die Unie verleen word, moet dit op die voorgeskrewe wyse onderteken en geattesteer word en enige sodanige toestemming moet by die stukke van die aansoek bewaar word en moet verder die name van die voorgenome aannemende ouers uiteensit: Met dien verstande dat die hof, op aansoek van hulle en na bewys tot sy oortuiging dat die ouers of voog van die kind toestem tot die nie-openbaarmaking aan hulle of hom van die identiteit van die applikante en dat die belange van die kind daardeur gedien sal word, met die goedkeuring van die Minister as 'n voldoening aan die bepalings van paragraaf (d) van sub-artikel (2) 'n toestemming kan toelaat wat nie die name of ander besonderhede van die voorgenome aannemende ouers uiteensit nie: Met dien verstande voorts dat die hof 'n toestemming wat buite die Unie verleen is en nie op die voorgeskrewe wyse onderteken of geattesteer is nie of nie die name of ander besonderhede van die voorgenome aannemende ouers uiteensit nie, toelaat asof aan die vereistes van paragrafe (d) en (e) van sub-artikel

(b) In considering any such application the children's court shall have regard to all the matters mentioned in sub-section (2) of section *thirty-five*.

(2) Save as provided in section *seventy-two*, a children's court to which application for an order of adoption of a child is made shall not grant the application unless the child has been in the custody of the proposed adoptive parent or adoptive parents for a period of not less than six months and the court is satisfied—

- 10 (a) that the applicant is or that both applicants are qualified to adopt the child; and
- (b) that the applicant is or that both applicants are of good repute and a person or persons fit and proper to be entrusted with the custody of the child and possessed of adequate means to maintain and educate the child; and
- 15 (c) that the proposed adoption will serve the interests and conduce to the welfare of the child; and
- (d) that consent to the adoption has been given—
 - 20 (i) by both parents of the child, or, if the child is illegitimate, by the mother of the child, whether or not such mother is a minor or married woman and whether or not she is assisted by her parent, guardian or husband, as the case may be; or
 - 25 (ii) if both parents are dead, or, in the case of an illegitimate child, if the mother is dead, by the guardian of the child; or
 - (iii) if one parent is dead, by the surviving parent and by any guardian of the child who may have been appointed by the deceased parent; or
 - 30 (iv) if one parent has deserted the child, by the other parent; or
 - (v) if one parent is as a result of mental disorder or defect incompetent to give consent to the adoption of the child or has in terms of section *three hundred and thirty-five* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), been declared an habitual criminal, by the other parent; or
 - 35 (vi) if one parent is dead and the surviving parent has deserted the child or is as a result of mental disorder or defect incompetent to give consent to the adoption of the child or has in terms of section *three hundred and thirty-five* of the Criminal Procedure Act, 1955, been declared an habitual criminal, by any guardian of the child who may have been appointed by the deceased parent; and
 - 40 (e) that the child, if over the age of ten years, consents to the adoption; and
 - 50 (f) in the case of a child born of any person who is a South African citizen, that the applicant is a South African citizen, or that both applicants are South African citizens, resident in the Union: Provided that the provisions of this paragraph shall not apply where the applicant or one of the applicants is—
 - 55 (i) a South African citizen or a relative of the child resident outside the Union; or
 - (ii) a person who is not a South African citizen but is resident within the Union, and the Minister has approved of the adoption.

60 (3) The consent mentioned in paragraphs (d) and (e) of sub-section (2) shall be in writing and shall, if given within the Union, be signed by the person or persons giving the consent in the presence of a commissioner of child welfare, who shall attest the consent, or, if given outside the Union, shall be signed and attested in the manner prescribed and any such consent shall be filed with the records of the application and shall further set out the names of the proposed adoptive parents: Provided that the court on application by them and on proof to its satisfaction that the parents or guardian of the child consents to the non-disclosure to them or him of the identity of the applicants and that the interests of the child will be served thereby may with the approval of the Minister admit as satisfying the requirements of paragraph (d) of sub-section (2) a consent which does not set out the names or any other particulars of the proposed adoptive parents: Provided further that the court shall admit as satisfying the requirements of paragraphs (d) and (e) of sub-section (2), a consent given outside the Union

(2) voldoen is, indien bedoelde toestemming skriftelik deur die Minister vir die doeleindes van hierdie artikel goedgekeur is.

(4) By die toepassing van sub-paragrafe (v) en (vi) van paragraaf (d) van sub-artikel (2) word 'n ouer nie as onbevoeg weens geestesgekrenktheid of gebrek beskou nie, tensy die hof oortuig is dat die toestand van geestesgekrenktheid of gebrek waaraan die ouer ly waarskynlik permanent sal wees.

(5) As die applikant vir 'n order van aanneming van 'n kind 'n persoon is soos omskryf in paragraaf (c) of (d) van sub-artikel (1) van artikel *sewentig*, mag die hof die order nie uitreik nie, tensy hy oortuig is dat die toestand van geestesgekrenktheid of gebrek waaraan die applikant se eggenoot of eggenote ly, of die skeiding tussen die applikant en sy of haar eggenote of eggenoot, al na die geval, waarskynlik permanent sal wees.

(6) Die hof kan getuienis onder eed afneem, hetsy by wyse van beëdigde verklaring of mondeling, aangaande enige saak waaromtrent hy hom kragtens hierdie artikel moet vergewis of aangaande enige ander saak wat volgens sy oordeel tersake is.

(7) Voordat 'n hof waarby aansoek gedoen is om 'n order van aanneming van 'n kind, met so 'n aansoek handel, kan die hof gelas dat die applikant by die klerk van die hof 'n som geld deponeer wat voldoende is om al die koste en toelae te dek wat die applikant moontlik sal moet betaal ooreenkomstig sub-artikel (7) van artikel *agt*.

(8) 'n Hof kan op aansoek van die aannemende ouer of aannemende ouers van 'n aangenome kind, 'n klaarblyklike fout in 'n aannemingsorder wat kragtens sub-artikel (1) uitgereik is, herstel.

Omstandighede waaronder van toestemming afgesien kan word.

72. (1) Indien aansoek gedoen word om 'n order van aanneming van 'n kind—

- (a) wie se ouers dood is, of, in die geval van 'n buite-egtelike kind, wie se moeder dood is; of
- (b) wie se ouers, of, as een van die ouers dood is, wie se nog lewende ouer, of, as hy 'n buite-egtelike kind is, wie se moeder—
 - (i) die kind verlaat het;
 - (ii) weens geestesgekrenktheid of gebrek onbevoeg is om toestemming tot die aanneming van die kind te verleen;
 - (iii) kragtens artikel *driehonderd vyf-en-dertig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), tot gewoontemisdadiger verklaar is,

en vir wie geen voog benoem is nie, kan die kinderhof die aansoek toestaan ondanks die bepalings van paragraaf (d) van sub-artikel (2) van artikel *een-en-sewentig*.

(2) As die ouers of ouer persone of 'n persoon is soos in sub-paragraaf (i) van paragraaf (b) van sub-artikel (1) bedoel, staan die hof nie die aansoek toe nie tensy aan bedoelde persone of persoon, as hulle, of sy, of haar woonplek aan die hof bekend is, redelike geleentheid gegee is om die aansoek te bestry en om redes aan te voer waarom hulle, of hy, of sy die aansoek bestry.

(3) By die toepassing van sub-artikel (1) word 'n ouer nie as onbevoeg weens geestesgekrenktheid of gebrek beskou nie tensy die hof oortuig is dat die toestand van geestesgekrenktheid of gebrek waaraan die ouer ly waarskynlik permanent sal wees.

Omstandighede waaronder 'n ouer geag word 'n kind te verlaat het.

73. By die toepassing van hierdie Hoofstuk word 'n ouer van 'n kind geag die kind te verlaat het—

- (a) as die kind te eniger tyd bevind is 'n sorgbehoewende kind te wees omdat sy ouer hom mishandel of verwaarloos het en ingevolge hierdie Wet in 'n ander bewaring as die bewaring van bedoelde ouer geplaas is of na 'n kindershuis of nywerheidskool verwys is en vir 'n tydperk van minstens twee jaar nie in die bewaring van sy ouer herstel is nie: Met dien verstande dat by die berekening van bedoelde tydperk geen tydperk voor die inwerkingtreding van hierdie Wet in ag geneem word nie; of
- (b) as hy wettiglik verantwoordelik is vir die onderhoud van die kind en versuim het om die kind van genoegsame voedsel, kleding, herberg en mediese behandeling te voorsien; of
- (c) as 'n kontribusie-order kragtens artikel *twee-en-sestig* teen die ouer uitgereik is en hy voortdurend nalaat of weier om die bedrag wat kragtens die kontribusie-order verskuldig is te betaal.

Gevolge van aanneming.

74. (1) 'n Order van aanneming verleen aan die aangenome kind die familienaam van die aannemende ouer, tensy die order anders bepaal.

which has not been signed or attested in the manner prescribed or which does not set out the names or any other particulars of the proposed adoptive parents, if that consent has been approved of in writing by the Minister for the purposes of this section.

(4) For the purposes of sub-paragraphs (v) and (vi) of paragraph (d) of sub-section (2) a parent shall not be regarded as being incompetent as a result of mental disorder or defect unless the court is satisfied that the condition of mental disorder or defect is likely to be permanent.

(5) If the applicant for an order of adoption of a child is such a person as is described in paragraph (c) or (d) of sub-section (1) of section *seventy*, the court shall not grant the order unless it is satisfied that the condition of mental disorder or defect of the applicant's spouse or the separation between the applicant and his spouse, as the case may be, is likely to be permanent.

(6) The court may take evidence on oath either by affidavit or *viva voce* concerning any matter as to which it is required by this section to satisfy itself, or concerning any other matter which may appear to it to be relevant.

(7) Before dealing with an application for an adoption order, the court to which the application was made, may direct that the applicant deposit with the clerk of the court a sum of money sufficient to cover all the expenses and allowances which the applicant may have to pay under sub-section (7) of section *eight*.

(8) A court may, on the application of the adoptive parent or adoptive parents of an adopted child, correct any obvious error in an adoption order made under sub-section (1).

72. (1) If application is made for an order of adoption of a child—

- (a) whose parents are dead, or, in the case of an illegitimate child, whose mother is dead; or
- (b) whose parents, or, if one parent is dead, whose surviving parent, or, if the child is an illegitimate child, whose mother—
 - (i) have or has deserted the child;
 - (ii) are or is as a result of mental disorder or defect incompetent to give consent to the adoption of the child;
 - (iii) have or has in terms of section *three hundred and thirty-five* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), been declared habitual criminals or an habitual criminal,

and for whom no guardian has been appointed, the children's court may, notwithstanding the provisions of paragraph (d) of sub-section (2) of section *seventy-one*, grant such application.

(2) If the parents or parent are or is such persons or such a person as is mentioned in sub-paragraph (i) of paragraph (b) of sub-section (1) the court shall not grant the application unless the said persons or person have or has been given a reasonable opportunity, if their, or his, or her place of residence is known to the court to oppose the application and to adduce reasons why they, or he, or she are or is opposing the application.

(3) For the purposes of sub-section (1) a parent shall not be regarded as being incompetent as a result of mental disorder or defect unless the court is satisfied that the condition of mental disorder or defect is likely to be permanent.

73. For the purposes of this Chapter a parent of a child shall be deemed to have deserted that child—

- (a) if the child has at any time been found to be a child in need of care because his parent has ill-treated or neglected him and has in terms of this Act been placed in any custody other than the custody of the said parent or sent to a children's home or school of industries and has for a period of not less than two years not been returned to the custody of his parent: Provided that in calculating such period no period before the commencement of this Act shall be taken into account; or
- (b) if he is legally liable to maintain such child and has failed to provide him with adequate food, clothing, lodging and medical aid; or
- (c) if a contribution order has been made against such parent in terms of section *sixty-two* and he has continually neglected or refused to pay the amount due in terms of the contribution order.

74. (1) An order of adoption shall, unless otherwise thereby provided, confer the surname of the adoptive parent on the adopted child.

Circumstances under which consent may be dispensed with.

Circumstances under which a parent shall be deemed to have deserted a child.

Effect of adoption.

(2) Behoudens die bepalings van artikel *twee-en-tagtig* word 'n aangenome kind vir alle doeleindes hoegenaamd regtens geag die wettige kind van die aannemende ouer te wees: Met dien verstande dat 'n aangenome kind nie uit hoofde van die aanneming—

(a) geregtig word op enige eiendom nie, wat aan 'n kind van sy aannemende ouer toekom kragtens 'n akte wat voor die datum van die order van aanneming verly is (hetsy daardie akte *inter vivos* of *mortis causa* in werking tree), tensy die akte duidelik die bedoeling uitdruk dat daardie eiendom aan die aangenome kind toekom;

(b) enige eiendom *ab intestato* van 'n bloedverwant van sy aannemende ouer erf nie.

(3) 'n Order van aanneming hef alle regte en wetlike verantwoordelikhede op wat bestaan tussen die kind en sy natuurlike ouers en hul bloedverwante, behalwe die reg van die kind om *ab intestato* van hulle te erf.

(4) Wanneer 'n order vir die aanneming van 'n kind uitgereik word, vervel enige bevel wat ten opsigte van daardie kind uitgereik is kragtens artikel *een-en-dertig* van hierdie Wet of artikel *driehonderd twee-en-veertig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), en ook enige wysiging van so 'n bevel.

Hof kan ouer of voog magtig om aangenome kind gedurende twee jaar na aanneming te besoek.

75. Die hof kan, wanneer hy 'n order van aanneming van 'n kind uitreik, of te eniger tyd daarna, bepaal dat 'n ouer of die voog van die kind (behalwe 'n ouer of voog wie se toestemming tot die nie-openbaarmaking aan hom van die identiteit van die aannemende ouers aangeneem is soos bepaal in sub-artikel (3) van artikel *een-en-sewentig*), of enige proefbeampte of enige amptenaar van 'n goedgekeurde vereniging gedurende 'n tydperk van hoogstens twee jaar vanaf die datum van aanneming, reg van toegang tot die kind het op sodanige tye en plekke en op sodanige voorwaardes as wat die hof vasstel, en die hof kan te eniger tyd op aansoek of van die ouers of voog, of van die aannemende ouer of ouers van die kind, en na behoorlike kennisgewing aan elke ander party wat by bedoelde bepaling belang het, daardie bepaling intrek of dit wysig met betrekking tot die tye, plekke en voorwaardes van toegang: Met dien verstande dat die hof nie so 'n reg van toegang mag verleen nie, as die verlening waarskynlik tot nadeel van die kind sal strek.

Opheffing van 'n order van aanneming.

76. (1) 'n Ouer van 'n kind vir wie se aanneming 'n order kragtens hierdie Hoofstuk uitgereik is, of die persoon wat, toe die order uitgereik is, die voog van die kind was of die aannemende ouer of ouers van die kind, of the Minister, kan by die hof wat die order uitgereik het, aansoek doen om die opheffing van die order om een of meer van die volgende redes, naamlik—

(a) as die applikant die ouer van die kind is, omrede dat hy nie sy toestemming tot die aanneming gegee het nie, en dat die order van aanneming nie sonder sy toestemming uitgereik behoort te geword het nie; of

(b) as die applikant 'n aannemende ouer is, omrede dat hy, deur bedrog, wanvoorstelling of *justus error* daartoe beweeg was om die kind aan te neem, of dat die kind 'n geestelik gekrenkte of gebrekkige persoon is, soos omskryf in een of ander van die klasse III, IV, V en VII vermeld in artikel *drie* van die „Wet op Geestesgebreken, 1916” (Wet No. 38 van 1916), en dat die geestesgekenktheid of gebrek bestaan het ten tyde van die verlening van die order van aanneming; of

(c) dat om 'n rede wat in die aansoek vermeld word, die aanneming tot nadeel van die kind strek.

(2) (a) As die aansoek gedoen word om 'n rede in paragraaf (a) van sub-artikel (1) vermeld, moet dit gedoen word binne 'n tydperk van ses maande vanaf die datum waarop dit tot die applikant se kennis gekom het dat 'n order vir die aanneming van sy kind uitgereik was, maar nie later as vyf jaar vanaf die datum waarop daardie order uitgereik is nie.

(b) As die aansoek gedoen word om 'n rede in paragraaf (b) van sub-artikel (1) vermeld, moet dit gedoen word binne ses maande vanaf die datum waarop die applikant van daardie rede bewus geword het.

(c) As die aansoek gedoen word om 'n rede in paragraaf (c) van sub-artikel (1) vermeld, moet dit gedoen word binne 'n tydperk van twee jaar vanaf die datum waarop die order van aanneming uitgereik is.

(3) 'n Aansoek omrede dat die kind geestelik gekrenk of gebrekkig is, kan slegs gedoen word as die applikant, of, as man en vrou gesamentlik die betrokke kind aangeneem het,

(2) Subject to the provisions of section *eighty-two*, an adopted child shall for all purposes whatsoever be deemed in law to be the legitimate child of the adoptive parent: Provided that an adopted child shall not by virtue of the adoption—

5 (a) become entitled to any property devolving on any child of his adoptive parent by virtue of any instrument executed prior to the date of the order of adoption (whether the instrument takes effect *inter vivos* or *mortis causa*), unless the instrument clearly conveys
10 the intention that that property shall devolve upon the adopted child;

(b) inherit any property *ab intestato* from any relative of his adoptive parent.

(3) An order of adoption shall terminate all the rights and
15 legal responsibilities existing between the child and his natural parents and their relatives, except the right of the child to inherit from them *ab intestato*.

(4) When an order is made for the adoption of any child, any order made in respect of that child under section *thirty-one*
20 of this Act or section *three hundred and forty-two* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955) and any amendment of any such order, shall lapse.

75. The court may at the time of making an order of adoption or at any time thereafter direct that a parent or the guardian of
25 the child (other than a parent or guardian whose consent to the non-disclosure to him of the identity of the adoptive parents has been accepted as provided in sub-section (3) of section *seventy-one* or any probation officer or any officer of an approved agency shall during a period not exceeding two years as from
30 the date of adoption have access to the child at such times and places and on such conditions as the court may determine and may at any time on the application either of the parent or guardian or of the adoptive parents or parent of the child after due notice to any other party affected by the direction, rescind it or
35 vary it in regard to the times, places and conditions of access: Provided that the court shall not make such a direction if it will probably be to the disadvantage of the child.

Court may permit parent or guardian to visit adopted child during two years after adoption.

76. (1) A parent of a child for whose adoption an order has
40 been made under this Chapter, or the person who was at the time of the making of the order the guardian of the child or the adoptive parent or parents of such a child, or the Minister may apply to the court by which the order was made for the rescission thereof on one or more of the following grounds, namely—

Rescission of order of adoption.

45 (a) if the applicant is the parent of the child, that he did not consent to the adoption and that the order of adoption should not have been made without his consent; or

50 (b) if the applicant is an adoptive parent, that his adoption of the child was induced by fraud, misrepresentation or *justus error*, or that the child is a mentally disordered or defective person as described in one or other of the Classes III, IV, V and VII mentioned in section *three* of the Mental Disorders Act, 1916 (Act No. 38 of
55 1916), and that the mental disorder or defect existed at the time of the making of the order of adoption; or

(c) that for reasons set out in the application the adoption is to the detriment of the child.

60 (2) (a) If the application is made on the grounds mentioned in paragraph (a) of sub-section (1) it shall be made within a period of six months as from the date upon which the applicant became aware of the fact that an order for the adoption of his child had been made but not later than five years as from the date upon
65 which that order was made.

(b) If the application is made upon the ground mentioned in paragraph (b) of sub-section (1) it shall be made within six months as from the date upon which the applicant became aware of that ground.

70 (c) If the application is made on the ground mentioned in paragraph (c) of sub-section (1) it shall be made within a period of two years as from the date upon which the order of adoption was made.

(3) An application on the ground that the child is a mentally
75 disordered or defective person may only be made if the applicant was, or if husband and wife jointly adopted the child in question,

hulle albei, ten tyde van die uitreiking van die order van aanneming nie geweet het nie dat die kind geestelik gekrenk of gebrekkig was, en as hierdie onkunde nie toe te skryf is aan versuim aan die kant van die aannemende ouer of ouers om die kind met redelike sorgvuldigheid te ondersoek of te laat ondersoek. 5

(4) As die aansoek deur 'n ouer van die kind gedoen word, moet hy van die aansoek behoorlike kennis gee aan die aannemende ouer of ouers.

(5) As die aansoek deur 'n aannemende ouer gedoen word, moet hy behoorlik kennis gee aan die Minister en aan die ouer of ouers of die persoon wat voor die aanneming die voog van die aangenome kind was, as hy, of hulle, opgespoor kan word. 10

(6) As die aansoek deur die Minister gedoen word, moet hy behoorlik kennis gee aan die ouer of ouers, aan die aannemende ouer of ouers en aan bedoelde voog, as hy, of hulle, opgespoor kan word. 15

(7) Nadat die hof waarby die aansoek gedoen is, homself daarvan vergewis het dat die applikant voldoen het aan die vereistes van sub-artikel (4), (5) of (6), en nadat die hof aan enigeen wat belang by die aansoek het, die geleentheid gegee het om verhoor te word, en nadat die hof alle ter sake dienende getuienis, hetsy mondeling hetsy by wyse van beëdigde verklaring, wat tot staving of bestryding van die aansoek aangevoer is, oorweeg het, moet die hof die order van aanneming ophef of bekragtig: Met dien verstande dat die hof geen order van aanneming op aansoek van die ouer van 'n aangenome kind mag ophef nie, indien die hof oortuig is dat die applikant ongeskik is om die kind in sy bewaring te hê, en dat dit in die belang van die kind is om die order van aanneming te bekragtig. 20 25 30

(8) Deur die opheffing van 'n order van aanneming word die kind vir alle doeleindes herstel in die toestand waarin hy sou gewees het, indien geen order van aanneming uitgereik was nie: Met dien verstande dat die opheffing van die order geen uitwerking het op handelings wat wettiglik verrig is terwyl die order van aanneming van krag was nie. 35

Appel teen order van aanneming of teen opheffing van aanneming of teen weiering van aansoek om opheffing.

77. (1) Teen 'n order van aanneming en teen die opheffing van 'n order van aanneming en teen die weiering van 'n aansoek om opheffing van 'n order van aanneming kan geappelleer word na die bevoegde Afdeling van die Hooggeregshof, asof die order, die opheffing of die weiering 'n vonnis van 'n landdroshof was. 40

(2) 'n Appel teen 'n order van aanneming kan ingestel word deur die ouer of voog van die aangenome kind.

(3) 'n Appel teen die opheffing van 'n order van aanneming kan ingestel word deur 'n ouer, voog of aannemende ouer van die betrokke kind, as hy nie om die opheffing aansoek gedoen het nie. 45

(4) 'n Appel teen die weiering van 'n aansoek om die opheffing van 'n order van aanneming kan ingestel word deur die betrokke applikant. 50

(5) (a) By so 'n appel deur 'n ouer of voog ingestel, moet die aannemende ouer van die betrokke kind as verweerder genoem word en by so 'n appel, deur 'n aannemende ouer ingestel, moet die ouer of voog (as daar een is) van die betrokke kind as verweerder genoem word, tensy in een van daardie gevalle geappelleer word teen 'n opheffing verleen op aansoek van die Minister, wat in daardie geval as verweerder genoem moet word. 55 60

(b) As die Minister appelleer teen die weiering van 'n aansoek wat hy gedoen het om die opheffing van 'n order van aanneming, moet die persone vermeld in sub-artikel (6) van artikel *ses-en-sewentig* as verweerd- 65

(6) In hierdie artikel beteken „voog” die persoon wat, ten tyde van die verlening van die order van aanneming, voog van die betrokke kind was.

Aanneming van 'n aangenome kind.

78. (1) 'n Aangenome kind kan aangeneem word en na die uitreiking van 'n order vir die aanneming van 'n reeds aangenome kind, eindig alle regsgevolge van die vorige aanneming, behalwe vir sover die aangenome kind kragtens die vorige aanneming eiendom verkry het. 70

(2) By die doen van stappe vir die aanneming van 'n kind wat voorheen aangeneem is, het die ouers wat die kind tevore aangeneem het die regte en is hulle onderhewig aan die verpligtings aan ouers deur 'n bepaling van hierdie Hoofstuk verleen en opgelê, en die uitdrukkings „ouer” en „ouers” in so 'n bepaling word dienooreenkomstig uitgelê. 75 80

they both were at the time of the making of the order of adoption ignorant of the mental disorder or defect of the child and this ignorance was not due to failure of the adoptive parent or parents to exercise reasonable care in examining the child or causing it to be examined.

(4) If the application is made by a parent of the child, he shall give due notice of the application to the adoptive parent or parents.

(5) If the application is made by an adoptive parent, he shall give due notice to the Minister and to the parent or parents or the person who was prior to the adoption the guardian of the adopted child, if he or they can be found.

(6) If the application is made by the Minister, he shall give due notice to the parent or parents, to the adoptive parent or parents, and to the said guardian, if he or they can be found.

(7) The Court to which the application is made shall, after having satisfied itself that the applicant has complied with sub-section (4), (5) or (6) and after having afforded any person interested in the application, an opportunity to be heard and after having considered any relevant evidence, whether oral or in the form of an affidavit, which was tendered in support of or in opposition to the application rescind or confirm the order of adoption: Provided that it shall not rescind an order of adoption on the application of a parent of the adopted child if the court is satisfied that the applicant is unfit to have the custody of the child and that it is in the interest of the child that the order of adoption be confirmed.

(8) On the rescission of an order of adoption the child shall for all purposes be restored to the position in which it would have been if no order of adoption had been made: Provided that the rescission shall not affect anything lawfully done while the order of adoption was in force.

77. (1) An order of adoption and a rescission of an order of adoption and the refusal of an application for the rescission of an order of adoption shall be subject to an appeal to the competent Division of the Supreme Court as if the order, rescission or refusal were a judgment of a magistrate's court.

Appeal from order of adoption or from rescission of adoption or from refusal to rescind.

(2) An appeal against an order of adoption may be brought by the parent or guardian of the adopted child.

(3) An appeal against the rescission of an order of adoption may be brought by a parent, guardian or adoptive parent of the child in question, who did not apply for the rescission.

(4) An appeal against a refusal of an application for the rescission of an order of adoption may be brought by the applicant concerned.

(5) (a) In such an appeal brought by a parent or guardian, the adoptive parent of the child in question shall be cited as respondent, and in such an appeal brought by an adoptive parent, the parent or guardian (if any) of the child in question shall be cited as respondent, unless, in either case, the appeal is brought against a rescission granted upon the application of the Minister, in which event the Minister shall be cited as respondent.

(b) In an appeal brought by the Minister against the refusal of an application made by him for the rescission of an order of adoption, the persons mentioned in sub-section (6) of section *seventy-six* shall be cited as respondents.

(6) In this section "guardian" means the person who was at the time of making of the order of adoption the guardian of the child in question.

78. (1) An adopted child shall be capable of adoption, and upon the making of an order for the adoption of a previously adopted child all the legal consequences of the earlier adoption shall determine, save in so far as the adopted child has acquired any property by virtue of the earlier adoption.

Adoption of adopted child.

(2) For the purposes of any proceedings for the adoption of a child who has been previously adopted the parents who previously adopted the child shall have the rights and be subject to the obligations conferred and imposed upon parents by any provision of this Chapter; and the terms "parent" and "parents" shall in any such provision be construed accordingly.

Geen vergoeding in verband met aanneming veroorloof nie.

79. Indien—

- (a) iemand wat 'n order van aanneming van 'n kind verkry het of wat aansoek om so 'n order gedoen het of wat van voorneme is om aansoek om so 'n order te doen, in verband met die aanneming enige vergoeding gee of belooft; 5
- (b) iemand wat 'n order van aanneming van 'n kind verkry het of wat aansoek om so 'n order gedoen het, behalwe met die toestemming van die hof wat die order uitgereik het of waarby aansoek om die order gedoen word, in verband met die aanneming vergoeding ontvang of ooreenkom om dit te ontvang; 10
- (c) 'n ouer of voog van 'n kind in verband met die aanneming van die kind enige vergoeding ontvang of ooreenkom om dit te ontvang, of, behalwe met die toestemming van die hof wat die order uitgereik het of waarby aansoek om die order gedoen word, enige vergoeding gee of belooft; 15
- (d) enige ander persoon in verband met die aanneming van 'n kind enige vergoeding ontvang of ooreenkom om dit te ontvang of gee of belooft, 20

is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd pond of, by wanbetaling van die boete, met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met sodanige gevangenisstraf sonder die keuse van 'n boete. 25

Wysiging van geboorte-register as gevolg van aanneming.

80. (1) Nadat 'n order uitgereik is vir die aanneming van 'n kind wie se geboorte in die Unie geregistreer is, moet die Registrateur-generaal van geboortes, huwelike en sterfgevallen, op aansoek van die aannemende ouer en na voorlegging van die order van aanneming of van 'n gewaarmerkte afskrif daarvan, en na betaling van die voorgeskrewe gelde, die feit van aanneming en 'n verklaring of die naam van die aannemende ouer kragtens die aanneming aan die kind toegeken is, al dan nie, laat inskryf op die oorspronklike geboorte-aangiftevorm wat in sy kantoor bewaar word, en teenoor die inskrywing van die geboorte in die geboorteregister van die distriksregistrateur van geboortes en sterfgevallen, waarin die geboorte aangeteken is. 30

(2) Indien die naam van 'n aannemende ouer aan 'n aangenome kind toegeken is en hierdie feit op die oorspronklike geboorte-aangiftevorm ingeskryf is, dan kan 'n geboortesertifikaat ten opsigte van die kind uitgereik word in die naam van die aannemende ouer. 40

Registrasie van geboorte van aangenome kind wat buite die Unie gebore is.

81. Nadat 'n order uitgereik is, hetsy voor hetsy na die inwerkingtreding van hierdie Wet, vir die aanneming van 'n kind wat buite die Unie gebore is, moet die Registrateur-generaal van geboortes, huwelike en sterfgevallen, op aansoek van die aannemende ouer en na voorlegging van— 45

- (a) die order van aanneming of 'n gewaarmerkte afskrif daarvan; en 50
- (b) die geboorte- of doopsertifikaat van die kind of 'n gewaarmerkte afskrif daarvan of, indien geen sodanige sertifikaat beskikbaar is nie, van die dokumentêre bewys met betrekking tot die datum van geboorte van die kind wat die Registrateur-generaal voldoende ag of, indien die ouderdom van die kind ingevolge artikel vier-en-tagtig geskat is, van 'n deur 'n kommissaris van kindersorg ondertekende sertifikaat waarin die aldus geskatte ouderdom van die kind vermeld word; en 60
- (c) die vorm wat ingevolge die „Wet op de Registratie van Geboorten, Huweliken en Sterfgevallen, 1923” (Wet No. 17 van 1923) voorgeskryf is in verband met die registrasie van 'n geboorte, sover moontlik ingevul en deur die aannemende ouer onderteken, 65

en na betaling van die voorgeskrewe gelde, die geboorte van bedoelde kind laat aanteken in sy registers en in die geboorteregister van die distriksregistrateur van geboortes en sterfgevallen van die distrik waarin die order van aanneming uitgereik is, en die feit van aanneming en 'n verklaring of die naam van die aannemende ouer kragtens die aanneming aan die kind toegeken is, al dan nie, laat inskryf op die geboorte-aangiftevorm wat in sy kantoor bewaar word, en teenoor die inskrywing van die geboorte in die geboorteregister van die distriksregistrateur van geboortes en sterfgevallen waarin die geboorte kragtens hierdie artikel aangeteken is. 75

Gevolg van aanneming op huwelik.

82. 'n Aanneming (hetsy kragtens hierdie Wet hetsy kragtens 'n wet wat deur hierdie Wet herroep word) het nie die uitwerking dat 'n huwelik of vleeslike gemeenskap (behalwe 'n huwelik

79. If—

- (a) any person who has obtained an order of adoption of a child or who has applied for such an order or who intends to apply for such an order, gives or undertakes to give any consideration in respect of the adoption;
- (b) any person who has obtained an order of adoption of a child or who has applied for such an order, save with the consent of the court which made the order or to which application for the order is made, receives or contracts to receive any consideration in respect of the adoption;
- (c) any parent or guardian of a child receives or contracts to receive any consideration in respect of the adoption of the child or, save with the consent of the court which made the order or to which application for the order is made, gives or undertakes to give any consideration;
- (d) any other person receives or contracts to receive or gives or undertakes to give any consideration in respect of the adoption of any child,
- he shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds or in default of payment of such fine to imprisonment for a period not exceeding five years or to such imprisonment without the option of a fine.

No consideration in connection with adoption is permissible.

80. (1) When an order has been made for the adoption of a child whose birth has been registered in the Union, the Registrar-General of births, marriages and deaths shall on the application of the adoptive parent and on production of the order of adoption or of a certified copy thereof and on payment of the prescribed fee, cause the fact of adoption and a statement whether the name of the adoptive parent was or was not conferred upon the child by virtue of the adoption, to be recorded on the original birth information form filed in his office and against the entry of the birth in the births register of the district registrar of births and deaths in which the birth was recorded.
- (2) If the name of an adoptive parent has been conferred upon an adopted child and that fact has been recorded on the original birth information form, a birth certificate in the name of the adoptive parent may be issued in respect of the child.

Alteration of births register as a result of adoption.

81. When an order has been made whether before or after the commencement of this Act for the adoption of a child born outside the Union, the Registrar-General of births, marriages and deaths shall on the application of the adoptive parent and on production of—

Registration of birth of adopted child born outside the Union.

- (a) the order of adoption or a certified copy thereof; and
- (b) the birth or baptismal certificate of the child or a certified copy thereof or if no such certificate is available, such documentary evidence relating to the date of birth of the child as the Registrar-General may deem sufficient or, if the age of the child has been estimated in terms of section *eighty-four*, a certificate signed by a commissioner of child welfare specifying the age of the child as so estimated; and
- (c) the form prescribed under the Births, Marriages and Deaths Registration Act, 1923 (Act No. 17 of 1923), for use in connection with registration of a birth, completed as far as may be possible and signed by the adoptive parent,

and on payment of the prescribed fee, cause the birth of that child to be recorded in his registers and in the birth register of the district registrar of births and deaths of the district in which the order of adoption has been made, and shall cause the fact of adoption and a statement whether the name of the adoptive parent was or was not conferred upon the child by virtue of the adoption, to be recorded on the birth information form filed in his office and against the entry of the birth in the births register of the district registrar of births and deaths in which the birth was recorded under this section.

82. An adoption (whether under this Act or under a law repealed by this Act) shall not have the effect of permitting or prohibiting any marriage or carnal intercourse (other than a

Effect of adoption on marriage.

of vleeslike gemeenskap tussen die aannemende ouer en die aangenome kind) wat by ontstentenis van die aanneming verbode of veroorloof sou gewees het, veroorloof of verbode word nie.

HOOFSTUK VIII.

5

ALGEMENE EN AANVULLENDE BEPALINGS.

Kommissaris
kan ouer gelas
om sy kind
in 'n kinderhof
te bring.

83. (1) Wanneer aan 'n kommissaris van kindersorg uit 'n beëdigde meedeling blyk, dat daar in sy distrik 'n kind in die bewaring van sy ouer of voog is, wat versorging, beskerming of beheer nodig het, of wat weggeloop het van 'n plek waarheen hy verwys is of uit die bewaring van 'n persoon waarin hy geplaas was ingevolge hierdie Wet, of die Strafproseswet, 1955 (Wet No. 56 van 1955) dan kan die kommissaris, by skriftelike kennisgewing op voorgeskrewe wyse gedien, die ouer of voog gelas om die kind in die kinderhof te bring op 'n dag en op 'n tyd in die kennisgewing bepaal. 10 15

(2) 'n Ouer of voog wat sonder redelike verontskuldiging (waarvan die bewyslas op hom rus) in gebreke bly om te voldoen aan die vereistes van 'n kennisgewing wat ingevolge sub-artikel (1) op hom gedien is, is aan 'n misdryf skuldig. 20

Skatting van
ouderdom van
persoon.

84. (1) Wanneer by verrigtings ingevolge hierdie Wet, behalwe 'n strafsak, die ouderdom van 'n persoon ter sake is en daar geen of onvoldoende bewys daaromtrent is, kan die beamp- te wat by die verrigtings voorsit, die ouderdom van die persoon volgens sy voorkoms of op grond van enige beskikbare inligting skat en die aldus geskatte ouderdom word, by die toepassing van hierdie Wet, geag die ware ouderdom van daardie persoon te wees. 25

(2) Waar 'n bevelskrif kragtens sub-artikel (5) van artikel vyftig uitgereik is ten opsigte van 'n persoon met betrekking tot wie se ouderdom daar onvoldoende bewys beskikbaar is, moet hy onverwyld voor die kommissaris van kindersorg van die distrik waarin die gevangenis of tronk waarin hy aangehou word, geleë is, gebring word en moet bedoelde kommissaris sy ouderdom skat ooreenkomstig die bepalings van sub-artikel (1) van hierdie artikel. 30 35

(3) (a) Indien daar, nadat 'n persoon se ouderdom ingevolge sub-artikel (1) of (2) geskat is, inligting aan die Minister voorgelê word wat hom oortuig dat die aldus geskatte ouderdom nie die ware ouderdom van die betrokke persoon is nie dan kan die Minister bepaal dat enige ander ouderdom as die geskatte ouderdom die ware ouderdom van die persoon was op die datum toe die skatting gemaak was en daarna word daar met die betrokke persoon gehandel asof die aldus bepaalde ouderdom die ware ouderdom was. 40 45

(b) Sodanige bepaling van die ouderdom raak nie die geldigheid van enigiets wat voor die bepaling gedoen is en wat wettiglik gedoen sou kon gewees het indien die geskatte ouderdom die ware ouderdom was nie. 50

(4) Iemand wie se ouderdom kragtens sub-artikel (1) of (2) geskat is, word geag daardie ouderdom te bereik het op die dag waarop die skatting gemaak is.

(5) (a) Wanneer met iemand gehandel is kragtens 'n bepaling van hierdie Wet wat slegs op 'n persoon wat van 'n bepaalde ouderdom, of onder of bo 'n bepaalde ouderdom is, wettiglik toegepas kan word, en geen getuienis van sy ouderdom aangevoer en sy ouderdom nie kragtens sub-artikel (1) formeel geskat is nie, dan word die betrokke persoon vermoed van die ouderdom, of onder of bo die ouderdom te gewees het, al na die geval, toe aldus met hom gehandel is. 60

(b) Indien die Minister te eniger tyd, op grond van inligting wat aan hom voorgelê is, bevind dat die betrokke persoon inderdaad nie van bedoelde ouderdom, of onder of bo bedoelde ouderdom was nie, vervel enige bevel wat kragtens bedoelde bepaling ten opsigte van daardie persoon uitgereik is. 65

Sekere adver-
tensies
omtrent aan-
nemings of
bewaring van
kinders
verbode.

85. (1) Indien daar in 'n nuusblad, soos omskryf in artikel twaalf van die Nuusblad- en Drukkersnaamwet, 1934 (Wet No. 14 van 1934), wat ingevolge die bepalings van daardie Wet geregistreer is, 'n aankondiging verskyn dat iemand wil hê dat iemand anders 'n kind aanneem of in sy bewaring neem, of dat iemand gewillig is om 'n kind aan te neem of in sy bewaring te neem, dan is die uitgewer en die redakteur van daardie nuusblad aan 'n misdryf skuldig, tensy die kommissaris van 75

marriage or carnal intercourse between the adoptive parent and the adopted child) which, but for the adoption, would have been prohibited or permitted.

CHAPTER VIII.

5 GENERAL AND SUPPLEMENTARY PROVISIONS.

83. (1) If it appears to any commissioner of child welfare from information on oath that there is within his district any child in the custody of his parent or guardian which is in need of care, protection or control or which has absconded from any place to which it was sent or from the custody of any person in which it was placed under this Act, or the Criminal Procedure Act, 1955 (Act No. 56 of 1955) the commissioner may by notice, in writing, served in a manner prescribed, order that parent or guardian to produce the child before the children's court on a day and at a time stated in the notice.

Commissioner may order parent to produce his child before children's court.

(2) Any parent or guardian who fails without reasonable excuse (the burden of proof whereof shall rest upon him) to comply with the requirements of a notice served upon him in terms of sub-section (1) shall be guilty of an offence.

84. (1) Whenever in any proceedings under this Act, other than criminal proceedings, the age of any person is a relevant fact of which no or insufficient evidence is available, the officer presiding at those proceedings may estimate the age of that person by his appearance or from any information which is available and the age so estimated shall for the purposes of this Act be deemed to be the true age of that person.

Estimating age of person.

(2) When an order has been issued under sub-section (5) of section *fifty* in respect of any person in regard to whose age insufficient evidence is available, he shall without delay be brought before the commissioner of child welfare of the district in which the prison or gaol in which he is detained, is situated, and the said commissioner shall estimate his age in accordance with the provisions of sub-section (1) of this section.

(3) (a) If, after the age of any person has been estimated in terms of sub-section (1) or (2), information is submitted to the Minister which satisfies him that the age so estimated is not the true age of the person concerned the Minister may determine that any age, other than the estimated age, was the true age of that person on the date when the estimate was made and thereupon the person concerned shall be dealt with as if the age so determined were the true age.

(b) Such determination of the age shall not affect the validity of anything done before the determination and which could lawfully have been done if the estimated age had been the true age.

(4) The age of a person estimated as provided in sub-section (1) or (2) shall be deemed to have been attained on the day on which the estimate is made.

(5) (a) Whenever a person has been dealt with in accordance with any provision of this Act which can be lawfully applied only in connection with a person of a particular age or under or over a particular age and no evidence of his age was led and no formal estimate of his age was made under sub-section (1), the person in question shall be presumed to have been of that age or under or over that age, as the case may be, when he was so dealt with.

(b) If at any time the Minister finds on information submitted to him that the person in question was in fact not of such age or under or above such age any order made in respect of that person in accordance with such provision shall lapse.

85. (1) If in any newspaper as defined in section *twelve* of the Newspaper and Imprint Act, 1934 (Act No. 14 of 1934) which has been registered in terms of that Act, there is published any intimation that any person desires any other person to adopt a child or to take a child into his custody or that any person is willing to adopt or to undertake the custody of any child, the publisher and the editor of that newspaper shall be guilty of an offence, unless the commissioner of child welfare

Certain advertisements relating to the adoption or custody of children are prohibited.

kindersorg van die distrik waarin die nuusblad gedruk is, die publikasie van bedoelde aankondiging veroorloof het.

(2) Die hof waarvoor iemand weens 'n misdryf ingevolge sub-artikel (1) aangekla is of word, kan die beskuldigde gelas om die naam en adres te openbaar van elkeen wat betrokke is by die publikasie van die aankondiging waarop die vervolging steun, en as hy in gebreke bly om aan die bevel te voldoen, kan die hof, afgesien van enige straf weens daardie misdryf, die beskuldigde veroordeel tot aanhouding in 'n gevangenis of tronk gedurende 'n tydperk van hoogstens een maand of totdat hy aan die bevel voldoen voor verstryking van daardie tydperk.

Skuldigbevinding nie diskwalifikasie vir indiensneming nie.

86. 'n Skuldigbevinding van 'n kind, hetsy voor of na die inwerkingtreding van hierdie Wet, het nie die uitwerking dat so 'n kind gediskwalifiseer word vir indiensneming in die diens van die Staat of van 'n plaaslike owerheid nie, of vir indiensneming in of die uitoefening van 'n beroep, ambag of besigheid nie.

Misdrywe.

87. Iemand wat skuldig bevind word aan 'n misdryf volgens die bepalings van hierdie Wet waarvoor geen spesiale straf voorgeskryf word nie, is strafbaar met 'n boete van hoogstens honderd pond, of, by wanbetaling van die boete, met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met sodanige gevangenisstraf sonder die keuse van 'n boete.

Geldelike ondersteuning uit staatsgelde aan sekere persone, verenigings of kinderhuise.

88. (1) Die Minister kan uit gelde wat vir dié doel deur die Parlement beskikbaar gestel word en op sulke voorwaardes as wat voorgeskryf word—

- (a) toelae betaal aan 'n persoon of vereniging van persone wat hom in die Unie beywer vir die beskerming, versorging en beheer van kinders;
- (b) bydra tot die onderhoud in 'n kinderhuis van 'n kind of leerling wat ingevolge hierdie Wet daarna verwys of daarin geplaas is;
- (c) bydra tot die onderhoud—
 - (i) van 'n kind deur sy ouer, stiefouer of voog of die persoon in wie se bewaring die kind ingevolge hierdie Wet of ingevolge artikel *driehonderd twee-en-veertig* van die Strafproseswet, 1955, geplaas is; of
 - (ii) van 'n ouer, stiefouer of voog van 'n kind.

(2) 'n Plaaslike bestuur kan uit sy gelde toelae betaal aan 'n vereniging van persone wat in sy gebied hom beywer vir die beskerming, versorging en beheer van kinders.

Terugbetaling van bedrae wat ten onregte ontvang is.

89. (1) As iemand by wyse van 'n toelae 'n bedrag ontvang het waarop hy nie geregtig was nie, dan is hy, of in die geval van sy dood, sy boedel, verplig om daardie bedrag aan die Minister terug te betaal, tensy die Minister oortuig is dat hy dit ontvang het sonder om te weet dat hy nie daarop geregtig was nie.

(2) Sonder afbreuk aan enige ander regsmiddel, kan sodanige bedrag verhaal word by wyse van kortings op 'n toelae wat betaalbaar is aan die persoon wat tot die terugbetaling verplig is.

Delegasie van die Minister se bevoegdhede.

90. Die Minister kan al die bevoegdhede wat hierdie Wet aan hom verleen, of een of meer daarvan, aan die Sekretaris of aan enige ander senior amptenaar deleger met uitsondering van die bevoegdheid kragtens artikel *een-en-negentig* om regulasies uit te vaardig.

Regulasies.

91. (1) Die Minister kan regulasies uitvaardig—

- (a) wat die vorm voorskryf van enige aansoek, magtiging, sertifikaat, toestemming, vergunning of lisensie, kennisgewing, order, bevel, prosesstuk, register of dagvaarding wat kragtens hierdie Wet gedoen, verleen, uitgereik, of gehou moet word, en wat enige ander vorm voorskryf wat nodig is by die uitvoering van die bepalings van hierdie Wet en van enige regulasies daarkragtens uitgevaardig;
- (b) aangaande die organisasie en instandhouding van veiligheidsplekke, plekke van bewaring en waarnemingsentrums opgerig of goedgekeur kragtens artikel *agt-en-dertig*, die versorging, beheer en opvoeding van kinders in bedoelde plekke en sentrums, en die handhawing aldaar van tug en dissipline, onder meer ook deur die toepassing van lyfstraf;
- (c) aangaande die organisasie en instandhouding van nywerheid- en verbeteringskole en van kinderhuise

of the district in which the newspaper was printed, has authorized the publication of the said intimation.

(2) The court before which a person is or was charged with an offence under sub-section (1), may direct the accused to reveal the name and address of every person concerned in the publication of the intimation which is the subject of the prosecution and, on failure to comply with that direction the court may, apart from any punishment for the said offence, commit the accused to a prison or gaol for a period not exceeding one month or until he complies with that direction before the expiration of that period.

86. The conviction of any child, whether before or after the commencement of this Act, shall not have the effect of disqualifying such child from being employed in the service of the State or of any local authority or from being employed in or from carrying on any profession, trade or business.

Conviction,
no dis-
qualification
for
employment.

87. Any person who is convicted of an offence under any provision of this Act for which no punishment is specially provided shall be liable to a fine not exceeding one hundred pounds, or, in default of payment of such fine, to imprisonment for a period not exceeding one year or to such imprisonment without the option of a fine.

Offences.

88. (1) The Minister may, out of moneys appropriated by Parliament for the purpose, and subject to such conditions as may be prescribed, make grants-in-aid—

Financial
support
from public
funds to
certain persons,
associations or
children's
homes.

(a) to any person or association of persons working in the Union for the protection, care and control of children;

(b) towards the maintenance in any children's home of any child or pupil sent thereto or placed therein under this Act;

(c) towards the maintenance—

(i) of any child by its parent, step-parent or guardian or the person in whose custody the child has been placed under this Act or under section *three hundred and forty-two* of the Criminal Procedure Act, 1955; or

(ii) of a parent, step-parent or guardian of any child.

(2) A local authority may out of its funds make grants-in-aid to any association of persons working in its area for the protection, care and control of children.

89. (1) If any person has received by way of a grant, any sum to which he was not entitled, he, or in the case of his death, his estate shall be liable to repay such sum to the Minister, unless the Minister is satisfied that he received it without knowledge that he was not entitled thereto.

Repayment
of sums
irregularly
received.

(2) Without prejudice to any other remedy, any such sum may be recovered by means of deductions from any grant payable to the person who is liable to make the repayment.

90. The Minister may delegate to the Secretary or to any other senior officer all or any of the powers conferred upon him by this Act, with the exception of the power under section *ninety-one* to make regulations.

Delegation
of Minister's
powers.

91. (1) The Minister may make regulations—

(a) prescribing the form of any application, authority, certificate, consent, licence, notice, order, process, register or summons to be made, given, issued or kept under this Act and any other form required in carrying out the provisions of this Act and any regulations made thereunder;

Regulations.

(b) as to the organization and maintenance of places of safety, places of detention and observation centres established or approved in terms of section *thirty-eight*; the care, control and bringing-up of children in those places and centres, and the maintenance there of discipline, *inter alia* also by the infliction of corporal punishment;

(c) as to the organization and maintenance of schools of industries and reform schools and of children's homes

- wat kragtens sub-artikel (3) van artikel *nege-en-dertig* opgerig is, die samestelling van hulle rade van bestuur, die aanstelling, bedanking en ontslag van lede van sodanige rade, die bevoegdhede en pligte van sodanige rade, en die wyse waarop hulle hul werksaamhede moet verrig, die versorging, beheer, opvoeding en opleiding van leerlinge in inrigtings, die handhawing aldaar van tug en dissipline, onder meer ook deur die toepassing van lyfstraf, en die wyse waarop met persone wat wegge-loop het of geag word weg te geloop het uit 'n inrigting gehandel moet word; 5 10
- (d) wat omgang met, of toegang tot leerlinge in inrigtings, of toegang tot inrigtings of die inbring van bedwel-mende drank of verdowingsmiddels of ander artikels in inrigtings verbied of beperk en wat voorsiening maak vir die oplegging van 'n boete van hoogstens vyf-en-twintig pond weens oortreding van so 'n regulasie; 15
- (e) aangaande die prosedure met betrekking tot die registrasie van kinderhuise en versorgingsoorde kragtens artikel *twee-en-veertig*, die intrekking en terug-gawe van registrasiesertifikate wat kragtens daardie artikel uitgereik is, die voorwaardes waarop sertifikate aan kinderhuise en versorgingsoorde, ingevolge artikel *twee-en-veertig* of aan verenigings ingevolge artikel *agt-en-veertig* verleen kan word, die bevoegdhede en pligte van die bestuurders van kinderhuise, versorgingsoorde en goedgekeurde verenigings, die boeke, rekenings en aantekenings wat die bestuurders van sodanige kinderhuise, versorgingsoorde of verenigings moet hou, en die state en verslae wat hulle moet verstrek; 20 25 30
- (f) wat die voorwaardes en bepalinge van vergunnings wat kragtens artikel *vier-en-veertig* verleen kan word, die wyse van toesig oor leerlinge wat met vergunning vrygelaat is, die by sub-artikel (2) van artikel *vier-en-veertig* bedoelde persone en liggame, en die prosedure by intrekking van sodanige vergunnings, voorskryf; 35
- (g) wat die voorwaardes waarop verlof toegestaan kan word aan leerlinge in inrigtings en aan kinders onder beheer van goedgekeurde verenigings, die tydperk waarvoor verlof toegestaan of verleng kan word, en die prosedure by intrekking van sodanige verlof, voorskryf; 40
- (h) wat die wyse waarop kinderbeskermingsbesoekers aangestel kragtens artikel *twaalf*, inspekteurs aangestel kragtens artikel *sewe-en-vyftig*, en proefbeamptes aangestel kragtens artikel *agt-en-vyftig*, hulle werksaamhede ingevolge hierdie Wet moet verrig, voorskryf; 45
- (i) wat die reëls van prosedure by verrigtings in kinderhowe en by verrigtings in landdroshowe ingevolge Hoofstuk VI, voorskryf; 50
- (j) wat die wyse van registrasie van orders van aanneming en die gelde wat vir 'n order van aanneming of vir 'n gewaarmerkte afskrif daarvan betaal moet word, voorskryf; 55
- (k) wat die omstandighede waaronder en die voorwaardes waarop toelae of bydrae vermeld in artikel *agt-en-tagtig*, betaal kan word, die bedrae of skale van sodanige toelae, en die wyse waarop daarvoor verantwoord moet word, voorskryf; 60
- (l) wat die voorwaardes van aanstelling en die werksaamhede en bevoegdhede van komitees aangestel kragtens artikel *een-en-veertig*, en die prosedure by vergaderings van sulke komitees, voorskryf; 65
- (m) wat die in sub-artikel (4) van artikel *een-en-dertig* bedoelde vereistes voorskryf waaraan 'n kind wat onder behandeling van 'n proefbeampte geplaas is of sy ouer of voog moet voldoen; 70
- (n) aangaande die organisasie en instandhouding van bywoningsentrums; 75
- (o) aangaande enige ander saak wat ingevolge hierdie Wet voorgeskryf kan word. 80
- (2) Verskillende regulasies kan kragtens sub-artikel (1) uitgevaardig word ten opsigte van verskillende gebiede of ten opsigte van persone van verskillende klasse of rasse of ten opsigte van verskillende veiligheidsplekke, plekke van bewaring, waarneming- en bywoningsentrums, nywerheid- en verbeteringskole, kinderhuise, inrigtings, versorgingsoorde en goedgekeurde verenigings. 80
- (3) Regulasies wat kragtens artikel *ses-en-tagtig* van die Kinderwet, 1937 (Wet No. 31 van 1937), uitgevaardig is en by

- 5 established under sub-section (3) of section *thirty-nine*,
the constitution of their boards of management, the
appointment, resignation and discharge of members of
such boards, the powers and duties of such boards,
and the manner in which they shall function and the
care, control, bringing-up and training of pupils in
institutions, the maintenance there of discipline,
10 *inter alia* also by the infliction of corporal punishment
and the manner in which persons who have absconded
or are deemed to have absconded from any institution
are to be dealt with;
- (d) prohibiting or restricting communication with or
access to pupils in institutions or entry in or upon, or
the introduction of intoxicating liquor, drugs or other
15 articles into institutions and providing for the imposi-
tion of a fine not exceeding twenty-five pounds for
any breach of such a regulation;
- (e) as to the procedure relating to the registration of
children's homes and places of care under section
20 *forty-two*, the cancellation and surrender of certificates
of registration issued under that section, the conditions
of registration of children's homes and places of care
under section *forty-two* or of associations under
25 section *forty-eight*, the powers and duties of the mana-
gers of children's homes, places of care and approved
agencies, the books, accounts and records to be kept
by the managers of such children's homes, places of
care or agencies and the returns and reports to be
rendered by them;
- (f) prescribing the conditions and terms of licences which
30 may be granted under section *forty-four*, the methods
of supervision of pupils released on licence, the persons
and bodies referred to in sub-section (2) of section
forty-four, and the procedure on cancellation of such
35 licences;
- (g) prescribing the conditions on which leave of absence
may be granted to pupils in institutions and to children
under the control of approved agencies, the period for
which leave may be granted or extended and the
40 procedure on cancellation of such leave of absence;
- (h) prescribing the manner in which infant protection
visitors appointed under section *twelve*, inspectors
appointed under section *fifty-seven* and probation
officers appointed under section *fifty-eight* shall
45 perform their duties under this Act;
- (i) prescribing rules of procedure for any proceedings in
children's courts and for any proceedings in magis-
trates' courts under Chapter VI;
- (j) prescribing the method of registration of orders of
50 adoption and the fees to be paid for an order of adop-
tion or for a certified copy thereof;
- (k) prescribing the circumstances in which and the condi-
tions on which grants-in-aid mentioned in section
55 *eighty-eight* will be made, the amounts or rates of
such grants-in-aid and methods of accounting therefor;
- (l) prescribing the conditions of appointment and the
functions and powers of committees appointed under
section *forty-one* and the procedure at meetings of
such committees;
- (m) prescribing the requirements referred to in sub-section
60 (4) of section *thirty-one* with which a child placed
under treatment of a probation officer or the parent
or guardian of such a child are required to comply;
- (n) as to the organization and maintenance of attendance
65 centres;
- (o) as to any other matter which may, in terms of this Act,
be prescribed.

(2) Different regulations may be made under sub-section (1)
in respect of different areas or in respect of persons belonging
70 to different classes or races or in respect of different places of
safety, places of detention, observation or attendance centres,
schools of industries and reform schools, children's homes,
institutions, places of care and approved agencies.

(3) Regulations made under section *eighty-six* of the
75 Children's Act, 1937 (Act No. 31 of 1937), and in force at the

die inwerkingtreding van hierdie Wet van krag is, word geag deur die Minister uitgevaardig te gewees het.

Uitvoering
van Wet.

92. (1) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* die uitvoering van die bepalings van hierdie Wet, of in die algemeen of ten opsigte van persone van 'n bepaalde klas of ras soos omskryf in bedoelde proklamasie, opdra aan enige Minister of gedeeltelik aan een Minister en gedeeltelik aan 'n ander Minister of ander Ministers; en kan in so 'n proklamasie die bevoegdhede en werksaamhede voorskryf wat uitgeoefen en verrig moet word deur die onderskeie Ministers; en kan verder voorskryf dat 'n bevoegdheid of plig deur hierdie Wet aan die Minister verleen of opgelê, uitgeoefen of verrig moet word deur een Minister handelende in oorleg met 'n ander Minister.

(2) Die Goewerneur-generaal kan van tyd tot tyd so 'n 15 proklamasie verander of wysig.

Wysiging van
artikel 1
van Wet 40
van 1947.

93. Artikel *een* van die Wet op Welsynsorganisasies, 1947, word hierby gewysig—

(a) deur die omskrywing van „geregistreerde kinderinrigting” deur die volgende omskrywing te vervang: 20
„geregistreerde kinderinrigting” ’n inrigting volgens die omskrywing van daardie uitdrukking in artikel *een* van die Kinderwet, 1960, of ’n versorgingsoord wat kragtens daardie Wet geregistreer is of deur die Staat in stand gehou en beheer 25 word;” en

(b) deur in die omskrywing van „welsynsorganisasie” die uitdrukking „inrigting soos in artikel *een* van die Kinderwet, 1937 (Wet No. 31 van 1937), soos gewysig, omskryf” deur die uitdrukking „geregistreerde kinderinrigting” te vervang. 30

Wysiging van
artikel 19
van Wet 40
van 1947.

94. Artikel *negentien* van die Wet op Welsynsorganisasies, 1947, word hierby gewysig—

(a) deur aan die end van paragraaf (b) van sub-artikel (1) die woord „of” te skrap; en 35

(b) deur paragraaf (c) van sub-artikel (1) te skrap.

Wysiging van
artikel 21
van Wet 40
van 1947.

95. Artikel *een-en-twintig* van die Wet op Welsynsorganisasies, 1947, word hierby gewysig deur in paragraaf (a) van sub-artikel (1) die uitdrukking „inrigting soos in artikel *een* van die Kinderwet, 1937 (Wet No. 31 van 1937)” deur die uitdrukking „kinderhuis of versorgingsoord soos in artikel *een* van die Kinderwet, 1960” te vervang. 40

Wysiging van
artikel 2
van Wet 25
van 1949.

96. Artikel *twee* van die Wet op Werkkolonies, 1949, word hierby gewysig deur die woord „negentien” deur die woord „agtien” te vervang. 45

Vervanging
van artikel 342
van Wet
56 van 1955.

97. Artikel *driehonderd twee-en-veertig* van die Strafproseswet, 1955, word hierby deur die volgende artikel vervang:

„Wyse waar- 342. (1) ’n Hof waarin iemand onder die ouderdom van agtien jaar aan ’n misdryf skuldig bevind word, kan, in plaas van hom ’n straf vir bedoelde 50
op met veroordeelde jeugdige persone gehandel word. sub-artikel (1) van artikel *driehonderd-en-dertig*)—

(a) beveel dat hy onder toesig van ’n proefbeampte geplaas word; of

(b) beveel dat hy in die bewaring van ’n in die bevel 55 aangewese geskikte persoon geplaas word; of

(c) met hom handel volgens sowel paragraaf (a) as paragraaf (b); of

(d) beveel dat hy na ’n verbeteringskool, soos in artikel *een* van die Kinderwet, 1960, omskryf, 60 verwys word.

(2) ’n Hof wat iemand onder die ouderdom van agtien jaar tot ’n boete of lyfstraf veroordeel, kan, benewens daardie straf op te lê, ooreenkomstig paragraaf (a), (b), (c) of (d) van sub-artikel (1) 65 met hom handel.

(3) ’n Hof waarin iemand bo die ouderdom van agtien jaar maar onder die ouderdom van een-en-twintig jaar weens ’n ander misdryf as hoogverraad, moord of verkragting skuldig bevind word, kan, in 70 plaas van hom ’n straf op te lê—

(a) beveel dat hy onder toesig van ’n proefbeampte geplaas word; of

(b) beveel dat hy na ’n verbeteringskool, omskryf 75 soos voormeld, verwys word.

commencement of this Act, shall be deemed to have been made by the Minister.

92. (1) The Governor-General may by proclamation in the *Administration of Act.*
Gazette assign the administration of the provisions of this
 5 Act either generally or in respect of persons belonging to any
 specified class or race as defined in the said proclamation, to
 any Minister or partly to one Minister and partly to another
 Minister or other Ministers; and may in such proclamation
 10 prescribe the powers and functions which shall be exercised
 and performed by the several Ministers; and may further
 prescribe that any power or duty conferred or imposed by this
 Act upon the Minister shall be exercised or performed by one
 Minister acting in consultation with another Minister.
 (2) The Governor-General may from time to time vary or
 15 amend any such proclamation.

93. Section *one* of the Welfare Organizations Act, 1947, is hereby amended— *Amendment of section 1 of Act 40 of 1947.*

- (a) by the substitution for the definition of "registered
 20 children's institution" of the following definition:
 "registered children's institution" means any
 institution according to the definition of that
 term as defined in section *one* of the Children's
 Act, 1960, or any place of care which has been
 25 registered under that Act or which is maintained
 and controlled by the State;"; and
 (b) by the substitution in the definition of "welfare organization"
 for the expression "an institution as defined
 in section *one* of the Children's Act, 1937 (Act No. 31
 of 1937), as amended" of the expression "any registered
 30 children's institution".

94. Section *nineteen* of the Welfare Organizations Act, 1947, is hereby amended— *Amendment of section 19 of Act 40 of 1947.*

- (a) by the deletion at the end of paragraph (b) of sub-
 section (1) of the word "or", and
 35 (b) by the deletion of paragraph (c).

95. Section *twenty-one* of the Welfare Organizations Act, 1947, is hereby amended by the substitution in paragraph (a)
 of sub-section (1) for the expression "institution as defined
 in section *one* of the Children's Act, 1937 (Act No. 31 of 1937)" *Amendment of section 21 of Act 40 of 1947.*
 40 of the expression "children's home or place of care as defined
 in section *one* of the Children's Act, 1960".

96. Section *two* of the Work Colonies Act, 1949, is hereby amended by the substitution for the word "nineteen" of the
 word "eighteen". *Amendment of section 2 of Act 25 of 1949.*

97. The following section is hereby substituted for section *three hundred and forty-two* of the Criminal Procedure Act, 1955: *Substitution of section 342 of Act 56 of 1955.*

342. (1) Any court in which a person under the
 50 of dealing with convicted juveniles. age of eighteen years is convicted of any offence
 may, instead of imposing any punishment upon him
 for that offence (but subject to the provisions of
 sub-section (1) of section *three hundred and thirty*)—
 55 (a) order that he be placed under the supervision
 of a probation officer; or
 (b) order that he be placed in the custody of any
 suitable person designated in the order; or
 (c) deal with him both in terms of paragraphs (a)
 and (b); or
 60 (d) order that he be sent to a reform school as
 defined in section *one* of the Children's Act,
 1960.
 (2) Any court which sentences a person under the
 age of eighteen years to a fine or a whipping may,
 65 in addition to imposing that punishment, deal with
 him in terms of paragraph (a), (b), (c) or (d) of sub-
 section (1).
 (3) Any court in which a person over the age
 of eighteen years but under the age of twenty-one
 70 years is convicted of any offence other than treason,
 murder or rape may, instead of imposing any punish-
 ment upon him—
 (a) order that he be placed under the supervision
 of a probation officer; or
 75 (b) order that he be sent to a reform school defined
 as aforesaid;

(4) 'n Hof wat ingevolge hierdie artikel beveel het dat iemand na 'n verbeteringskool verwys word, kan gelas dat so iemand in 'n plek van bewaring gehou word tot tyd en wyl daar aan die bevel van die hof gevolg gegee kan word."

5

Vervanging van artikel 343 van Wet 56 van 1955.

98. (1) Artikel *driehonderd drie-en-veertig* van die Strafproseswet, 1955, word hierby deur die volgende artikel vervang:

„Tydperk van toesig, bewaring of aanhouding van jeug-dige persone.

343. (1) Iemand met betrekking tot wie ingevolge artikel *driehonderd twee-en-veertig* gehandel is, bly onder die toesig waaronder of in die bewaring 10 waarin hy geplaas is of in die verbeteringskool waarna hy verwys is, of onder of in die toesig, bewaring of verbeteringskool waarna hy wettiglik oorgeplaas word—

(a) indien hy op die tydstip toe die bevel van die hof uitgereik is onder die ouderdom van sestien jaar was, totdat hy die ouderdom van agtien jaar bereik;

(b) indien hy op bedoelde tydstip oor die ouderdom van sestien jaar maar onder die ouderdom van agtien jaar was, totdat hy die ouderdom van een-en-twintig jaar bereik;

(c) indien hy op bedoelde tydstip oor die ouderdom van agtien jaar was, totdat hy die ouderdom van drie-en-twintig jaar bereik;

25

of, in elke geval, totdat hy ooreenkomstig die bepaling van die Kinderwet, 1960, ontslaan of met vergunning vrygelaat word voordat hy bedoelde ouderdom bereik het.

(2) Na afloop van die tydperk van aanhouding van iemand in 'n verbeteringskool bly hy onder beskerming van die bestuur van die verbeteringskool—

30

(a) indien hy op die tydstip toe die bevel van die hof uitgereik is, onder die ouderdom van sestien jaar was, totdat hy die ouderdom van een-en-twintig jaar bereik;

35

(b) indien hy op bedoelde tydstip oor die ouderdom van sestien jaar maar onder die ouderdom van agtien jaar was, totdat hy die ouderdom van drie-en-twintig jaar bereik;

40

(c) indien hy op bedoelde tydstip oor die ouderdom van agtien jaar was, totdat hy die ouderdom van vyf-en-twintig jaar bereik,

of, in elke geval, totdat hy ooreenkomstig die bepaling van die Kinderwet, 1960, van daardie beskerming ontslaan word voordat hy bedoelde ouderdom bereik het.

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(3) Die Minister aan wie die uitvoering van die bepaling van die Kinderwet, 1960, opgedra is, kan, indien hy dit nodig ag, beveel dat 'n persoon wat in 'n verbeteringskool aangehou word, en wie se tydperk van aanhouding verstryk het of op die punt staan om te verstryk, na die verbeteringskool moet terugkeer of daarin moet aanbly vir so 'n verdere tydperk as wat hy vasstel en kan daardie tydperk van tyd tot tyd deur middel van 'n verdere bevel verleng: Met dien verstande dat so 'n bevel of verdere bevel nie die tydperk van aanhouding van die betrokke persoon verleng tot na die datum van verstryking van sy tydperk van beskerming nie.

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(4) Die uitdrukkings 'tydperk van aanhouding' en 'tydperk van beskerming' in hierdie artikel, het die betekenis wat artikel *een* van die Kinderwet, 1960, daaraan verleen."

65

(2) 'n Bevel wat voor die inwerkingtreding van hierdie Wet wettiglik kragtens artikel *driehonderd twee-en-veertig* van die Strafproseswet, 1955, uitgereik is, word geag wettiglik kragtens daardie artikel soos deur hierdie Wet vervang, uitgereik te gewees het, selfs as die persoon ten opsigte van wie die bevel uitgereik was nie tydens die uitreiking van die bevel onder die ouderdom van agtien jaar was nie, maar by die toepassing van die bepaling van artikel *driehonderd drie-en-veertig* van die Strafproseswet, 1955, ten opsigte van so 'n persoon, word die verwysings in paragrafe (b) en (c) van sub-artikel (1) en paragrafe (b) en (c) van sub-artikel (2) van laasgenoemde artikel na die ouderdom van agtien jaar as verwysings na die ouderdom van negentien jaar uitgelê.

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(4) A court which has ordered in terms of this section that any person be sent to a reform school may direct that such person be kept in a place of detention until such time as the order of the court can be put into effect."

98. (1) The following section is hereby substituted for section *three hundred and forty-three* of the Criminal Procedure Act, 1955:

Substitution
of section
343 of Act
56 of 1955.

"Period of
supervision,
custody or
retention
of
juveniles.

343. (1) Any person who has been dealt with in terms of section *three hundred and forty-two* shall remain under the supervision under which or in the custody in which he was placed or in the reform school to which he was sent or under or in the supervision, custody or reform school to which he may lawfully be transferred—

- (a) if at the time of the making of the order of the court he was under the age of sixteen years, until he attains the age of eighteen years;
- (b) if at the said time he was over the age of sixteen years but under the age of eighteen years, until he attains the age of twenty-one years;
- (c) if at the said time he was over the age of eighteen years, until he attains the age of twenty-three years,

or, in any case, until he is discharged or released on licence in accordance with the provisions of the Children's Act, 1960, before having attained the said age.

(2) After the expiration of the period of retention of a person in a reform school, he shall remain under the protection of the management of that reform school—

- (a) if at the time of the making of the order of the court he was under the age of sixteen years, until he attains the age of twenty-one years;
- (b) if at the said time he was over the age of sixteen years but under the age of eighteen years, until he attains the age of twenty-three years;
- (c) if at the said time he was over the age of eighteen years, until he attains the age of twenty-five years,

or, in any case, until he is discharged from that protection in accordance with the provisions of the Children's Act, 1960, before having attained the said age.

(3) The Minister to whom the administration of the provisions of the Children's Act, 1960, has been assigned, may, if he deems it necessary, order that any person detained in a reform school whose period of retention has expired or is about to expire, return to or remain in that reform school for such further period as he may fix and may from time to time by further order extend that period: Provided that no such order or further order shall extend the period of retention of the person concerned beyond the date of expiration of his period of protection.

(4) The expressions 'period of retention' and 'period of protection' in this section shall bear the meanings assigned thereto in section *one* of the Children's Act, 1960."

(2) Any order lawfully made under section *three hundred and forty-two* of the Criminal Procedure Act, 1955, before the commencement of this Act, shall be deemed to have been lawfully made under that section as substituted by this Act even if the person in respect of whom the order was made was not under the age of eighteen years at the time when the order was made, but in the application of the provisions of section *three hundred and forty-three* of the Criminal Procedure Act, 1955, in respect of any such person the references to the age of eighteen years in paragraphs (b) and (c) of sub-section (1) and paragraphs (b) and (c) of sub-section (2) of the last-mentioned section shall be construed as references to the age of nineteen years.

Wysiging van
artikel 352
van Wet 56
van 1955.

99. Artikel *driehonderd twee-en-veertig* van die Strafproseswet, 1955, word hierby gewysig deur aan die end van paragraaf (a) van sub-artikel (6) die woorde „of kan, indien geen vonnis opgelê was nie en die veroordeelde persoon dan onder die ouderdom van een-en-twintig jaar is, ten opsigte van hom enige bevel uitreik wat by 'n skuldigbevinding van iemand van sy ouderdom ingevolge artikel *driehonderd twee-en-veertig* uitgereik kan word.” by te voeg. 5

Wysiging van
artikel 356
van Wet 56
van 1955.

100. Artikel *driehonderd ses-en-veertig* van die Strafproseswet, 1955, word hierby gewysig deur in paragraaf (b) na die woorde „opgeskort word” die woorde „of ten opsigte van wie die oplegging van vonnis kragtens hierdie Wet uitgestel word” in te voeg. 10

Wysiging van
artikels 57,
108, 159,
334*ter*, 334*quat*,
335 en 386
van Wet 56
van 1955.

101. Die Strafproseswet, 1955, word hierby verder gewysig deur in artikels *sewe-en-veertig*, *honderd-en-agt*, *honderd nege-en-veertig*, *driehonderd vier-en-dertig ter*, *driehonderd vier-en-dertig quat*, *driehonderd vyf-en-dertig* en *driehonderd ses-en-tagtig* die woord „negentien”, oral waar dit voorkom, deur die woord „agtien” te vervang. 15

Wysiging van
artikel 29
van Wet 8
van 1959.

102. Artikel *nege-en-twintig* van die Wet op Gevangenis, 1959, word hierby gewysig deur die woord „negentien”, oral waar dit voorkom, deur die woord „agtien” te vervang. 20

Herroeping
van wette.

103. (1) Behoudens die bepalings van sub-artikels (2) en (3), word die in die Tweede Bylae vermelde wette hierby herroep vir sover in die derde kolom daarvan aangedui word.

(2) Enige proklamasie, regulasie, verordening, lisensie, kennis-gewing, goedkeuring, magtiging, vergunning, bevel, order, lasgewing, ooreenkoms, betaling of sertifikaat wat uitgereik, uitgevaardig, afgekondig, aangegaan, gegee, verleen, gemaak of toegestaan is en enige ander stappe wat gedoen is kragtens 'n bepaling van 'n by sub-artikel (1) herroepe Wet, word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgereik, uitgevaardig, afgekondig, aangegaan, gegee, verleen, gemaak, toegestaan of gedoen te gewees het. 25 30

(3) 'n Bevel wat wettiglik kragtens artikel *nege-en-twintig* van die Kinderwet, 1937 (Wet No. 31 van 1937), uitgereik is, word geag wettiglik kragtens artikel *een-en-dertig* van hierdie Wet uitgereik te gewees het, selfs as die persoon ten opsigte van wie die bevel uitgereik was nie tydens die uitreiking van die bevel 'n kind was soos in laasgenoemde artikel bedoel word nie. 35

(4) Enige proklamasie wat heet kragtens die Kinderwet, 1937, uitgereik te gewees het en wat wettiglik kragtens hierdie Wet uitgereik sou kon word, word geag wettiglik uitgereik te gewees het. 40

Kort titel.

104. Hierdie Wet heet die Kinderwet, 1960.

99. Section *three hundred and fifty-two* of the Criminal Procedure Act, 1955, is hereby amended by the addition at the end of paragraph (a) of sub-section (6) of the words "or may, if no sentence has been imposed and the person convicted is then under the age of twenty-one years, make in respect of him any order which can be made in terms of section *three hundred and forty-two* upon the conviction of a person of his age.".

Amendment
of section
352 of Act
56 of 1955.

100. Section *three hundred and fifty-six* of the Criminal Procedure Act, 1955, is hereby amended by the insertion in paragraph (b) after the words "this Act" of the words "or in respect of whom the passing of sentence has been postponed under this Act".

Amendment
of section
356 of Act
56 of 1955.

101. The Criminal Procedure Act, 1955, is hereby further amended by the substitution in sections *fifty-seven, one hundred and eight, one hundred and fifty-nine, three hundred and thirty-four* ter, *three hundred and thirty-four* quat, *three hundred and thirty-five* and *three hundred and eighty-six* for the word "nineteen", whenever it occurs, of the word "eighteen".

Amendment of
sections 57, 108,
159, 334ter,
334quat, 335
and 386 of Act
56 of 1955.

102. Section *twenty-nine* of the Prisons Act, 1959, is hereby amended by the substitution for the word "nineteen", whenever it occurs, of the word "eighteen".

Amendment
of section
29 of Act
8 of 1959.

103. (1) Subject to the provisions of sub-sections (2) and (3), the laws specified in the Second Schedule are hereby repealed to the extent indicated in the third column thereof.

Repeal of
laws.

25 (2) Any proclamation, regulation, bye-law, licence, notice, approval, authorization, order, direction, agreement, payment or certificate issued, made, published, granted, given or entered into and any other action taken under any provision of a law repealed by sub-section (1), shall be deemed to have been issued, made, published, granted, given, entered into or taken under the corresponding provisions of this Act.

30 (3) Any order lawfully made under section *twenty-nine* of the Children's Act, 1937 (Act No. 31 of 1937), shall be deemed to have been lawfully made under section *thirty-one* of this Act even if the person in respect of whom the order was made was not, at the time when the order was made, a child within the meaning of the last-mentioned section.

35 (4) Any proclamation which purports to have been issued under the Children's Act, 1937, and which could lawfully be issued under this Act, shall be deemed to have been lawfully issued.

104. This Act shall be called the Children's Act, 1960.

Short title.

Eerste Bylae.

Ontvoering.
 Kinderdiefstal.
 Aanranding.
 Enige seksuele misdryf.
 Enige misdryf waardeur 'n kind beseer word.
 Enige misdryf ingevolge Hoofstuk III.

Tweede Bylae.

No. en jaar van Wet.	Titel.	In hoeverre herroep.
Wet No. 31 van 1937.	Kinderwet, 1937	Die geheel.
Wet No. 18 van 1939.	Wysigingswet op Kinders, 1939.	Die geheel.
Wet No. 30 van 1943.	Wet tot Bekragtiging van Aan- nemings, 1943.	Die geheel.
Wet No. 25 van 1944.	Wysigingswet op Kinders, 1944.	Die geheel.
Wet No. 11 van 1947.	Wysigingswet op Kinders, 1947.	Die geheel.
Wet No. 36 van 1950.	Finansiewet, 1950.	Artikel <i>agt-en-twintig</i> .
Wet No. 13 van 1951.	Wysigingswet op Kinders, 1951.	Die geheel.
Wet No. 32 van 1952.	Algemene Regswysigingswet, 1952.	Artikel <i>twintig</i> .
Wet No. 67 van 1955.	Finansiewet, 1955.	Artikel <i>negentien</i> .

First Schedule.

Abduction.
 Child stealing.
 Assault.
 Any sexual offence.
 Any offence involving bodily injury of a child.
 Any offence under Chapter III.

Second Schedule.

No. and year of Law.	Title.	Extent of repeal.
Act No. 31 of 1937.	Children's Act, 1937. . . .	The whole.
Act No. 18 of 1939.	Children's (Amendment) Act, 1939.	The whole.
Act No. 30 of 1943.	Adoptions Validation Act, 1943.	The whole.
Act No. 25 of 1944.	Children's (Amendment) Act, 1944.	The whole.
Act No. 11 of 1947.	Children's (Amendment) Act, 1947.	The whole.
Act No. 36 of 1950.	Finance Act, 1950. . . .	Section <i>twenty-eight</i> .
Act No. 13 of 1951.	Children's (Amendment) Act, 1951.	The whole.
Act No. 32 of 1952.	General Law Amendment Act, 1952.	Section <i>twenty</i> .
Act No. 67 of 1955.	Finance Act, 1955. . . .	Section <i>nineteen</i> .