

EXTRAORDINARY



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PRYS 5c [No. 6670.

DEPARTMENT OF THE PRIME MINISTER.

No. 613.] [21st April, 1961.

It is hereby notified that His Excellency the Governor-General has been pleased to assent to the following Acts, which are hereby published for general information:—

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 613.] [21 April 1961.

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

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No. 23, 1961.]

ACT

To amend the Group Areas Act, 1957, and the Group Areas Development Act, 1955.

(English text signed by the Governor-General.)
(Assented to 19th April, 1961.)

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

Amendment of
section 1 of
Act 77 of 1957.

1. Section *one* of the Group Areas Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution in the definition of "Minister" in sub-section (1) for the words "or *eighteen*" of the words "*sixteen, eighteen or nineteen*" and for the words "Native Affairs" of the words "Bantu Administration and Development";
- (b) by the substitution for the definition of "owner" in that sub-section of the following definition:
"owner", in relation to immovable property, includes—
 - (a) in the case of immovable property registered in the name of a trustee or trustees for a company, such company; and
 - (b) in the case of immovable property forming part of the farm Alexanderfontein or the farm Bultfontein in the district of Kimberley and held under a lease or license which entitles the lessee or licensee and his successors in title to occupy such property, the person registered in the deeds registry as the lessee or licensee of that property;";
- (c) by the substitution for the definition of "statutory body" in that sub-section of the following definition:
"statutory body" means—
 - (a) any council, board or body established by or under any law, which is maintained, in whole or in part, out of moneys voted for that purpose by Parliament, and the administrative staff of which consists wholly or mainly of persons subject to the Public Service Act, 1957 (Act No. 54 of 1957);
 - (b) a local authority including the council of any municipality in the Province of the Cape of Good Hope; and
 - (c) any other council, board or body which the Governor-General may, by proclamation in the *Gazette*, declare to be a statutory body for the purposes of this Act;".

Amendment of
section 2 of
Act 77 of 1957.

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

- (a) by the insertion after sub-section (3) of the following sub-section:
"(3)*bis* Whenever the chairman is absent or unable to fulfil any of his functions, including any functions delegated to him by the Minister under section *nineteen*, the vice-chairman may act in his stead.";
- (b) by the deletion of sub-section (6); and
- (c) by the addition of the following sub-section:
"(8) Save as otherwise provided in this Act, the conditions of service of a member of the board who is not an officer in the public service as defined in sub-section (1) of section *one* of the Public Service Act, 1957 (Act No. 54 of 1957), shall be determined by the Minister."

Amendment of
section 3 of
Act 77 of 1957.

3. Section *three* of the principal Act is hereby amended by the deletion in sub-section (4) of the words "Whenever the chairman is absent or unable to fulfil his duties, the vice-chairman shall act as chairman of the board, and".

No. 23, 1961.]

WET

Tot wysiging van die Wet op Groepsgebiede, 1957, en die Wet op die Ontwikkeling van Groepsgebiede, 1955.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 19 April 1961.)

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

1. Artikel een van die Wet op Groepsgebiede, 1957 (hieronder die Hoofwet genoem), word hierby gewysig—

Wysiging van
artikel 1 van Wet
77 van 1957.

 - (a) deur in die omskrywing van „Minister” in sub-artikel (1) die woorde „of agtien” deur die woorde „sestien, agtien of negentien” en die woord „Naturellesake” deur die woorde „Bantoe-administrasie en -ontwikkeling” te vervang;
 - (b) deur die omskrywing van „eienaar” in daardie sub-artikel deur die volgende omskrywing te vervang: „eienaar”, met betrekking tot onroerende goed, ook—
 - (a) in die geval van onroerende goed op naam van ’n trustee of trustees vir ’n maatskappy geregistreer, daardie maatskappy; en
 - (b) in die geval van onroerende goed wat deel uitmaak van die plaas Alexanderfontein of die plaas Bultfontein in die distrik Kimberley en wat besit word uit hoofde van ’n huur of lisensie waarvolgens die huurder of lisensiehouer en sy regsopvolgers geregtig is om die goed te okkupeer, die persoon wat in die registrasiekantoor as huurder of lisensiehouer van daardie goed geregistreer is;”;
 - (c) deur die omskrywing van „statutêre liggaam” in daardie sub-artikel deur die volgende omskrywing te vervang: „statutêre liggaam”—
 - (a) enige raad of liggaam deur of kragtens ’n wet ingestel, wat geheel of gedeeltelik uit gelde vir daardie doel deur die Parlement bewillig, in stand gehou word, en waarvan die administratiewe personeel geheel of hoofsaaklik bestaan uit persone wat aan die Staatsdienswet, 1957 (Wet No. 54 van 1957), onderworpe is;
 - (b) ’n plaaslike bestuur en ook die raad van ’n munisipaliteit in die Provinsie Kaap die Goeie Hoop; en
 - (c) enige ander raad of liggaam wat die Goewerneur-generaal by proklamasie in die Staatskoerant tot ’n statutêre liggaam vir die doeleindes van hierdie Wet verklaar;”.
2. Artikel twee van die Hoofwet word hierby gewysig—

Wysiging van
artikel 2 van
Wet 77 van 1957.

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

„(3)bis Wanneer die voorsitter afwesig is, of nie in staat is om enige van sy werksaamhede, met inbegrip van ’n werksaamheid ingevolge artikel negentien deur die Minister aan hom gedelegeer, te verrig nie, kan die ondervoorsitter in sy plek optree.”;
 - (b) deur sub-artikel (6) te skrap; en
 - (c) deur die volgende sub-artikel by te voeg:

„(8) Behalwe waar in hierdie Wet anders bepaal word, word die diensvoorwaardes van ’n lid van die raad wat nie ’n in sub-artikel (1) van artikel een van die Staatsdienswet, 1957 (Wet No. 54 van 1957), omskrewe beamppte in die staatsdiens is nie, deur die Minister bepaal.”.
3. Artikel drie van die Hoofwet word hierby gewysig deur

Wysiging van
artikel 3 van
Wet 77 van 1957

 - in sub-artikel (4) die woorde „Wanneer die voorsitter afwesig is of nie in staat is om sy pligte uit te voer nie, tree die ondervoorsitter as voorsitter van die raad op, en” te skrap.

Amendment of
section 4 of
Act 77 of 1957.

4. Section *four* of the principal Act is hereby amended by the substitution in sub-section (1) for the word "board" where it occurs for the first time of the word "Minister", and for the words "not more than two other members of the board" of the words "so many other members of the board as the Minister may determine".

Amendment of
section 5 of
Act 77 of 1957.

5. Section *five* of the principal Act is hereby amended—
- (a) by the addition to sub-section (1) of the following proviso:
"Provided that in respect of a matter referred to in paragraph (b) or (c) an inquiry may be held and a report may be furnished to the Minister by an officer designated thereto by the Minister, and in such event no notice under sub-section (2) that the matter in question is being investigated shall be required";
 - (b) by the insertion in sub-section (2) after the word "under" where it appears for the first time of the words "sub-section (1) of section *sixteen bis*";
 - (c) by the insertion in the proviso to sub-section (2) after the word "under" of the words "sub-section (1) of section *sixteen bis*"; and
 - (d) by the addition of the following sub-section:
"(8) The board shall not by reason of the provisions of paragraph (c) of sub-section (3) of section *twenty* or sub-section (3) of section *twenty-one*, be precluded from enquiring into and advising the Minister as to the desirability or otherwise of issuing a proclamation under sub-section (1) of section *twenty* or sub-section (1) of section *twenty-one* in respect of any area which includes any land referred to in sub-paragraph (i) or (vi) of the said paragraph (c) or any location, native village or native hostel referred to in sub-paragraph (ii) of that paragraph."

Amendment of
section 6 of
Act 77 of 1957.

6. Section *six* of the principal Act is hereby amended—
- (a) by the insertion in paragraph (d) of sub-section (1) of the Afrikaans version after the word "enigiemand" of the word "skriftelik"; and
 - (b) by the deletion in sub-section (5) of the words "local authority or" wherever they occur.

Substitution of
section 7 of
Act 77 of 1957.

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

"Standing
and *ad hoc*
committees
of board.

7. (1) The Minister may in respect of any area appoint a standing committee consisting of one or more members of the board to carry out in such area such of the functions of the board as he may specify, and any such standing committee may for the proper carrying out of such functions exercise all the powers conferred and perform all the duties imposed upon the board in respect of the carrying out of such functions.

(2) (a) The Minister may at any time terminate the appointment of a member of the board as a member of a standing committee.

(b) If a member of a standing committee ceases to be a member of the board or of such committee, the Minister may appoint another member of the board as a member of such standing committee in his place.

(c) If any member of a standing committee is temporarily absent or unable to fulfil his duties, the chairman may appoint a member of the board to act in his place during his absence or incapacity.

(d) Until a member has been appointed in terms of paragraph (b) or (c), the remaining members of the standing committee concerned may carry out its functions.

(3) If a standing committee consists of more than one member, the Minister shall designate one such member to be the chairman thereof.

(4) The chairman of the board may appoint a committee consisting of one or more members of the board to conduct any enquiry referred to in sub-section (1) of section *five*, and shall, where such committee consists of more than one member, designate one such member to be the chairman thereof, and any such committee shall for the purpose of the enquiry in question exercise all the

4. Artikel vier van die Hoofwet word hierby gewysig deur Wysiging van artikel 4 van Wet 77 van 1957.
in sub-artikel (1) die woord „raad” waar dit die eerste maal voorkom deur die woord „Minister”, en die woorde „hoogstens twee ander lede van die raad” deur die woorde „soveel ander lede van die raad as wat die Minister mag bepaal” te vervang.

5. Artikel vyf van die Hoofwet word hierby gewysig— Wysiging van artikel 5 van Wet 77 van 1957.
(a) deur die volgende voorbehoudsbepaling by sub-artikel (1) te voeg:

„Met dien verstande dat met betrekking tot 'n in paragraaf (b) of (c) bedoelde aangeleentheid ondersoek ingestel en aan die Minister verslag gedoen kan word deur 'n beampte wat die Minister daartoe aanwys, en in so 'n geval word geen kennisgewing ingevolge sub-artikel (2) ten effekte dat die betrokke aangeleentheid ondersoek word, vereis nie.”;

(b) deur in sub-artikel (2) na die woord „kragtens” waar dit die eerste maal voorkom die woorde „sub-artikel (1) van artikel *sestien bis*” in te voeg;

(c) deur in die voorbehoudsbepaling by sub-artikel (2) na die woord „kragtens” die woorde „sub-artikel (1) van artikel *sestien bis*” in te voeg; en

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

„(8) Die bepalings van paragraaf (c) van sub-artikel (3) van artikel *twintig* of sub-artikel (3) van artikel *een-en-twintig* belet nie dat die raad ondersoek instel na en die Minister van advies bedien aangaande die wenslikheid al dan nie van die uitvaardiging van 'n proklamasie ingevolge sub-artikel (1) van artikel *twintig* of sub-artikel (1) van artikel *een-en-twintig* ten opsigte van 'n gebied waarby grond in sub-paragraaf (i) of (vi) van bedoelde paragraaf (c), of 'n lokasie, natuureldorp of natuurelletehuis in sub-paragraaf (ii) van daardie paragraaf bedoel, inbegrepe is nie.”.

6. Artikel ses van die Hoofwet word hierby gewysig— Wysiging van artikel 6 van Wet 77 van 1957.
(a) deur in paragraaf (d) van sub-artikel (1) na die woord „enigiemand” die woord „skriftelik” in te voeg; en
(b) deur in sub-artikel (5) die woorde „plaaslike bestuur of” orals waar hulle voorkom, te skrap.

7. Artikel sewe van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 7 van Wet 77 van 1957.

„Staaende en *ad hoc*-komitees van die raad.

7. (1) Die Minister kan met betrekking tot enige gebied 'n staande komitee aanstel wat uit een of meer lede van die raad bestaan, om in daardie gebied sodanige werksaamhede van die raad as wat hy mag bepaal, te verrig, en so 'n staande komitee kan vir die behoorlike verrigting van bedoelde werksaamhede al die bevoegdhede uitoefen en al die pligte uitvoer wat met betrekking tot die verrigting van daardie werksaamhede aan die raad verleen of aan hom opgelê is.

(2) (a) Die Minister kan te eniger tyd die aanstelling van 'n lid van die raad as lid van 'n staande komitee beëindig.

(b) Indien 'n lid van 'n staande komitee ophou om lid van die raad of daardie komitee te wees, kan die Minister 'n ander lid van die raad as lid van daardie staande komitee in sy plek aanstel.

(c) Indien 'n lid van 'n staande komitee tydelik afwesig is of nie in staat is om sy pligte uit te voer nie, kan die voorsitter 'n lid van die raad aanstel om gedurende sy afwesigheid of onbevoegdheid in sy plek op te tree.

(d) Totdat 'n lid ingevolge paragraaf (b) of (c) aangestel is, kan die oorblywende lede van die betrokke staande komitee daardie komitee se werksaamhede verrig.

(3) Indien 'n staande komitee uit meer as een lid bestaan, word een van daardie lede deur die Minister as die voorsitter daarvan aangewys.

(4) Die voorsitter van die raad kan 'n komitee, bestaande uit een of meer lede van die raad, aanstel om enige in sub-artikel (1) van artikel *vyf* bedoelde ondersoek in te stel, en moet, waar so 'n komitee uit meer as een lid bestaan, een van daardie lede as die voorsitter daarvan aanwys, en so 'n komitee oefen vir die doeleindes van die betrokke ondersoek

powers conferred and perform all the duties imposed upon the board in respect of any such enquiry conducted by it.

(5) A committee appointed under this section shall submit to the board a written report in respect of any enquiry undertaken by it in regard to any matter which the board is in terms of section five required to investigate, and the board may thereupon advise the Minister in regard to that matter as provided in the said section as if the board had itself undertaken such enquiry.

(6) A summons under section six for the attendance of any person before a committee conducting an inquiry, or for the production of any book, document or thing, may be signed by an officer designated by the chairman of the board.

(7) Any decision by a committee during the course of an enquiry conducted by it on any question of procedure shall be deemed to be a decision by the board."

Substitution of section 11 of Act 77 of 1957.

8. The following section is hereby substituted for section eleven of the principal Act:

"Restrictions on acquisition of immovable property in controlled area.

11. (1) No disqualified person and no disqualified company, shall, except under the authority of a permit, acquire any immovable property situate in the controlled area.

(2) Sub-section (1) shall not apply in respect of the acquisition of immovable property by the State or a statutory body for public purposes or the acquisition of immovable property from the State or a statutory body (other than a local authority) or the acquisition of immovable property in a released area as defined in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), by a native as so defined, or any acquisition of immovable property which is governed by the said Act or the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945)."

Substitution of section 13 of Act 77 of 1957.

9. The following section is hereby substituted for section thirteen of the principal Act:

"Restrictions on holding and disposal of immovable property in controlled area on change of group.

13. No member of any particular group who—
(a) held immovable property in the controlled area on the eleventh day of July, 1952; or

(b) has acquired such property after that date, whether before or after the date of the commencement of this Act,

and who thereafter becomes a member of any other group, shall hold that property unless it has ceased to form part of the controlled area, or while that property forms part of the controlled area dispose thereof to any person who is not a member of such particular group or to a company in which a controlling interest is held or deemed to be held by or on behalf or in the interest of a person who is not a member of such particular group, except under the authority of a permit."

Amendment of section 15 of Act 77 of 1957.

10. Section fifteen of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (2) for the words "a statutory body" of the words "a member or employee of a statutory body".

Amendment of section 16 of Act 77 of 1957.

11. Section sixteen of the principal Act is hereby amended by the substitution for sub-section (8) of the following sub-section:

"(8) A determination under this section may be made subject to such conditions as the Minister may deem fit, and may provide that the land or premises to which the determination relates shall be deemed to have been occupied at the specified date by a member of the group in question for any purpose mentioned in the determination, and on breach of any such condition, or if such land or premises are used or occupied for any other purpose, the determination shall lapse and the land or premises shall, until a new determination has been made, again be deemed to have been unoccupied at the specified date."

al die bevoegdheid uit wat aan die raad verleen is en voer al die pligte uit wat aan die raad opgelê is met betrekking tot so 'n ondersoek wat deur hom ingestel word.

(5) 'n Ingevolge hierdie artikel aangestelde komitee moet aan die raad 'n skriftelike verslag voorlê oor enige ondersoek deur hom onderneem met betrekking tot 'n aangeleentheid wat volgens artikel vyf deur die raad ondersoek moet word, en die raad kan daarop volgens voorskrif van genoemde artikel met betrekking tot bedoelde aangeleentheid aan die Minister advies verstrek asof die raad self die ondersoek onderneem het.

(6) 'n Dagvaarding ingevolge artikel ses aan enigiemand om voor 'n komitee wat 'n ondersoek instel, te verskyn, of om 'n boek, geskrif of saak oor te lê, kan onderteken word deur 'n beamppte wat die voorsitter van die raad aanwys.

(7) 'n Beslissing deur 'n komitee oor 'n vraag van prosedure in die loop van 'n ondersoek deur hom ingestel, word geag 'n beslissing van die raad te wees."

8. Artikel elf van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 11 van Wet 77 van 1957.

„Beperkings op verkryging van onroerende goed in beheerde gebied. 11. (1) Geen onbevoegde persoon en geen onbevoegde maatskappy mag, dan alleen uit hoofde van 'n permit, onroerende goed geleë in die beheerde gebied verkry nie.

(2) Sub-artikel (1) is nie van toepassing nie ten opsigte van die verkryging van onroerende goed deur die Staat of 'n statutêre liggaam vir openbare doeleindes of die verkryging van onroerende goed van die Staat of 'n statutêre liggaam (uitgesonderd 'n plaaslike bestuur) of die verkryging van onroerende goed in 'n oopgestelde gebied soos in die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), omskryf, deur 'n natuurel soos aldus omskryf, of enige verkryging van onroerende goed wat deur genoemde Wet of die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), beheers word."

9. Artikel dertien van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 13 van Wet 77 van 1957.

„Beperkings op besit en vervreemding van onroerende goed in beheerde gebied by verandering van groep. 13. Geen lid van enige besondere groep wat—

(a) op die elfde dag van Julie 1952 onroerende goed in die beheerde gebied besit het; of

(b) na daardie datum, hetsy voor of na die datum van inwerkingtreding van hierdie Wet, sodanige goed verkry het,

en wat daarna 'n lid van 'n ander groep word, mag daardie goed besit nie, tensy dit opgehou het om deel van die beheerde gebied uit te maak, of daardie goed, terwyl dit deel van die beheerde gebied uitmaak, aan iemand wat nie 'n lid van bedoelde besondere groep is, of aan 'n maatskappy waarin 'n beheersende belang besit word of geag word besit te word deur of ten behoeve of ten voordele van 'n persoon wat nie 'n lid van bedoelde besondere groep is, vervreem nie, dan alleen uit hoofde van 'n permit."

10. Artikel vyftien van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (2) die woorde „'n statutêre liggaam" deur die woorde „'n lid of werknemer van 'n statutêre liggaam" te vervang.

Wysiging van artikel 15 van Wet 77 van 1957.

11. Artikel sestien van die Hoofwet word hierby gewysig deur sub-artikel (8) deur die volgende sub-artikel te vervang:

Wysiging van artikel 16 van Wet 77 van 1957.

„(8) 'n Aanwysing ingevolge hierdie artikel kan gedoen word onderworpe aan die voorwaardes wat die Minister goedvind, en kan bepaal dat die grond of perseel waarop die aanwysing betrekking het, geag word op die bepaalde datum vir 'n in die aanwysing vermelde doel deur 'n lid van die betrokke groep geokkupeer te gewees het, en indien so 'n voorwaarde oortree word, of die grond of perseel vir enige ander doel gebruik of geokkupeer word, vervall die aanwysing en word die grond of perseel tot tyd en wyl 'n nuwe aanwysing gedoen is, weer geag op die bepaalde datum nie geokkupeer te gewees het nie."

Insertion of
section 16bis in
Act 77 of 1957.

12. The following section is hereby inserted in the principal Act after section *sixteen*:

"Occupation for a particular purpose. 16bis. (1) Whenever an area has been defined in terms of paragraph (a) of sub-section (3) of section *sixteen*, the Governor-General may, after consultation with the Administrator of the Province concerned, by proclamation in the *Gazette* declare that any such building, land or premises in that area as may be specified in the proclamation shall as from a date so specified, which shall be a date not less than one year after the date of publication of the proclamation, be occupied or used only for a particular purpose.

(2) As from the date specified in such proclamation, and notwithstanding the provisions of section *sixteen* or any determination made under that section, no person shall occupy or use or allow any other person to occupy or use the building, land or premises in question for any purpose other than such particular purpose, except under the authority of a permit.

(3) No proclamation under sub-section (1) shall be deemed to render it lawful for any person to occupy any building, land or premises to which the proclamation relates unless such person may in terms of section *fifteen* or any proclamation issued thereunder lawfully occupy such building, land or premises."

Amendment of
section 17 of
Act 77 of 1957.

13. (1) Section *seventeen* of the principal Act is hereby amended—

(a) by the deletion in paragraph (b) of sub-section (2) of the words "agreement lawfully entered into before the first day of July, 1957, or any" wherever they occur, and the substitution in that paragraph for the words "on or after that date or under any" wherever they occur of the word "or"; and

(b) by the substitution in paragraph (e) of that sub-section for the words "a statutory body" of the words "a member or employee of a statutory body".

(2) Paragraph (a) of sub-section (1) shall come into operation on the first day of July, 1962.

Amendment of
section 18 of
Act 77 of 1957.

14. Section *eighteen* of the principal Act is hereby amended—

(a) by the addition to paragraph (a) of sub-section (1) of the following sub-paragraph:

"(v) the use by a company of land or premises in a group area or in the controlled area.";

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

"(5)bis A permit authorizing the acquisition of immovable property may also be issued subject to a condition—

(a) that such property be disposed of within a period specified in the permit, or within such further period or periods as the Minister may allow, to a person who is a member of a group specified in the permit or to a company in which all controlling interests are held or deemed to be held by or on behalf or in the interest of such a person;

(b) that the person to whom the permit is issued shall within a period specified in the permit, or within such further period or periods as the Minister may allow, erect or cause to be erected such buildings or other structures or provide or cause to be provided such facilities or carry out or cause to be carried out such operations on that property as may be so specified;

(c) that such property shall not be used for any purpose other than a purpose so specified.";

(c) by the insertion after sub-section (8) of the following sub-section:

"(8)bis A permit authorizing the occupation by members of any particular group of any land or premises for a purpose specified in the permit, may be issued to the owner or lawful occupier of such land or premises."; and

12. Die volgende artikel word hierby na artikel *sestien* in die Hoofwet ingevoeg: Invoeging van artikel 16bis in Wet 77 van 1957.

„Okkupasie vir 'n besondere doel. 16bis. (1) Wanneer 'n gebied ingevolge paragraaf (a) van sub-artikel (3) van artikel *sestien* omskryf is, kan die Goewerneur-generaal, na oorlegpleging met die Administrateur van die betrokke provinsie, by proklamasie in die *Staatskoerant* verklaar dat enige in die proklamasie vermelde gebou, grond of perseel in daardie gebied vanaf 'n aldus vermelde datum, maar nie vroeër as een jaar na die datum van publikasie van die proklamasie nie, slegs vir 'n besondere doel geokkupeer of gebruik mag word.

(2) Vanaf die datum in so 'n proklamasie bepaal, en ondanks die bepalings van artikel *sestien* of enige aanwysing ingevolge daardie artikel gedoen, mag niemand die betrokke gebou, grond of perseel okkupeer of gebruik of toelaat dat 'n ander persoon dit okkupeer of gebruik nie, dan alleen vir so 'n besondere doel, behalwe uit hoofde van 'n permit.

(3) 'n Proklamasie ingevolge sub-artikel (1) word nie geag die die okkupasie deur enigiemand van 'n gebou, grond of 'n perseel waarop die proklamasie betrekking het, wettig te maak nie, tensy so iemand ingevolge artikel *vyftien* of 'n proklamasie ingevolge daardie artikel uitgevaardig, daardie gebou, grond of perseel wettiglik mag okkupeer.”

13. (1) Artikel *sewentien* van die Hoofwet word hierby gewysig— Wysiging van artikel 17 van Wet 77 van 1957.

(a) deur in paragraaf (b) van sub-artikel (2) die woorde „enige ooreenkoms wettiglik aangegaan voor die eerste dag van Julie 1957 of” waar hulle ook al voorkom te skrap en die woorde „op of na daardie datum, of ingevolge 'n” waar hulle ook al voorkom deur die woord „of” te vervang; en

(b) deur in paragraaf (e) van daardie sub-artikel die woorde „'n statutêre liggaam” deur die woorde „'n lid of werknemer van 'n statutêre liggaam” te vervang.

(2) Paragraaf (a) van sub-artikel (1) tree op die eerste dag van Julie 1962 in werking.

14. Artikel *agtien* van die Hoofwet word hierby gewysig— Wysiging van artikel 18 van Wet 77 van 1957.

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

„(v) die gebruik deur 'n maatskappy van grond of 'n perseel in 'n groepsgebied of in die beheerde gebied.”;

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

„(5)bis 'n Permit wat die verkryging van onroerende goed magtig, kan ook uitgereik word onderworpe aan 'n voorwaarde—

(a) dat bedoelde goed binne 'n tydperk in die permit bepaal, of binne so 'n verdere tydperk of tydperke as wat die Minister mag toelaat, vervreem moet word aan iemand wat 'n lid is van 'n groep in die permit vermeld of aan 'n maatskappy waarin alle beheersende belange deur of ten behoeve of ten voordele van so iemand besit word of geag word besit te word;

(b) dat die persoon aan wie die permit uitgereik word, binne 'n tydperk in die permit bepaal, of binne so 'n verdere tydperk of tydperke as wat die Minister mag toelaat, op daardie goed die geboue of ander strukture moet oprig of laat oprig of die fasiliteite moet voorsien of laat voorsien of die werksaamhede moet verrig of laat verrig wat aldus bepaal word;

(c) dat bedoelde goed nie vir 'n ander doel as 'n aldus bepaalde doel gebruik mag word nie.”;

(c) deur na sub-artikel (8) die volgende sub-artikel in te voeg:

„(8)bis 'n Permit wat die okkupasie van grond of 'n perseel deur lede van 'n bepaalde groep vir 'n in die permit vermelde doel magtig, kan aan die eienaar of wettige okkupeerder van daardie grond of perseel uitgereik word.”; en

- (d) by the substitution in sub-section (12) for the words "by agreement, the agreement is not entered into" of the words "such property is not acquired".

Amendment of
section 19 of
Act 77 of 1957.

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

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

"(1) The Minister may, subject to such conditions as he may determine delegate—

- (a) to the chairman of the board any of his powers under section *sixteen* or *eighteen*, paragraph (b) of sub-section (1)*bis* or sub-section (1)*ter* of section *twenty*, sub-section (1) of section *twenty-seven* or section *thirty-seven* or *thirty-nine*;

- (b) to a member of the board or an officer of the public service any of his powers under section *sixteen* or *eighteen*.";

- (b) by the substitution in sub-section (2) for the words "by the said chairman" of the words "or power exercised", and the insertion in that sub-section after the word "issued" where it occurs for the second time of the words "or exercised";

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

"(3) The provisions of sections *five*, *twenty-eight* and *thirty-seven* relating to the exercise of any powers or the performance of any functions by the Minister shall *mutatis mutandis* apply with reference to the exercise of any such powers or the performance of any such functions by any person by virtue of a delegation by the Minister under this section."; and

- (d) by the deletion in sub-section (4) of the words "of the said chairman".

Amendment of
section 20 of
Act 77 of 1957.

16. (1) Section *twenty* of the principal Act is hereby amended—

- (a) by the deletion of sub-paragraph (ii) of paragraph (a) of sub-section (1);

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

"(1)*bis* The provisions of section *twenty-three* shall—

- (a) with effect from a date determined by the Minister, which shall be not less than one year after the date of publication of any proclamation under paragraph (a) of sub-section (1) and of which not less than three, or in the case of business premises, twelve months, prior notice has been given in the *Gazette* and in one or more newspapers circulating in the area in question, apply with reference to the area defined in that proclamation or any portion of that area so determined;

- (b) with effect from a date determined by the Minister, which shall be a date not less than one year after the date of publication of any such proclamation, and of which not less than three, or in the case of business premises, twelve months, prior notice in writing has been given by the Minister to the occupier of any land or premises situated in the area to which the proclamation relates, not being an area which is the subject of a notice under paragraph (a), apply with reference to such land or premises.

(1)*ter* A notice in terms of paragraph (b) of sub-section (1)*bis* shall be signed by an officer designated thereto by the Minister, and may be served—

- (a) by delivery of the notice to the occupier personally or to an adult inmate of the premises; or

- (b) by despatching the notice by registered post in an envelope addressed to the occupier at such land or premises.";

- (c) by the insertion after sub-section (4) of the following sub-section:

- (d) deur in sub-artikel (12) die woorde „by ooreenkoms, die ooreenkoms nie ingevolge die permit aangegaan” deur die woorde „daardie goed nie ingevolge die permit verkry” te vervang.

15. Artikel *negentien* van die Hoofwet word hierby gewysig— Wysiging van artikel 19 van Wet 77 van 1957.

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

„(1) Die Minister kan, behoudens die voorwaardes wat hy mag bepaal—

- (a) aan die voorsitter van die raad enige van sy bevoegdhede kragtens artikel *sestien* of *agtien*, paragraaf (b) van sub-artikel (1)*bis* of sub-artikel (1)*ter* van artikel *twintig*, sub-artikel (1) van artikel *sewe-en-twintig* of artikel *sewe-en-dertig* of *nege-en-dertig* delegeer;

- (b) aan 'n lid van die raad of 'n beamppte in die staatsdiens enige van sy bevoegdhede kragtens artikel *sestien* of *agtien* delegeer.”;

- (b) deur in sub-artikel (2) die woorde „of permit wat bedoelde voorsitter” deur die woorde „gedoen of permit uitgereik of bevoegdheid uitgeoefen” te vervang, die woorde „gedoen of uitgereik het” te skrap en die woorde „of uitgereik” waar dit die tweede maal voorkom deur die woorde „uitgeoefen of uitgereik” te vervang;

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

„(3) Die bepalings van artikels *vyf*, *agt-en-twintig* en *sewe-en-dertig* met betrekking tot die uitoefening van bevoegdhede of die verrigting van werksaamhede deur die Minister is *mutatis mutandis* met betrekking tot die uitoefening van sodanige bevoegdhede of die verrigting van sodanige werksaamhede deur enige persoon uit hoofde van 'n delegasie deur die Minister ingevolge hierdie artikel van toepassing.”; en

- (d) deur in sub-artikel (4) die woorde „van bedoelde voorsitter” te skrap.

16. (1) Artikel *twintig* van die Hoofwet word hierby gewysig— Wysiging van artikel 20 van Wet 77 van 1957.

- (a) deur sub-paragraaf (ii) van paragraaf (a) van sub-artikel (1) te skrap;

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

„(1)*bis* Die bepalings van artikel *drie-en-twintig* is—

- (a) vanaf 'n datum deur die Minister bepaal, wat nie vroeër as een jaar na die datum van publikasie van 'n proklamasie ingevolge paragraaf (a) van sub-artikel (1) moet wees nie, en waarvan minstens drie of, in die geval van besigheidspersone, twaalf maande vooraf kennis gegee is in die *Staatskoerant* en in een of meer nuusblaaie wat in die betrokke gebied in omloop is, van toepassing met betrekking tot die in daardie proklamasie omskrewe gebied of 'n aldus bepaalde deel daarvan;

- (b) vanaf 'n datum deur die Minister bepaal, wat nie vroeër as een jaar na die datum van publikasie van so 'n proklamasie moet wees nie, en waarvan minstens drie of, in die geval van besigheidspersone, twaalf maande vooraf deur die Minister skriftelik kennis gegee is aan die okkupeerder van grond of 'n perseel geleë in die gebied waarop die proklamasie betrekking het, maar nie 'n gebied wat die onderwerp van 'n kennisgewing ingevolge paragraaf (a) is nie, van toepassing met betrekking tot daardie gebied of perseel.

(1)*ter* 'n Kennisgewing ingevolge paragraaf (b) van artikel (1)*bis* word onderteken deur 'n beamppte wat die Minister daartoe aanwys, en kan bestel word—

- (a) deur die kennisgewing aan die okkupeerder persoonlik of aan 'n volwasse bewoner van die perseel af te lewer; of

- (b) deur die kennisgewing per aangetekende pos te stuur in 'n kovert wat aan die okkupeerder op daardie grond of perseel gerig is.”;

- (c) deur na sub-artikel (4) die volgende sub-artikel in te voeg:

"(4)*bis* Any land referred to in sub-paragraph (i) or (vi) of paragraph (c) of sub-section (3), or any location, native village or native hostel referred to in sub-paragraph (ii) of that paragraph, which has ceased to be such land or such a location, native village or native hostel within twelve months after the receipt by the Minister of a report from the board under section *five* relating to the issue of a proclamation under this section in respect of an area which includes such land or such a location, native village or native hostel, shall be deemed not to have been such land or such a location, native village or native hostel at the date of receipt by the Minister of such report from the board.";

- (d) by the deletion in sub-section (5) of the words "sub-paragraph (i) of" and the insertion in that sub-section after the word "not" of the word "lawfully"; and
- (e) by the deletion of the words "sub-paragraph (i) of" in paragraph (a) of sub-section (6) and of paragraph (b) of that sub-section.

(2) Where in terms of any proclamation under paragraph (a) of sub-section (1) of section *twenty* of the principal Act, or in terms of sub-section (6) of that section—

- (a) the provisions of section *twenty-three* of the principal Act were in force with reference to any area immediately prior to the commencement of this Act, the said provisions shall be deemed to be so in force by virtue of notice duly given in terms of paragraph (a) of sub-section (1)*bis* of section *twenty* of the principal Act as amended by paragraph (a) of sub-section (1) of this section;
- (b) the said provisions would, but for the provisions of this sub-section, have come into force with reference to any area after the said commencement, the appropriate proclamation under paragraph (a) of sub-section (1) of section *twenty* of the principal Act, or, as the case may be, the appropriate proclamation under paragraph (a) of sub-section (1) of section *three* of the Group Areas Act, 1950 (Act No. 41 of 1950), shall have effect as if in either case the relevant proclamation had been issued under paragraph (a) of sub-section (1) of section *twenty* of the principal Act as amended by paragraph (a) of sub-section (1) of this section, and as if the date with effect from which the said provisions shall apply had not been specified in the applicable proclamation or, as the case may be, prescribed in sub-section (6) of section *twenty* of the principal Act.

Amendment of
section 22 of
Act 77 of 1957.

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

- (a) by the insertion in the proviso to sub-section (1) after the word "area" of the words "or the area so defined as the case may be";
- (b) by the insertion after sub-section (1) of the following sub-section:

"(1)*bis* Whenever the board recommends that any area be declared a group area or be defined for any of the purposes of section *twenty-one*, it may at the same time recommend the issue of a proclamation under sub-section (1) in respect of any other area which is contiguous to the whole or any portion of the perimeter of such first-mentioned area, and the Governor-General may, in that event, if he so declares such first-mentioned area to be a group area or defines it for any of the purposes of section *twenty-one*, at the same time issue a proclamation under sub-section (1) in respect of such other area.";
- (c) by the deletion of the words "local authority or" wherever they occur.

Amendment of
section 23 of
Act 77 of 1957.

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

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

"(1) As from the appropriate date determined in terms of sub-section (1)*bis* of section *twenty*, and notwithstanding anything contained in any special or other statutory provision relating to the occupation

„(4)*bis* Grond in sub-paragraaf (i) of (vi) van paragraaf (c) van sub-artikel (3) bedoel, of 'n lokasie, naturelledorp of naturelletehuis in sub-paragraaf (ii) van daardie paragraaf bedoel, wat, binne twaalf maande na die ontvangs deur die Minister van 'n verslag van die raad ingevolge artikel vyf, met betrekking tot die uitvaardiging van 'n proklamasie kragtens hierdie artikel ten opsigte van 'n gebied wat daardie grond of daardie lokasie, naturelledorp of naturelletehuis insluit, opgehou het om sodanige grond of so 'n lokasie, naturelledorp of naturelletehuis te wees, word geag op die datum van ontvangs deur die Minister van daardie verslag van die raad nie sodanige grond of so 'n lokasie, naturelledorp of naturelletehuis te gewees het nie.”;

(d) deur in sub-artikel (5) die woorde „sub-paragraaf (i) van” te skrap en na die woorde „bedoelde datum” die woord „wettiglik” in te voeg; en

(e) deur die woorde „sub-paragraaf (i) van” in paragraaf (a) van sub-artikel (6) en paragraaf (b) van daardie sub-artikel te skrap.

(2) Waar ingevolge 'n proklamasie kragtens paragraaf (a) van sub-artikel (1) van artikel *twintig* van die Hoofwet, of ingevolge sub-artikel (6) van daardie artikel—

(a) die bepalings van artikel *drie-en-twintig* van die hoofwet onmiddellik voor die inwerkingtreding van hierdie Wet met betrekking tot 'n gebied van krag was, word bedoelde bepalings geag aldus van krag te wees uit hoofde van kennis behoorlik gegee ooreenkomstig paragraaf (a) van sub-artikel (1)*bis* van artikel *twintig* van die Hoofwet soos deur paragraaf (a) van sub-artikel (1) van hierdie artikel gewysig;

(b) daardie bepalings, by ontstentenis van die bepalings van hierdie sub-artikel, na bedoelde inwerkingtreding met betrekking tot 'n gebied van krag sou geword het, geld die toepaslike proklamasie kragtens paragraaf (a) van sub-artikel (1) van artikel *twintig* van die Hoofwet of, na gelang van die geval, die toepaslike proklamasie kragtens paragraaf (a) van sub-artikel (1) van artikel *drie* van die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950), asof die betrokke proklamasie in die een of die ander geval kragtens paragraaf (a) van sub-artikel (1) van artikel *twintig* van die Hoofwet, soos gewysig by paragraaf (a) van sub-artikel (1) van hierdie artikel, uitgevaardig was, en asof die datum met ingang van wanneer bedoelde bepalings van toepassing is nie in die toepaslike proklamasie bepaal of, na gelang van die geval, in sub-artikel (6) van artikel *twintig* van die Hoofwet voorgeskryf was nie.

17. Artikel *twee-en-twintig* van die Hoofwet word hierby gewysig— Wysiging van artikel 22 van Wet 77 van 1957.

(a) deur in die voorbehoudsbepaling by sub-artikel (1) na die woord „groepsgebied” die woorde „of die aldus omskrewe gebied na gelang van die geval” in te voeg;

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

„(1)*bis* Wanneer die raad aanbeveel dat enige gebied as 'n groepsgebied verklaar word of vir enige van die doeleindes van artikel *een-en-twintig* omskryf word, kan hy tegelykertyd die uitreiking van 'n proklamasie ingevolge sub-artikel (1) ten opsigte van enige ander gebied wat grens aan die geheel of 'n gedeelte van die omtrek van so 'n eersgenoemde gebied aanbeveel en die Goewerneur-generaal kan in daardie geval, as hy so 'n eersgenoemde gebied 'n groepsgebied verklaar of dit vir enige van die doeleindes van artikel *een-en-twintig* omskryf, terselfdertyd 'n proklamasie ingevolge sub-artikel (1) ten opsigte van so 'n gebied uitreik.”; en

(c) deur die woorde „plaaslike bestuur of” waar hulle ook al voorkom te skrap.

18. Artikel *drie-en-twintig* van die Hoofwet word hierby gewysig— Wysiging van artikel 23 van Wet 77 van 1957.

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

„(1) Vanaf die toepaslike datum ingevolge sub-artikel (1)*bis* van artikel *twintig* bepaal, mag, ondanks enigiets in enige spesiale of ander statutêre bepaling met betrekking tot die okkupasie van

of land or premises, no disqualified person shall occupy and no person shall allow a disqualified person to occupy the land or premises, or (as the case may be) any land or premises in the area or portion of the area to which the determination relates, except under the authority of a permit issued for the purposes of this sub-section.”;

- (b) by the substitution in paragraph (a) of sub-section (2) for the words “a statutory body” of the words “a member or employee of a statutory body”; and
- (c) by the deletion in sub-section (4) of the words “referred to in sub-section (1)” and the substitution in that sub-section for the words “referred to in the said sub-section” of the words “of the proclamation under paragraph (a) of sub-section (1) of section *twenty* in respect of the area in which such immovable property is situated”.

Amendment of
section 24 of Act
77 of 1957.

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

- (a) by the insertion in paragraph (a) of sub-section (1) after the word “company” of the words “and no administrator of a deceased estate in which any disqualified person has a testamentary interest”, the deletion in that paragraph of the words “or not” and the insertion in that paragraph after the word “date” where it occurs for the second time of the words “or by virtue of intestate succession or otherwise”;
- (b) by the insertion in paragraph (b) of that sub-section after the word “area” of the words “and no administrator of a deceased estate who on the said date holds or held immovable property, situate within that area, in which any disqualified person has a testamentary interest”; and
- (c) by the insertion in sub-section (3) after the word “death” of the words “or the date referred to in that sub-section, whichever is the later date”.

Amendment of
section 27 of Act
77 of 1957.

20. Section *twenty-seven* of the principal Act is hereby amended by the insertion in sub-section (1) after the word “under” of the words “paragraph (a) of sub-section (3) of section *sixteen*, section *sixteen bis*”.

Amendment of
section 28 of Act
77 of 1957.

21. Section *twenty-eight* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words “sub-section (3) of section *fifteen*” of the words “paragraph (c) of sub-section (2) or sub-section (4) of section *fifteen*”, the insertion in that sub-section after the word “*sixteen*” where it appears for the first time of the words “sub-section (1) of section *sixteen bis*”, the substitution in that sub-section for the words “sub-section (2) of section *twenty-three*” of the words “paragraph (c) of sub-section (2) or paragraph (a) of sub-section (3) of section *twenty-three*”, the deletion in that sub-section of the words “or revoke”, the insertion in that sub-section after the word “conditions” of the words “or revoke any permit referred to in sub-section (13) of section *eighteen*”, and the deletion in that sub-section of the words “by the board”; and
- (b) by the substitution in sub-section (2) for the words “sub-section (3) of section *fifteen* or sub-section (2) of section *twenty-three*” of the words “paragraph (c) of sub-section (2) or sub-section (4) of section *fifteen*, paragraph (h), (i) or (o) of sub-section (2) of section *seventeen* or paragraph (c) of sub-section (2) or paragraph (a) of sub-section (3) of section *twenty-three*”.

Amendment of
section 30 of
Act 77 of 1957.

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

“(1) A surveyor-general may at the request of any person, and upon payment by such person to the surveyor-general of such fee as may be prescribed in terms of sub-section (1) of section *ten* of the Land Survey Act, 1927 (Act No. 9 of 1927), issue to that person a certificate, in such form as may be prescribed by regulation, stating that any land described therein, within his area of jurisdiction, is situated within the controlled area or within any specified area referred to in section *fourteen*, any defined area referred to in sub-section (3) of section *sixteen* or any group area which is so described.”.

grond of 'n perseel vervat, geen onbevoegde persoon die grond of 'n perseel, of na gelang van die geval, enige grond of perseel in die gebied of deel van die gebied waarop die bepaling betrekking het, okkupeer nie, en mag niemand 'n onbevoegde persoon toelaat om dit te okkupeer nie, dan alleen uit hoofde van 'n permit vir die doeleindes van hierdie sub-artikel uitgereik.”;

- (b) deur in paragraaf (a) van sub-artikel (2) die woorde „'n statutêre liggaam” deur die woorde „'n lid of werknemer van 'n statutêre liggaam” te vervang; en
- (c) deur in sub-artikel (4) die woorde „in sub-artikel (1) bedoelde” te skrap en die woorde „in genoemde sub-artikel bedoelde datum” deur die woorde „datum van die proklamasie ingevolge paragraaf (a) van sub-artikel (1) van artikel *twintig* ten opsigte van die gebied waarin daardie onroerende goed geleë is” te vervang.

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

Wysiging van
artikel 24 van
Wet 77 van 1957.

- (a) deur in paragraaf (a) van sub-artikel (1) na die woord „maatskappy” die woorde „en geen administrateur van 'n afgestorwe boedel, waarin 'n onbevoegde persoon 'n testamentêre belang het” in te voeg, na die woorde „gedoen is” die woorde „of ingevolge intestate erfopvolging of andersins” in te voeg en die woorde „al dan nie” te skrap;
- (b) deur in paragraaf (b) van daardie sub-artikel na die woorde „geleë is” die woorde „en mag 'n administrateur van 'n afgestorwe boedel wat op genoemde datum onroerende goed wat in daardie gebied geleë is, waarin 'n onbevoegde persoon 'n testamentêre belang het, besit of besit het” in te voeg; en
- (c) deur in sub-artikel (3) na die woord „dood” die woorde „of die datum in daardie sub-artikel vermeld, watter ook al die latere datum is” in te voeg.

20. Artikel *sewe-en-twintig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woord „kragtens” die woorde „paragraaf (a) van sub-artikel (3) van artikel *sestien*, artikel *sestien bis*” in te voeg.

Wysiging van
artikel 27 van
Wet 77 van 1957.

21. Artikel *ag-en-twintig* van die Hoofwet word hierby gewysig—

Wysiging van
artikel 28 van
Wet 77 van 1957.

- (a) deur in sub-artikel (1) die woorde „sub-artikel (3) van artikel *vyftien*” deur die woorde „paragraaf (c) van sub-artikel (2) of sub-artikel (4) van artikel *vyftien*” te vervang, na die woord „*sestien*” waar dit die eerste maal voorkom die woorde „sub-artikel (1) van artikel *sestien bis*” in te voeg, die woorde „sub-artikel (2) van artikel *drie-en-twintig*” deur die woorde „paragraaf (c) van sub-artikel (2) of paragraaf (a) van sub-artikel (3) van artikel *drie-en-twintig*” te vervang, die woorde „trek so 'n permit nie in nie” te skrap, na die woorde „voorwaardes nie” die woorde „en trek nie 'n in sub-artikel (13) van artikel *agtien* bedoelde permit in nie” in te voeg, die woorde „die raad” te skrap en die woord „het” waar dit die eerste maal voorkom deur die woord „is” te vervang; en
- (b) deur in sub-artikel (2) die woorde „sub-artikel (3) van artikel *vyftien* of sub-artikel (2) van artikel *drie-en-twintig*” deur die woorde „paragraaf (c) van sub-artikel (2) of sub-artikel (4) van artikel *vyftien*, paragraaf (h), (i) of (o) van sub-artikel (2) van artikel *sewentien* of paragraaf (c) van sub-artikel (2) of paragraaf (a) van sub-artikel (3) van artikel *drie-en-twintig*” in te voeg.

22. Artikel *dertig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

Wysiging van
artikel 30 van
Wet 77 van 1957.

„(1) 'n Landmeter-generaal kan op versoek van enige persoon, en by betaling deur daardie persoon aan die landmeter-generaal van die gelde wat ingevolge sub-artikel (1) van artikel *tien* van die Opmetingswet, 1927 (Wet No. 9 van 1927), voorgeskryf word, aan daardie persoon 'n sertifikaat uitreik, in die vorm wat by regulasie voorgeskryf word, waarin verklaar word dat die daarinbeskrewe grond wat binne sy regsgebied val, binne die beheerde gebied of binne 'n in artikel *veertien* bedoelde aangewese gebied, 'n in sub-artikel (3) van artikel *sestien* omskrewe gebied of 'n aldus beskrewe groepsgebied geleë is.”.

Substitution of
section 31 of Act
77 of 1957.

23. The following section is hereby substituted for section *thirty-one* of the principal Act:

“Use of
land or
premises by
a company.

31. A company in which a controlling interest is held or deemed to be held by or on behalf or in the interest of a member of a group shall not use any land or premises which a member of such group is not entitled (other than by virtue of an exemption under sub-section (2) or (4) of section *fifteen*, sub-section (2) of section *seventeen* or sub-section (2) or (3) of section *twenty-three*) to occupy, except on the authority of a permit, but nothing in this section shall be construed as precluding any company from letting such land or premises.”

Amendment of
section 37 of Act
77 of 1957.

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

- (a) by the insertion in paragraph (a) of sub-section (1) after the word “used” of the words “or held”;
- (b) by the insertion in paragraph (a) of sub-section (5) after the words “referred to in” of the words “sub-section (5)*bis* of section *eighteen* or”; and
- (c) by the substitution in paragraph (b) of sub-section (5) for the words “into the Consolidated Revenue Fund” of the words “into the fund of the Group Areas Development Board established under section *ten* of the Group Areas Development Act, 1955 (Act No. 69 of 1955)”.

Amendment of
section 39 of Act
77 of 1957.

25. Section *thirty-nine* of the principal Act is hereby amended by the substitution in sub-section (8) for the word “execution” of the word “examination”.

Amendment of
section 41 of Act
77 of 1957.

26. Section *forty-one* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (4) for the word “under” of the words “arising out of the operation of any provision of”;
- (b) by the insertion in that sub-section after the word “Act” where it occurs for the second time of the words “or the Group Areas Act, 1950 (Act No. 41 of 1950), or any law repealed by that Act”; and
- (c) by the addition at the end of paragraph (d) of that sub-section of the word “or” and the insertion after that paragraph of the following paragraph:
“(e) that any person or company has at any time held immovable property on behalf or in the interest of an Asiatic or an Asiatic company or any other person in contravention of this Act, the Group Areas Act, 1950, or any law repealed by that Act.”.

Amendment of
section 42 of Act
77 of 1957.

27. Section *forty-two* of the principal Act is hereby amended—

- (a) by the insertion in paragraph (a) of sub-section (1) after the word “*fifteen*” of the words “sub-section (2) of section *sixteen bis*”, the substitution in that paragraph for the expression “(3)” where it occurs for the first time of the expression “(4)” and the insertion in that paragraph after the word “*twenty-four*” of the words “section *thirty-one*”;
- (b) by the substitution for sub-section (2) of the following sub-section:

“(2) The court which convicts any person of occupying any land or premises in contravention of sub-section (1) of section *fifteen*, section *sixteen bis*, sub-section (1) of section *seventeen* or sub-section (1) of section *twenty-three* may in its discretion order the person convicted to vacate the land or premises to which the conviction relates on or before a date to be specified in such order: Provided that any such order shall lapse in the event of the issue of a permit under section *eighteen* authorizing the occupation of such land or premises concerned by the person convicted.”;

23. Artikel *een-en-dertig* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 31 van Wet 77 van 1957.

„Gebruik 31. 'n Maatskappy waarin 'n beheersende belang van grond deur of ten behoeve of ten voordele van 'n lid of 'n perseel van 'n groep gehou word of geag word gehou te word, deur 'n maatskappy, mag geen grond of perseel gebruik wat 'n lid van bedoelde groep nie geregtig is om (behalwe kragtens 'n vrystelling ingevolge sub-artikel (2) of (4) van artikel *vyftien*, sub-artikel (2) van artikel *sewentien* of sub-artikel (2) of (3) van artikel *drie-en-twintig*) te okkupeer nie, dan alleen uit hoofde van 'n permit, maar die bepalings van hierdie artikel belet nie dat 'n maatskappy sodanige grond of perseel verhuur nie.”.

24. Artikel *sewe-en-dertig* van die Hoofwet word hierby gewysig— Wysiging van artikel 37 van Wet 77 van 1957.

- (a) deur in paragraaf (a) van sub-artikel (1) na die woord „gebruik” die woorde „of besit” in te voeg;
- (b) deur in paragraaf (a) van sub-artikel (5) na die woorde „eiendom in” die woorde „sub-artikel (5)*bis* van artikel *agtien* of” in te voeg; en
- (c) deur in paragraaf (b) van sub-artikel (5) die woorde „in die Gekonsolideerde Inkomstefonds gestort” deur die woorde „in die fonds van die Groepsgebiede-ontwikkelingsraad, ingestel kragtens artikel *tien* van die Wet op die Ontwikkeling van Groepsgebiede, 1955 (Wet No. 69 van 1955), gestort” te vervang.

25. Artikel *nege-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (8) die woord „verlyding” deur die woord „ondersoek” te vervang. Wysiging van artikel 39 van Wet 77 van 1957.

26. Artikel *een-en-veertig* van die Hoofwet word hierby gewysig— Wysiging van artikel 41 van Wet 77 van 1957.

- (a) deur in sub-artikel (4) die woord „ingevolge” deur die woorde „wat ontstaan uit die toepassing van enige bepaling van” te vervang;
- (b) deur in daardie sub-artikel na die woord „wetsbepaling” waar dit die eerste maal voorkom die woorde „of die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950), of 'n deur daardie Wet herroepe wetsbepaling” in te voeg; en
- (c) deur aan die end van paragraaf (d) van daardie sub-artikel die woord „of” by te voeg en na daardie paragraaf die volgende paragraaf in te voeg:
 - „(e) dat 'n persoon of maatskappy te eniger tyd in stryd met hierdie Wet, die Wet op Groepsgebiede, 1950, of 'n deur daardie Wet herroepe wetsbepaling, onroerende goed ten behoeve of ten voordele van 'n Asiaat of 'n Asiatiese maatskappy of 'n ander persoon besit het.”.

27. Artikel *twee-en-veertig* van die Hoofwet word hierby gewysig— Wysiging van artikel 42 van Wet 77 van 1957.

- (a) deur in paragraaf (a) van sub-artikel (1) na die woord „*vyftien*” die woorde „sub-artikel (2) van artikel *sestien bis*” in te voeg, die uitdrukking „(3)” waar dit die eerste maal voorkom deur die uitdrukking „(4)” te vervang, en na die woord „*vier-en-twintig*” die woorde „artikel *een-en-dertig*” in te voeg;
- (b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:
 - „(2) Die hof wat iemand weens die okkupering van grond of 'n perseel in stryd met sub-artikel (1) van artikel *vyftien*, artikel *sestien bis*, sub-artikel (1) van artikel *sewentien* of sub-artikel (1) van artikel *drie-en-twintig* veroordeel, kan na goeddunke die veroordeelde gelas om die grond of perseel waarop die veroordeling betrekking het, op of voor 'n in die bevel bepaalde datum te ontruim: Met dien verstande dat so 'n bevel verval indien 'n permit ingevolge artikel *agtien* uitgereik word wat die okkupasie van die betrokke grond of perseel deur die veroordeelde magtig.”;

- (c) by the insertion in sub-section (3) after the word "section" where it occurs for the first time of the words "(not being an order which has lapsed in terms of the proviso to that sub-section)", and the deletion in that sub-section of the words "or sub-section (7) of section *thirty-one*".

Amendment of
section 43 of Act
77 of 1957.

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

- (a) by the deletion in paragraph (c) of sub-section (1) of all the words after the word "*thirty*"; and
(b) by the insertion after paragraph (d) of that sub-section of the following paragraph, the existing paragraph (e) becoming paragraph (f):
“(e) prescribing the fees and expenses payable to a person summoned in terms of paragraph (a) of sub-section (1) of section *six*”.

Amendment of
section 1 of Act
69 of 1955, as
amended by
section 1 of Act
81 of 1959.

29. Section *one* of the Group Areas Development Act, 1955, is hereby amended by the insertion in the definition of "group area" in sub-section (1) after the words "*twenty-two*" of the words "and any building, land or premises specified in a proclamation under section *sixteen bis* of the principal Act".

Short title.

30. This Act shall be called the Group Areas Amendment Act, 1961.

- (c) deur in sub-artikel (3) na die woord „artikel” waar dit die eerste maal voorkom die woorde „(behalwe ’n bevel wat ingevolge die voorbehoudsbepaling by daardie sub-artikel verval het)” in te voeg en die woorde „of sub-artikel (7) van artikel *een-en-dertig*” te skrap.

28. Artikel *drie-en-veertig* van die Hoofwet word hierby gewysig— Wysiging van artikel 43 van Wet 77 van 1957.

- (a) deur in paragraaf (c) van sub-artikel (1) die woorde „en die gelde wat ten opsigte daarvan betaalbaar is” te skrap; en
- (b) deur na paragraaf (d) van daardie sub-artikel die volgende paragraaf in te voeg, terwyl die bestaande paragraaf (e) paragraaf (f) word:
- „(e) waarby die gelde en onkoste betaalbaar aan ’n persoon wat ingevolge paragraaf (a) van sub-artikel (1) van artikel *ses* gedagvaar is, voorgeskryf word;”.

29. Artikel *een* van die Wet op die Ontwikkeling van Groepsgebiede, 1955, word hierby gewysig deur aan die end van die omskrywing van „groepsgebied” in sub-artikel (1) die woorde „en enige gebou, grond of perseel vermeld in ’n proklamasie uitgevaardig kragtens artikel *sestien bis* van die Hoofwet” by te voeg. Wysiging van artikel 1 van Wet 69 van 1955, soos gewysig deur artikel 1 van Wet 81 van 1959.

30. Hierdie Wet heet die Wysigingswet op Groepsgebiede, Kort titel. 1961.

No. 24, 1961.]

PRIVATE ACT

To provide that the church known as The Apostolic Faith Mission of South Africa shall cease to be registered under the Company laws of the Union, to make other provision for its incorporation and to provide for matters incidental thereto.

*(Afrikaans text signed by the Governor-General.)
(Assented to 19th April, 1961.)*

Preamble.

WHEREAS The Apostolic Faith Mission of South Africa came into existence in 1908 as the result of the preaching of John G. Lake and certain fellow-workers:

AND WHEREAS by 1913 the membership of the Mission and scope of its activities had increased to such an extent that it had become necessary to provide for a constitution to govern the conduct of its affairs and promote the achievement of its objects:

AND WHEREAS it also became necessary to provide for the acquisition by the Mission of immovable property for the purpose of establishing places of worship and manses:

AND WHEREAS the membership of the Mission had not yet attained such proportions that it had become generally recognised as a church:

AND WHEREAS the Mission was accordingly registered in 1913 as an unlimited company under the company laws of the Union:

AND WHEREAS the membership of the Mission, the extent of its work and the scope of its influence have, since 1913, increased to such an extent that it has become generally accepted as a church:

AND WHEREAS continued registration of the Mission as a company under the company laws of the Union is inconsistent with the spiritual purposes underlying the Mission's existence and is proving to be an impediment to the proper achievement of its objects:

AND WHEREAS the members of the Mission have accordingly decided that the Mission should no longer be registered as a company under the company laws of the Union:

AND WHEREAS it is desirable that the Mission should nevertheless continue to enjoy corporate existence:

AND WHEREAS it is desirable that the Mission's corporate existence as a church should receive statutory recognition:

AND WHEREAS it is desirable to provide for a constitution for the said church and for incidental matters:

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

Definitions.

1. In this Act—

- (i) "the church" means The Apostolic Faith Mission of South Africa incorporated under this Act; (i)
- (ii) "the company" means the company which at the commencement of this Act was registered as an unlimited company without share capital in terms of the company laws of the Union under the name of The Apostolic Faith Mission of South Africa. (ii)

Dissolution of the company and incorporation of the church under this Act.

2. Upon commencement of this Act the company shall be dissolved and the church known as The Apostolic Faith Mission of South Africa shall under that name be incorporated under the provisions of this Act.

Church to have corporate existence.

3. The church shall be a body corporate with perpetual succession, capable of suing and being sued in its own name, and of acquiring rights and incurring obligations, distinct from its members.

No. 24, 1961.]

PRIVATE WET

Om voorsiening te maak dat die kerk bekend as Die Apostoliese Geloof Sending van Suid-Afrika ophou om kragtens die maatskappywette van die Unie geregistreer te wees, om ander voorsiening te maak vir die inkorporasie daarvan en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 19 April 1961.)

NADEMAAL Die Apostoliese Geloof Sending van Suid-Aanhef.
Afrika in 1908 as gevolg van die prediking van John G. Lake en sekere mede-werkers tot stand gekom het:

EN NADEMAAL die ledetal van die Sending en die omvang van sy werksaamhede teen 1913 in so 'n mate toegeneem het dat dit nodig geword het om voorsiening te maak vir 'n konstitusie om die bestuur van sy sake te beheer en die verwesenliking van sy doelstellings te bevorder:

EN NADEMAAL dit ook nodig geword het om voorsiening te maak vir die verkryging van onroerende eiendom deur die Sending met die doel om plekke van aanbidding en pastorieë in te stel:

EN NADEMAAL die ledetal van die Sending nog nie so 'n omvang bereik het dat dit algemene erkenning as 'n kerk verkry het nie:

EN NADEMAAL die Sending derhalwe in 1913 as 'n onbeperkte maatskappy kragtens die maatskappywette van die Unie geregistreer is:

EN NADEMAAL die ledetal van die Sending, die omvang van sy werk en die bestek van sy invloed sedert 1913 in so 'n mate toegeneem het dat dit algemeen as 'n kerk aanvaar geword het:

EN NADEMAAL vóórtdurende registrasie van die Sending as 'n maatskappy kragtens die maatskappywette van die Unie onbestaanbaar is met die geestelike oogmerke wat die Sending se bestaan ten grondslag lê en 'n hindernis vir die behoorlike verwesenliking van sy doelstellings blyk te wees:

EN NADEMAAL die lede van die Sending derhalwe besluit het dat die Sending nie meer as 'n maatskappy kragtens die maatskappywette van die Unie geregistreer moet wees nie:

EN NADEMAAL dit wenslik is dat die Sending nietemin as regspersoon voortbestaan:

EN NADEMAAL dit wenslik is dat die Sending se regspersoonlike bestaan as 'n kerk statutêr erken word:

EN NADEMAAL dit wenslik is om voorsiening te maak vir 'n konstitusie vir die kerk en vir bykomende aangeleenthede:

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

1. In hierdie Wet beteken—

- (i) „die kerk” Die Apostoliese Geloof Sending van Suid-Afrika kragtens hierdie Wet geïnkorporeer; (i)
- (ii) „die maatskappy” die maatskappy wat by die inwerkingtreding van hierdie Wet onder die naam van Die Apostoliese Geloof Sending van Suid-Afrika as 'n onbeperkte maatskappy sonder aandeelkapitaal ingevolge die maatskappywette van die Unie geregistreer was. (ii)

Woordbepaling.

2. By die inwerkingtreding van hierdie Wet word die maatskappy ontbind en word die kerk bekend as Die Apostoliese Geloof Sending van Suid-Afrika kragtens die bepalings van hierdie Wet onder daardie naam geïnkorporeer.

Ontbinding van die maatskappy en inkorporasie van die kerk kragtens hierdie Wet.

3. Die kerk is 'n regspersoon met ewigdurende regsopvolging, bevoeg om in sy eie naam as eiser en verweerder in regte op te tree en om afsonderlik van sy lede regte te verkry en verpligtings aan te gaan.

Die kerk bestaan as regspersoon.

Seat of the church.

4. The church shall have its headquarters at 40, Ameshof Street, Braamfontein, Johannesburg, or at such other place in the Transvaal as it decides upon in terms of its constitution.

Powers and constitution of the church.

5. (1) The church shall have power to alter its constitution, to make such rules and regulations and generally to do all such acts and perform such functions as are expedient and necessary for the benefit of the church and the advancement of its objects.

(2) The memorandum and articles of association of the company, in force at the commencement of this Act and set forth in the Schedule hereto, shall *mutatis mutandis* remain of force as the constitution of the church, describing its powers and objects, regulating the management and control of its affairs, and providing for the amendment of the said constitution.

Church to succeed to the rights and obligations of the company.

6. Upon the commencement of this Act the church shall acquire all the rights previously held by the company and shall assume all its obligations.

Vesting of the company's property in the church.

7. The whole of the movable and immovable property which at the commencement of this Act was vested in the company or registered in its name shall, upon the commencement of this Act, vest in the church and be deemed to be registered in its name, without payment of transfer duty or stamp duty or fees of office, and the respective registrars of deeds in the various Provinces of the Union shall, upon production to them of the title deeds of any immovable property so registered, endorse the same to the effect that such immovable property is deemed to be registered in the name of the church in accordance with the provisions of this Act, whereupon the said title deeds shall serve and avail as the title deeds of the church in respect of such immovable properties. Where any such immovable property is subject to any bond, mortgage or otherwise, such bond shall be likewise endorsed, which endorsement shall have the effect of substituting the church as debtor under the bond and shall make it and the property aforesaid subject to all the duties and obligations of the said bond and entitled to any rights to readvances under the bond exactly as if the said church had originally been the debtor thereunder.

Office-bearers of the company to remain in office as office-bearers of the church.

8. The office-bearers of the company, in office at the commencement of this Act, shall remain in office as the office-bearers of the church until succeeded in terms of the church's constitution.

Short title and commencement.

9. This Act shall be called The Apostolic Faith Mission of South Africa (Private) Act, 1961, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

4. Die kerk se hoofkwartier is te Ameshofstraat 40, Braam- Setel van die kerk.
fontein, Johannesburg, of op so 'n ander plek in Transvaal as
dié waarop hy ingevolge sy konstitusie besluit.

5. (1) Die kerk het die bevoegdheid om sy konstitusie te wysig, om sodanige reëls en regulasies te maak en oor die algemeen om alle sodanige handeling en werksaamhede te verrig as wat vir die voordeel van die kerk en die bevordering van sy doelstellings dienstig en nodig is. Bevoegdhede en konstitusie van die kerk.

(2) Die akte van oprigting en statute van die maatskappy wat by die inwerkingtreding van hierdie Wet van krag is en uiteengesit is in die Bylae hierby, bly *mutatis mutandis* van krag as die kerk se konstitusie wat sy bevoegdhede en doelstellings beskryf, die bestuur en beheer van sy sake reël en vir die wysiging van die gemelde konstitusie voorsiening maak.

6. By die inwerkingtreding van hierdie Wet verkry die kerk al die regte voorheen deur die maatskappy gehou en aanvaar die kerk al die verpligtings van die maatskappy. Regte en verpligtings van die maatskappy gaan oor op die kerk.

7. Al die roerende en onroerende eiendom wat by die inwerkingtreding van hierdie Wet in die maatskappy gevestig is of op sy naam geregistreer is, word by die inwerkingtreding van hierdie Wet in die kerk gevestig en geag op sy naam geregistreer te wees, sonder betaling van hereregte of seëlregte of ampsfooie, en die onderskeie registrateurs van aktes in die verskillende provinsies van die Unie moet by voorlegging aan hulle van die titelbewyse ten opsigte van enige onroerende eiendom wat aldus geregistreer is, op bedoelde titelbewyse endosseer dat sodanige onroerende eiendom geag word geregistreer te wees in die naam van die kerk ooreenkomstig die bepalinge van hierdie Wet, waarna bedoelde titelbewyse as die titelbewyse van die kerk dien en geld ten opsigte van sodanige onroerende eiendomme. Waar enige sodanige onroerende eiendom onderhewig is aan enige verband, hipoteek of andersins moet daardie verband insgelyks geëndosseer word, en dié endossement het die uitwerking dat dit die kerk as die skuldenaar kragtens die verband substitueer en dat die kerk en die voormelde eiendom onderhewig is aan al die verpligtings van bedoelde verband en geregtig is op enige nuwe voorskotte kragtens die verband presies asof gemelde kerk oorspronklik die skuldenaar daarkragtens was. Vestiging van die maatskappy se eiendom in die kerk.

8. Die ampsdraers van die maatskappy wat by die inwerkingtreding van hierdie Wet ampte beklee, bly as die ampsdraers van die kerk in hulle ampte aan totdat hulle ooreenkomstig die kerk se konstitusie opgevolg word. Ampsdraers van die maatskappy bly aan as ampsdraers van die kerk.

9. Hierdie Wet heet die Private Wet op Die Apostoliese Geloof Sending van Suid-Afrika, 1961, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

Schedule.

ARTICLES OF ASSOCIATION

OF THE APOSTOLIC FAITH MISSION OF SOUTH AFRICA

MEMBERSHIP

1. The members of the Apostolic Faith Mission of South Africa, hereinafter referred to as "The Mission", shall in so far as the Administration of the Mission is concerned, and subject to Article 2 hereof, be composed of 200,000 persons of European descent, namely:

- (i) All such persons as are recognised members of the Mission at the date hereof.
- (ii) All such persons as shall hereafter have given evidence of his or her conversion, and shall have been baptised by immersion, and shall have been received into fellowship by a local assembly board, subject to Article 3 hereunder.

All such persons shall be and remain members of the mission until resignation, expulsion or death or when accepting membership with another Church.

Non-European Adherents

2. The Non-European, that is to say, the Indian, Coloured and Bantu adherents to the teachings, doctrines and practices of the Mission, shall be governed by separate policies and instructions formulated and drawn up for the aforesaid communities by the Executive Council in consultation with the Missionaries in Council and approved by the General Workers Council.

Conditions of Membership

3. No person shall hereafter become a member of the Mission, unless he or she agrees by written instrument to accept a baptismal or fellowship Certificate. Acceptance of such certificates shall be taken and construed as acceptance and endorsement of these Articles and Instructions and the Doctrines of the Mission, and an undertaking on his or her part to be ruled and governed thereby.

Responsibility of Members

4. The Mission shall continue to exist as such for all purposes, notwithstanding the resignation, expulsion or death of any member, or the admission of any new members. On the resignation or death of any member his share (if any) of and in the property of the Mission, and all his rights, title and interest as such member shall accrue to and ensue for the benefit of the remaining members, and he and his heirs shall *ipso facto* be freed, discharged and released from any and all share in and responsibility for the debts and liabilities of the Mission.

Legal Action

5. Any member of the Mission may sue or be sued by the Mission. The four Executive Officers have power to give instructions or sign, powers of attorney to bring or defend any action at law on behalf of the Mission.

THE MINISTRY

6. The workers of the Mission shall either be fulltime or lay workers.

A. Full-Time Workers

(i) Pastors and Teachers; (ii) Evangelists; (iii) Missionaries; (iv) Women Workers, shall all be Fulltime Workers, ordained by the Executive Council, according to the instructions of the General Workers' Council.

Workers who hold any of the abovementioned offices, may at any time resign or in accordance with these Articles and the instructions of the General Workers' Council be dismissed from their offices by the Executive Council or be suspended for a greater or less period of time from the exercise of their office, or be removed from one office to another office or be transferred from one assembly to another assembly, or be left unprovided with or unassigned to any district or locality or spiritual charge, or be required while holding one office to exercise the authorities or privileges, or perform the duties of another office or any authorities, privileges or duties either in addition to or in substitution for the authorities, privileges, or duties of that office as above described.

B. Lay Workers

(i) Elders; (ii) Deacons, and (iii) Deaconesses shall be Lay Workers, elected by assemblies and nominated by the Assembly Boards and appointed by the District Workers' Councils, in terms of the instructions of the General Workers' Council.

MANAGEMENT AND ADMINISTRATION

System of Organisation

7. The right vested in the members of the Mission for the time being of carrying on and conducting its business and affairs of exercising its power and controlling its operations, shall be exercised by annual Local Assembly meetings of such members in choosing and electing Assembly Boards, which in turn shall send delegates from among their own number to the District Workers' Council and the General Workers' Council, which shall elect the Executive Council and Spiritual Committee in terms of these Articles and the instructions of the General Workers' Council.

Bylae.

STATUTE

VAN DIE APOSTOLIESE GELOOF SENDING VAN SUID-AFRIKA

LIDMAATSKAP

1. Die lede van die Apostoliese Geloof Sending van Suid-Afrika, hierna kortweg genoem „Die Sending,” sal in soverre dit die administrasie van die Sending raak, en onderhewig aan Artikel 2 hiervan, bestaan uit 200,000 persone van blanke afkoms, naamlik:

- (i) Alle persone wat erkende lede van die Sending op hierdie datum is.
- (ii) Alle persone wat hierna bewys lewer van sy of haar bekering, en gedoop is deur onderdompeling, en daarna in die gemeenskap opgeneem is deur die plaaslike Gemeenteraad, onderhewig aan Artikel 3 hieronder.

Alle sulke persone sal lede van die Sending wees en bly, totdat hulle bedank, onder tug afgesny word of sterf of lidmaatskap by 'n ander kerk aanvaar.

Nie-blanke Volgelingen

2. Die Nie-blanke, dit wil sê, die Indiër, Kleurling- en Bantoevolgelingen van die leerstellinge en handelingen van die Sending, sal beheer word deur afsonderlike beleide en voorskrifte, saamgestel en opgestel vir die genoemde gemeenskappe deur die Uitvoerende Raad in samewerking met die Sendeling-Raad, en goedgekeur, deur die Algemene Werkersraad.

Voorwaardes van Lidmaatskap

3. Geen persoon sal hierna 'n lidmaat van die Sending word, tensy hy of sy gereed is om onder eie handtekening 'n Doop- of Gemeenskapsertifikaat te ontvang nie. Aannee van sulke sertifikate sal aangeneem en vertolk word as aanname en goedkeuring van hierdie Statute en Voorskrifte en die Leerstellings van die Sending en 'n onderneming deur hom of haar om daaraan gehoorsaam te wees.

Verantwoordelikheid van Lidmate

4. Die Sending sal vir alle doeleindes as sodanig bly bestaan, nie-teenstaande bedanking, uitsetting of dood van enige lidmaat, of die toelating van enige nuwe lidmaat. By bedanking, verwydering of dood, sal die betrokke lidmaat of persoon se aandeel (as soiets bestaan) van die eiendom van die Sending, insonderheid al die reg, aanspraak en belang daarby van sodanige lidmaat aangroei, oploop en voortgaan tot voordeel van die orige lidmate, en hy en sy erfgename sal, *ipso facto*, vrygestel, ontslaan en onthef wees van enige aandeel en verantwoordelikheid vir die skulde en verpligtings van die Sending.

Geregtelike Optrede

5. Enige lidmaat van die Sending mag geregtelik vervol, of vervol word deur die Sending. Die vier Uitvoerende Amptenare het mag om instruksies te gee of om volmag te teken om 'n saak te bring of te bestry volgens wet ten behoeve van die Sending.

DIE BEDIENING

6. Die werkers van die sending sal of Voltyd- of Leekwerkers wees.

A. Voltydse Werkers

(i) Pastore en Leraars; (ii) Evangeliste; (iii) Sendelinge; (iv) Vrouewerkers, sal almal Voltydwerkers wees, georden deur die Uitvoerende Raad ooreenkomstig die voorskrifte van die Algemene Werkersraad.

Werkers wat enige van die bogenoemde ampte beklee, mag te eniger tyd bedank of in ooreenstemming met hierdie Statute en die Voorskrifte van die Algemene Werkersraad deur die Uitvoerende Raad van hulle ampte ontslaan word, of geskors word vir 'n korter of langer tyd van die beoefening van sy amp, of van die een amp verwyder word na die ander of verplaas word van die een Distrik na die ander, of as die geestelike werk dit vereis, en hy daartoe gemagtig word, mag hy, of ter aanvulling, of in plek daarvan, terwyl hy 'n sekere amp beklee die gesag en voorregte van 'n ander amp uitoefen, of pligte van 'n ander amp of enige gesag vervul, of hy mag gelaat word sonder enige arbeidsveld, of geestelike pligte, al na gelang van omstandighede.

B. Deeltydse Werkers

(i) Ouderlinge; (ii) Diakens en (iii) Diakonesse, sal almal Leekwerkers wees, gekies deur die Gemeentes, en genomineer deur die Gemeenterade, en aangestel deur die Distrikswerkersrade, ooreenkomstig die voorskrifte van die Algemene Werkersraad.

BESTUUR EN ADMINISTRASIE

Stelsel van Organisasie

7. Die regte wat vir tyd en wyl by die lede van die Sending berus, om besigheid en sake voort te sit en te bestuur, mag uit te oefen en werksaamhede te beheer, sal kragtens en op grond hiervan tot uitvoer gebring word, deur jaarlikse plaaslike Gemeentevergaderings van sulke lede, deur 'n Gemeenteraad te kies, wat dan weer afgevaardigdes uit hulle self sal afstuur na die Distrikswerkersraadsitting, en die Algemene Werkersraadsitting, wat op hulle beurt die Uitvoerende Raad en Geestelike Komitee sal kies ooreenkomstig hierdie Statute en die Voorskrifte van die Algemene Werkersraad.

LOCAL ASSEMBLIES

Pastor or Temporary Leader

8. Individual congregations already organised at the date thereof, shall be known as "Local Assemblies," and shall where practicable be presided over by a full-time Pastor but in the absence of a full-time Pastor, the District Workers' Council shall annually appoint a Lay Worker as temporary leader until such time as a full-time Pastor is appointed in accordance with the instructions of the General Workers' Council.

Annual Assembly Meeting

9. A general meeting of members of the Local Assembly shall be held annually for the purpose of discussing the affairs of the Assembly and to choose and elect the Assembly Board for the ensuing year, and to receive from the local Treasurer a statement of the income and expenditure of the Assembly for the previous twelve months.

Notice of Meeting

10. All Local Assembly meetings shall be convened by and held in pursuance of a notice to that effect, announced at a regular meeting from the platform on three consecutive Sundays. The last publication of such notice to be not less than three days before the time of the meeting.

Quorum

11. A quorum in an Assembly Meeting shall be one-fourth of the baptised members on the register at the time of the meeting, and if less than one-fourth of the members be present at the meeting, it shall stand adjourned to the same day in the following week. At the adjourned meeting business may be proceeded with notwithstanding that less than one-fourth of the registered members are present at such adjourned meeting.

New Assemblies

12. Wherever the Executive Council or the District Workers' Council shall deem it necessary, a new Local Assembly shall be organised for the furtherance of Christ's Kingdom and the Council organising such an Assembly shall appoint such temporary workers as they shall consider necessary to be in charge of such Assembly. Each Local Assembly thus organised shall at its first Assembly Meeting, within twelve months after its constitution, have the right to elect its own Assembly Board.

ASSEMBLY BOARDS

Authority of Assembly Board

13. Assembly Boards shall subject to any limitations of power prescribed by the Articles of Association and the Instructions of the General Workers' Council be entrusted with the temporal and Spiritual interests of Assemblies. The number and qualifications of members to serve on such Boards shall be determined from time to time by the Instructions of the General Workers' Council.

Finances

14. The Assembly Board shall subject to the provisions of the Articles of Association and Instructions of the General Workers' Council receive and administer the tithes and offerings and operate a banking account in accordance with the provision of clause 3 (p) of the Memorandum of Association for such interests, and hire premises, for such purposes or purchase whatever may be needed for said purposes, provided that no fixed property shall be acquired or sold without the consent of the Executive Council.

14a. The Treasurer of the Assembly shall give a statement of annual assembly income and expenditure at every Annual Assembly Meeting.

Chairman

15. The Pastor shall be Chairman of the Assembly Board, and the Board shall elect their own Vice-Chairman, Secretary and Treasurer, which last two offices can be held by one member. The officers and members of the Board shall be elected for the period of one year, and may be re-elected.

Discipline

16. The Assembly Board shall admit new members, supervise the local work and exercise discipline as prescribed by the General Workers' Council.

Elders, Deacons and Delegates

17. The Assembly Board shall annually elect from their own number such persons as shall be appointed as Elders and Deacons of the Assembly in accordance with the instructions of the General Workers' Council. The Board shall delegate from among their own number such members as shall attend the District Workers' Council and General Workers' Council. The Board shall recommend to the District Workers' Council such persons as they shall deem fit to become Full-time Workers.

PLAASLIKE GEMEENTES

Pastoor of Tydelike Leier

8. Afsonderlike versameling van lede wat op hierdie datum alreeds georganiseer is, sal bekend staan as „Plaaslike Gemeentes.” Sulke gemeentes sal waar moontlik, onder die toesig wees van 'n voltydse Pastoor, maar in afwesigheid van 'n voltydse Pastoor, sal die Distriks-werkersraad die mag hê om jaarliks 'n leekwerker as tydelike leier van die Gemeente aan te stel, totdat 'n voltydse Pastoor aangestel is ooreenkomstig die Voorskrifte van die Algemene Werkersraad.

Jaarlikse Gemeentevergadering

9. 'n Algemene vergadering van lede van die plaaslike gemeente, sal jaarliks gehou word, met die doel om die sake van die gemeente te bespreek, 'n Gemeenteraad te kies vir die volgende jaar, en van die Gemeentetessourier 'n staat van die inkomste en uitgawe van die Gemeente gedurende die vorige twaalf maande te ontvang.

Kennisgewing van Vergadering

10. Alle plaaslike gemeentevergaderings sal byeengeroep en gehou word op kennisgewing daarvan afgekondig van die verhoog by gewone dienste vir drie agtereenvolgende Sondae. Die laaste afkondiging van die kennisgewing moet geskied nie minder as drie dae voor die bestemde vergadering nie.

Kworum

11. 'n Kworum van 'n gemeentevergadering sal bestaan uit een-vierde van die gedoopte lede op die lidmaatregister ten tyde van die vergadering, en as minder as een-vierde van die lede op die vergadering aanwesig is, moet dit verdaag word tot dieselfde dag van die volgende week. Op hierdie verdaagde vergadering mag dan met werksaamhede voortgegaan word, al is daar minder as een-vierde van die geregistreerde lede teenwoordig by so 'n verdaagde vergadering.

Nuwe Gemeentes

12. Oral waar die Uitvoerende Raad of Distrik Werkersraad dit nodig mag vind, sal nuwe Gemeentes georganiseer word vir die bevordering van die Koninkryk van Christus, en dieselfde Rade sal sodanige tydelike werkers as wat hulle nodig mag ag, in diens van sulke gemeentes aanstel. Sulke plaaslike Gemeentes sal dan by die eerste Gemeentevergadering binne twaalf maande nadat die Gemeente saamgestel is, die reg hê om hulle eie Gemeenteraad te kies.

GEMEENTERADE

Outoriteit van Gemeenteraad

13. Gemeenterade sal onderworpe aan enige magsbeperking opgelê deur die Statute en Voorskrifte van die Algemene Werkersraad verantwoordelik wees vir tydelike en geestelike belange van Gemeentes. Die getal en bevoegdheid van lede wat op sodanige Rade mag dien, sal van tyd tot tyd bepaal word deur die Voorskrifte van die Algemene Werkersraad.

Finansies

14. Die Gemeenteraad sal onderworpe aan die bepalings van die Statute en Voorskrifte van die Algemene Werkersraad die tiendes en offerandes ontvang en administreer en 'n bankrekening volgens die bepaling van klousule 3(p) van die Akte van Oprigting in belang van die werk open om plekke te huur, en aan te koop wat nodig mag wees vir die bevordering van die werk, met die voorbehoud dat geen vaste eiendomme aangekoop of verkoop mag word sonder die toestemming van die Uitvoerende Raad nie.

14a. Die tessourier van die Gemeente sal met die jaarlikse Gemeentevergadering 'n volledige verslag voorlê van die inkomste en uitgawe van die Gemeente.

Voorsitter

15. Die Pastoor sal as voorsitter van die Gemeenteraad optree, en die Raad sal hulle eie vise-voorsitter, sekretaris en tessourier kies, laasgenoemde twee ampte waarvan deur een lid bekleë mag word. Die amptenare en lede van die Raad word vir 'n tydperk van een jaar gekies en is herkiesbaar.

Tug

16. Die Gemeenteraad sal nuwe lede opneem, oorsig hou oor die plaaslike werk en tug uitoefen soos voorgeskryf deur die Algemene Werkersraad.

Ouderlinge, Diakens en Afgevaardigdes

17. Die gemeenteraad sal jaarliks uit hulle eie lede sodanige persone kies as wat aangestel mag word as ouderlinge en diakens van die gemeente, ooreenkomstig die Voorskrifte van die Algemene Werkersraad. Die Raad sal gereeld uit hulle eie lede afgevaardigdes stuur om die Distrikswerkersraad en die Algemene Werkersraad by te woon. Die Raad sal sodanige persone as wat hulle geskik ag, as voltijdse werkers by die Distrik Werkersraad aanbeveel.

Limitation of Authority

18. All proceedings, decisions and resolutions shall be taken subject to and in terms of these Articles and of the instructions of the General Workers' Council. Members of the Executive Council or Spiritual Committee or their duly appointed deputies may from time to time visit such Assemblies and have the right of attending the meetings of such Assembly Boards with the purpose of giving advice and guidance in the work.

Membership Register

19. The Secretary of every Assembly Board shall keep a Membership Register and the full particulars of every entry into this Register shall be sent to the Secretary of the Executive Council with the full names and addresses of the members which shall be entered into the General Register of the members at Headquarters by the Secretary of the Executive Council.

Reports

20. The Assembly Boards shall every six months submit to the Secretary of the Executive Council a written report of the work under their care, and every month to the District Worker's Council a statement of account in respect of finances under their administration.

Young People's Union

21. A Young People's Union shall be organised in every Local Assembly. For the purpose of promoting fellowship among the young people in the various assemblies there shall be drawn up a policy governing the young people's work, which policy shall be embodied in the instructions of the General Workers' Council.

Sunday School

22. A Sunday School shall be organised in every Local Assembly. For the purpose of promoting the Sunday School work throughout the Mission, there shall be drawn up a special Sunday School policy to be embodied in the instructions of the General Workers' Council.

Dorcas Society

22a. A Dorcas Society shall be organised in each Assembly to achieve the object of clause 3 (d) of the Memorandum of Association, and to encourage and co-ordinate Poor Relief and Welfare work in the Mission a proper policy shall be laid down by the Welfare Council to be incorporated in the Instructions of the General Workers' Council.

DISTRICT WORKERS' COUNCIL*Districts*

23. The territory served by the Mission shall be divided into Districts, the area and location whereof shall be such as may be determined from time to time by the Executive Council, and all Assemblies or members falling within such area, shall be under the supervision of the District Workers' Council, hereinafter referred to. Any Assemblies or members falling outside the area of defined districts, shall come directly under the supervision of the Executive Council.

Workers' Council

24a. There shall be constituted and formed in each district a Council, hereinafter styled the "District Workers' Council", consisting of all Full-time Workers of the Mission in the District and Delegates from the Assemblies in the said Districts, as provided for in these Articles and the instructions of the General Workers' Council. District Workers' Councils shall (in addition to the powers conferred in pursuance of 24b. hereof) have authority to consider all matters, Spiritual and temporal concerning the District and report and recommend to the Executive Council and Spiritual Committee hereinafter referred to, who shall in their turn adopt, reject or confirm the action of the District Workers' Council. The District Workers' Council shall, subject to Articles 25, 26, 27, 28 29 and 30 hereof, and the powers granted therein be an advisory body, subject always to the control of the Executive Council and shall not act in any way contrary to the Memorandum and Articles of Association.

24b. Such District Workers' Councils shall, notwithstanding any contrary provisions of the Articles of Association, or limitations of power, have the power to suspend or dissolve an Assembly Board and to temporarily take over the control of the Assembly matters, subject to the Instructions of the General Workers' Council.

Delegates

25. Delegates to the District Workers' Council shall be members of the Local Assembly Board, by whom they shall be delegated by formal resolution. The number of such delegates to which each Assembly shall be entitled shall be fixed from time to time by the District Workers' Council.

Chairman

26. Each District Workers' Council shall be presided over by a Chairman, appointed by the Executive Council, and the District Workers' Council shall have the right to elect annually the Vice-Chairman, Secretary and Treasurer, which last named two offices may be held by the same person.

Magsbeperking

18. Alle handelinge, besluite en resolusies sal onderhewig wees aan, en in terme van hierdie Statute en die Voorskrifte van die Algemene Werkersraad. Lede van die Uitvoerende Raad of Geestelike Komitee, of hulle behoorlike gemagtigdes, mag van tyd tot tyd gemeentes besoek, en sal die reg hê om vergaderings van Gemeenterade by te woon, met die doel om raad of leiding in die werk te gee.

Lidmaatregister

19. Die Sekretaris van elke Gemeenteraad sal 'n behoorlike lidmaat-register hou en 'n afskrif van elke inskrywing sal gestuur word aan die sekretaris van die Uitvoerende Raad met die volle name en adresse van die nuwe lede om ingeskryf te word in die algemene lidmaat-register te Hoofkwartiere.

Verslae

20. Die Gemeenteraad sal elke ses maande aan die sekretaris van die Uitvoerende Raad 'n geskrewe verslag van die werk onder hulle sorg stuur, en elke maand aan die Distrikswerkersraad 'n volledige afskrif van die inkomste en uitgawe van die gemeente.

Jeugvereniging

21. 'n Jeugvereniging sal in elke gemeente georganiseer word. Vir die doel om algemene gemeenskap onder die jeug in verskillende gemeentes aan te moedig, sal daar 'n behoorlike beleid neergelê word vir die Jeugwerk, en hierdie beleid sal in die Voorskrifte van die Algemene Werkersraad opgeneem word.

Sondagskool

22. 'n Sondagskool sal in elke plaaslike gemeente georganiseer word. Met die doel om Sondagskoolwerk deur die Sending te bevorder, sal daar 'n behoorlike Sondagskoolbeleid neergelê en opgeneem word in die Voorskrifte van die Algemene Werkersraad.

Dorkas Vereniging

22a. 'n Dorkas Vereniging sal in elke gemeente georganiseer word om die doelstellings van klousule 3(d) van die Akte van Oprigting te verwesenlik, en om die Armsorg- en Welsynswerk in die Sending aan te moedig en te koördineer sal daar 'n behoorlike beleid neergelê word deur die Welsynsraad wat in die Voorskrifte van die Algemene Werkersraad opgeneem sal word.

DISTRIKSWERKERSRAAD

Distrikte

23. Die gebied wat deur die Sending bearbei word, sal in distrikte opgedeel word, die grense en omgewing sal van tyd tot tyd deur die Uitvoerende Raad bepaal word en alle gemeentes of lede wat in so 'n gebied val, sal onder die beheer van die Distrikswerkersraad, hierna uiteengesit, staan. Enige gemeente of lede wat buite die perke van aangewese Distrikte val, sal direk onder beheer van die Uitvoerende Raad staan.

Werkersraad

24a. In elke Distrik sal daar 'n Werkersraad, hierna genoem 'n Distrikswerkersraad, georganiseer word, wat uit alle voltydse werkers van die Sending in die distrik en afgevaardigdes uit alle gemeentes in die Distrik, ooreenkomstig hierdie Statute en volgens die Voorskrifte van die Algemene Werkersraad, sal bestaan. Sulke Distrikswerkersrade sal mag hê om benewens die magte opgedra ingevolge 24b alle sake, geestelike en tydelike in verband met die Distrik te oorweeg en te rapporteer en aanbevelings te maak by die Uitvoerende Raad en Geestelike Komitee, wat later hierin voorkom, wat dan weer op hulle beurt die handelinge van die Distrikswerkersraad sal aanneem, verwerp of goedkeur. Die Distrikswerkersraad sal verder, onderhewig aan Artikels 25, 26, 27, 28, 29 en 30 hiervan, en die magte daarin aan hulle toevertrou, 'n raadgewende liggaam vorm, altyd onderworpe aan die beheer van die Uitvoerende Raad, en hulle sal nooit optree in stryd met die Akte van Oprigting of Statute van die Sending nie.

24b. Sulke Distrikswerkersrade sal, niesteenstaande enige andersluidende bepaling van die Statute of magsbeperking, die mag hê om, onderhewig aan die Voorskrifte van die Algemene Werkersraad, 'n Gemeenteraad te skors of te ontbind, en beheer oor die gemeentelike sake tydelik oor te neem.

Afgevaardigdes

25. Afgevaardigdes na 'n Distrikswerkersraad sal lede van die plaaslike Gemeenteraad wees, deur wie hulle deur gewone resoluë afgevaardig sal word. Die getal van sulke afgevaardigdes, waarop elke gemeente geregtig sal wees, sal van tyd tot tyd bepaal word deur die Distrikswerkersraad.

Voorsitter

26. Elke Distrikswerkersraad staan onder leiding van 'n voorsitter wat deur die Uitvoerende Raad aangestel word, en die Distrikswerkersraad sal die reg hê om jaarliks sy eie Vise-voorsitter, Sekretaris en Tesourier te kies. Laasgenoemde twee ampte mag deur een persoon beklee word.

Finances

27. Each District Workers' Council shall have the right to receive from the Assemblies in the District such proportion of the income of such Assemblies as shall be determined by the Executive Council, who shall then allocate to the said District Council, so much of the said proportion, as the Executive Council shall in their entire discretion decide and direct that the balance of such proportion, if any, be paid to the Executive Council. The Fund so allocated to the District Workers' Council shall be utilised by them for payment of their incidental expenses and such other expenditure as may be necessary for properly carrying on their functions according to the instructions of the General Workers' Council.

Full-Time and Lay Workers

28. The District Workers' Council shall recommend such persons, as shall have been recommended by Assembly Boards and as they may think fit, to become Full-time Workers of the Mission. They shall appoint and certify all Lay-workers of their District, and renew their certificates annually upon recommendation of the Assembly Boards.

Appeal

29. The District Workers' Council shall in accordance with the instructions of the General Workers' Council function as a Court of Appeal at the request of any member of a Local Assembly against the ruling of the Assembly Board on any question affecting the member personally or the interests of the Mission in general.

Election

30. The District Workers' Council, shall every third year to be reckoned from a date to be decided upon by the Executive Council and to be known as the Election Year, elect by secret ballot, from among the male fulltime workers of the Mission who have the qualifications as laid down from time to time by the General Workers' Council one or as many members as shall have been allocated to them in terms of the General Workers' Council's instructions then in force to represent the District on the Executive Council.

Meeting

31. The District Workers' Council shall meet at fixed periods as shall be decided by themselves, but not less than twice a year.

Quorum

32. A quorum of the District Workers' Council, shall be a representation by one more than half of the organised assemblies in the District.

Minutes

33. Minutes shall be kept in a proper book of all the deliberations, decisions, elections and other matters decided on at all District Workers' Council meetings, and shall be signed in so far as they refer to any particular meeting by the Chairman and the Secretary of the District Workers' Council.

GENERAL WORKERS' COUNCIL

Constitution

34. There shall be held annually at Headquarters a Workers' Council hereinafter called the "General Workers' Council," of all full-time Workers of the Mission and Delegates from each assembly, appointed as provided for in Article 35 hereunder.

Delegates

35. Delegates shall be members of the Local Assembly Board, by whom they shall be delegated by formal resolution. The number of such delegates to which each assembly shall be entitled, shall be fixed from time to time by the General Workers' Council.

Authority

36. The General Worker's Council shall, subject to these Articles of Association, have authority to manage all matters in the interest of the Mission, to make and amend Instructions in the government of the Mission.

General Meetings

37. A General Worker's Council shall be held in every calendar year, and not more than fifteen months after the holding of the last General Workers' Council under this clause, the first of which Councils shall be held within twelve months from the date of registration of these articles. Councils held in pursuance of this clause, shall be known as "Annual General Workers' Councils". Only matters touching the Mission and sent in in accordance to the instructions of the General Workers' Council and other provisions of these Articles of Association, may be discussed and decided on at such Council meetings excepting when the meeting decides with a majority vote that a matter is of such urgent nature that it justifies immediate discussion.

Finansies

27. Elke Distrikswerkersraad sal die reg hê om van die gemeentes in die Distrik sodanige deel van die inkomste van sodanige gemeentes as wat bepaal sal word deur die Uitvoerende Raad te ontvang, wat dan weer vir genoemde Distrik sal toelaat om soveel van die sodanige deel, as wat die Uitvoerende Raad mag besluit en reël te behou en die balans oor te betaal aan die Uitvoerende Raad. Die gelde wat op dié wyse aan die Distrikswerkersraad gegee word, moet deur laasgenoemde ter betaling van administratiewe onkoste aangewend word en ter betaling van sodanige uitgawes as wat nodig is vir die uitbreiding en die bevordering van die werk ooreenkomstig die Voorskrifte van die Algemene Werkersraad.

Voltydse en Leekwerkers

28. Die Distrikswerkersraad sal sodanige persone as wat deur Gemeenterade aanbeveel is, en as geskik geag mag word om Voltydse Werkers te word in die Sending aanbeveel by die Uitvoerende Raad, en sal alle leekwerkers in die Distrik aanstel en sertifiseer en hulle sertifikate jaarliks op aanbeveling van Gemeenterade, hernu.

Appel

29. Die Distrikswerkersraad sal as 'n hof van appel aangestel word, ooreenkomstig die Voorskrifte van die Algemene Werkersraad op versoek van enige lid van 'n plaaslike gemeente, wat verlang om te appelleer teen die besluit van 'n Gemeenteraad op enige saak rakende die lid persoonlik, of die belange van die Sending in die algemeen.

Verkiesing

30. Die Distrikswerkersraad sal elke derde jaar, bekend as die elekciejaar, bereken vanaf 'n datum deur die Uitvoerende Raad bepaal, uit die manlike voltydse werkers van die Sending wat die kwalifikasies soos van tyd tot tyd deur die Algemene Werkersraad neergelê, besit, deur middel van geheime stembrieffies, een of meer lede soos aan hulle toegestaan word, kies, ooreenkomstig die Voorskrifte van die Algemene Werkersraad, ten einde hulle Distrik op die Uitvoerende Raad te verteenwoordig.

Vergadering

31. Die Distrikswerkersraad sal op gereelde tye soos deur hulle self bepaal, dog minstens tweemaal per jaar, bymekaar kom.

Kworum

32. 'n Kworum van die Distrikswerkersraad sal uit 'n verteenwoordiging van een meer as die helfte van die georganiseerde gemeentes in die Distrik bestaan.

Notule

33. Notule van alle oorwegings, besluite, verkiesings en ander sake wat mag plaasvind op alle Distrikswerkersrade sal in 'n behoorlike boek gehou word en sal in soverre dit enige besondere vergadering raak, deur die voorsitter en sekretaris van die Distrikswerkersraad, geteken word.

ALGEMENE WERKERSRAAD

Samestelling

34. Daar sal jaarliks by Hoofkwartiere 'n vergadering gehou word, hierna genoem die „Algemene Werkersraad,” wat uit alle voltydse werkers van die Sending en die afgevaardigdes uit elke gemeente ooreenkomstig Artikel 35 hieronder, sal bestaan.

Afgevaardigdes

35. Afgevaardigdes moet lede wees van plaaslike Gemeenterade deur wie hulle kragtens formele besluit afgevaardigdes word en waarvan die getal afgevaardigdes waarop elke gemeente geregtig sal wees van tyd tot tyd deur die Algemene Werkersraad bepaal sal word.

Outoriteit

36. Die Algemene Werkersraad sal, ooreenkomstig hierdie Statute, die mag hê om alle sake in belang van die Sending te behartig, voorskrifte te maak en te amendeer vir die beheer van die Sending.

Algemene Vergaderings

37. 'n Algemene Werkersraadsitting sal jaarliks, nie later as vyftien maande na die afloop van die laaste Algemene Werkersraadsitting nie gehou word, die eerste waarvan binne drie jaar vanaf die datum van registrasie van hierdie Statute, gehou sal word. Raadsittings wat ooreenkomstig hierdie klousule gehou word, sal bekend staan as Jaarlikse Algemene Werkersrade. Alleen sake wat die Sending raak en ingestuur volgens die Voorskrifte van die Algemene Werkersraad en ander bepalinge van hierdie Statute, mag op sulke Raadsittings bespreek en oor besluit word, behalwe waar die vergadering met die meerderheid van stemme besluit dat dit 'n saak van so 'n dringende aard is dat dit onmiddellike bespreking en besluit regverdig.

Elections

38. At such Annual General Workers' Council during election year, there shall be chosen and elected by secret ballot, as hereinafter described, from among the male full-time Workers of the Mission, who have the qualifications as laid down from time to time by the General Workers' Council, the President, Vice-President, General Secretary and General Treasurer, who shall be the Trustees of the Mission for the time being and also the Superintendent of Missionary Work, who shall all hold office for a period of three (3) years from the date of their elections. There shall further be chosen and elected, by secret ballot the members of the Spiritual Committee and such other officers as the General Workers' Council may decide. The first election shall take place within three years from the date of registration of these articles and thereafter every three years from the date of the first election. Every Officer elected in terms of this clause, shall hold office for a period of three years, subject to Article 46 of the Articles of Association.

Resignations

38b. A District Representative on the Executive Council may at any time resign his office therein and he shall cease to hold the same, if during his occupancy thereof he shall be dismissed from his office, or be expelled from the Mission, and any vacancy occurring shall be filled by a by-election being held in the district as soon as possible after the vacancy occurs.

Special Meetings

39. Special sessions of the General Workers' Council may be arranged by the Executive Council if agreed to by the majority vote in the majority of the District Councils in the Mission. The right of initiative in the matter of calling of Special sessions shall be granted to any ordained full-time Worker of the Mission, when occasion demands. A statement setting forth the reasons for a special session of the General Worker's Council, and the matters to be submitted discussed and decided at such Council, signed by not less than twenty full-time Workers, may be considered sufficient reason for considering the calling of a special session of the General Workers' Council. Only such matters affecting the Mission shall be discussed and decided upon at such meetings as are mentioned and referred to in the requisition concerning the same.

Minutes

40. Minutes shall be kept in a proper book of all the business transactions and resolutions taken, at all General Workers' Councils of the meetings, and shall be signed in so far as they refer to the proceedings of any particular meeting, by the Chairman and Secretary of the meeting, and a copy of any entry made therein, certified in manner hereinafter appearing as correct extract from the said Minutes, shall be sufficient evidence for all purposes of the proceedings therein set forth.

Notices

41. All General Workers' Councils and Special General Workers' Councils shall be convened and held in pursuance of a notice to that effect signed by the Secretary or other Executive officer of the Mission, which notice shall set forth the nature of the meeting, the date and hour when, and the place where the same is to be held, and the business and matters to be discussed and transacted thereat, and shall be posted to all Pastors and Temporary Leaders of Assemblies who shall announce such notice from their platforms at meetings held on three consecutive Sundays, the last announcement to be not less than three days before the meeting, but the omission to announce such notice, if purely accidental or due to the default solely of any such Pastors or Temporary Leaders shall not invalidate the meeting.

Procedure

42. At every General Workers' Council all questions shall be settled, all choices and elections made, and all decisions arrived at by the full-time Workers and delegates in person voting thereupon, and each of such voting be entitled to one vote and no more. In the event of a tie, or equality of votes, concerning any instruction or other matter, the Chairman of the Council shall, in addition to his vote as a member, be entitled to a further casting or deciding vote. All votes for the purpose of election shall on all occasions be given by secret ballot, and unless otherwise decided the voting on other business, decisions or instruction, shall be given openly. The settlement, choice, election and decisions so made and recorded by the majority of the Council, shall, save where otherwise herein provided, bind all members of the Mission.

Quorum

43. A quorum at all meetings of the General Workers' Council, shall be a meeting where one more than half of the organised assemblies of the Mission are represented.

*EXECUTIVE COUNCIL**Constitution*

44. At every third Annual General Workers' Council following the holding of the Annual General Workers' Council just before registration of these Articles, there shall be chosen and elected from among the male full-time Workers of the Mission, who have the qualifications as laid down from time to time by the General Workers' Council, a President, Vice-President, General Treasurer and General Secretary to be the Executive Officers of the Executive Coun-

Verkiesings

38. By geleentheid van 'n dergelike Jaarlikse Algemene Werkersraad, sal die uitvoerende ampsdraers van die Sending uit die manlike voltydse werkers van die Sending wat die kwalifikasies soos van tyd tot tyd deur die Algemene Werkersraad neergelê, besit, met geslote stembrieffies gedurende die eleksiejaar gekies word, te wete die President, Vise-President, Algemene Sekretaris en Algemene Tesourier, wat as Trusteas van die Sending sal ageer; verder die Superintendent van Sendingwerk, almal waarvan hul amp vir 'n tydperk van drie (3) jaar, rekenende vanaf datum van hulle verkiesing, sal beklee. Vervolgens sal ook die lede van die Geestelike Komitee en sodanige ander amptenare soos deur die Algemene Werkersraad besluit mag word, met geslote stembrieffies gekies word. Die eerste verkiesing sal geskied binne drie jaar vanaf datum van registrasie van hierdie Statute en daarna elke drie jaar vanaf die eerste verkiesing. Elke amptenaar wat volgens hierdie klousule gekies word, sal dien vir 'n tydperk van drie (3) jaar, onderworpe aan Artikel 46 van die Statute.

Bedankings

38b. Enige Distriksverteenwoordiger op die Uitvoerende Raad mag te enige tyd bedank as sodanig en sal, as hy gedurende sy dienstyd afgesny word deur die Sending, ophou om die amp te beklee. Enige vakature wat in enige amp ontstaan, sal so gou as moontlik deur 'n tussenverkiesing in die distrik aangevul word.

Spesiale Vergaderings

39. Spesiale sittings van die Algemene Werkersraad mag, indien 'n meerderheidstem in die meerderheid van die Distrikswerkersrade in die Sending dit goedkeur, deur die Uitvoerende Raad gereël word. Aan enige geordende voltydse werker word die reg verleen om die inisiatief te neem ten einde 'n spesiale Raadsitting te belê. 'n Verklaring waarin die redes vir 'n spesiale Algemene Werkersraad en die sake wat daar voorgelê en bespreek en besluit moet word, en geteken is deur nie minder as twintig van die voltydse werkers van die Sending nie, noukeurig en duidelik uiteengesit word, sal as genoegsame rede beskou word om 'n spesiale vergadering van die Algemene Werkersraad te oorweeg. Alleen sodanige sake as wat die Sending raak, en as wat in die voormelde verklaring, en in die formele versoek van die Spesiale Raadsitting genoem is, mag op sulke vergaderings bespreek en beslis word.

Notule

40. Notule van alle besigheidstransaksies aangegaan, en besluite geneem by alle Werkersraadsittings, sal in 'n behoorlike boek gehou word en sal sover dit enige vergadering raak, deur die Voorsitter en Sekretaris van die vergadering geteken word, en 'n afskrif van enige inskrywing as korrek gesertifiseer op 'n wyse hierna uiteengesit, sal as genoegsame bewys dien vir alle doeleindes van die verrigtinge daarin bevat.

Kennisgewings

41. Alle Algemene Werkersrade en Spesiale Algemene Werkersrade sal saamgeroep en gehou word ooreenkomstig 'n kennisgewing uitgereik en geteken deur die Sekretaris of enige ander Uitvoerende Amptenaar van die Sending, watter kennisgewing noukeurig die geaardheid van die vergadering, datum, uur en plek waar dit gehou sal word en die werksaamhede en sake wat daar behandel sal word uiteengesit, en gepos word aan alle Pastore en tydelike leiers van gemeentes wat dit dan op drie agtereenvolgende Sondae by gewone dienste sal afkondig. Die laaste aankondiging van die kennisgewing moet geskied nie minder as drie dae voor die vergadering nie, dog die versuim om so 'n kennisgewing aan te kondig, hetsy per ongeluk of as gevolg van nalatigheid van die Pastore of tydelike leiers, sal die vergadering nie onwettig maak nie.

Prosedure

42. By elke Algemene Werkersraad sal alle vrae deur die voltydse werkers en afgevaardigdes deur persoonlike stemming afgehandel word, alle benoemings en verkiesings plaasvind en alle besluite geneem word met die verstandhouding, dat alle voltydse werkers en afgevaardigdes wat teenwoordig sal wees, slegs op een stem by elke stemming geregtig sal wees. In gevalle van staking van stemme of waar eweveel stemme by enige voorskrif of ander saak uitgebring word, sal die voorsitter van die Raad, behalwe sy gewone stem, ook nog 'n beslissende stem hê. Alle stemme in verband met verkiesings sal deur geslote stembrieffies uitgebring word, en tensy dit anders besluit word, sal stemming in verband met werksaamhede, besluite en voorskrifte openlik plaasvind. Die ooreenkoms, benoeming, verkiesing en besluite wat as sodanig geneem en opgeteken is deur die meerderheid van die voltydse werkers en afgevaardigdes sal, tensy daar hierin ander voorsiening gemaak word, bindend wees op al die lede van die Sending.

Kworum

43 'n Kworum by alle vergaderings van die Algemene Werkersraad sal bestaan uit 'n verteenwoordiging van een meer as die helfte van die georganiseerde gemeentes van die Sending.

UITVOERENDE RAAD*Samestelling*

44. By elke derde Jaarlikse Algemene Werkersraad sal daar, na die jaarlikse Algemene Werkersraad net voor die registrasie van hierdie Statute, vanuit die manlike voltydse werkers van die Sending wat die kwalifikasies soos van tyd tot tyd deur die Algemene Werkersraad neergelê, besit, 'n President, Vise-President, Algemene Tesourier en Algemene Sekretaris as uitvoerende amptenare gekies en benoem word

cil and for the time being the Trustees of the Mission and also the Superintendent of Missionary Work, and such other Officers as the General Worker's Council may decide, and they together with the ordinary members elected by the various District Workers' Councils according to these Articles and the instructions in force in the Mission, shall form the Executive Council.

Period of Service

45. The Executive Officers and the ordinary members of the Executive Council shall, save as hereinafter provided, hold their respective offices until the next election, but shall be eligible for re-election.

Resignations

46. An Executive Officer or the Missionary Superintendent may at any time resign his office therein, and shall cease to hold the same if during his occupancy thereof he shall be expelled from the Mission and any vacancy occurring in any such office, shall be temporarily filled by the appointment by the Executive Council of such other member thereof or such full-time Worker of the Mission, as they shall think fit, to hold the same until the next election.

Authority

47. The Executive Council shall, subject to the directions and instructions (if any), passed from time to time by the General Workers' Council of the Mission, and to the Rules and Regulations hereinafter set forth, manage and transact the business and affairs of the Mission, and possess and exercise all the powers and authorities mentioned and set forth in the Memorandum of Association of the Mission.

Powers

48. All the property of the Mission, movable and immovable, shall be assigned, vested, registered, and transferred, all mortgages, pledges, hypothecations and securities made, taken, ceded and cancelled, Bank accounts operated upon, all cheques drawn and negotiable instruments made, signed, drawn, assigned and endorsed, all documents executed, all extracts from minutes certified, all legal proceedings taken, conducted and defended, and all transactions carried through, by one or more persons, authorised by the Executive Council and in absence of such authorisation in the name of the President, and the Vice-President, the Treasurer and the Secretary for the time being the Trustees and Executive officers of the Mission who shall, however, at all times and in all things be subject to and act in accordance with the directions and instructions of the Executive Council, and a certificate under the hand of any two of the Trustees shall for all purposes be conclusive evidence that any person was or is an Officer or member of the Mission and with the right and powers or that any meeting whatever of the members of the Executive Council of the Mission has duly been held.

Procedure and Quorum

49. The Executive Council shall carry on and conduct the business and affairs of the Mission entrusted to them, and exercise the powers and authorities conferred upon them, at and by the Councils of the Workers thereof, by and through any two of the four Executive Officers being the four Trustees of the Mission.

They shall meet from time to time as the occasion may demand and any assembly of the members of the Council met in pursuance of these rules and regulations shall for all purpose be a meeting of the Council provided a majority of the members be present thereat.

All questions shall be settled and all decisions be arrived at by the members personally present voting thereupon. Each member present at such voting is entitled to one vote and no more, save that in a case of an equality of votes, the Chairman of the meeting shall in addition to his vote as a member of the Council, be entitled to a further casting or deciding vote, and the settlement and decision as so made and recorded by the majority of the members present, shall bind all the members of the Council.

Delegation of Powers

50. The Executive Council may for such periods in such terms as they shall think fit delegate any of their powers to any member or members thereof, and again withdraw the same, and may authorise or empower any person or persons to do any act or thing, and make, sign or execute any Deed, instrument or writing in their or any of their behalfs.

Auditors

51. The Executive Council shall annually recommend to the General Workers' Council for approval the appointment of duly qualified auditors whose duties shall be regulated by the Company's Act of 1926 or any amendments thereof. The remuneration of such auditors shall be determined by the Executive Council.

Finances

52. It shall be the duty of the Executive Council to submit and present to the Annual General Worker's Council and the Annual General Meeting of Members every year, after registration of these Articles, a duly audited statement of Accounts, showing the assets and liabilities of the Mission at a date not more than four months prior to the holding of such meeting, and the income and expenditure of the Mission, during the term immediately preceding or from the date of the last account to such date.

om vir tyd en wyl die Trustees van die Sending te wees, en ook die Superintendent van Sendingwerk, asook sodanige amptenare as wat die Algemene Werkersraad mag besluit en hulle, tesame met gewone lede gekies deur die verskeie Distrikswerkersrade, volgens hierdie Statute en die Voorskrifte van die Algemene Werkersraad in swang in die Sending, sal die Uitvoerende Raad uitmaak.

Dienstyd

45. Die Uitvoerende Amptenare asook die gewone lede van die Uitvoerende Raad, sal behalwe waar hierin anders verklaar word, tot die volgende verkiesing hulle amp beklee en sal herkiesbaar wees.

Bedankings

46. Enige Uitvoerende Amptenaar of die Sending Superintendent mag te eniger tyd bedank as sodanige en sal, as hy gedurende sy diens-tyd afgesny word deur die Sending ophou om die amp te beklee. Enige vakature wat in enige amp ontstaan, sal tydelik deur benoeming deur die Uitvoerende Raad van enige ander lid daarvan of enige sodanige voltydse werker van die Sending, wat deur hulle as geskik beskou mag word, aangevul word tot tyd en wyl die volgende verkiesing van die Uitvoerende Raad plaasvind.

Outoriteit

47. Die Uitvoerende Raad sal, onderworpe aan die voorskrifte en bepalings (indien daar is) wat aan hulle van tyd tot tyd deur die Algemene Werkersraad van die Sending opgedra was, en onderworpe aan die Reëls en Regulasies soos later hierin uiteengesit word, die besigheid en sake van die Sending behartig en bestuur en sal al die magte en gesag besit soos aangehaal en uiteengesit in die Akte van Oprigting van die Sending.

Magte

48. Alle eiendomme van die Sending, losse en vaste, sal toegewys, gevestig, geregistreer en oorgedra word, alle verbande, bewyse, eiendomslande en waarborge gemaak, geneem, oorgemaak en gekanselleer, bankrekenings sal gewerk, alle tjeks uitgereik en ge-endorseer en verhandelbare bewysstukke sal gemaak, geteken, uitgereik, oorgemaak en geëndosseer, alle dokumente ten uitvoer gebring, alle uittreksels van notule gesertifiseer, alle wetlike stappe geneem, aangevoer en verdedig, en alle transaksies deurgevoer word deur een of meer persone daartoe gemagtig deur die Uitvoerende Raad en in afwesigheid van so 'n bemagtiging in die naam van die President, die Vise-President, die Algemene Tesourier en die Algemene Sekretaris vir tyd en wyl die Trustees en Uitvoerende Amptenare van die Sending wat egter in alle sake onderworpe sal wees aan en handel volgens die voorskrifte en bepalings van die Uitvoerende Raad, en 'n sertifikaat geteken deur enige twee van genoemde Trustees sal, vir alle doeleindes, genoegsame bewys wees dat enige persoon, 'n amptenaar of lid van die Sending is of was, met die regte en magte daaraan verbonde, of dat enige vergadering van die lede van die Uitvoerende Raad van die Sending behoorlik gehou was.

Prosedure en Korum

49. Die Uitvoerende Raad sal die besigheid en sake van die Sending wat aan hulle toevertrou is onderhou en bestuur en die magte en regte waarmee hulle belas is, by en gedurende die Raadsitting van die Werkers daarvan, uitoefen deur middel van enige twee van die vier Uitvoerende Amptenare, synde die vier Trustees van die Sending.

Hulle sal van tyd tot tyd, al na gelang die geval dit eis, moet vergader, en enige byeenkoms van die Raad ooreenkomstig hierdie reëls en regulasies sal vir alle doeleindes 'n vergadering van die Raad wees, op voorwaarde dat 'n meerderheid van die lede daarby teenwoordig is.

Alle vraagstukke sal beslis word en tot alle besluite sal geraak word deur die aanwesige lede wat daarvoor sal stem. Elke lid teenwoordig by so 'n stemming, is geregtig op een stem en nie meer nie, behalwe in geval van 'n gelyke stemming, wanneer die Voorsitter van die vergadering geregtig sal wees op 'n verdere beslissende stem, behalwe die een wat hy besit as lid van die Raad. Die ooreenkoms en beslissing aldus gemaak en genoteer deur die meerderheid van die lede wat teenwoordig is, sal alle lede van die Raad bind.

Oordraging van Magte

50. Die Uitvoerende Raad mag vir sulke periodes in sulke terme as wat hulle goed dink, enige van hulle magte oordra aan, en ook terugtrek van, enige lid van die Uitvoerende Raad, en mag enige persoon of persone die reg verleen en in staat stel om enige handeling of iets te doen, en om enige staat, wettige dokument of geskrif te onderteken en uit te voer in hulle (die oordragers se) name.

Ouditeure

51. Die Uitvoerende Raad sal jaarliks die aanstelling van gekwalifiseerde ouditeurs by die Algemene Werkersraad vir goedkeuring aanbeveel. Hierdie ouditeurs se pligte sal gereguleer word deur die maatskappywet van 1926, of deur enige amendemente daarvan. Die besoldiging van sulke ouditeure sal beslis word deur die Uitvoerende Raad.

Finansies

52. Dit sal die plig van die Uitvoerende Raad wees om na registrasie van hierdie Artikels, elke jaar aan die jaarlikse Algemene Werkersraad en die Jaarlikse Algemene Vergadering van lede voor te lê 'n behoorlik geouditeerde rekeningstaat, wat die bates en laste van die Sending op 'n datum hoogstens vier maande voor die hou van so 'n vergadering, en die inkomste en uitgawe van die Sending gedurende die tydperk die laaste datum van so 'n staat onmiddellik voorafgaande of vanaf die datum van die laaste staat van daardie aard aantoon.

Indemnity of Members

53. Every Executive Officer and member of the Executive Council shall be indemnified by the Mission out of the funds thereof from and against all costs, expenses, losses and liabilities incurred or suffered by him by reason of any contract entered into, or act or deed done or performed by him as such Officer or member, or in any way in the discharge or attempted discharge of his duties.

No such Executive Officer or member of the Executive Council shall be liable for the acts, receipts, neglects, or defaults of any other such Officer or member, or for joining in any receipt or other act of conformity, or for any loss or expenses that the Mission may suffer or incur through the insufficiency or defect of title to any property assigned or on behalf of the Mission or for the insufficiency or deficiency of any security in or upon which any of the monies of the Mission shall be invested, or from any loss or damage arising from the Bankruptcy, Insolvency or tortuous act of any person with whom any monies, securities, or properties of the Mission may be deposited or in whose control or possession the same may have been placed, or for any other loss, damage or misfortune whatsoever, which may happen in the execution of the duties of his Office or in relation thereto, unless the same shall have happened through his own wilful act or default.

THE SPIRITUAL COMMITTEE

Constitution

54. At every third Annual General Workers' Council following the Annual General Council held just before the registration of these Articles, there shall be chosen and elected by secret ballot from among the male full-time Workers of the Mission, in addition to the President, Vice-President, General Secretary, General Treasurer, and such other officers as the General Workers' Council may decide, three ordinary Committee men to form together a Spiritual Committee of the Mission. Such Spiritual Committee when elected shall hold office for a period of three (3) years, save as hereinafter provided.

Resignations

55. The Chairman or any ordinary members of the Spiritual Committee may at any time resign his office therein, and he shall cease to hold the same, if during his occupancy thereof he shall be dismissed from his office, or be expelled from the Mission, and any vacancy occurring in any office of the Spiritual Committee, shall be filled by some person appointed by the Spiritual Committee from such other members of the Executive Council as they may think fit. Such person shall hold office until the next election of members of the Spiritual Committee as hereinbefore provided.

Period of Service

56. The Chairman and the Ordinary Members of the Spiritual Committee shall, save as herein provided hold their respective Offices until next election but shall be eligible for re-election.

Doctrine and Discipline

57. The Spiritual Committee shall when thereto required by the Executive Council or General Workers' Council:

- (1) Enquire into, settle and lay down the doctrine and discipline of the Mission in any question or matter submitted to them.
- (2) Hold a Court before which the complainant and accused shall be entitled to appear and be heard in person, and lead and submit evidence, oral, documentary or otherwise, to decide and adjudge whether the views, character and conduct of any member are in conformity or otherwise with the doctrines and discipline of the Mission, and;
- (3) Generally examine into, deal with, and report upon any question, matter or thing arising out of and relevant to, or affecting the doctrine and discipline of the Mission.

57a. The Spiritual Committee shall in addition to what is laid down in Article 57, sit as a court of Appeal over all matters that may be submitted to it for final decision according to the Articles and Instructions.

Inquiries

58. In all inquiries, examinations, investigations and hearings by the Spiritual Committee, all members thereof shall take part provided that a majority of the membership be present, but the opinion, finding and decision of the majority of the meeting shall in all cases be final and conclusive on the question of the matter at issue.

GENERAL MEETING OF MEMBERS

Constitution and Quorum

59. A general meeting of the members shall be an assembly of the members at a particular place, in response to a notice issued to them in a manner and form herein appearing, calling them together to a General Meeting for any purpose or for the transaction of any business in the interests of the Mission and shall be a general meeting notwithstanding that only some of the members be present thereat.

Annual General Meeting

60. A general meeting of the members shall be held once at least in every calendar year, and not more than fifteen months after the holding of the last preceding general meeting under this clause, the

Vrywaring van Lede

53. Elke Uitvoerende Amptenaar en lid van die Uitvoerende Raad sal deur die Sending vergoed word uit die fondse daarvan vir en teen alle verliese, onkoste, uitgawes en skulde gemaak, en wat op hom rus as gevolg van enige kontrak waarin hy getree het, of handeling of daad wat hy uitgevoer of gedoen het, as so 'n lid of ampsdraer, of as hy op enige manier by die uitvoering of gepoogde uitvoering van sy pligte belas is.

Geen sodanige Uitvoerende Amptenaar of lid van die Uitvoerende Raad sal verantwoordelik wees vir die dae, ontvangste, nalatigheid of onbetaalde skulde van enige ander sodanige lid of amptenaar nie, of vir die medepligtigheid in enige ontvangste, of enige ander ooreenkoms, of vir enige ontvangste, of enige ander ooreenkoms, of vir enige verlies of uitgawe wat die Sending mag ly of tref deur 'n tekort of defek aan of van reg of enige besitting oorgemaak ten bate van die Sending, of vir die tekort of ontoereikendheid van enige sekuriteit in of waarop enige van die gelde van die Sending belê sal word nie. Ook sal hy nie verantwoordelik wees vir skade as gevolg van bankrotskap, insolvensie, of oneerlike dae van enige persoon by wie enige gelde, sekuriteite of besittings van die Sending gedeponeer is; of in wie se beheer of besit genoemde dinge geplaas mag wees of vir enige ander verlies, skade of ongeluk van watter aard ookal wat mag gebeur in die uitvoering van die pligte van sy amp in verband daarmee nie, tensy hierdie dinge sal gebeur het deur sy eie moedswillige daad of versuim.

DIE GEESTELIKE KOMITEE*Samestelling*

54. Op elke derde Jaarlikse Algemene Werkersraadsitting wat volg op die Jaarlikse Algemene Raadsitting gehou net voor die registrasie van hierdie Statute, sal daar deur middel van geslote stembrieffies uit die geleedere van die manlike voltydse werkers van die Sending benewens die President, Vise-President, Algemene Sekretaris, Algemene Tesourier en sulke ander amptenare soos deur die Algemene Werkersraad besluit mag word, nog drie gewone Komiteelede gekies word om tesaam 'n Geestelike Komitee te vorm. So 'n Geestelike Komitee sal nadat hy gekies is, vir 'n periode van drie jaar aanbly, met voorbehoud soos hierna uiteengesit word.

Bedankings

55. Die Voorsitter of enige ander lid van die Geestelike Komitee mag te eniger tyd bedank uit sy amp, en sy dienste sal beëindig word indien gedurende sy ampsbekleding daarvan hy ontslaan word of afgesny word van die Sending. en enige vakature wat in enige amp van die Geestelike Komitee mag ontstaan sal deur een of ander persoon wat deur die Geestelike Komitee uit sodanige lede van die Uitvoerende Raad as wat hulle geskik ag, aangestel word. Sodanige persone sal hul amp beklee tot die volgende verkiesing van die lede van die Geestelike Komitee, soos voorheen hierin voorsien.

Tydperk van Diens

56. Die Voorsitter en die gewone lede van die Geestelike Komitee, sal behalwe waar hierin ander voorsiening gemaak word, die genoemde ampte tot die volgende eleksie beklee, maar is herkiesbaar.

Leerstellings en Tug

57. Die Geestelike Komitee sal, indien dit deur die Uitvoerende Raad of Algemene Werkersraad nodig geag word:

- (1) Ondersoek instel, neêrlê en vaslê wat die leerstellings en tug van die Sending is in enige saak van belang wat aan hulle voorgelê word.
- (2) 'n Hof laat sit voor wie die aanklaer en aangeklaagde die reg sal hê om persoonlik te verskyn en verhoor te word en getuienis aanvoer en lewer, mondelings, dokumentêr of andersins met die doel om te besluit en te beslis of die opvattinge, karakter en gedrag van enige lid in ooreenstemming is al dan nie met die leerstellings en tug van die Sending, en
- (3) Om in die algemeen ondersoek in te stel, aandag te skenk en verslag te doen insake enige vraagstuk of saak wat mag voortvloei uit, of van toepassing is op, of wat die leer en tug van die Sending raak.

57a. Die Geestelike Komitee sal verder en behalwe soos neergelê in Artikel 57 as 'n hof van appèl oor alle sake sit wat volgens hierdie Statute en Voorskrifte vir finale beslissings voorgelê mag word.

Ondersoeke

58. Ten opsigte van alle navrae, ondersoekings en verhoore deur die Geestelike Komitee sal alle lede deel neem mits daar een meer as die helfte van die lede aanwesig is, maar die sienswyse, bevinding en besluit van die meerderheid van die vergadering sal in alle gevalle wat ter sprake is, finaal en beslissend wees.

ALGEMENE VERGADERING VAN LEDE*Samestelling en Kworum*

59. 'n Algemene Vergadering van lede sal 'n vergadering wees wanneer 'n groep lede op 'n gegewe plek vergader op grond van 'n kennisgewing wat uitgereik is op 'n wyse en vorm wat hierin voorkom en wat hulle tot 'n Algemene Vergadering saamroep vir enige doel of vir enige handeling of besigheid in belang van die Sending, en al sou net sommige van die lede teenwoordig wees, sal dit tog as 'n Algemene Vergadering geld.

Jaarlikse Algemene Vergadering

60. 'n Algemene Vergadering van die lede sal ten minste eenkeer per kalenderjaar gehou word en nie langer as vyftien maande na die hou van die jongste voorafgaande Algemene Vergadering gehou onder hierdie klousule nie, die eerste vergadering waarvan gehou sal

first of which meetings shall be held within fifteen months from the date hereof. Meetings held in pursuance of this clause, shall be known as "Annual General Meetings".

Special General Meeting

61. The Executive Council may at any time upon the decision of the General Workers' Council to that effect, convene a General meeting of the members, other than and in addition to any General meetings. Meetings held in pursuance of this clause shall be known as "Special General Meetings", and only such business and matters affecting the Mission, shall be discussed, transacted and decided on at such meetings as are mentioned and referred to in the notice concerning the same.

Notice

62. All General Meetings of the members shall be convened and held in pursuance of a notice to that effect signed by the Secretary or other Executive Officer of the Mission which notice shall set forth the nature of the meeting, date and hour when and the place where the same to be held, and the business and matters to be discussed and transacted thereat, and shall be posted to all Pastors and Temporary Leaders of Assemblies, who shall announce the notice from the platforms during services held on three consecutive Sundays, the last announcement to be not less than three days before the meeting, but the omission to announce such notice, if purely accidental or due to the default solely of any Pastor or Temporary Leader, shall not invalidate the Meeting.

Order of Meeting

63. At every General Meeting of the members all questions shall be settled and all decisions arrived at by the members in person voting thereupon, and such members so present shall at such voting be entitled to one vote and no more, save that in case of a tie or equality of votes, the Chairman of the meeting shall in addition to his vote as a member, be entitled to a further casting or deciding vote, and all votes shall on all occasions be given openly unless where otherwise herein provided, or unless the majority of the members so present shall decide that the votes on any particular question or matter shall be given in secret ballot.

Minutes

64. Minutes shall be kept in a proper book of all the Transactions at all General Meetings of the meetings, and shall be signed in so far as they refer to the transactions at any particular meeting, by the Chairman and Secretary of the meeting, and a copy of any entry made therein certified in manner hereinafter appearing, as a correct extract from the said Minutes, shall be sufficient evidence for all purposes of the transaction therein set forth.

MISSIONARY POLICY

Organisation

65 (a) The General Workers' Council shall, subject to the provision laid down in Article 2, have full power and authority to determine the Missionary Policies of the Mission and to create and establish such organisation as may be required from time to time to effectively promote the aims and objects of the Mission in the Mission fields.

Missionary Council

(b) A Council of Missionaries from all Mission fields, presided over by the Superintendent of Missionary work, shall be convened annually for the purpose of discussing matters concerning the work in the Missionary Departments and advising the Executive Council and General Workers' Council on Missionary matters, referred to in Article 2 hereof.

Properties and Funds

(c) All properties acquired for the use of the Indian, Coloured and Bantu communities, shall be held in trust for each community by the Executive Council through the Trustees of the Mission and such properties shall not be disposed of or transferred from one community to another, unless with the consent of the Executive Council. Any funds collected by the said communities or derived from the sale of their properties, shall be held in trust for the community concerned by the Executive Council.

RULES AND REGULATIONS TO BE OBSERVED AT ALL MEETINGS

Order

66. All the meetings in general of Assemblies, Committees, Boards, Councils or otherwise shall be conducted in an orderly and proper manner and in observance of the constitution of the Mission.

Quorum

67. A quorum at any Council, Board or Committee meeting, except where herein is otherwise provided, shall consist of one more than half the number of members of the existing body.

word binne vyftien maande vanaf hierdie datum. Vergaderings wat in ooreenstemming met hierdie klousule gehou word, sal bekend staan as „Jaarlikse Algemene Vergaderings”.

Spesiale Algemene Vergadering

61. Die Uitvoerende Raad mag te eniger tyd op grond van die besluit van die Algemene Werkersraad 'n Algemene Vergadering van die lede saamroep apart van en in toevoeging tot ander Algemene Vergaderings. Vergaderings wat in ooreenstemming met hierdie klousule gehou word, sal bekend staan as „Spesiale Algemene Vergaderings”, en alleen sodanige sake en aangeleenthede wat die Sending raak en wat in die betreffende kennisgewing genoem en daarna verwys word, mag op sulke vergaderings bespreek, aangegaan en besluit word.

Kennisgewing

62. Alle Algemene Vergaderings van die lede sal belê en gehou word ooreenkomstig 'n kennisgewing tot dien effekte geteken deur die Sekretaris of 'n ander Uitvoerende beampte van die Sending en waarin die aard van die vergadering, datum, uur en plek wanneer en waar dit gehou sal word, en die sake en aangeleenthede wat daar bespreek en afgehandel word, sal gepos word aan alle Pastore en tydelike leiers van gemeentes wat die kennisgewing van die verhoog, gedurende die godsdiensoefeninge op drie agtereenvolgende Sondae sal afkondig, die laaste afkondiging waarvan nie minder as drie dae voor die vergadering sal geskied nie; dog indien per ongeluk of as gevolg van nalatigheid van enige Pastoor of tydelike leier die kennisgewing nie afgekondig is nie, sal dit die vergadering nie onwettig maak nie.

Orde van Vergadering

63. Op elke vergadering van die lede sal alle sake afgehandel en alle besluite gencem word ingevolge die persoonlike stem van die lede aanwesig en wat by sulke vergaderings net op een stem geregig is, behalwe in geval van 'n staking of gelykheid van stemme, waar die Voorsitter van die vergadering afgesien van sy stem as 'n lid nog geregig is op 'n beslissende stem, en op alle geleenthede sal alle stemme openlik plaasvind, behalwe waar dit hierin anders bepaal is, of tensy die meerderheid van die aanwesige lede besluit dat die stemming oor enige spesiale onderwerp met geslote stembriefies moet geskied.

Notule

64. Notule van alle handeling op alle Algemene Vergaderings sal in 'n geskikte boek gehou word en in sover as wat dit betrekking het op die aangeleenthede van enige besondere vergadering, deur die Voorsitter en Sekretaris van die vergadering geteken word, en 'n afskrif van enige inskrywing daarin gedoen, sal, op 'n wyse soos hierin uiteengesit, as 'n juiste uittreksel van die genoemde notule gesertifiseer word en sal voldoende bewys wees vir alle doeleindes van die saak wat daarin uiteengesit word.

SENDINGBELEID

Organisasie

65. (a) Die Algemene Werkersraad sal, onderhewig aan die bepalings van Artikel 2, volmag en gesag hê om die Sendingbeleid van die Sending te bepaal en om sodanige organisasie in die lewe te roep en op te rig as wat van tyd tot tyd nodig sal wees om die doel en strewe van die Sending in die Sendingvelde te bevorder.

Sendelingraad

(b) 'n Raad van sendelinge uit alle Sendingvelde, onder voorsitterskap van die Superintendent van Sendingwerk, sal jaarliks saamgevoeg word met die doel om sake te bespreek rakende die werk in die Sendingdepartemente, en om die Uitvoerende Raad en Algemene Werkersraad met advies in verband met Sendingsake waarna in Artikel 2 hiervan verwys is, by te staan.

Besittings en Fondse

(c) Alle besittings wat verkry word ter beskikking van die Indiër-, Gekleurde- en Bantoe-gemeenskappe, sal vir elke gemeenskap in trust gehou word deur die Uitvoerende Raad deur middel van die Trustees van die Sending, en sodanige besittings sal nie van die hand gesit of oorgedra word van een gemeenskap na die ander nie, behalwe met toestemming van die Uitvoerende Raad. Enige fondse wat deur genoemde gemeenskappe ingesamel is of verkry is vir die verkoop van besittings, sal deur die Uitvoerende Raad vir die betrokke gemeenskap in trust gehou word.

REËLS EN REGULASIES WAT IN AG GENEEM MOET WORD OP ALLE VERGADERINGS

Orde

66. Alle vergaderings oor die algemeen van gemeentes, komitees, besture en raadsvergaderings of andersins, sal op ordelike en juiste manier en met inagneming van die Statute van die Sending gehou word.

Kworum

67. By enige raadsitting, bestuurs- of komitee-vergadering, sal behalwe waar hierin anders voorsiening gemaak word, net een meer as die helfte van die lede van die bestaande liggaam 'n kworum vorm.

Chairman

68. The President, or Chairman shall preside over all meetings, except in his absence when the Vice-President or Vice-Chairman shall preside. Due respect shall at all times be shown to the presiding Officer, and in speaking every member shall address the Chair.

Should the presiding Officer be absent from a meeting whereof due notice has been given the members present shall after fifteen minutes have elapsed from the time set down for the meeting have the right to elect a temporary Chairman who shall preside during such meeting subject to the rules herein contained.

Absentees

69. A member of any Council, Board or Committee absenting himself, without approved cause, for three successive meetings of which he has been duly notified, shall cease to be a member thereof, and another member shall be forthwith elected to his place for the term of his membership. In case of the death or removal of a member, the vacancy shall be filled without delay by the existing members.

Procedure

70. All matters shall be brought under consideration and discussion by way of the motion duly proposed and seconded and noted by the Secretary, but the meeting may at any time at the request of a member and with the consent of the majority of such a meeting go into Committee for general discussion.

Speakers

71. No member shall have the right to speak more than once on a motion or amendment, provided that by consent of the Chairman, he may again speak by way of explanation.

Movers of resolutions shall have the right to reply at the end of the discussion.

Amendments

72. Every amendment shall be duly proposed and seconded and noted by the Secretary, the amendments being put to the vote in reverse order to that which they were proposed and the original motion shall be voted for after all the amendments shall have been voted for.

Casting Vote

73. The President, or any Chairman, shall have an ordinary vote, and in the event of a tie also a casting vote. In the Spiritual Council or when the Spiritual Council functions as a court of appeal, the President or Chairman shall not have a casting vote.

System of Voting

74. Voting on all matters may take place by secret ballot or show of hands, as the meeting shall decide, provided that all elections shall be by secret ballot. In the election of the Executive Officers of any Board, Committee or Council and members of the Executive Council the candidates who possess the necessary qualifications shall be nominated by secret ballot. All names thus presented having obtained at least ten per cent of the votes cast shall be balloted upon until a candidate shall have received a two-third majority of the votes cast. If no such majority shall have been reached by the first three ballots taken the two candidates having the highest number of votes in the third ballot shall be the only nominees to be further voted upon and the candidate who receives the majority shall be declared elected. Any candidate receiving a two-third majority in the nomination ballot shall be declared elected. In the case when a number of members are to be elected all names having the necessary qualifications and receiving two or more nominations in the nomination ballot shall be further balloted upon until a majority of all votes is obtained by every member to be elected.

Review of Resolutions

75a. Resolutions may be brought in review, except where herein otherwise provided, by any member provided that due notice in writing shall be given to the Secretary, of the Committee or body, who shall notify the members thereof at least eight days before the next meeting at which such review shall be considered.

Rights of Appeal

75b. Any Committee, Board or Council, or any member of any Committee, Board or Council shall have the right to appeal to the highest Court of Appeal of the Mission.

Minutes

76. The Secretary of every Committee, Board or Council shall keep correct minutes of the proceedings at meetings, which minutes shall be duly read and confirmed at the next meeting before any other business is proceeded with and shall be signed by the President or Chairman and Secretary, and shall at all reasonable times be accessible to the members of the body concerned.

Voorsitter

68. Die President of Voorsitter sal presideer of voorsit op alle vergaderings, behalwe in sy afwesigheid wanneer die Vise-President, of Vise-Voorsitter sal optree. Die nodige respek sal te alle tye teenoor die presiderende amptenaar getoon word, en elke lid sal as hy praat, die voorsitter aanspreek.

In geval van afwesigheid van die presiderende amptenaar by 'n vergadering, waarvan behoorlik kennis gegee is, sal die aanwesige lede, na verstryk van vyftien minute vanaf die tyd wat vir die vergadering bepaal is, die reg hê om 'n tydelike voorsitter te kies, wat gedurende sodanige vergadering, onderhewig aan die reëls hierin bevat, sal voorsit.

Afwesiges

69. 'n Lid van enige Raad, Bestuur of Komitee wat sonder verstrekking van goedgekeurde rede drie agtereenvolgende vergaderings waarvan hy behoorlik kennis gekry het, afwesig is, sal ophou om lid te wees daarvan en 'n ander lid sal onverwyld in sy plek vir die termyn van sy lidmaatskap gekies word. In die geval van dood of afsit van 'n lid, sal die vakature onverwyld deur bestaande lede opgevolg word.

Prosedure

70. Alle sake sal deur middel van behoorlik voorgestelde en gesekondeerde mosies wat deur die sekretaris genotuleer word, ter ooreweging en bespreking gebring word, dog die vergadering mag te eniger tyd op versoek van 'n lid en met toestemming van die meerderheid van so 'n vergadering vir algemene bespreking, in komitee gaan.

Sprekers

71. Geen lid sal die reg hê om meer as een keer oor 'n voorstel of amendement te praat nie, behalwe dat met toestemming van die Voorsitter, hy ter verduideliking weer mag praat.

Voorstellers van besluite sal die reg hê om aan die end van die besprekings te antwoord.

Amendemente

72. Elke amendement moet behoorlik voorgestel, gesekondeer en deur die Sekretaris genotuleer word, en oor hulle moet in omgekeerde orde van die waarin hulle voorgestel is, gestem word. Vir die oorspronklike voorstel sal gestem word nadat vir alle amendemente gestem is.

Beslissende Stem

73. Die President of enige Voorsitter sal 'n gewone stem hê, en in die geval van 'n staking van stemme het hy ook 'n beslissende stem. In die Geestelike Komitee of wanneer die Geestelike Komitee as 'n hof sit, sal die President of Voorsitter nie 'n beslissende stem hê nie.

Stelsel van Stemming

74. Stemming oor alle sake mag per geslote stembrief of deur middel van handopsteking, volgens die besluit van die vergadering plaasvind, met die voorbehoud dat alle verkiesings per geslote stembrieffes sal plaasvind. By die verkiesing van die Uitvoerende Amptenare van enige Bestuur, Komitee of Raad en lede van die Uitvoerende Raad, sal die kandidate wat die nodige kwalifikasies besit per geslote brief genomineer word. Alle name op dié wyse verkry en wat tenminste tien persent van die stemme verkry het, sal ter stemming gebring word, totdat 'n kandidaat 'n twee-derde meerderheid van die stemme behaal het. Indien so 'n meerderheid nie met die eerste drie stemmings behaal word nie, dan sal die twee kandidate wat die hoogste aantal stemme by die derde stemming verkry het, die enigste kandidate wees oor wie weer gestem moet word en die kandidaat wat daarna die meerderheid behaal, sal verkose wees. Enige kandidaat wat 'n twee-derde meerderheid met die nominasie-stemming behaal, sal as verkose verklaar word. In die geval waar 'n aantal lede gekies moet word, moet oor alle name wat die nodige kwalifikasies besit en wat twee of meer nominasies gekry het, verder gestem word tot 'n meerderheid van alle stemme verkry is deur elke lid wat verkies moet word.

Hersiening van Besluite

75a. Besluite mag hersien word, behalwe wanneer hierin anders bepaal is, deur enige lid mits tydige kennisgewing gegee word aan die sekretaris van die komitee of liggaam, wat dan die lede daarvan in kennis sal stel, tenminste agt dae voor die volgende byeenkoms, waarby so 'n hersiening dan oorweeg sal word.

Regte van Appèl

75b. Enige komitee, bestuur of raad, of enige lid van enige komitee, bestuur of raad sal die reg hê om na die hoogste appèlhof van die Sending te appelleer in verband met enige saak.

Notule

76. Die sekretaris van elke komitee, bestuur of raad sal noukeurige notule van die verrigtinge by vergaderings moet hou. Hierdie notule moet dan behoorlik voorgelees en bekragtig word met die volgende vergadering voordat met enige ander verrigtinge voortgegaan word, en moet deur die President of Voorsitter en die Sekretaris onderteken word en te alle redelike tye vir die lede van die liggaam ter insae lê.

Correspondence

77. All official correspondence shall be carried on by the Secretary, who shall keep record and copy of same and all communications shall be addressed to him and be duly filed for reference, and be replied to by him.

Finance

78. The Treasurer shall receive and with the sanction of his Council, Board or Committee, pay out all monies, for which receipts shall be taken; he shall keep proper books, open to the inspection of his Committee at all reasonable times, and shall render statement of account at such times as his Committee shall decide.

Power of Presiding Officer

79. The ruling of the presiding Officer shall at all times be respected, should any member be dissatisfied with any ruling by a Chairman, he may challenge such ruling which shall thereupon be decided by the majority at such meeting provided that any member shall at all times possess a right of Appeal, to the highest Court of Appeal of the Mission.

Amendments to these Articles

80. To add to or, to alter, any or all these articles, written notice to that effect shall be given to the Secretary of the Executive Council, giving full details of the proposed amendment or amendments, which notice shall be laid before all the District Councils and the majority vote in the majority of the District Councils shall decide whether such amendment or amendments shall be discussed and decided upon at a General Workers' Council or Special General Workers' Council to be convened for that purpose, and a majority vote of all members of the Council present shall decide whether the proposed alteration or addition shall be proceeded with as provided for by the Company's Act 1926 or any amendments thereof.

Signed:

Witnesses: 1.

2.

UNLIMITED COMPANY

MEMORANDUM OF ASSOCIATION

of the

APOSTOLIC FAITH MISSION OF SOUTH AFRICA

1. The name of the Company is The Apostolic Faith Mission of South Africa.

2. The Registered Office of the Company will be situated in the Transvaal.

3. The objects for which the Company is established are:

The object of the Society shall be the extension in South Africa and elsewhere, by all and every legitimate means of the Kingdom of God upon earth in accordance with the teaching of the Holy Scriptures as interpreted and defined from time to time as the occasion may require by the Spiritual Committee, and to this end the Society shall be such persons and in such manner as may be prescribed be entitled to do all or any of the following acts and things i.e.:

- (a) To admit fit and proper persons to be members of the Society, and to expel members whose views, character, or conduct shall be found after due enquiry not to be in conformity with the doctrine, discipline and practice of the Apostolic Faith.
- (b) To ordain or appoint fit and proper persons among its members to be Pastors, Elders, Deacons, Evangelists, Missionaries or Workers, or to hold other offices and to recognise as such when duly admitted members of the Society, persons presenting proper certificates or credentials to that effect from any other duly constituted Christian body to assign to such Officers and delimit from time to time their respective districts and spheres of operation and duty; to transfer such officers from time to time from their then to other districts or localities or to leave them with such unprovided or unassigned; to remove such Officers from time to time from their then to any other offices; and to suspend for such periods as may be decided upon or to dismiss such Officers as may be found, after due enquiry to be deserving of suspension or dismissal.
- (c) To hire and engage the services of teachers, colporteurs, agents or other persons from time to time on such terms and for such periods as may be deemed necessary or expedient for the work or any interest of the Society.

Briefwisseling

77. Alle amptelike briefwisseling moet deur die Sekretaris gevoer word, en hy moet verslag en afskrifte daarvan hou, en alle skrywe moet aan hom gerig word, en deur hom behoorlik bewaar word vir verwysing daarna en beantwoord word deur hom (die sekretaris).

Finansies

78. Die Tesourier sal alle gelde ontvang en sal met goedkeuring van sy raad, bestuur of komitee alle gelde, waarvoor dan kwitansies geëis moet word, uitbetaal; hy moet behoorlik boeke hou wat te alle redelike tye vir sy komitee ter insae en oop vir ondersoek moet lê, en sal verslag moet doen op sulke tye as wat deur sy komitee besluit sal word.

Mag van Presiderende Amptenaar

79. Die uitspraak of beslissing van die voorsittende amptenare moet te alle tye eerbiedig word, en sou enige lid ontevrede wees met enige beslissing van enige voorsitter, dan mag hy teen so 'n uitspraak, beslissing of reëling beswaar maak, waarna dan daaromtrent besluit sal word deur die meerderheid teenwoordig by so 'n vergadering mits enige lid te alle tye die reg van appèl na die hoogste Appèlhof van die Sending sal besit.

Amendemente aan hierdie Statute

80. Om aan enige van hierdie Statute, of aan almal by te voeg, of te verander, moet geskrewe kennisgewing in dier voege gegee word aan die sekretaris van die Uitvoerende Raad. In genoemde kennisgewing moet volle besonderhede van die voorgestelde wysiging of wysigings gegee word en dan sal die kennisgewing voor al die Distriksrade gelê word en die stem van die meerderheid in die meerderheid van die Distriksrade sal beslis of sulke wysiging, of wysigings, bespreek en oor besluit sal word op 'n Algemene Werkersraadsitting of op 'n Spesiale Algemene Werkersraadsitting wat gehou sal word vir dié doel en daar sal die stem van die meerderheid van al die lede van die Raad wat teenwoordig is, beslis of met die registrasie van die voorgestelde byvoeging of verandering voortgegaan sal word soos in verband daarmee bepaal is in die Maatskappywet van 1926, of enige wysigings of amendemente daarvan.

Geteken:

Getuies: 1.

2.

ONBEPERKTE MAATSKAPPY

AKTE VAN OPRIGTING

van die

APOSTOLIESE GELOOF SENDING VAN SUID-AFRIKA

1. Die naam van die Maatskappy is Die Apostoliese Geloof Sending van Suid-Afrika.

2. Die Geregistreerde kantoor van die Maatskappy sal in die Transvaal geleë wees.

3. Die doel waarvoor die Maatskappy opgerig word is:

Die doel van die Maatskappy sal wees die uitbreiding in Suid-Afrika en elders, deur enige en elke wettige middel, van die Koninkryk van God op aarde ooreenkomstig die leerstellings van die Heilige Skrif soos van tyd tot tyd, wanneer die geleentheid dit vereis, deur die Geestelike Komitee verklaar en omskryf word, en vir hierdie doel sal die Maatskappy deur sulke persone en op sulke wyse as wat voorgeskryf mag word geregtig wees om enige of almal van die volgende sake en dinge ten uitvoer te bring, naamlik:

(a) Om bekwame en geskikte persone toe te laat om lede van die Maatskappy te word, en om lede uit te sit, van wie die sienswyse, karakter of gedrag, na behoorlike ondersoek, bevind sou word dat dit teenstrydig met die leerstellings, tug en gebruik van die Apostoliese Geloof Sending is.

(b) Om bekwame en geskikte persone vanuit haar lede te verorden of aan te stel om Pastore, Ouderlinge, Diakens, Evangeliste, Sendelinge of Werkers te wees of ander ampte te beklee en as sulke te erken persone wat wettig aangeneem is as lede van die Maatskappy, en wat behoorlike sertifikate of geloofsbriewe tot die effekte van enige ander behoorlik saamgestelde en erkende Christelike liggaam kan toon; om sulke Ampsdraers hulle respektiewelike distrikte en werkkringe en pligte van tyd tot tyd aan te wys en af te baken. Om sulke Ampsdraers van tyd tot tyd van hulle teenwoordige distrikte of omgewings na andere te verplaas of om hulle daarvan onvoorsien of onaangewese te laat; om sulke Ampsdraers van tyd tot tyd van hulle teenwoordige tot ander betrekking te verplaas; om sulke Ampsdraers as wat na behoorlike ondersoek bevind was dat hulle skorsing of afdanking verdien, vir sulke tydperke te skors soos besluit mag word of geheel en al te ontslaan.

(c) Om te huur en gebruik te maak van die dienste van leerkragte, kolporteurs, agente of ander persone wat van tyd tot tyd op sulke voorwaardes en vir sulke tydperke as wat nodig geag mag word of wenslik mag wees vir die werk of enige belange van die Maatskappy.

- (d) To establish, maintain, and support and aid in the establishment, maintenance and support of Churches, Meeting-houses, Schools, Hospitals, Alms-houses, Orphanages, Manse-houses, Presbyteries, Offices, Institutions and Clubs or any other buildings or business not mentioned here for or conducive to the spiritual, moral, or material benefit of the members of the Apostolic Faith, or of their relatives, connections or dependants.
- (e) To subscribe or guarantee money for, or otherwise aid in the advancement of any religious, charitable or benevolent institution or purpose or any public general or useful object.
- (f) To print or publish, or assist in the printing or publishing of books, tracts, pamphlets, magazines, newspapers, journals, accounts, statements, papers, circulars, advertisements, handbills, posters and other documents incidental or conducive to the object and work of the Society, or calculated to assist in the spreading of the Apostolic Faith as interpreted by the Apostolic Faith Mission of South Africa.
- (g) To appoint any person or persons, Committee or Association, or body to represent the Society in any other country or state, in any matter or thing, with such powers or authorities and subject to such conditions and qualifications as may from time to time be deemed necessary or desirable.
- (h) To enter into arrangements with any Government or Authority, Sovereign, Municipal or Local, that may seem calculated to advance the object of the Society to further its work or facilitate the exercise of its powers or any of them. To obtain from such Government or Authority any Rights, privileges, powers or concessions, which it may be thought desirable to acquire. To comply with, to carry out and exercise any such arrangements, rights, privileges, powers and concessions, and to promote and to obtain from any Legislature, Parliament, Assembly, Council or Executive of any such Government or Authority to enable or assist the Society to advance its objects, to carry on its work or to exercise its powers or any of them.
- (i) To accept, acquire, hold and deal with any trust, property or funds subject to and in terms of any trust affecting the same, and to undertake, administer, execute or perform any trust or duty that may be confided in, or imposed upon it.
- (j) To take over, accept, and acquire, subject to and to hold and deal with, in terms of any trust or duly expressed or implied affecting the same property and Funds of the Mission or Society at the time of its constitution hereby.
- (k) To acquire by purchase, hire or otherwise, and on any terms and for any consideration to accept by way of gift donation, subscription, legacy, bequest devise or otherwise howsoever and subjected to any conditions or burden to obtain title or documentary evidence of the Title in due form of the appropriated land, to hold, manage, maintain, administer and against any risk insure and on any terms to sell, transfer, mortgage, hypothecate, pledge, let, lend or otherwise dispose of lands and interests in lands, buildings, erections, securities, stocks, shares, debentures, negotiable instruments, funds, monies, debts, right of action, and property of what nature or kindsoever and wheresoever situate, movable or immovable.
- (l) To erect, maintain, or demolish buildings and structures of any description or material whether on the land of the Society or not.
- (m) To borrow, and raise, and undertake and secure the repayment of money in such manner and in such terms as may be considered necessary or expedient and in particular on and by mortgages, hypothecations pledges or debentures on or over any or all of the property of the Society.
- (n) To invest, deal with, and lend out the funds and monies of the Society in such manner and on such securities, on such terms and to such persons as may from time to time be expedient.
- (o) To guarantee contracts and liabilities of, and become security for any person or body, and to sign and execute deeds, bonds, and investments of securityship or guarantee.
- (p) To open a Banking Account or Banking Accounts in the name of the Society, or in trust for the Society, or otherwise as may be necessary or expedient, with such Banks, and in such places as may be considered desirable, and to operate upon, transfer and close the same from time to time as may be thought fit.
- (q) To take, sign, draw and accept and endorse cheques, bills of exchange, promissory notes, and negotiable instruments.
- (r) To sign, give, and grant receipts, releases and discharges for any money paid or other property in any way transferred or delivered to the Society for any purpose.
- (s) To enter into, grant, sign, make or execute all such Agreements, Contracts, Powers of Attorney, Deeds, and other instruments as may be deemed expedient or necessary for the benefit of the Society for the furtherance of its objects, work, or for the due exercise of its powers.

- (d) Om Kerke, Vergaderplekke, Skole, Hospitale, Armgestigte, Weeshuise, Pastorieë, Raadsale, Kantore, Inrigtings en Klubgeboue of enige ander gebou of besigheid nie hier genoem nie op te rig, te onderhou en te ondersteun en om te help in die oprigting, onderhoud en ondersteuning daarvan tot bevordering van die geestelike, morele of stoflike voordeel van die lede van die Apostoliese Geloof Sending of van hulle familieleden, bloedverwante of afhanklikes.
- (e) Om geld by te dra of te waarborg, of anders steun te verleen tot die bevordering van enige godsdienstige, liefdadige of wel-dadige inrigting of strewe, of van enige publieke, algemene of nuttige doel.
- (f) Om boeke, traktate, pamflette, tydskrifte, nuusbriewe, koerante, rekenings, state, papiere, omsendbriewe, advertensies, hand-biljette, aanplakbiljette en ander dokumente te druk en uit te gee of om te help met die druk en uitgawe wat gepaard gaan met, of wat bevorderlik is vir die doel en werk van die Maatskappy, of wat bereken word om te help met die verspreiding van die Apostoliese Geloof, soos vertolk deur die Apostoliese Geloof Sending van Suid-Afrika.
- (g) Om enige persoon of persone, Komitee of Vereniging of lig-gaam aan te stel, om die Maatskappy in enige ander land of Staat te verteenwoordig in enige kwessie of saak, met sulke magte en gesag; en onderhewig aan sulke voorwaardes en voor-behoud as wat van tyd tot tyd nodig en wenslik geag mag word.
- (h) Om met enige Goewerment of Owerheid, Soewereine, Munisi-pale of Plaaslike ooreenkomste aan te gaan as wat bereken word om die doel van die Maatskappy te bevorder, haar werk aan te help, of om die beoefening van haar magte, of enige van hulle te vergemaklik. Om van sulke Goewerment of Owerheid enige regte, voordele, magte of vergunnings as wat wenslik geag mag word om aan te skaf te verkry. Om aan enige sulke ooreenkomste, regte, voordele, magte en vergun-nings te voldoen, en uit te voer en uit te oefen, en om te bevorder en te verkry van enige Wetgewende Mag, Parlement, Vergadering, Raad of Uitvoerende Mag van enige sulke Goewerment of Owerheid die reg om die Maatskappy in staat te stel of om te help, om haar doel te bevorder, haar werk voort te sit, of om haar magte te beoefen, of enige van hulle.
- (i) Om enige trust, eiendomme of fondse aan te neem, aan te skaf, te hou en mee te handel onderworpe aan en in terme van enige trust, rakende dit, en om enige trust of plig wat toevertrou word of opgelê word te onderneem, te behartig en uit te voer of te doen.
- (j) Om besittings en fondse van die Sending of Maatskappy ten tye van haar samestelling hierby, oor te neem, aan te neem, en aan te skaf onderworpe aan en in terme van enige trust of verpligting as wat te kenne gegee was of bedoel was aan-gaande diesulke, te hou en mee te handel.
- (k) Om grond en belange in grond, geboue, strukture, sekuriteite, effektes, aandele, skuldbriewe, verhandelbare dokumente, fonds-gelde, skulde saakregte en eiendomme van welke aard of soort ookal en waar ookal geleë, roerende of vaste aan te skaf deur aankoop, huur of andersins, en op enige voorwaardes en vir enige oorweging aan te neem by wyse van gawe, donasie, subskripsie, nalatenskap, vermaking, vermaak of andersins hoe ookal en onderworpe aan enige voorwaardes of las om eien-domsreg te verkry in dokumentêre bewys van Eiendomsbewys in behoorlike orde van die afsonderlike land, en te hou, be-stuur, onderhou, beheer en in enige wyse en teen risiko ver-assureer en op enige voorwaardes te verkoop oordra, verband neem, verbind, borg staan, verhuur, leen of andersins van die hand sit.
- (l) Om geboue en strukture van welke soort of materiaal ookal, hetsy op die grond van die Maatskappy of nie, op te rig, te onderhou, te verander of af te breek.
- (m) Om geld te leen en te hef op so 'n wyse en op sulke terme as wat noodsaaklik of wenslik geag sal word en om te onder-neem en te verseker die terugbetaling daarvan en in besonder geld wat verkry was deur verbande, verbinding, borg of skuld-briewe op of oor enige of alle besittings van die Maatskappy.
- (n) Om die fondse en gelde van die Maatskappy op so 'n wyse en op sulke sekuriteite, op sulke terme en aan sulke persone as wat van tyd tot tyd wenslik mag wees te belê, mee te handel en uit te leen.
- (o) Om vir enige persoon of liggaam ooreenkomste en kontrakte te waarborg, en om aktes, verbande en beleggings van sekuri-teite of garansie te teken en uit te voer.
- (p) Om 'n Bankrekening of Bankrekenings in die naam van die Maatskappy te open, of in trust vir die Maatskappy of ander-sins soos nodig of wenslik mag wees, by sulke Banke en in sulke plekke soos wenslik mag geag wees, en op oorplasing werk en dit afsluit van tyd tot tyd soos wenslik geag mag word.
- (q) Om tjeks, wisselbriewe, skuldbewyse en verhandelbare doku-mente uit te maak, te teken en te trek en te ontvang en te endosseer.
- (r) Om kwitansies, bevrydings en lossings vir enige gelde betaald of ander besittings op enige wyse oorgeplaas of gelewer aan die Maatskappy vir enige doel te teken, te gee, en toe te staan.
- (s) Om al sulke Ooreenkomste, Kontrakte, Prokurasies, Akte en ander dokumente soos wenslik of noodsaaklik geag mag wees vir die voordeel van die Maatskappy vir die bevordering van haar doel, werk of vir die behoorlike uitoefening van haar magte, aan te gaan, toe te staan, te teken, te maak of uit te voer.

- (t) To make any payments or disbursements necessary for the due conduct of the affairs of the Society, and in particular to pay such salaries and remunerations to the travelling and other expenses of Pastors, Elders, Evangelists, Missionaries, Workers, Executive Officers, Members of Committees and other persons engaged upon the work of, or acting for, or on behalf of the Society, as may from time to time be necessary or desirable.
- (u) To institute, conduct, carry or defend, abandon or compound any suit, action or proceedings, in any Court of Law, by or against the Society, and submit to arbitration any disputes or questions arising out of or in connection with the affairs of the Society.
- (v) And to do all such acts and things and make sign, and execute, all such deeds, writings, and instruments as may be considered for or conducive to the furtherance of the object or work of the Society, or may be incidental to, or necessary for the due exercise of its powers.

We, the several persons whose names are subscribed are desirous of being formed into a Company, in pursuance of this Memorandum of Association:

p.p.

John G. Lake,
Frank Dugmore,

88, Bree Street,
Johannesburg.

Minister of
Religion.

J. H. Greef,

658, St. Swithens Avenue,
Auckland Park,
Johannesburg.

Minister of
Religion.

p.p.

R. R. Daniel,

115, Hopkins Street,
Bellevue East,
Johannesburg.

Gentleman.

P. L. le Roux,

45, Von Wielligh Street,
Johannesburg.

Minister of
Religion.

J. J. H. le Roux,

Klip Rivers Oog,
P.O. Kliptown.

Farmer.

S. V. W. le Roux,

Zomerlust,
P.O. Kliptown.

Farmer.

p.p.

Edward Newtown,
Saunders,

4, Orange Street,
Bloemfontein.

Minister of
Religion.

A. van den Broek.

Dated at Johannesburg this fourth day of October 1913.

Witness to the above signatures.

A. van den Broek,

9, Hunter Street,
Yeoville,
Johannesburg.

Attorney at
Law.

A. du Toit,

39, Stiemens Street,
Braamfontein,
Johannesburg.

Lady Typist.

Scot Moffat,

86, Ampthill Avenue,
Benoni, Transvaal.

Builder.

Chas. Welsh,

38, Bok Street,
Johannesburg.

Builder.

Fred W. Green,

124, Eighth Avenue,
Bez. Valley,
Johannesburg.

Clerk, Railway
Stores.

W. H. Plaat,

162, Kitchener Avenue,
Kensington,
Johannesburg.

Clerk.

W. F. Dugmore,

131, Jeppe Street,
Kensington,
Johannesburg.

Missionary.

R. J. Rickards,

79, Railway Qrts.,
Newtown,
Johannesburg.

Plate Layer.

Donald Kennedy,

23, Biccard Street,
Clifton,
Johannesburg.

Builder.

Richard Kent,

79, Railway Cott.,
Newtown,
Johannesburg.

Carpenter.

- (i) Om enige vergelding of uitbetaling nodig vir die bestuur van die sake van die Maatskappy te maak; en in besonder sulke salarisse en belonings vir die reis en ander onkoste van Pastore, Ouderlinge, Evangeliste, Sendelinge, Werkers, Uitvoerende beamptes, Komiteede en ander persone in diens geneem vir die werk van, of wat namens, of vir die Maatskappy ageer, soos van tyd tot tyd nodig en wenslik mag wees, te betaal.
- (ii) Om enige regsgeding, saak of stappe in enige Geregshof, deur of teen die Maatskappy in te stel, aan te voer, voort te sit of te verdedig, op te gee, of te skik, en om enige geskille of vraagstukke wat voortspruit uit, of in verband met die sake van die Maatskappy, vir skeidsregterlike beslissings voor te lê.
- (v) Om al sulke handelinge en dinge te doen, al sulke akte, geskrifte en dokumente as wat nodig geag mag wees vir, of tot voordeel van die bevordering van die doel van die werk van die Maatskappy, of gepaard mag gaan met, of noodsaaklik mag wees vir die behoorlike uitoefening van haar magte, aan te gaan, te teken en uit te voer.

Ons, die verskeie persone wie se name ondergeteken is, is begerig om in 'n Maatskappy saamgestel te word ingevolge van die Akte van Oprigting.

p.p.

John G. Lake,
Frank Dugmore,

Breestraat 88,
Johannesburg.

Leraar.

J. H. Greef,

St. Swithinslaan 658,
Auckland Park,
Johannesburg.

Leraar.

p.p.
R. R. Daniel,

Hopkinstraat 115,
Bellevue-Oos,
Johannesburg.

Heer.

P. L. le Roux,

Von Wiellighstraat 45,
Johannesburg.

Leraar.

J. J. H. le Roux,

Klip Rivier Oog,
Pk. Kliptown

Boer.

S. V. W. le Roux,

Zomerlust,
Pk. Kliptown.

Boer.

p.p.
Edward Newtown,
Saunders,

Oranjestraat 4,
Bloemfontein

Leraar.

A. van den Broek,

Gedateer te Johannesburg, hierdie vierde dag van Oktober 1913.

Getuie tot die handtekenings hierbo.

A. van den Broek,

Hunterstraat 9,
Yeoville,
Johannesburg.

Prokureur.

A. du Toit,

Stiemenstraat 39,
Braamfontein,
Johannesburg.

Tikster.

Scot Moffat,

Amphillaan 68,
Benoni, Tvl.

Bouer.

Chas. Welsh,

Bokstraat 38,
Johannesburg.

Bouer.

Fred W. Green,

Agstelaan 124,
Bez. Valley,
Johannesburg.

Klerk, Spoor-
weg Store.

W. H. Plaat,

Kitchenerlaan 162,
Kensington,
Johannesburg.

Klerk.

W. F. Dugmore,

Jeppestraat 131,
Kensington,
Johannesburg.

Sendeling.

R. J. Rickards,

S.A.S. Terrein 79,
Newtown,
Johannesburg.

Spoorleër.

Donald Kennedy,

Biccardstraat 23,
Clifton,
Johannesburg.

Bouer.

Richard Kent,

Spoorweg Huis 79,
Newtown,
Johannesburg.

Timmerman.

W. C. Hanger,	Gov. Cottage, Auckland Park, Johannesburg.	Commission Agent.
J. D. M. Gouws,	90, Jorissen Street, Braamfontein, Johannesburg.	Collector.
John Huly,	148, Frederick Street, Braamfontein, Johannesburg.	Clerk.
p.p. Jas. Waghorn,	131, Jeppe Street, Johannesburg.	Compositor.
P. J. Bosman,	689, St. Swithins Avenue, Auckland Park, Johannesburg.	Retired Farmer
A. F. Strauss,	Cottage 35, Simmer East, Germiston.	Miner.
H. Crocker,	50, Von Brandis St., Johannesburg.	Sign Writer and Painter.
C. T. Orsmond,	90, Beyers Street, West Krugersdorp.	Sanitary Insp.
P. F. Fourie,	109, Ninth Street, Vrededorp, Johannesburg.	Commission Agent.
H. B. v.d. Byl,	Cor. 12th and Hull Street, Vrededorp, Johannesburg.	Dealer.
P. J. Myburgh,	44, Tenth Street, Vrededorp, Johannesburg.	Railway Sail- maker, Sheds.
F. van Dijk,	26, Tenth Street, Vrededorp, Johannesburg.	Miner.
Charles Heatly,	38, Bok Street, Joubert Park, Johannesburg.	Fitter.
J. C. Snyman,	Cor. Wolmarans and Claim Streets, Johannesburg.	P.O. Staff.
William Verner,	18, Hoofd Street, Braamfontein, Johannesburg.	Insurance Agent.
Dated at Johannesburg this fourth day of October 1913.		
Witness to the above signatures.		
Emma L. Wick,	R5, Francis Bldgs., Troy and Pritchard Streets, Johannesburg.	Missionary.
M. I. Lacey,	Forrest Bldgs., Meddison Street, Jeppe.	Mission Worker.

W. C. Hanger,	Goewermentshuis, Auckland Park, Johannesburg.	Agent.
J. D. M. Gouws,	Jorissenstraat 90, Braamfontein Johannesburg.	Kollektant.
John Huly, p.p.	Frederickstraat 148, Braamfontein, Johannesburg.	Klerk.
Jas. Waghorn,	Jeppestraat 131, Johannesburg.	Lettersetter.
P. J. Bosman,	St. Swithenslaan 689, Auckland Park, Johannesburg.	Oud-boer.
A. F. Strauss,	Huis 35, Simmer-Oos, Germiston.	Mynier.
H. Crocker,	Von Brandisstraat 50, Johannesburg.	Skilder.
C. T. Orsmond,	Beyerstraat 90, Krugersdorp-Wes.	Sanitêre Insp.
P. F. Fourie,	Negendestraat 109, Vrededorp, Johannesburg.	Kommissie- Agent.
H. B. v.d. Byl,	H/v. 12de en Hullstraat, Vrededorp, Johannesburg.	Winkelier.
P. J. Myburgh,	Tiendestraat 44, Vrededorp, Johannesburg.	Seilmaker, Spoorweg Loodse.
F. van Dijk,	Tiendestraat 26, Vrededorp, Johannesburg.	Mynier.
Charles Heatly,	Bokstraat 38, Joubert Park, Johannesburg.	Passer.
J. C. Snyman,	H/v. Wolmarans- en Claimstraat, Johannesburg.	Poskantoor- Staf.
William Verner,	Hoofdstraat 18, Braamfontein, Johannesburg.	Assuransie- Agent.

Gedateer te Johannesburg, hierdie vierde dag van Oktober 1913.
Getuie tot die handtekenings hierbo.

Emma L. Wick,	R5, Francis Geboue, Troy- en Pritchardstraat, Johannesburg.	Sendeling.
M. I. Lacey,	Forest Geboue, Meddisonstraat, Jeppe.	Sending- Werker.

No. 25, 1961.]

ACT

To consolidate and amend the laws relating to the solemnization of marriages and matters incidental thereto.

(English text signed by the Governor-General.)
(Assented to 19th April, 1961.)

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

Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) "magistrate" includes an additional and an assistant magistrate; (ii)
- (ii) "marriage officer" means any person who is a marriage officer by virtue of the provisions of this Act; (i)
- (iii) "Minister" means the Minister of the Interior; (iii)
- (iv) "native commissioner" includes an additional and an assistant native commissioner; (iv)
- (v) "prescribed" means prescribed by this Act or by regulation made under this Act; (v)
- (vi) "prior law" means any law repealed by this Act. (vi)

Ex officio marriage officers, and designation of persons in service of State as marriage officers.

2. (1) Every magistrate, every special justice of the peace and every native commissioner shall by virtue of his office and so long as he holds such office, be a marriage officer for the district or other area in respect of which he holds office.

(2) The Minister and any officer in the public service authorized thereto by him may designate any officer or employee in the public service or the diplomatic or consular service of the Union to be, by virtue of his office and so long as he holds such office a marriage officer, either generally or for any specified race or class of persons or country or area.

Designation of ministers of religion and other persons attached to churches as marriage officers.

3. (1) The Minister and any officer in the public service authorized thereto by him may designate any minister of religion or, or any person holding a responsible position in, any religious denomination or organization to be, so long as he is such a minister or occupies such position, a marriage officer for the purpose of solemnizing marriages according to Christian, Jewish or Mohammedan rites or the rites of any Indian religion.

(2) A designation under sub-section (1) may further limit the authority of any such minister of religion or person to the solemnization of marriages—

- (a) within a specified area;
- (b) for a specified period; and
- (c) between persons belonging to a specified race.

How designation as marriage officer to be made.

4. Every designation of a person as a marriage officer shall be by written instrument and the date as from which it shall have effect and any limitation to which it is subject shall be specified in such instrument.

Marriage officers under laws repealed by this Act.

5. (1) Any person who, at the commencement of this Act, is under the provisions of any prior law authorized to solemnize any marriages shall continue to have authority to solemnize such marriages as if such law had not been repealed, but shall exercise such authority in accordance with the provisions of this Act.

(2) Any such person shall be deemed to have been designated as a marriage officer under this Act.

Certain persons may in certain circumstances be deemed to have been marriage officers.

6. (1) Whenever any person has acted as a marriage officer during any period or within any area in respect of which he was not a marriage officer under this Act or any prior law, and the Minister or any officer in the public service authorized thereto by the Minister is satisfied that such person did so under the *bona fide* belief that he was a marriage officer during that period or within that area, he may direct in writing that such person shall for all purposes be deemed to have been a marriage officer during such period or within such area, duly designated as such under this Act or such law, as the case may be.

No. 25, 1961.]

WET

Tot samevatting en wysiging van die wette met betrekking tot die voltrekking van huwelike en aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 19 April 1961.)

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

1. Tensy uit die samehang anders blyk beteken in hierdie Wet— Woordomskrywing.

- (i) „huweliksbevestiger” iemand wat uit hoofde van die bepalings van hierdie Wet ’n huweliksbevestiger is; (ii)
- (ii) „landdros” ook ’n addisionele landdros en ’n assistent-landdros; (i)
- (iii) „Minister” die Minister van Binnelandse Sake; (iii)
- (iv) „naturellekommissaris” ook ’n addisionele naturellekommissaris en ’n assistent-naturellekommissaris; (iv)
- (v) „voorgeskrewe” voorgeskryf deur hierdie Wet of by regulasie kragtens hierdie Wet uitgevaardig; (v)
- (vi) „vorige wet” ’n wet by hierdie Wet herroep. (vi)

2. (1) Iedere landdros, spesiale vrederegter en naturellekommissaris is uit hoofde van sy amp en so lank hy dié amp beklee, ’n huweliksbevestiger vir die distrik of ander gebied ten opsigte waarvan hy sy amp beklee. Huweliksbevestigers *ex officio*, en benoeming van persone in diens van die Staat as huweliksbevestigers.

(2) Die Minister en ’n beamppte in die Staatsdiens deur hom daartoe gemagtig, kan ’n beamppte of werknemer in die Staatsdiens of die diplomatieke of konsulêre diens van die Unie uit hoofde van sy amp en so lank hy dié amp beklee, as huweliksbevestiger benoem, of in die algemeen of vir ’n bepaalde ras of kategorie persone of land of gebied.

3. (1) Die Minister en ’n beamppte in die Staatsdiens deur hom daartoe gemagtig, kan ’n leraar van, of iemand wat ’n verantwoordelike posisie beklee in, ’n godsdienstige denominasie of organisasie, as huweliksbevestiger vir die voltrekking van huwelike ooreenkomstig Christelike, Joodse of Mohammedaanse gebruik of die gebruik van enige Indiese geloof benoem vir so lank hy so ’n leraar is of so ’n posisie beklee. Benaming van leraars en ander persone verbonde aan kerke as huweliksbevestigers.

(2) ’n Benaming kragtens sub-artikel (1) kan die bevoegdheid van so ’n leraar of persoon verder beperk tot die voltrekking van huwelike—

- (a) in ’n bepaalde gebied;
- (b) vir ’n bepaalde tydperk; en
- (c) tussen persone wat aan ’n bepaalde ras behoort.

4. Iedere benaming van iemand as ’n huweliksbevestiger moet by wyse van skriftelike stuk geskied, en die datum vanaf wanneer dit van krag is en enige beperking waaraan dit onderworpe is, moet in dié stuk vermeld word. Hoe benaming as huweliksbevestiger geskied.

5. (1) Iemand wat by die inwerkingtreding van hierdie Wet kragtens die bepalings van ’n vorige wet gemagtig is om enige huwelike te voltrek, behou die bevoegdheid om sodanige huwelike te voltrek asof dié vorige wet nie herroep is nie, maar moet dié bevoegdheid ooreenkomstig die bepalings van hierdie Wet uitoefen. Huweliksbevestigers kragtens wette deur hierdie Wet herroep.

(2) So iemand word geag ’n huweliksbevestiger kragtens hierdie Wet benoem te gewees het.

6. (1) Wanneer iemand as ’n huweliksbevestiger opgetree het gedurende ’n tydperk of in ’n gebied ten opsigte waarvan hy nie kragtens hierdie Wet of ’n vorige wet ’n huweliksbevestiger was nie, en die Minister, of ’n beamppte in die Staatsdiens deur die Minister daartoe gemagtig, oortuig is dat so iemand aldus opgetree het terwyl hy te goeder trou gemeen het dat hy ’n huweliksbevestiger gedurende dié tydperk of in dié gebied was, kan hy skriftelik gelas dat so iemand vir alle doeleindes geag word ’n huweliksbevestiger gedurende dié tydperk of in dié gebied te gewees het en behoorlik as sulks kragtens hierdie Wet of so ’n vorige wet, na gelang van die geval, benoem te gewees het. Sekere persone kan onder sekere omstandighede geag word huweliksbevestigers te gewees het.

(2) Any marriage solemnized during such period or within such area by any person who is in terms of sub-section (1) to be deemed to have been duly designated as a marriage officer in respect thereof, shall, provided such marriage was in every other respect solemnized in accordance with the provisions of this Act or any prior law, as the case may be, and there was no lawful impediment thereto, be as valid and binding as it would have been if such person had been duly designated as a marriage officer in respect of such period or such area.

(3) Nothing in sub-section (1) contained shall be construed as relieving any person in respect of whom a direction has been issued thereunder, from the liability to prosecution for any offence committed by him.

Effect of designation of certain ministers of religion as marriage officers.

7. Any minister of religion who before or after the commencement of this Act was or is designated as a marriage officer while a minister of the "Nederduitse Gereformeerde Kerk in Suid-Afrika, Kaap", or of the "Nederduitse Gereformeerde Kerk van Natal", or of the "Nederduitse Gereformeerde Kerk in die Oranje-Vrystaat", or of the former "Nederduitse Hervormde of Gereformeerde Kerk van Suid-Afrika, Transvaal", or of the "Nederduitse Gereformeerde Kerk van Transvaal", shall as from the date of such designation but subject to the provisions of this Act be deemed to have been or to be a marriage officer while he remained or remains a minister of any of the said churches.

Change of name of religious denomination or organization and amalgamation of religious denominations or organizations.

8. (1) If a religious denomination or organization changes the name whereby it was known or amalgamates with any other religious denomination or organization, such change in name or amalgamation shall have no effect on the designation of any person as a marriage officer by virtue of his occupying any post or holding any position in any such religious denomination or organization.

(2) If a religious denomination or organization in such circumstances as are contemplated in sub-section (1) changes the name whereby it was known or amalgamates with any other religious denomination or organization, it shall immediately advise the Minister thereof.

Revocation of designation as, or authority of, marriage officer and limitation of authority of marriage officer.

9. (1) The Minister or any officer in the public service authorized thereto by him may, on the ground of misconduct or for any other good cause, revoke in writing the designation of any person as a marriage officer or the authority of any other person to solemnize marriages under this Act, or in writing limit in such respect as he may deem fit the authority of any marriage officer or class of marriage officers to solemnize marriages under this Act.

(2) Any steps taken by any officer in the public service under sub-section (1) may be set aside by the Minister.

Solemnization of marriages in country outside the Union.

10. (1) Any person who is under the provisions of this Act authorized to solemnize any marriages in any country outside the Union—

(a) may so solemnize any such marriage only if the parties thereto are both South African citizens domiciled in the Union; and

(b) shall solemnize any such marriage in accordance with the provisions of this Act.

(2) Any marriage so solemnized shall for all purposes be deemed to have been solemnized in the province of the Union in which the male party thereto is domiciled.

Unauthorized solemnization of marriage ceremonies forbidden.

11. (1) A marriage may be solemnized by a marriage officer only.

(2) Any marriage officer who purports to solemnize a marriage which he is not authorized under this Act to solemnize or which to his knowledge is legally prohibited, and any person not being a marriage officer who purports to solemnize a marriage, shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or, in default of payment, to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment.

(3) Nothing in sub-section (2) contained shall apply to any marriage ceremony solemnized in accordance with the rites or formularies of any religion, if such ceremony does not purport to effect a valid marriage.

Publication of banns or notice of intention to marry or issue of special marriage licence before marriage.

12. No marriage officer shall solemnize any marriage unless in respect thereof and in terms of the provisions of this Act or any prior law—

(a) each of the parties in question has caused banns of marriage to be published in a congregation to which he or she belongs; or

(b) each of such parties has caused a notice of intention to marry to be published; or

(2) 'n Huwelik wat gedurende so 'n tydperk of in so 'n gebied voltrek is deur iemand wat ingevolge sub-artikel (1) geag moet word behoorlik as huweliksbevestiger ten opsigte daarvan benoem te gewees het, is, mits dié huwelik in elke ander opsig voltrek is ooreenkomstig die bepalings van hierdie Wet of 'n vorige wet, na gelang van die geval, en daar regtens geen beletsel daarteen was nie, net so geldig en bindend as wat dit sou gewees het indien so iemand behoorlik as huweliksbevestiger ten opsigte van dié tydperk of dié gebied benoem was.

(3) Die bepalings van sub-artikel (1) word nie só uitgelê nie dat dit iemand ten opsigte van wie 'n bevel daarkragtens uitgereik is, vrywaar teen vervolging weens 'n misdryf deur hom gepleeg.

7. 'n Leraar wat vóór of ná die inwerkingtreding van hierdie Wet as huweliksbevestiger benoem is of word so lank hy leraar is van die Nederduitse Gereformeerde Kerk in Suid-Afrika, Kaap, of van die Nederduitse Gereformeerde Kerk van Natal, of van die Nederduitse Gereformeerde Kerk in die Oranje-Vrystaat, of van die eertydse Nederduitse Hervormde of Gereformeerde Kerk van Suid-Afrika, Transvaal, of van die Nederduitse Gereformeerde Kerk van Transvaal, word vanaf die datum van dié benoeming maar behoudens die bepalings van hierdie Wet, geag 'n huweliksbevestiger te gewees het of te wees so lank hy 'n leraar van enige van genoemde kerke gebly het of bly.

Uitwerking van benoeming van sekere leraars as huweliksbevestigers.

8. (1) Indien 'n godsdienstige denominasie of organisasie die naam verander waaronder hy bekend was of met 'n ander godsdienstige denominasie of organisasie verenig, het dié naamsverandering of vereniging geen uitwerking nie op die benoeming van iemand as 'n huweliksbevestiger uit hoofde van die feit dat hy 'n amp of posisie in enige sodanige godsdienstige denominasie of organisasie beklee het.

Verandering van naam van godsdienstige denominasie of organisasie en vereniging van godsdienstige denominasies of organisasies.

(2) Indien onder omstandighede in sub-artikel (1) bedoel 'n godsdienstige denominasie of organisasie die naam verander waaronder hy bekend was of met 'n ander godsdienstige denominasie of organisasie verenig, moet hy die Minister onverwyld daarvan in kennis stel.

9. (1) Die Minister of 'n beampte in die Staatsdiens deur hom daartoe gemagtig, kan op grond van wangedrag of om enige ander voldoende rede die benoeming van iemand as 'n huweliksbevestiger of die bevoegdheid van iemand anders om huwelike te voltrek kragtens hierdie Wet, skriftelik intrek, of in dié opsig wat hy goedgevind die bevoegdheid van 'n huweliksbevestiger of kategorie huweliksbevestigers om huwelike te voltrek kragtens hierdie Wet, skriftelik beperk.

Intrekking van benoeming as, of bevoegdheid van, huweliksbevestiger, en beperking van bevoegdheid van huweliksbevestiger.

(2) Enige stappe deur 'n beampte in die Staatsdiens kragtens sub-artikel (1) gedoen, kan deur die Minister ter syde gestel word.

10. (1) Iemand wat kragtens die bepalings van hierdie Wet gemagtig is om enige huwelike in 'n land buite die Unie te voltrek—

Voltrekking van huwelike in land buite die Unie.

(a) kan so 'n huwelik slegs aldus voltrek indien die partye daarby altwee Suid-Afrikaanse burgers is wat in die Unie gedomisilieer is; en

(b) moet so 'n huwelik ooreenkomstig die bepalings van hierdie Wet voltrek.

(2) 'n Huwelik wat aldus voltrek is, word vir alle doeleindes geag voltrek te gewees het in die provinsie van die Unie waarin die manlike party daarby gedomisilieer is.

11. (1) 'n Huwelik kan slegs deur 'n huweliksbevestiger voltrek word.

Ongemagtigde voltrekking van huwelikseremonies verbode.

(2) 'n Huweliksbevestiger wat 'n huwelik heet te voltrek wat hy nie kragtens hierdie Wet gemagtig is om te voltrek nie of wat sover hy weet regtens verbode is, en iemand wat nie 'n huweliksbevestiger is nie, wat 'n huwelik heet te voltrek, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande, of met dié boete sowel as dié gevangenisstraf.

(3) Die bepalings van sub-artikel (2) is nie van toepassing nie op 'n huwelikseremonie wat ooreenkomstig die gebruik of formuliere van een of ander geloof voltrek word, indien dié seremonie nie 'n geldige huwelik heet tot stand te bring nie.

12. Geen huweliksbevestiger mag 'n huwelik voltrek nie tensy ten opsigte daarvan en ingevolge die bepalings van hierdie Wet of 'n vorige wet—

Afkondiging van gebooie of kennisgewing van voorneme om te trou of uitreiking van spesiale huweliks-lisensie voor huwelik.

(a) elkeen van die betrokke partye huweliksgebooie laat afkondig het in 'n gemeente waaraan hy of sy behoort; of

(b) elkeen van dié partye 'n kennisgewing van voorneme om te trou laat publiseer het; of

- (c) one of such parties has caused such banns to be so published and the other has caused such notice to be published; or
- (d) a special marriage licence has been issued.

Application for publication and acceptance of banns.

13. (1) Any party who desires to cause banns of marriage to be published shall deliver or cause to be delivered to any minister of religion of the congregation in question at least two days prior to the intended publication or at any time prior to such publication which such minister of religion may in his discretion allow, a written application to publish such banns.

(2) Such application shall—

- (a) bear the signature of each of the parties desiring to marry, duly dated by him or her; and
- (b) state the full christian name and surname, age, marital status and residential address of each of the said parties.

(3) Nothing in this Act contained shall be construed as compelling any minister of religion to accept and publish banns of a marriage that would not conform to the rites, formularies, tenets, doctrines or discipline of his religious denomination or organization.

How publication of banns of marriage to be made.

14. (1) Any minister of religion or his duly authorized substitute may publish banns of marriage of persons desiring to marry each other.

(2) Such banns of marriage shall specify the full christian name and surname, marital status and residential address of each of the said persons, and publication thereof shall, subject to the provisions of sub-section (3), be made either—

- (a) in an audible manner, some time during public divine service, on three successive Sundays preceding the solemnization of the marriage, in the face of the congregation before whom such minister of religion or his duly authorized substitute officiates; or
- (b) by posting the banns up for an unbroken period covering three successive Sundays preceding the solemnization of the marriage, in a conspicuous place in or in the immediate vicinity of the ordinary place of worship of the congregation in question.

(3) If according to the tenets or practices of a religious denomination or organization, the principal public divine service of such denomination or organization is held weekly on a day other than a Sunday, publication of banns in terms of paragraph (a) of sub-section (2) may be made during such a service on such day instead of on a Sunday.

Certificate of publication of banns.

15. (1) Any minister of religion of a congregation where banns of marriage have been published shall, on the application of any person and on payment to him of the prescribed fee (if any), issue to such person a certificate to the effect that the said banns were published.

(2) The said certificate shall state the full christian name and surname, marital status and residential address of each party in question as well as the dates on which or period during which publication of the banns was made, and may contain such further particulars as such minister of religion may think fit.

Banns published outside the Union.

16. (1) Banns of marriage published in a country outside the Union shall for the purposes of this Act be regarded as having been published in the Union, but a marriage officer shall not solemnize any marriage in pursuance thereof unless there is produced to him the prescribed proof that such banns were duly published according to the law of such country.

(2) The provisions of section *twenty-one* shall *mutatis mutandis* apply with reference to such banns.

Notice of intention to marry.

17. (1) Any party who desires to cause a notice of intention to marry to be published shall apply in writing to any officer or employee in the diplomatic or consular service of the Union authorized by the Minister to publish notices of intention to marry, or to any magistrate, special justice of the peace or native commissioner to publish such notice.

(2) Such application shall—

- (a) bear the signature of each of the parties desiring to marry, duly dated by him or her; and
- (b) state the full christian name and surname, age, marital status and residential address of each of the said parties.

- (c) een van dié partye sodanige gebooie aldus laat afkondig
het en die ander so 'n kennisgewing laat publiseer het;
of
(d) 'n spesiale huwelikslisensie uitgereik is.

13. (1) 'n Party wat verlang om huweliksgebooie te laat afkondig moet aan 'n leraar van die betrokke gemeente minstens twee dae voor die voorgenome afkondiging of op enige ander tydstip voor dié afkondiging wat so 'n leraar na goeddunke toelaat, 'n skriftelike aansoek om die gebooie af te kondig oorhandig of laat oorhandig.

Aansoek om afkondiging en aanname van gebooie.

(2) Dié aansoek moet—

- (a) die handtekening daarop hê van elkeen van die partye wat verlang om te trou, behoorlik gedateer deur hom of haar; en
(b) die volle voornaam en van, ouderdom, huwelikstaat en woonadres van elkeen van genoemde partye vermeld.

(3) Die bepalings van hierdie Wet word nie so uitgelê nie dat dit enige leraar verplig om gebooie van 'n huwelik aan te neem en af te kondig wat nie ooreenkomstig die gebruike, formuliere, leerstellinge, dogmas of dissipline van sy godsdienstige denominasie of organisasie sal wees nie.

14. (1) Enige leraar of sy behoorlik gemagtigde plaasvervanger kan die huweliksgebooie van persone wat met mekaar wil trou, afkondig.

Hoe afkondiging van huweliksgebooie moet geskied.

(2) Sodanige huweliksgebooie moet die volle voornaam en van, huwelikstaat en woonadres van elk van genoemde persone vermeld, en afkondiging daarvan moet, behoudens die bepalings van sub-artikel (3) geskied of—

- (a) op 'n hoorbare wyse, op een of ander tydstip gedurende 'n openbare godsdiensoefening, op drie agtereenvolgende Sondae vóór die voltrekking van die huwelik, voor die gemeente voor wie dié leraar of sy behoorlik gemagtigde plaasvervanger optree; of
(b) deur die gebooie op 'n in die oog lopende plek in of in die onmiddellike omgewing van die gewone plek van aanbidding van die betrokke gemeente op te plak vir 'n ononderbroke tydperk wat drie agtereenvolgende Sondae voor die voltrekking van die huwelik insluit.

(3) Indien ooreenkomstig die leerstellinge of gebruike van 'n godsdienstige denominasie of organisasie die vernaamste openbare godsdiensoefening van dié denominasie of organisasie weekliks op 'n ander dag as 'n Sondag gehou word, kan afkondiging van gebooie ingevolge paragraaf (a) van sub-artikel (2) gedurende so 'n godsdiensoefening op so 'n dag in plaas van op 'n Sondag geskied.

15. (1) 'n Leraar van 'n gemeente waarin huweliksgebooie afgekondig is moet op aansoek van enigiemand en by betaling aan hom van die voorgeskrewe gelde (indien daar is), 'n sertifikaat dat genoemde gebooie afgekondig is, aan so iemand uitreik.

Sertifikaat van afkondiging van gebooie.

(2) Genoemde sertifikaat moet die volle voornaam en van, huwelikstaat en woonadres van iedere betrokke party vermeld, sowel as die datums waarop of die tydperk waarin afkondiging van die gebooie geskied het, en kan dié verdere besonderhede bevat wat genoemde leraar goedvind.

16. (1) Huweliksgebooie wat in 'n land buite die Unie afgekondig is, word by die toepassing van hierdie Wet beskou as gebooie wat in die Unie afgekondig is, maar 'n huweliksbevestigter mag nie na aanleiding daarvan 'n huwelik voltrek nie tensy aan hom die voorgeskrewe bewys voorgelê word dat dié gebooie behoorlik afgekondig is ooreenkomstig die reg van dié land.

Gebooie buite die Unie afgekondig.

(2) Die bepalings van artikel een-en-twintig is *mutatis mutandis* met betrekking tot sodanige gebooie van toepassing.

17. (1) 'n Party wat verlang om 'n kennisgewing te laat publiseer van voorneme om te trou, moet skriftelik aansoek doen by 'n beampte of werknemer in die diplomatieke of konsulêre diens van die Unie wat deur die Minister gemagtig is om kennisgewings te publiseer van voorneme om te trou, of by 'n landdros, spesiale vrederegter of naturellekommissaris om dié kennisgewing te publiseer.

Kennisgewing van voorneme om te trou.

(2) Dié aansoek moet—

- (a) die handtekening daarop hê van elkeen van die partye wat verlang om te trou, behoorlik gedateer deur hom of haar; en
(b) die volle voornaam en van, ouderdom, huwelikstaat en woonadres van elkeen van genoemde partye vermeld.

(3) If the person to whom such application is made is satisfied that the applicant has resided in the country outside the Union or in the district or area in respect of which he holds office, for a period of at least fourteen days immediately preceding the date of the receipt of the application, he shall publish such notice and shall do so by posting such notice up in a conspicuous place in, on or in the immediate vicinity of his office or court for an unbroken period of fifteen days.

(4) If only one of the parties in question has so resided in such country, district or area it shall for the purposes of section *twelve* be deemed that only such party caused such notice to be published.

(5) Every notice referred to in sub-section (3) shall state the full christian name and surname, marital status and residential address of each of the parties desiring to marry.

Certificate of publication of notice of intention to marry.

18. (1) Any person who has in terms of section *seventeen* published a notice of intention to marry shall on the application of any person and on payment to him of the prescribed fee (if any), issue to such person a certificate to the effect that the said notice was so published.

(2) The said certificate shall state the full christian name and surname, marital status and residential address of each party in question as well as the period during which the said notice was published.

Special marriage licence.

19. (1) Parties desiring to marry without the publication of banns or notice of intention to marry may personally apply to an officer or employee in the diplomatic or consular service of the Union authorized by the Minister to issue special marriage licences or to a magistrate or native commissioner for a special licence to marry without the publication of banns or notice of intention to marry.

(2) Any such person to whom such application is made shall require each such party to furnish him with his or her full christian name and surname and may put to each of them such questions as he may deem necessary to determine whether any lawful impediment exists to the proposed marriage.

(3) If the person to whom such application is made is not satisfied that the proposed marriage may be legally solemnized, he shall, in order to determine whether there is any lawful impediment to the said marriage, interrogate each of the said parties and institute such other inquiries as he may deem necessary.

(4) For the purpose of such interrogation the said person shall administer an oath to each such party or require him or her to make an affirmation.

(5) If the person to whom such application is made is satisfied, whether or not after any such interrogation and inquiries, that there is no lawful impediment to the proposed marriage, he shall upon completion by each of the said parties of the prescribed affidavit or solemn declaration to the effect that there is no lawful impediment to the proposed marriage and upon payment of the prescribed fee (if any), issue such a special marriage licence in the prescribed form to them.

(6) If the said person is not so satisfied he shall refuse to issue such licence.

By which marriage officer marriage may be solemnized.

20. If in terms of this Act or a prior law banns of marriage or notice of intention to marry has been published or a special marriage licence has been issued, any marriage officer having the necessary authority may solemnize the marriage in question provided, if he did not make every such publication or issue such licence, he is satisfied that the necessary publication of banns or notice of intention to marry was made or, as the case may be, there is produced to him such licence.

Period of validity of banns, notice of intention to marry and special marriage licence.

21 (1) Unless a marriage is solemnized in pursuance of banns of marriage or notice of intention to marry published, or a special marriage licence issued under the provisions of this Act or a prior law within three months of the last day of publication of such banns or notice or the date of issue of such licence, such banns or notice or licence, as the case may be, shall lapse and no marriage shall be solemnized in pursuance thereof.

(2) No person shall be entitled to a refund of any fee paid in respect of a certificate or licence which has lapsed by virtue of the provisions of sub-section (1).

(3) Indien die persoon by wie aldus aansoek gedoen word, oortuig is dat die applikant in die land buite die Unie of in die distrik of gebied ten opsigte waarvan hy sy amp beklee, woonagtig was vir 'n tydperk van ten minste veertien dae onmiddellik vóór die datum van die ontvangs van die aansoek, moet hy dié kennisgewing publiseer en dit doen deur die kennisgewing op 'n in die oog lopende plek in, op of in die onmiddellike omgewing van sy kantoor of hof op te plak vir 'n ononderbroke tydperk van vyftien dae.

(4) Indien slegs een van die betrokke partye aldus in dié land, distrik of gebied woonagtig was, word dit by die toepassing van artikel *twalf* geag dat slegs dié party dié kennisgewing laat publiseer het.

(5) Iedere kennisgewing vermeld in sub-artikel (3) moet die volle voornaam en van, huwelikstaat en woonadres van elkeen van die partye wat verlang om te trou, vermeld.

18. (1) Iemand wat ingevolge artikel *sewentien* 'n kennisgewing van voorneme om te trou gepubliseer het, moet op aansoek van enigiemand en by betaling aan hom van die voorgeskrewe gelde (indien daar is), 'n sertifikaat dat genoemde kennisgewing aldus gepubliseer is, aan so iemand uitreik.

Sertifikaat van publikasie van kennisgewing van voorneme om te trou.

(2) Genoemde sertifikaat moet die volle voornaam en van, huwelikstaat en woonadres van iedere betrokke party vermeld, sowel as die tydperk waarin genoemde kennisgewing gepubliseer is.

19. (1) Partye wat wil trou sonder afkondiging van gebooie of publikasie van 'n kennisgewing van voorneme om te trou, kan in eie persoon aansoek doen by 'n beampte of werknemer in die diplomatieke of konsulêre diens van die Unie wat deur die Minister gemagtig is om spesiale huwelikslisensies uit te reik, of by 'n landdros of naturellekommissaris om 'n spesiale lisensie om te trou sonder afkondiging van gebooie of publikasie van 'n kennisgewing van voorneme om te trou.

Spesiale huwelikslisensie.

(2) Enige sodanige persoon by wie aldus aansoek gedoen word, moet elkeen van dié partye versoek om sy of haar volle voornaam en van aan hom te verstrek, en kan elkeen van hulle dié vrae stel wat hy nodig ag om te bepaal of daar regtens enige beletsel teen die voorgenome huwelik is.

(3) Indien die persoon by wie aldus aansoek gedoen word, nie oortuig is nie dat die voorgenome huwelik regtens voltrek mag word, moet hy, ten einde te bepaal of daar regtens enige beletsel teen genoemde huwelik is, elkeen van genoemde partye ondervra en die ander navrae instel wat hy nodig ag.

(4) Vir die doeleindes van sodanige ondervraging moet genoemde persoon 'n eed van elkeen van dié partye afneem of eis dat hy of sy 'n plegtige verklaring aflê.

(5) Indien die persoon by wie aldus aansoek gedoen word, oortuig is, hetsy ná sodanige ondervraging en navrae al dan nie, dat daar regtens geen beletsel teen die voorgenome huwelik is nie, moet hy by voltooiing deur elkeen van genoemde partye van die voorgeskrewe beëdigde of plegtige verklaring dat daar regtens geen beletsel teen die voorgenome huwelik is nie, en by betaling van die voorgeskrewe gelde (indien daar is), so 'n spesiale huwelikslisensie in die voorgeskrewe vorm aan hulle uitreik.

(6) Indien genoemde persoon nie aldus oortuig is nie, moet hy weier om so 'n lisensie uit te reik.

20. Indien ingevolge hierdie Wet of 'n vorige wet huweliksgebooie afgekondig is of 'n kennisgewing van voorneme om te trou gepubliseer is of 'n spesiale huwelikslisensie uitgereik is, kan enige huweliksbevestiger wat die nodige bevoegdheid besit, die betrokke huwelik voltrek mits, indien hy nie iedere sodanige afkondiging of publikasie gedoen of die lisensie uitgereik het nie, hy oortuig word dat die nodige afkondiging van gebooie of die nodige publikasie van kennisgewing van voorneme om te trou geskied het, of, na gelang van die geval, dié lisensie aan hom voorgelê word.

Deur watter huweliksbevestiger huwelik voltrek kan word.

21. (1) Tensy 'n huwelik voltrek word na aanleiding van huweliksgebooie afgekondig of 'n kennisgewing van voorneme om te trou gepubliseer of 'n spesiale huwelikslisensie uitgereik kragtens die bepalings van hierdie Wet of 'n vorige wet binne drie maande vanaf die laaste dag van afkondiging van dié gebooie of publikasie van dié kennisgewing of die datum van uitreiking van dié lisensie, verval die gebooie of kennisgewing of lisensie, na gelang van die geval, en mag geen huwelik na aanleiding daarvan voltrek word nie.

Geldigheidsduur van gebooie, kennisgewing van voorneme om te trou en spesiale huwelikslisensie.

(2) Niemand is geregtig op 'n terugbetaling van gelde wat betaal is ten opsigte van 'n sertifikaat of lisensie wat uit hoofde van die bepalings van sub-artikel (1) verval het nie.

Irregularities in publication of banns or notice of intention to marry or in the issue of special marriage licence.

22. If in the case of any marriage solemnized before or after the commencement of this Act the provisions of this Act or, as the case may be, any prior law relating to the publication of banns or notice of intention to marry or to the issue of special marriage licences, or the applicable provisions of any law of a country outside the Union relating to the publication of banns, have not been strictly complied with owing to—

- (a) an error committed in good faith by either of the parties to such marriage in interpreting those provisions; or
- (b) any error, omission or oversight of any person who made any such publication or issued a special marriage licence,

but such marriage has in every other respect been solemnized in accordance with the provisions of this Act or, as the case may be, a prior law, that marriage shall, provided there was no other lawful impediment thereto, be as valid and binding as it would have been if the said provisions had been strictly complied with.

Objections to marriage.

23. (1) Any person desiring to raise any objection to any proposed marriage shall lodge such objection in writing with—

- (a) the person who makes publication of the banns of such marriage or the notice of intention to marry in question; or
- (b) the person who issues a special marriage licence in respect of such proposed marriage; or
- (c) the marriage officer who is to solemnize such marriage.

(2) If any person who makes such publication or issues such licence receives any such objection, such objection shall be stated by him in any relevant certificate or licence issued by him in terms of section *fifteen, eighteen or nineteen*.

(3) If any such objection is brought to the notice of the marriage officer who is to solemnize such marriage he shall inquire into the grounds of the objection and if he is satisfied that there is no lawful impediment to the proposed marriage, he may solemnize the marriage in accordance with the provisions of this Act.

(4) If he is not so satisfied he shall refuse to solemnize the marriage.

Marriage of minors.

24. (1) No marriage officer shall solemnize a marriage between parties of whom one or both are minors unless the consent to the party or parties which is legally required for the purpose of contracting the marriage has been granted and furnished to him in writing.

(2) For the purposes of sub-section (1) a minor does not include a person who is under the age of twenty-one years and previously contracted a valid marriage which has been dissolved by death or divorce.

When consent of parents or guardian of minor cannot be obtained.

25. (1) If a commissioner of child welfare as defined in section *one* of the Children's Act, 1960 (Act No. 33 of 1960), is after proper inquiry satisfied that a minor who is resident in the district or area in respect of which he holds office has no parent or guardian or is for any good reason unable to obtain the consent of his parents or guardian to enter into a marriage such commissioner of child welfare may in his discretion grant written consent to such minor to marry a specified person, but such commissioner of child welfare shall not grant his consent if the minor is such a pupil or child as is mentioned in paragraph (a) of sub-section (1) of section *fifty-nine* of the said Act or if one or other parent of the minor whose consent is required by law or his guardian refuses to grant consent to the marriage.

(2) A commissioner of child welfare shall, before granting his consent to a marriage under sub-section (1), enquire whether it is in the interests of the minor in question that the parties to the proposed marriage should enter into an antenuptial contract, and if he is satisfied that such is the case he shall not grant his consent to the proposed marriage before such contract has been entered into, and shall assist the said minor in the execution of the said contract.

(3) A contract so entered into shall be deemed to have been entered into with the assistance of the parent or guardian of the said minor.

(4) If the parent, guardian or commissioner of child welfare in question refuses to consent to a marriage of a minor, such consent may on application be granted by a judge of the

22. Indien in die geval van 'n huwelik voltrek vóór of ná die inwerkingtreding van hierdie Wet, die bepalings van hierdie Wet of, na gelang van die geval, 'n vorige wet met betrekking tot die afkondiging van gebooie of die publikasie van kennisgewing van voorneme om te trou of met betrekking tot die uitreiking van spesiale huwelikslisensies, of die toepaslike bepalings van 'n wet van 'n land buite die Unie met betrekking tot die afkondiging van gebooie nie stiptelik nagekom is nie weens—

Onreëlmatighede by afkondiging van gebooie of publikasie van kennisgewing van voorneme om te trou of by uitreiking van spesiale huwelikslisensie.

(a) 'n fout wat deur een of ander van die partye by dié huwelik te goeder trou begaan is by die uitleg van daardie bepalings; of

(b) 'n fout, versuim of vergissing van iemand wat enige sodanige afkondiging of publikasie gedoen of 'n spesiale huwelikslisensie uitgereik het,

maar dié huwelik in elke ander opsig voltrek is ooreenkomstig die bepalings van hierdie Wet of, na gelang van die geval, 'n vorige wet, is dié huwelik, mits daar regtens geen ander beletsel daarteen was nie, net so geldig en bindend as wat dit sou gewees het indien genoemde bepalings stiptelik nagekom is.

23. (1) Iemand wat verlang om beswaar teen 'n voorgenome huwelik te maak moet dié beswaar skriftelik indien by— Besware teen huwelik.

(a) die persoon wat die gebooie van dié huwelik afkondig of die betrokke kennisgewing van voorneme om te trou, publiseer; of

(b) die persoon wat 'n spesiale huwelikslisensie ten opsigte van dié voorgenome huwelik uitreik; of

(c) die huweliksbevestiger wat dié huwelik gaan voltrek.

(2) Indien iemand wat dié afkondiging of publikasie doen of dié lisensie uitreik, so 'n beswaar ontvang, moet hy dié beswaar vermeld in enige toepaslike sertifikaat of lisensie wat deur hom ingevolge artikel vyftien, agtien of negentien uitgereik word.

(3) Indien so 'n beswaar onder die aandag gebring word van die huweliksbevestiger wat dié huwelik gaan voltrek moet hy ondersoek instel na die gronde van die beswaar, en indien hy oortuig is dat daar regtens geen beletsel teen die voorgenome huwelik is nie, kan hy die huwelik ooreenkomstig die bepalings van hierdie Wet voltrek.

(4) Indien hy nie aldus oortuig is nie, moet hy weier om die huwelik te voltrek.

24. (1) Geen huweliksbevestiger mag 'n huwelik voltrek nie tussen partye van wie een of altwee minderjariges is tensy die toestemming aan die party of partye wat regtens vir die aangaan van die huwelik vereis word, verleen en op skrif aan hom verstrekt is. Huwelike van minderjariges.

(2) By die toepassing van sub-artikel (1) beteken 'n minderjarige nie ook iemand nie wat onder die ouderdom van een-en-twintig jaar is en vantevore 'n wettige huwelik aangegaan het wat deur die dood of egskeiding ontbind is.

25. (1) Indien 'n kommissaris van kindersorg soos omskryf in artikel een van die Kinderwet, 1960 (Wet No. 33 van 1960), na behoorlike ondersoek, oortuig is, dat 'n minderjarige wat woonagtig is in die distrik of gebied ten opsigte waarvan hy sy amp beklee, nie 'n ouer of voog het nie of om een of ander voldoende rede nie in staat is om die toestemming van sy ouers of voog te verkry om in die huwelik te tree nie, kan dié kommissaris van kindersorg na goeddunke skriftelike toestemming aan dié minderjarige verleen om met 'n bepaalde persoon te trou, maar so 'n kommissaris van kindersorg mag sy toestemming nie verleen nie indien die minderjarige 'n leerling of kind vermeld in paragraaf (a) van sub-artikel (1) van artikel nege-en-vyftig van genoemde Wet is, of indien die een of die ander ouer van die minderjarige wie se toestemming regtens vereis word, of sy voog weier om toestemming tot die huwelik te verleen. Wanneer toestemming van ouers of voog van minderjarige nie verkry kan word nie.

(2) Voordat 'n kommissaris van kindersorg sy toestemming tot 'n huwelik kragtens sub-artikel (1) verleen, moet hy ondersoek instel of dit in belang van die betrokke minderjarige is dat die partye by die voorgenome huwelik 'n huweliksvoorwaardekontrak moet aangaan, en indien hy oortuig is dat dit die geval is, mag hy nie sy toestemming tot die voorgenome huwelik verleen nie alvorens sodanige kontrak aangegaan is, en moet hy aan genoemde minderjarige bystand verleen by die verlyding van genoemde kontrak.

(3) 'n Kontrak aldus aangegaan, word geag aangegaan te gewees het met die bystand van die ouer of voog van genoemde minderjarige.

(4) Indien die betrokke ouer, voog of kommissaris van kindersorg weier om tot 'n huwelik van 'n minderjarige toe te stem, kan sodanige toestemming op aansoek deur 'n regter van

Supreme Court of South Africa: Provided that such a judge shall not grant such consent unless he is of the opinion that such refusal of consent by the parent, guardian or commissioner of child welfare is without adequate reason and contrary to the interests of such minor.

Prohibition of marriage of persons under certain ages.

26. (1) No boy under the age of eighteen years and no girl under the age of sixteen years shall be capable of contracting a valid marriage except with the written permission of the Minister, which he may grant in any particular case in which he considers such marriage desirable: Provided that such permission shall not relieve the parties to the proposed marriage from the obligation to comply with all other requirements prescribed by law: Provided further that such permission shall not be necessary if by reason of any such other requirement the consent of a judge or court having jurisdiction in the matter is necessary and has been granted.

(2) If any person referred to in sub-section (1) who was not capable of contracting a valid marriage without the written permission of the Minister in terms of this Act or a prior law, contracted a marriage without such permission and the Minister considers such marriage to be desirable and in the interests of the parties in question, he may, provided such marriage was in every other respect solemnized in accordance with the provisions of this Act or, as the case may be, any prior law, and there was no other lawful impediment thereto, direct in writing that it shall for all purposes be a valid marriage.

(3) If the Minister so directs it shall be deemed that he granted written permission to such marriage prior to the solemnization thereof.

Proof of age of parties to proposed marriage.

27. If parties appear before a marriage officer for the purpose of contracting a marriage with each other and such marriage officer reasonably suspects that either of them is of an age which debars him or her from contracting a valid marriage without the consent or permission of some other person, he may refuse to solemnize a marriage between them unless he is furnished with such consent or permission in writing or with satisfactory proof showing that the party in question is entitled to contract a marriage without such consent or permission.

Marriage between person and relatives of his or her deceased or divorced spouse.

28. Any legal provision to the contrary notwithstanding it shall be lawful for—

- (a) any widower to marry the sister of his deceased wife or any female related to him through his deceased wife in any more remote degree of affinity than the sister of his deceased wife, other than an ancestor or descendant of such deceased wife;
- (b) any widow to marry the brother of her deceased husband or any male related to her through her deceased husband in any more remote degree of affinity than the brother of her deceased husband, other than an ancestor or descendant of such deceased husband;
- (c) any man to marry the sister of a person from whom he has been divorced or any female related to him through the said person in any more remote degree of affinity than the sister of such person, other than an ancestor or descendant of such person; and
- (d) any woman to marry the brother of a person from whom she has been divorced or any male related to her through the said person in any more remote degree of affinity than the brother of such person, other than an ancestor or descendant of such person.

Time and place for and presence of parties and witnesses at solemnization of marriage

29. (1) A marriage officer may solemnize a marriage at any time on any day of the week but shall not be obliged to solemnize a marriage at any other time than between the hours of eight in the morning and four in the afternoon.

(2) A marriage officer shall solemnize any marriage in a church or other building used for religious service, or in a public office or private dwelling-house, with open doors and in the presence of the parties themselves and at least two competent witnesses.

(3) No person shall under the provisions of this Act be capable of contracting a valid marriage through any other person acting as his representative.

Marriage formula.

30. In solemnizing any marriage the marriage officer, if he is a minister of religion or a person holding a responsible position in a religious denomination or organization, may follow the

die Hooggeregshof van Suid-Afrika verleen word: Met dien verstande dat so 'n regter nie sodanige toestemming verleen nie tensy hy van oordeel is dat dié weiering van toestemming deur die ouer, voog of kommissaris van kindersorg sonder genoegsame rede en teen die belange van dié minderjarige is.

26. (1) Geen seun benede die ouderdom van agtien jaar en geen meisie benede die ouderdom van sestien jaar is bevoeg om 'n geldige huwelik aan te gaan nie, behalwe met die skriftelike verlof van die Minister wat hy kan verleen in 'n bepaalde geval waar hy so 'n huwelik as wenslik beskou: Met dien verstande dat sodanige verlof die partye by die voorgenome huwelik nie vrystel nie van die verpligting om aan alle ander regsvoorskrifte te voldoen: Met dien verstande verder dat sodanige verlof nie nodig is nie indien weens 'n sodanige ander voorskrif die toestemming van 'n regter of hof met regsbevoegdheid ten opsigte van die aangeleentheid nodig is en verleen is.

Verbod op huwelik van persone benede sekere leeftye.

(2) Indien iemand in sub-artikel (1) bedoel wat nie bevoeg was om 'n geldige huwelik sonder die skriftelike verlof van die Minister ingevolge hierdie Wet of 'n vorige wet aan te gaan nie, 'n huwelik sonder sodanige verlof aangegaan het, en die Minister die huwelik as wenslik en in belang van die betrokke partye beskou, kan hy, mits dié huwelik in elke ander opsig ooreenkomstig die bepalings van hierdie Wet of, na gelang van die geval, 'n vorige wet voltrek is en daar regtens geen ander beletsel daarteen was nie, skriftelik gelas dat dit vir alle doeleindes 'n geldige huwelik is.

(3) Indien die Minister aldus gelas, word dit geag dat hy vóór die voltrekking van die huwelik skriftelike verlof daartoe verleen het.

27. Indien partye voor 'n huweliksbevestiging verskyn om 'n huwelik met mekaar aan te gaan en dié huweliksbevestiging redelikerwys vermoed dat die een of ander van hulle se ouderdom sodanig is dat dit hom of haar belet om 'n geldige huwelik sonder die toestemming of verlof van iemand anders aan te gaan, kan hy weier om 'n huwelik tussen hulle te voltrek tensy hy voorsien word van dié toestemming of verlof op skrif of van bevredigende bewys waaruit blyk dat die betrokke party geregtig is om 'n huwelik sonder sodanige toestemming of verlof aan te gaan.

Bewys van ouderdom van partye by voorgenome huwelik.

28. Ondanks andersluidende regsbepalings is dit geoorloof dat—

Huwelik tussen iemand en verwante van sy of haar oorlede of geskeie gade.

- (a) 'n wewenaar trou met die suster van sy oorlede vrou of met 'n vrouspersoon wat aan hom deur sy oorlede vrou verwant is in 'n verdere graad van aanverwantskap as die suster van sy oorlede vrou, behalwe 'n voorouer of afstammeling van dié oorlede vrou;
- (b) 'n weduwee trou met die broer van haar oorlede man of met 'n manspersoon wat aan haar deur haar oorlede man verwant is in 'n verdere graad van aanverwantskap as die broer van haar oorlede man, behalwe 'n voorouer of afstammeling van dié oorlede man;
- (c) 'n man trou met die suster van 'n persoon van wie hy geskei is of met 'n vrouspersoon wat aan hom deur genoemde persoon verwant is in 'n verdere graad van aanverwantskap as die suster van dié persoon, behalwe 'n voorouer of afstammeling van dié persoon; en
- (d) 'n vrou trou met die broer van 'n persoon van wie sy geskei is of met 'n manspersoon wat aan haar deur genoemde persoon verwant is in 'n verdere graad van aanverwantskap as die broer van dié persoon, behalwe 'n voorouer of afstammeling van dié persoon.

29. (1) 'n Huweliksbevestiging kan 'n huwelik te eniger tyd op enige dag van die week voltrek maar is nie verplig om 'n huwelik op enige ander tyd as tussen agtuur voormiddag en vieruur namiddag te voltrek nie.

Tyd en plek vir en teenwoordigheid van partye en getuies by voltrekking van huwelik.

(2) 'n Huweliksbevestiging moet 'n huwelik voltrek in 'n kerk of ander gebou wat vir godsdiensoefening gebruik word of in 'n openbare kantoor of privaat woonhuis, met oop deure en in die teenwoordigheid van die partye self en ten minste twee bevoegde getuies.

(3) Niemand is bevoeg om kragtens die bepalings van hierdie Wet deur middel van iemand anders wat as sy verteenwoordiger optree, 'n geldige huwelik aan te gaan nie.

30. By die voltrekking van 'n huwelik kan die huweliksbevestiging, indien hy 'n leraar is of iemand wat 'n verantwoordelike posisie in 'n godsdienstige denominasie of organisasie beklee,

Huweliksformulier.

rites usually observed by his religious denomination or organization, but if he is any other marriage officer he shall put the following questions to each of the parties separately, each of whom shall reply thereto in the affirmative:

"Do you, A.B., declare that as far as you know there is no lawful impediment to your proposed marriage with C.D. here present, and that you call all here present to witness that you take C.D. as your lawful wife (or husband)?"

and thereupon the parties shall give each other the right hand and the said marriage officer shall declare the marriage solemnized in the following words:

"I declare that A.B. and C.D. here present have been lawfully married."

Certain marriage officers may refuse to solemnize certain marriages.

31. Nothing in this Act contained shall be construed so as to compel a marriage officer who is a minister of religion or a person holding a responsible position in a religious denomination or organization to solemnize a marriage which would not conform to the rites, formularies, tenets, doctrines or discipline of his religious denomination or organization.

Fees payable to marriage officers.

32. (1) No marriage officer may demand or receive any fee, gift or reward, for or by reason of anything done by him as marriage officer in terms of this Act: Provided that a minister of religion or a person holding a responsible position in a religious denomination or organization may, for or by reason of any such thing done by him, receive—

(a) such fees or payments as were immediately prior to the commencement of this Act ordinarily paid to any such minister of religion or person in terms of the rules and regulations of his religious denomination or organization, for or by reason of any such thing done by him in terms of a prior law; or

(b) such fee as may be prescribed.

(2) Any marriage officer who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or, in default of payment, to imprisonment for a period not exceeding six months.

Blessing of a marriage.

33. After a marriage has been solemnized by a marriage officer, a minister of religion or a person holding a responsible position in a religious denomination or organization may bless such marriage according to the rites of his religious denomination or organization.

Religious rules and regulations.

34. Nothing in this Act contained shall prevent—

(a) the making by any religious denomination or organization of such rules or regulations in connection with the religious blessing of marriages as may be in conformity with the religious views of such denomination or organization or the exercise of church discipline in any such case; or

(b) the acceptance by any person of any fee charged by such religious denomination or organization for the blessing of any marriage,

provided the exercise of such authority is not in conflict with the civil rights and duties of any person.

Penalties for solemnizing marriage contrary to the provisions of this Act.

35. Any marriage officer who knowingly solemnizes a marriage in contravention of the provisions of this Act shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or, in default of payment, to imprisonment for a period not exceeding six months.

Penalties for false representations or statements.

36. Any person who makes for any of the purposes of this Act, any false representation or false statement knowing it to be false, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

Offences committed outside the Union.

37. If any person contravenes any provision of this Act in any country outside the Union the Minister of Justice shall determine which court in the Union shall try such person for the offence committed thereby, and such court shall thereupon be competent so to try such person, and for all purposes incidental to or consequential on the trial of such person, the offence shall be deemed to have been committed within the area of jurisdiction of such court.

die gebruik volg wat gewoonlik nagekom word deur sy godsdienstige denominasie of organisasie, maar indien hy 'n ander huweliksbevestiger is, moet hy aan elkeen van die partye die volgende vrae afsonderlik stel, waarop elkeen van hulle bevestigend moet antwoord:

„Verklaar jy, A.B., dat sover jy weet daar regtens geen beletsel is nie teen jou voorgename huwelik met C.D. hier teenwoordig, en dat jy almal hier teenwoordig roep om getuie te wees dat jy C.D. tot jou wettige vrou (of man) neem?”

en daarop moet die partye mekaar die regterhand gee, en genoemde huweliksbevestiger moet die huwelik met die volgende woorde as voltrek verklaar:

„Ek verklaar dat A.B. en C.D. hier teenwoordig regtens getroud is.”

31. Die bepalinge van hierdie Wet word nie so uitgelê nie dat dit 'n huweliksbevestiger wat 'n leraar is of iemand wat 'n verantwoordelike posisie beklee in 'n godsdienstige denominasie of organisasie, verplig om 'n huwelik te voltrek wat nie ooreenkomstig die gebruike, formuliere, leerstellinge, dogmas of dissipline van sy godsdienstige denominasie of organisasie sal wees nie.

Sekere huweliksbevestigers kan weier om sekere huwelike te voltrek.

32. (1) Geen huweliksbevestiger mag enige gelde, geskenk of vergoeding vra of ontvang nie vir of omrede van enigiets deur hom as huweliksbevestiger ingevolge hierdie Wet gedoen: Met dien verstande dat 'n leraar of iemand wat 'n verantwoordelike posisie beklee in 'n godsdienstige denominasie of organisasie, vir of omrede van so iets deur hom gedoen—

Gelde betaalbaar aan huweliksbevestigers.

(a) sodanige gelde of betalings kan ontvang as wat onmiddellik voor die inwerkingtreding van hierdie Wet gewoonlik aan so 'n leraar of persoon ingevolge die reëls en regulasies van sy godsdienstige denominasie of organisasie betaal is vir of omrede van so iets wat deur hom ingevolge 'n vorige wet gedoen is; of

(b) die voorgeskrewe gelde kan ontvang.

(2) 'n Huweliksbevestiger wat die bepalinge van sub-artikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

33. Nadat 'n huwelik deur 'n huweliksbevestiger voltrek is, kan 'n leraar of iemand wat 'n verantwoordelike posisie in 'n godsdienstige denominasie of organisasie beklee, dié huwelik ooreenkomstig die gebruik van sy godsdienstige denominasie of organisasie insee.

Inseeëning van 'n huwelik.

34. Die bepalinge van hierdie Wet belet nie—

Godsdienstreëls en -regulasies.

(a) die uitvaardiging deur 'n godsdienstige denominasie of organisasie van reëls of regulasies, in verband met die godsdienstige inseeëning van huwelike, wat in ooreenstemming is met die godsdienstige opvattinge van dié denominasie of organisasie of die uitoefening van kerkdissipline in so 'n geval; of

(b) die ontvangs deur iemand van gelde wat deur so 'n godsdienstige denominasie of organisasie vir die inseeëning van 'n huwelik gevra word,

mits die uitoefening van bedoelde bevoegdheid nie in stryd met die burgerlike regte en pligte van iemand is nie.

35. 'n Huweliksbevestiger wat wetens 'n huwelik in stryd met die bepalinge van hierdie Wet voltrek, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Strawwe vir voltrekking van huwelik in stryd met die bepalinge van hierdie Wet.

36. Iemand wat vir die doeleindes van hierdie Wet 'n valse voorstelling doen of 'n valse verklaring aflê terwyl hy weet dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens vir meenede voorgeskryf is.

Strawwe vir valse voorstellings of verklarings.

37. Indien iemand 'n bepaling van hierdie Wet in 'n land buite die Unie oortree, moet die Minister van Justisie bepaal watter hof in die Unie so iemand moet verhoor weens die misdryf wat daardeur gepleeg is, en dié hof is daarop regsbevoeg om die persoon aldus te verhoor, en vir alle doeleindes wat in verband staan met of voortspruit uit die verhoor van so iemand, word dié misdryf geag gepleeg te gewees het in die regsgebied van dié hof.

Misdrywe buite die Unie gepleeg.

Regulations.

38. (1) The Governor-General may make regulations as to—
(a) the form and content of certificates, notices, affidavits and declarations for the purposes of this Act;
(b) the fees payable for any certificate issued or any other act performed in terms of this Act,

and, generally, as to any matter which by this Act is required or permitted to be prescribed or which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved or that the provisions of this Act may be effectively administered.

(2) Such regulations may prescribe penalties for a contravention thereof, not exceeding, in the case of a fine, fifty rand or, in the case of imprisonment, a period of three months.

Repeal of laws and savings.

39. (1) Subject to the provisions of sub-sections (2) to (5) inclusive, the laws specified in the Schedule are hereby repealed to the extent set out in the fourth column thereof, except in so far as they apply in the territory of South-West Africa.

(2) Anything done under any provision of a law repealed by sub-section (1) shall be deemed to have been done under the corresponding provision of this Act (if any).

(3) Any marriage which is validated by or is valid in terms of any law repealed by sub-section (1) shall not be effected by such repeal.

(4) Any provision of a law repealed by sub-section (1) which applies only in respect of non-white persons or a particular class of non-white persons shall, notwithstanding the provisions of this Act, but subject to the provisions of sub-section (5), continue to apply in respect of any Native and any Asiatic in respect of whom it is applicable.

(5) The Governor-General may by proclamation in the *Gazette* declare that any provision of a law referred to in sub-section (4) shall cease to apply in respect of the persons in question or any class of the persons in question, and as from the date specified in such proclamation, such provision shall cease so to apply.

Short title and commencement.

40. This Act shall be called the Marriage Act, 1961, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

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

(a) die vorm en inhoud van sertifikate, kennisgewings en beëdigde of ander verklarings vir die doeleindes van hierdie Wet;

(b) die gelde wat betaalbaar is vir 'n sertifikaat uitgereik of ander handeling verrig ingevolge hierdie Wet,

en, oor die algemeen, betreffende enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word of wat hy nodig of dienstig ag om voor te skryf sodat die doeleindes van hierdie Wet bereik kan word of die bepalings van hierdie Wet op doelmatige wyse uitgevoer kan word.

(2) Sodanige regulasies kan vir 'n oortreding daarvan strawwe voorskryf wat, in die geval van 'n boete, nie vyftig rand of, in die geval van gevangenisstraf, nie 'n tydperk van drie maande te bowe gaan nie.

39. (1) Behoudens die bepalings van sub-artikels (2) tot en met (5) word die wette in die Bylae vermeld hierby herroep vir sover in die vierde kolom daarvan uiteengesit, behalwe vir sover hulle in die gebied Suidwes-Afrika van toepassing is. Wetsherroeping en voorbehoud.

(2) Enigiets gedoen kragtens 'n bepaling van 'n wet by sub-artikel (1) herroep, word geag kragtens die ooreenstemmende bepaling van hierdie Wet (indien daar is) gedoen te gewees het.

(3) 'n Huwelik wat geldig verklaar is deur of geldig is ingevolge 'n wet by sub-artikel (1) herroep, word nie deur sodanige herroeping geraak nie.

(4) 'n Bepaling van 'n wet by sub-artikel (1) herroep wat slegs ten opsigte van nie-blankes of 'n bepaalde kategorie nie-blankes van toepassing is, bly, ondanks die bepalings van hierdie Wet, maar behoudens die bepalings van sub-artikel (5), van toepassing ten opsigte van 'n Naturel en 'n Asiaat ten opsigte van wie dit van toepassing is.

(5) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* verklaar dat enige bepaling van 'n wet in sub-artikel (4) vermeld, nie langer ten opsigte van die betrokke persone of 'n kategorie van die betrokke persone van toepassing is nie, en vanaf die datum vermeld in dié proklamasie hou dié bepaling op om aldus van toepassing te wees.

40. Hierdie Wet heet die Huwelikswet, 1961, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerking-treding.

Schedule.

LAWS REPEALED.

Province or Union.	No. and Year of Law.	Title or Subject Matter.	Extent of Repeal.
Cape of Good Hope.	Marriage Order in Council, 7th September, 1838.	Amendment of Marriage Laws.	The whole.
	Order in Council, 20th February, 1839.	Construction of Marriage Order in Council, 7th September, 1838, in certain respects.	The whole.
	Order in Council, 3rd April, 1840.	Amendment of Marriage Order in Council, 7th September, 1838.	The whole.
	Ordinance No. 4 of 1848.	Ordinance for rendering legal certain Marriages supposed to be invalid.	The whole.
	Act No. 13 of 1857.	Act for Removing all Doubts regarding the Validity of the Marriages of certain Military Settlers.	The whole.
	Act No. 16 of 1860.	"Marriage Act, 1860".	The whole.
	Act No. 9 of 1882.	"The Marriage Licence Act, 1882".	The whole.
	Act No. 40 of 1892.	"The Marriage Law Amendment Act, 1892".	The whole.
Natal.	Act No. 11 of 1906.	"The Marriage Law Amendment Act, 1906".	The whole.
	Ordinance No. 17 of 1846.	"Ordinance to amend the Law regarding marriages within the District of Natal".	The whole.
	Law No. 2 of 1876.	"To provide for the signing of Marriage Licences".	The whole.
	Law No. 19 of 1881.	"To provide for the appointment of Marriage Officers for the Solemnization of Marriages of persons professing the Jewish faith, and of persons professing the Mohammedan faith".	The whole.
	Law No. 46 of 1887.	"To regulate the Marriage of Natives by Christian Rites".	The whole, subject to the provisions of sub-section (4) of section <i>thirty-nine</i> of this Act.
	Law No. 7 of 1889.	"The Marriage Licence Law, 1889".	The whole.
	Law No. 25 of 1891.	"Indian Immigration Law, 1891".	Sections <i>sixty-five to seventy-two inclusive, seventy-five and eighty-one</i> , subject to the provisions of sub-section (4) of section <i>thirty-nine</i> of this Act.
	Act No. 45 of 1898.	"To repeal and re-enact with certain amendments, Act No. 15 of 1897, entitled 'Act for removing a certain Restriction upon Marriage within the Colony of Natal'".	The whole.
	Act No. 44 of 1903.	"To amend the Law relating to Marriages of Natives by Christian Rites".	The whole, subject to the provisions of sub-section (4) of section <i>thirty-nine</i> of this Act.

Bylae.

HERROEPE WETTE.

Provinsie of Unie.	No. en Jaar van Wet.	Titel of Onderwerp.	Omvang van Herroeping.
Kaap die Goeie Hoop.	„Marriage Order in Council”, 7 September 1838.	Wysiging van Huwelikswette.	Die geheel.
	„Order in Council”, 20 Februarie 1839.	Vertolking in sekere opsigte van „Marriage Order in Council”, 7 September 1838.	Die geheel.
	„Order in Council”, 3 April 1840.	Wysiging van „Marriage Order in Council”, 7 September 1838.	Die geheel.
	Ordonnansie No. 4 van 1848.	„Ordinance for rendering legal certain Marriages supposed to be invalid”.	Die geheel.
	Wet No. 13 van 1857.	„Act for Removing all Doubts regarding the Validity of the Marriages of certain Military Settlers”.	Die geheel.
	Wet No. 16 van 1860.	„Marriage Act, 1860”.	Die geheel.
	Wet No. 9 van 1882.	„The Marriage Licence Act, 1882”.	Die geheel.
	Wet No. 40 van 1892.	„The Marriage Law Amendment Act, 1892”.	Die geheel.
	Wet No. 11 van 1906.	„The Marriage Law Amendment Act, 1906”.	Die geheel.
Natal.	Ordonnansie No. 17 van 1846.	„Ordinance to amend the Law regarding marriages within the District of Natal”.	Die geheel.
	Wet No. 2 van 1876.	„To provide for the signing of Marriage Licences”.	Die geheel.
	Wet No. 19 van 1881.	„To provide for the appointment of Marriage Officers for the Solemnization of Marriages of persons professing the Jewish faith, and of persons professing the Mohammedan faith”.	Die geheel.
	Wet No. 46 van 1887.	„To regulate the Marriage of Natives by Christian Rites”.	Die geheel, behoudens die bepalinge van sub-artikel (4) van artikel <i>nege-en-dertig</i> van hierdie Wet.
	Wet No. 7 van 1889.	„The Marriage Licence Law, 1889”.	Die geheel.
	Wet No. 25 van 1891.	„Indian Immigration Law, 1891”.	Artikels <i>vyf-en-sestig</i> tot en met <i>twee-en-sewentig</i> , en <i>vyf-en-sewentig</i> en <i>een-en-tag-tig</i> , behoudens die bepalinge van sub-artikel (4) van artikel <i>nege-en-dertig</i> van hierdie Wet.
	Wet No. 45 van 1898.	„To repeal and re-enact with certain amendments, Act No. 15 of 1897, entitled 'Act for removing a certain Restriction upon Marriage within the Colony of Natal' ”.	Die geheel.
	Wet No. 44 van 1903.	„To amend the Law relating to Marriages of Natives by Christian Rites”.	Die geheel, behoudens die bepalinge van sub-artikel (4) van artikel <i>nege-en-dertig</i> van hierdie Wet.

Province or Union.	No. and Year of Law.	Title or Subject Matter.	Extent of Repeal.
Orange Free State.	Law No. 22 of 1898.	"Over Assistent Landdrosten".	The whole.
	Law No. 26 of 1899.	"De Huwelijkswet".	The whole.
	Ordinance No. 27 of 1902.	"Validation of Marriages Ordinance, 1902".	The whole.
	Ordinance No. 31 of 1903.	"Marriage (Prohibited Degrees) Ordinance, 1903".	The whole.
Transvaal.	Law No. 3 of 1871.	"Huwelijks Ordonnantie".	The whole.
	Volksraad Resolution, 15th May, 1883, Art. 74.	Legalization of certain Marriages.	The whole.
	Volksraad Resolution, 7th May, 1885, Art. 53.	Legalization of certain Marriages.	The whole.
	First Volksraad Resolution, 10th December, 1896, Art. 2286.	"Recht tot huwelijksbevestiging door de Hollandsche Consuls en Consulaire ambtenaren in de Z.A.R.".	The whole.
	Law No. 3 of 1897.	"Regelende de huwelijken van Kleurlingen binnen de Zuid-Afrikaansche Republiek".	The whole, subject to the provisions of sub-section (4) of section <i>thirty-nine</i> of this Act.
	Proclamation No. 6 of 1900.	Native Marriages by Christian Rites.	The whole, subject to the provisions of sub-section (4) of section <i>thirty-nine</i> of this Act.
	Proclamation No. 2 of 1901.	Amendment of Marriage Laws as to officer granting special licences.	The whole.
	Proclamation No. 25 of 1902.	Amending Law No. 3 of 1897.	The whole.
	Proclamation No. 31 of 1902.	"Legalization of Marriages Proclamation, 1902".	The whole.
	Ordinance No. 26 of 1902.	"Legalization of Marriages Ordinance 1902".	The whole.
	Ordinance No. 29 of 1903.	Legalization of Marriages of Coloured Persons Ordinance, 1903.	The whole.
	Ordinance No. 39 of 1904.	Marriage Law Amendment Ordinance 1904.	The whole.
	Ordinance No. 33 of 1905.	The Legalization of Marriages Ordinance 1905.	The whole.
	Act No. 13 of 1909.	Marriage Law Amendment Act 1909.	The whole.
Union.	Act No. 20 of 1913.	Marriage Laws Amendment Act, 1913.	The whole.
	Act No. 43 of 1916.	Marriage Officers Act, 1916.	The whole.
	Act No. 11 of 1920.	Natal and Transvaal Marriage Law Amendment Act, 1920.	The whole.
	Act No. 17 of 1921.	Marriage Law Amendment Act, 1921.	The whole.
	Act No. 41 of 1927.	Orange Free State Marriage Law Amendment Act, 1927.	The whole.
	Act No. 7 of 1934.	Births, Marriages and Deaths Registration Amendment Act, 1934.	Sections <i>ten</i> and <i>eleven</i> .
	Act No. 8 of 1935.	Marriage Law Amendment Act, 1935.	The whole.

Provinsie of Unie.	No. en Jaar van Wet.	Titel of Onderwerp.	Omvang van Herroeping.
Oranje-Vrystaat.	Wet No. 22 van 1898.	„Over Assistent Landdrosten”.	Die geheel.
	Wet No. 26 van 1899.	„De Huwelikswet”.	Die geheel.
	Ordonnansie No. 27 van 1902.	„Validation of Marriages Ordinance, 1902”.	Die geheel.
	Ordonnansie No. 31 van 1903.	„Marriage (Prohibited Degrees) Ordinance, 1903”.	Die geheel.
Transvaal.	Wet No. 3 van 1871.	„Huwelijks Ordonnantie”.	Die geheel.
	Volksraadsbesluit, 15 Mei 1883, Art. 74.	Wettiging van sekere Huwelike.	Die geheel.
	Volksraadsbesluit, 7 Mei 1885, Art. 53	Wettiging van sekere Huwelike.	Die geheel.
	Eerste Volksraadsbesluit, 10 Desember 1896, Art. 2286.	„Recht tot huweliksbevestiging door de Hollandsche Consuls en Consulaire ambtenaren in de Z.A.R.”.	Die geheel.
	Wet No. 3 van 1897.	„Regelende de huwelijken van Kleurlingen binnen de Zuid-Afrikaansche Republiek”.	Die geheel, behoudens die bepalingen van sub-artikel (4) van artikel <i>negeen-dertig</i> van hierdie Wet.
	Proklamasie No. 6 van 1900.	„Native Marriages by Christian Rites”.	Die geheel, behoudens die bepalingen van sub-artikel (4) van artikel <i>negeen-dertig</i> van hierdie Wet.
	Proklamasie No. 2 van 1901.	„Amendment of Marriage Laws as to officer granting special licences”.	Die geheel.
	Proklamasie No. 25 van 1902.	„Amending Law No. 3 of 1897”.	Die geheel.
	Proklamasie No. 31 van 1902.	„Legalization of Marriages Proclamation, 1902”.	Die geheel.
	Ordonnansie No. 26 van 1902.	„Legalization of Marriages Ordinance 1902”.	Die geheel.
	Ordonnansie No. 29 van 1903.	„Legalization of Marriages of Coloured Persons Ordinance, 1903”.	Die geheel.
	Ordonnansie No. 39 van 1904.	„Marriage Law Amendment Ordinance 1904”.	Die geheel.
	Ordonnansie No. 33 van 1905.	„The Legalization of Marriages Ordinance 1905”.	Die geheel.
	Wet No. 13 van 1909.	„Marriage Law Amendment Act 1909”.	Die geheel.
Unie.	Wet No. 20 van 1913.	„Huwelikswetten Wijzigings Wet, 1913”.	Die geheel.
	Wet No. 43 van 1916.	„Wet op Huweliksbevestigers, 1916”.	Die geheel.
	Wet No. 11 van 1920.	„Natal en Transvaal Huwelikswet Wijzigings Wet, 1920”.	Die geheel.
	Wet No. 17 van 1921.	„Huwelikswet Wijzigings Wet, 1921”.	Die geheel.
	Wet No. 41 van 1927.	Oranje-Vrystaatse Huwelikswet Wysigings Wet, 1927.	Die geheel.
	Wet No. 7 van 1934.	Wysigingswet op die Registrasie van Geboortes, Huwelike en Sterfgevalle, 1934.	Artikels <i>tien</i> en <i>elf</i> .
	Wet No. 8 van 1935.	Huwelikswet Wysigingswet, 1935.	Die geheel.

Province or Union.	No. and Year of Law.	Title or Subject Matter.	Extent of Repeal.
Union.	Act No. 21 of 1943.	Native Administration (Amendment) Act, 1943.	Section <i>twelve</i> .
	Act No. 13 of 1945.	Publication of Banns Amendment Act, 1945.	The whole.
	Act No. 32 of 1952.	General Law Amendment Act, 1952.	Section <i>seven</i> .
	Act No. 25 of 1954.	Marriage Officers Amendment Act, 1954.	The whole.
	Act No. 68 of 1957.	General Law Amendment Act, 1957.	Section <i>eight</i> .

Provinsie of Unie.	No. en Jaar van Wet.	Titel of Onderwerp.	Omvang van Herroeping.
Unie.	Wet No. 21 van 1943.	Wysigingswet op Naturelle-administrasie, 1943.	Artikel <i>iwaalf</i> .
	Wet No. 13 van 1945.	Wysigingswet op Afkondiging van Huweliksgebooie, 1945.	Die geheel.
	Wet No. 32 van 1952.	Algemene Regswysigingswet, 1952.	Artikel <i>sewe</i> .
	Wet No. 25 van 1954.	Wysigingswet op Huweliksbevestigters, 1954.	Die geheel.
	Wet No. 68 van 1957.	Algemene Regswysigingswet, 1957.	Artikel <i>agt</i> .

No. 26, 1961.]

ACT

To amend the Precious and Base Metals Act, 1908, of the Transvaal, including that Act as applied to the Orange Free State by the Orange Free State Metals Mining Act, 1936.

(Afrikaans text signed by the Governor-General.)
(Assented to 19th April, 1961.)

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:—

Definition.

1. In this Act the expression "the principal Act" means the Precious and Base Metals Act, 1908, of the Transvaal, and includes that Act as applied to the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936).

Amendment of section 22 of Act 35 of 1908 (Transvaal).

2. Section *twenty-two* of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraphs:

"(b) If after the expiration of a period of six months from the date upon which any amount became payable under this section, that amount is still unpaid, the Mining Commissioner shall—

(i) forthwith in writing demand payment of such amount from the registered holder of the mynpacht-brief; and

(ii) in writing advise the registered holder of any mortgage bond over the mynpacht, and give notice in the *Gazette*, that payment has been so demanded,

and if the said amount is not paid within three months after the publication of the notice in the *Gazette*, the Minister shall declare the mynpacht-brief cancelled.

(b)*bis* (i) The registered holder of a mynpacht may at any time give notice in writing to the Mining Commissioner that he desires to abandon that mynpacht or such part thereof as may be specified in the notice.

(ii) Any such notice shall, if the mynpacht is mortgaged, be accompanied by written consent to the abandonment from the registered holder of the mortgage bond.

(iii) Upon receipt of any such notice and any consent which may be required under sub-paragraph (ii), the Registrar of Mining Titles shall, if the Mining Commissioner has certified that all amounts due under this section in respect of the mynpacht up to the date on which he received the notice have been paid, record the abandonment, which abandonment shall be effective from the date of such recording, and the Minister shall thereupon declare the relevant mynpacht-brief cancelled to the extent to which the mynpacht has been abandoned.

(b)*ter* The land comprising a mynpacht or part of a mynpacht in respect of which the relevant mynpacht-brief has been declared cancelled, may be dealt with in any of the ways described in section *thirty*."

Amendment of section 69 of Act 35 of 1908 (Transvaal), as amended by section 2 of Act 15 of 1942 and section 23 of Act 68 of 1955.

3. (1) Section *sixty-nine* of the principal Act is hereby amended—

(a) by the insertion in sub-section (1) after the words "mining title" of the words "for the carrying on of any activity by the Government, the railway administration, a provincial administration, any body contemplated in paragraph (vi) of section *eighty-five* of the South Africa Act, 1909, or any council, board or other body established by or under any law or";

(b) by the deletion in that sub-section of the expression "(including any activity by the railway administration in which that administration may lawfully engage)"; and

No. 26, 1961.]

WET

Tot wysiging van die „Precious and Base Metals Act, 1908”, van Transvaal, en ook daardie Wet soos deur die Oranje-Vrystaatse Metaal-Myn Wet, 1936, op die Oranje-Vrystaat toegepas.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 19 April 1961.)

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

1. In hierdie Wet beteken die uitdrukking „die Hoofwet” die „Precious and Base Metals Act, 1908”, van Transvaal, en ook daardie Wet soos deur die Oranje-Vrystaatse Metaal-Myn Wet, 1936 (Wet No. 13 van 1936), op die Oranje-Vrystaat toegepas. Woord-
omskrywing.

2. Artikel twee-en-twintig van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragrafe te vervang: Wysiging van
artikel 22 van
Wet 35 van 1908
(Transvaal).

„(b) If after the expiration of a period of six months from the date upon which any amount became payable under this section, that amount is still unpaid, the Mining Commissioner shall—

(i) forthwith in writing demand payment of such amount from the registered holder of the mynpacht-brief; and

(ii) in writing advise the registered holder of any mortgage bond over the mynpacht, and give notice in the *Gazette*, that payment has been so demanded,

and if the said amount is not paid within three months after the publication of the notice in the *Gazette*, the Minister shall declare the mynpacht-brief cancelled.

(b)bis (i) The registered holder of a mynpacht may at any time give notice in writing to the Mining Commissioner that he desires to abandon that mynpacht or such part thereof as may be specified in the notice.

(ii) Any such notice shall, if the mynpacht is mortgaged, be accompanied by written consent to the abandonment from the registered holder of the mortgage bond.

(iii) Upon receipt of any such notice and any consent which may be required under sub-paragraph (ii), the Registrar of Mining Titles shall if the Mining Commissioner has certified that all amounts due under this section in respect of the mynpacht up to the date on which he received the notice have been paid, record the abandonment, which abandonment shall be effective from the date of such recording, and the Minister shall thereupon declare the relevant mynpacht-brief cancelled to the extent to which the mynpacht has been abandoned.

(b)ter The land comprising a mynpacht or part of a mynpacht in respect of which the relevant mynpacht-brief has been declared cancelled, may be dealt with in any of the ways described in section thirty.”.

3. (1) Artikel nege-en-sestig van die Hoofwet word hierby gewysig— Wysiging van
artikel 69 van
Wet 35 van 1908
(Transvaal), soos
gewysig deur
artikel 2 van Wet
15 van 1942 en
artikel 23 van
Wet 68 van 1955.

(a) deur in sub-artikel (1) na die woorde „mining title” die woorde „for the carrying on of any activity by the Government, the railway administration, a provincial administration, any body contemplated in paragraph (vi) of section eighty-five of the South Africa Act, 1909, or any council, board or other body established by or under any law, or” in te voeg;

(b) deur in daardie sub-artikel die uitdrukking „(including any activity by the railway administration in which that administration may lawfully engage)” te skrap; en

(c) by the substitution for sub-section (4) of the following sub-section:

"(4) There shall be payable in respect of the use of any ground or the grant of permission to use any ground under sub-section (1), to the registered owner of such ground and to any other person whose rights in respect of such ground are affected by such use or the grant of such permission, compensation in such an amount as may in the absence of agreement between the parties concerned be determined by arbitration: Provided that any dispute as to the amount of compensation payable by the railway administration under this sub-section shall be determined in accordance with the provisions of section eight of the Railway Expropriation Act, 1955 (Act No. 37 of 1955)."

(2) The amendments effected by paragraph (c) of sub-section (1) shall not apply with reference to the use of ground for any purpose for which it was being lawfully used immediately prior to the commencement of this Act or with reference to any permission to use ground granted before such commencement.

Amendment of section 70 of Act 35 of 1908 (Transvaal).

4. Section *seventy* of the principal Act is hereby amended by the deletion of paragraph (b) of sub-section (1).

Amendment of section 71 of Act 35 of 1908 (Transvaal), as amended by section 24 of Act 68 of 1955.

5. Section *seventy-one* of the principal Act is hereby amended by the substitution for the expression "sub-section (3)" of the expression "sub-sections (3) and (4)".

Amendment of section 74 of Act 35 of 1908 (Transvaal), as amended by section 26 of Act 36 of 1934.

6. Section *seventy-four* of the principal Act is hereby amended—

- (a) by the deletion of the proviso to sub-section (1);
- (b) by the substitution in sub-section (2) for all the words after the word "applicant" of the words "the Mining Commissioner shall, unless the applicant and such person otherwise agree in writing, require the applicant to give notice of the application, in such form as may be approved by the Mining Commissioner, in the *Gazette* and in a newspaper circulating in the mining district, and to serve such notice in writing upon every holder of such title";
- (c) by the deletion in sub-section (3) of the words "the first"; and
- (d) by the addition of the following sub-section:
 "(8) Nothing in this section shall be construed as authorizing the grant of permission to any person or body contemplated in sub-section (1) of section *sixty-nine* to carry on any activity for the carrying on of which permission can be granted under section *sixty-nine* or *seventy-one*."

Amendment of section 78 of Act 35 of 1908 (Transvaal), as amended by section 30 of Act 36 of 1934 and section 2 of Act 20 of 1941.

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

"(2) The applicant or any person affected by a decision of the Mining Commissioner under this section may within a period of fourteen days from the date of that decision, appeal therefrom to the Minister who may in his discretion confirm, reverse or vary such decision and whose decision shall be final."

Amendment of section 119 of Act 35 of 1908 (Transvaal), as amended by section 27 of Act 30 of 1918 and section 40 of Act 36 of 1934.

8. Section *one hundred and nineteen* of the principal Act is hereby amended by the substitution in sub-section (3) for the words "one penny" of the words "one cent".

Short title.

9. This Act shall be called the Precious and Base Metals Amendment Act, 1961.

(c) deur sub-artikel (4) deur die volgende sub-artikel te vervang:

„(4) There shall be payable in respect of the use of any ground or the grant of permission to use any ground under sub-section (1), to the registered owner of such ground and to any other person whose rights in respect of such ground are affected by such use or the grant of such permission, compensation in such an amount as may in the absence of agreement between the parties concerned be determined by arbitration: Provided that any dispute as to the amount of compensation payable by the railway administration under this sub-section shall be determined in accordance with the provisions of section *eight* of the Railway Expropriation Act, 1955 (Act No. 37 of 1955).”.

(2) Die wysigings deur paragraaf (c) van sub-artikel (1) aangebring is nie van toepassing nie met betrekking tot die gebruik van grond vir enige doel waarvoor dit onmiddellik voor die inwerkingtreding van hierdie Wet wettiglik gebruik is of met betrekking tot enige toestemming om grond te gebruik wat voor genoemde inwerkingtreding verleen is.

4. Artikel *sewentig* van die Hoofwet word hierby gewysig deur paragraaf (b) van sub-artikel (1) te skrap.

Wysiging van artikel 70 van Wet 35 van 1908 (Transvaal).

5. Artikel *een-en-sewentig* van die Hoofwet word hierby gewysig deur die uitdrukking „sub-section (3)” deur die uitdrukking „sub-sections (3) and (4)” te vervang.

Wysiging van artikel 71 van Wet 35 van 1908 (Transvaal), soos gewysig deur artikel 24 van Wet 68 van 1955.

6. Artikel *vier-en-sewentig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 74 van Wet 35 van 1908 (Transvaal), soos gewysig deur artikel 26 van Wet 36 van 1934.

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

(b) deur in sub-artikel (2) al die woorde na die woord „applicant” deur die woorde „the Mining Commissioner shall, unless the applicant and such person otherwise agree in writing, require the applicant to give notice of the application, in such form as may be approved by the Mining Commissioner, in the *Gazette* and in a newspaper circulating in the mining district, and to serve such notice in writing upon every holder of such title” te vervang;

(c) deur in sub-artikel (3) die woorde „the first” te skrap; en

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

„(8) Nothing in this section shall be construed as authorizing the grant of permission to any person or body contemplated in sub-section (1) of section *sixty-nine* to carry on any activity for the carrying on of which permission can be granted under section *sixty-nine* or *seventy-one*.”.

7. Artikel *agt-en-sewentig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

Wysiging van artikel 78 van Wet 35 van 1908 (Transvaal), soos gewysig deur artikel 30 van Wet 36 van 1934 en artikel 2 van Wet 20 van 1941.

„(2) The applicant or any person affected by a decision of the Mining Commissioner under this section may, within a period of fourteen days from the date of that decision, appeal therefrom to the Minister who may in his discretion confirm, reverse or vary such decision and whose decision shall be final.”.

8. Artikel *honderd-en-negentien* van die Hoofwet word hierby gewysig deur in sub-artikel (3) die woorde „one penny” deur die woorde „one cent” te vervang.

Wysiging van artikel 119 van Wet 35 van 1908 (Transvaal), soos gewysig deur artikel 27 van Wet 30 van 1918 en artikel 40 van Wet 36 van 1934.

9. Hierdie Wet heet die Wysigingswet op Edele en Onedele Kort titel. Metale, 1961.

No. 27, 1961.]

ACT

To amend the Anatomy Act, 1959.

(English text signed by the Governor-General.)
(Assented to 19th April, 1961.)

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

Amendment of
section 1 of
Act 20 of
1959.

1. Section *one* of the Anatomy Act, 1959 (hereinafter referred to as the principal Act), is hereby amended by the insertion in the definition of "dissection" after the word "body" of the words "for any scientific purpose or".

Amendment of
section 3 of
Act 20 of
1959.

2. Section *three* of the principal Act is hereby amended by the substitution for the word "Governor-General", wherever it occurs, of the word "Minister".

Amendment of
section 5 of
Act 20 of
1959.

3. Section *five* of the principal Act is hereby amended by the substitution in sub-section (1) for the word "Governor-General" of the word "Minister".

Amendment of
section 6 of
Act 20 of
1959.

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

- (a) by the substitution in paragraph (a) of sub-section (1) for the words "maintained by the Union Government or a provincial administration as a pauper, or" of the words "known to be a pauper or who is on reasonable grounds suspected to have been a pauper at the time of his death, or who then";
- (b) by the insertion in paragraph (c) of the said sub-section after the word "demonstration" of the word "scientific";
- (c) by the insertion in paragraph (a) of sub-section (6) after the word "dissection" of the words "or who in the presence of two adult witnesses expressed a desire that after his death his body be placed at the disposal of any such school for the said purpose,";
- (d) by the insertion of the following proviso at the end of the said paragraph (a):
"Provided that unless the body has been left by last will, the surviving spouse or nearest adult relative may, within twenty-four hours after death, claim the body for burial.";
- (e) by the insertion after the said paragraph (a) of the following paragraph:
"(a)*bis* The body of any deceased person (including a still-born child) whose surviving spouse or nearest available adult relative has agreed in writing to such body being placed at the disposal of an authorized school of anatomy for purposes of dissection shall, subject to such conditions as the said surviving spouse or relative may have imposed, be placed under the control of the said school to be used therein for the said purpose, unless that person or his surviving spouse or any of his relatives or *bona fide* friends has expressed a wish to the contrary.";
- (f) by the substitution in paragraph (b) of sub-section (6) for the words "such person" of the words "any person referred to in paragraph (a) or (a)*bis*".

Amendment of
section 8 of
Act 20 of
1959.

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

- (a) by the substitution in paragraph (d) for the words "eighteen months" of the words "two years", the deletion in the said paragraph of the words "collect and remove or" and the insertion in the said paragraph after the word "demonstration" of the word "scientific";
- (b) by the substitution in paragraph (e) for the words "six months" of the word "year".

No. 27, 1961.]

WET

Tot wysiging van die Anatomiewet, 1959.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 19 April 1961.)

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

1. Artikel *een* van die Anatomiewet, 1959 (hieronder die Hoofwet genoem), word hierby gewysig deur in die omskrywing van „ontleding” na die woord „liggaam” die woorde „vir wetenskaplike doeleindes of” in te voeg. Wysiging van artikel 1 van Wet 20 van 1959.
2. Artikel *drie* van die Hoofwet word hierby gewysig deur die woord „Goewerneur-generaal” waar dit ook al voorkom, deur die woord „Minister” te vervang. Wysiging van artikel 3 van Wet 20 van 1959.
3. Artikel *vyf* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „Goewerneur-generaal” deur die woord „Minister” te vervang. Wysiging van artikel 5 van Wet 20 van 1959.
4. Artikel *ses* van die Hoofwet word hierby gewysig— Wysiging van artikel 6 van Wet 20 van 1959.
 - (a) deur in paragraaf (a) van sub-artikel (1) die woorde „deur die Regering van die Unie of ’n provinsiale administrasie as ’n armlastige onderhou was of” deur die woorde „as ’n armlastige bekend was of wat op redelike gronde vermoed word ’n armlastige ten tyde van sy dood te gewees het, of wat toe” te vervang;
 - (b) deur in paragraaf (c) van genoemde sub-artikel na die woord „demonstrasie-” die woord „wetenskaplike” in te voeg;
 - (c) deur in paragraaf (a) van sub-artikel (6) na die woorde „bemaak het” die woorde „of wat in die aanwesigheid van twee volwasse getuies die begeerte uitgespreek het dat sy lyk na sy dood vir gemelde doel aan so ’n skool beskikbaar gestel word” in te voeg;
 - (d) deur die volgende voorbehoudsbepaling aan die end van genoemde paragraaf (a) by te voeg:
„Met dien verstande dat tensy die lyk by testament bemaak is, die langsewende eggenoot of naaste volwasse bloedverwant die lyk binne vier-en-twintig uur na die dood kan opeis om dit te begrawe.”;
 - (e) deur na genoemde paragraaf (a) die volgende paragraaf in te voeg:
„(a)*bis* Die lyk van ’n persoon (met inbegrip van ’n doodgebore kind) wie se langsewende eggenoot of naaste beskikbare volwasse bloedverwant skriftelik ingestem het dat bedoelde lyk aan ’n gemagtigde anatomieskool vir ontledingsdoeleindes beskikbaar gestel word, moet, behoudens die voorwaardes wat genoemde langsewende eggenoot of bloedverwant gestel het, onder beheer van bedoelde skool geplaas word om aldaar vir gemelde doel gebruik te word, tensy daardie persoon of sy langsewende eggenoot of ’n bloedverwant of *bona fide*-vriend ’n ander begeerte uitgespreek het.”;
 - (f) deur in paragraaf (b) van sub-artikel (6) die woorde „so ’n” deur die woorde „’n in paragraaf (a) of (a)*bis* bedoelde” te vervang.
5. Artikel *agt* van die Hoofwet word hierby gewysig— Wysiging van artikel 8 van Wet 20 van 1959.
 - (a) deur in paragraaf (d) die woorde „agtien maande” deur die woorde „twee jaar” te vervang, na die woord „demonstrasie-” die woord „wetenskaplike” in te voeg en die woorde „versamel en verwyder of” te skrap;
 - (b) deur in paragraaf (e) die woorde „ses maande” deur die woord „jaar” te vervang.

Amendment of
section 9 of
Act 20 of
1959.

6. Section *nine* of the principal Act is hereby amended by the addition of the following sub-section at the end thereof, the existing section becoming sub-section (1):

“(2) Any portion of the body may, if the superintendent deems it necessary for dissection purposes, be removed and kept and preserved separately.”

Amendment of
section 11 of
Act 20 of 1959.

7. Section *eleven* of the principal Act is hereby amended by the substitution in sub-section (1) for the word “Governor-General” of the word “Minister”.

Acts of Governor-
General deemed
to be acts of
Minister.

8. Anything done by the Governor-General before the commencement of this Act under the provisions of section *three, five or eleven* of the principal Act, shall be deemed to have been done by the Minister of Education, Arts and Science under the said provisions as amended by this Act.

Short title.

9. This Act shall be called the Anatomy Amendment Act, 1961.

6. Artikel *nege* van die Hoofwet word hierby gewysig deur aan die end daarvan die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Enige deel van die lyk kan, indien die superintendent dit vir ontledingsdoeleindes nodig ag, verwyder en apart gehou en bewaar word.”.

Wysiging van artikel 9 van Wet 20 van 1959.

7. Artikel *elf* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „Goewerneur-generaal” deur die woord „Minister” te vervang.

Wysiging van artikel 11 van Wet 20 van 1959.

8. Enigiets deur die Goewerneur-generaal kragtens die bepalings van artikel *drie*, *vyf* of *elf* van die Hoofwet voor die inwerkingtreding van hierdie Wet gedoen, word geag deur die Minister van Onderwys, Kuns en Wetenskap kragtens genoemde bepalings soos hy hierdie Wet gewysig, gedoen te gewees het.

Handelinge van Goewerneur-generaal word handelinge van Minister geag.

9. Hierdie Wet heet die Anatomiewysigingswet, 1961.

Kort titel.