

H.P.  
EXTRAORDINARY



BUITENGEWONE

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## DEPARTMENT OF THE PRIME MINISTER.

No. 760.]

[19th May, 1961.

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

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## DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 760.]

[19 Mei 1961.

Hierby word bekend gemaak dat dit Sy Eksellensie die Amprentaar belas met die Uitoefening van die Uitvoerende Gesag behaag het om sy goedkeuring te heg aan die onderstaande Wette, wat hierby ter algemene inligting gepubliseer word:—

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No. 35, 1961.]

**ACT****To amend the Land Bank Act, 1944.**

(*English text signed by the Officer Administering the Government.*)  
*(Assented to 10th May, 1961.)*

**B**E 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 20 of Act 13 of 1944, as amended by section 5 of Act 47 of 1959.

Amendment of section 21 of Act 13 of 1944, as amended by section 6 of Act 47 of 1959.

Amendment of section 34bis of Act 13 of 1944, as inserted by section 16 of Act 47 of 1959.

**1.** (1) Section *twenty* of the Land Bank Act, 1944 (hereinafter referred to as the principal Act), is hereby amended by the substitution in sub-section (6) for all the words appearing after the words "may make" of the word "investments".

(2) Any investment of moneys made by the Public Debt Commissioners in Land Bank debentures prior to the commencement of this Act, shall be deemed to have been made in terms of sub-section (6) of section *twenty* of the principal Act as amended by sub-section (1) of this section.

**2.** Section *twenty-one* of the principal Act is hereby amended by the insertion at the end of sub-paragraph (iii) of paragraph (c) of sub-section (1) of the word "or", and by the insertion after the said sub-paragraph of the following sub-paragraph:

"(iv) to any body established by an Act of Parliament which, in the opinion of the board, has as an object the promotion of any division of the agricultural industry.".

**3.** Section *thirty-four bis* of the principal Act is hereby amended—

(a) by the substitution in paragraph (a) of sub-section (6) for all the words appearing after the words "court of law" of the words "require any messenger of the court or any other person nominated by the board for the purpose, to seize the property thus hypothecated and, whether or not such messenger of the court or such other person is a licensed auctioneer, to sell such property by public auction at such place and at such time and on such conditions as the board may determine, or the board may itself sell the property so seized by public tender on the conditions which it may determine", and by the insertion after the said paragraph of the following paragraph:

"(a)*bis* (i) Notwithstanding anything to the contrary contained in this Act, the board may with a view to making an advance under this section to any farmer for the purchase of any movable property, issue to that farmer a letter of authority purporting to convey to the seller of such property that the bank will advance the purchase price of the property in question or any part of such price if the conditions which the board may specify in such letter are satisfied or complied with, and the board may, if the seller on the strength of such letter disposes of the property in question to such farmer and the said farmer fails to observe or to comply with any condition which he is in terms of such letter required to observe or to comply with, seize such property in any manner provided for in paragraph (a) and out of the funds of the bank pay to the seller of such property so much of the purchase price as the board may in the said letter of authority have undertaken to advance.

(ii) Any amount paid by the bank under subparagraph (i), together with any interest thereon, shall constitute a debt due by the farmer concerned in favour of the bank and may, subject to the provisions of subparagraph (iii), be recovered from such farmer as if it were a debt due under a civil judgment of a court of law having jurisdiction in the matter.

No. 35, 1961.]

# WET

## Tot wysiging van die Landbankwet, 1944.

*(Engelse teks deur die Amtenaar belas met die Uitoefening  
van die Uitvoerende Gesag geteken.)  
(Goedgekeur op 10 Mei 1961.)*

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

- 1.** (1) Artikel *twintig* van die Landbankwet, 1944 (hieronder Wysiging van die Hoofwet genoem), word hierby gewysig deur in sub-artikel artikel 20 van Wet 13 van 1944, soos gewysig deur artikel 5 van Wet 47 van 1959.  
 (2) Enige belegging van geld deur die Openbare Skuldkommisaris in Landbank-obligasies gemaak voor die inwerkingtreding van hierdie Wet, word geag gemaak te gewees het kragtens sub-artikel (6) van artikel *twintig* van die Hoofwet soos deur sub-artikel (1) van hierdie artikel gewysig.

- 2.** Artikel *een-en-twintig* van die Hoofwet word hierby gewysig deur aan die end van sub-paragraaf (iii) van paragraaf (c) van sub-artikel (1) die woord „of“ in te voeg, en deur na bedoelde sub-paragraaf die volgende sub-paragraaf in te voeg:  
 „(iv) aan enige liggaam deur 'n Wet van die Parlement ingestel wat, na die oordeel van die raad, die bevordering van enige afdeling van die landboubedryf ten doel het.”.

- 3.** Artikel *vier-en-dertig bis* van die Hoofwet word hierby gewysig—  
 (a) deur in paragraaf (a) van sub-artikel (6) al die woorde wat na die woorde „sonder geregtelike proses“ voorkom, deur die woorde „'n geregsbode of enige ander deur die raad vir die doel aangewese persoon aansê om op die aldus verhipotikeerde goed beslag te lê en, hetsy sodanige geregsbode of sodanige ander persoon 'n gelisensicerde afslaer is al dan nie, om sodanige goed by openbare veiling te verkoop by die plek en op die tyd en op die voorwaardes wat die raad bepaal, of die raad kan self die goed waarop aldus beslag gelê is by openbare tender verkoop op die voorwaardes wat hy bepaal“ te vervang, en deur na bedoelde paragraaf die volgende paragraaf in te voeg:

„(a)*bis* (i) Ondanks andersluidende bepalings van hierdie Wet, kan die raad met die oogmerk om 'n voorskot kragtens hierdie artikel aan 'n boer vir die aankoop van enige roerende goed te maak, aan daardie boer 'n magtigingsbrief uitrek wat die verkoper van sodanige goed heet mee te deel dat die bank die koopprys van die betrokke goed of enige gedeelte van sodanige prys sal voorskiet as daar aan die voorwaardes wat die raad in sodanige brief bepaal, voldoen word of hulle nagekom word, en die raad kan, as die verkoper op grond van sodanige brief die betrokke goed aan sodanige boer van die hand sit en bedoelde boer versuim om enige voorwaarde gestand te doen of na te kom wat hy kragtens sodanige brief moet gestand doen of nakom, op enige in paragraaf (a) bepaalde wyse op sodanige goed beslag lê en uit die fondse van die bank aan die verkoper van sodanige goed soveel van die koopprys betaal as wat die raad in bedoelde magtigingsbrief onderneem het om voor te skiet.

(ii) Enige bedrag deur die bank ingevolge sub-paragraaf (i) betaal, tesame met enige rente daarop, maak 'n skuld verskuldig deur die betrokke boer ten gunste van die bank uit en kan, behoudens die bepalings van sub-paragraaf (iii), op sodanige boer verhaal word asof dit 'n skuld is wat verskuldig is ingevolge 'n siviele vonnis van 'n gereghof wat oor regsvvoegdheid in die geval beskik.

- (iii) The board may sell the property referred to in sub-paragraph (i) in any manner provided for in paragraph (a), and the proceeds of the sale shall be applied towards reducing the debt referred to in sub-paragraph (ii): Provided that the board may deduct from the proceeds of the sale any costs incurred by it in connection with the seizure and the sale of the property in question.
- (iv) If any balance of the proceeds of the sale remains after the proceeds have been applied as provided in sub-paragraph (iii), such balance shall be paid to the farmer concerned.
- (v) The property referred to in this paragraph shall not at the instance of any creditor of the farmer concerned be attached in execution of a judgment of any court of law.
- (vi) The provisions of sub-section (7) shall *mutatis mutandis* apply with reference to a farmer in respect of whom this paragraph applies.”;
- (b) by the substitution in paragraph (b) of the said sub-section for the words “such sale” of the words “a sale referred to in paragraph (a)”;
- (c) by the addition after sub-section (10) of the following sub-sections:
  - (11) Any debtor who without the written authority of the board, disposes of, destroys or consumes any property hypothecated under this section or removes any such property from the land where it is by agreement with the board to be kept, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.
  - (12) If at a trial in respect of any contravention of sub-section (11) it is proved that the accused failed on the demand of any person designated by the board for the purpose, to produce the property hypothecated or any part thereof, the accused shall be presumed to have disposed of, destroyed, consumed or removed the property in question as the case may be according to the charge, unless the contrary is proved.
  - (13) The provisions of sub-sections (11) and (12) shall *mutatis mutandis* apply with reference to a farmer in respect of any property purchased in terms of a letter of authority referred to in paragraph (a)*bis* of sub-section (6).
  - (14) Any person who obstructs or hinders the seizure or sale of any property under paragraph (a) or (a)*bis* of sub-section (6), shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”.

Insertion of  
section 45bis in  
Act 13 of 1944.

**4. The following section is hereby inserted after section forty-five of the principal Act:**

**“ADVANCES TO STATUTORY AGRICULTURAL INSTITUTIONS.**

Advances to certain statutory agricultural institutions. **45bis.** The bank may on the application of any body established under an Act of Parliament which, in the opinion of the board, has as an object the promotion of any division of the agricultural industry, lend money to that body on such conditions and against such security as the board may determine, for the purpose of the promotion of such object.”.

Amendment of  
section 56 of  
Act 13 of 1944,  
as amended by  
section 25 of  
Act 47 of 1959.

**5. Section fifty-six of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:**

“(c) if the property so realized has been declared executable or has been attached by a sheriff or his deputy or a messenger of the court, to the sheriff or the messenger of the court, as the case may be;”.

Short title.

**6. This Act shall be called the Land Bank Amendment Act, 1961.**

- (iii) Die raad kan die in sub-paragraaf (i) bedoelde goed op enige in paragraaf (a) bepaalde wyse verkoop, en die opbrengs van die verkoping word aangewend tot vermindering van die in sub-paragraaf (ii) bedoelde skuld: Met dien verstande dat die raad enige onkoste deur hom aangegaan in verband met die inbeslagneming en die verkoping van die betrokke goed van die opbrengs van die verkoping kan aftrek.
- (iv) As daar 'n oorskot van die opbrengs van die verkoping is nadat die opbrengs aangewend is soos in sub-paragraaf (iii) bepaal, word sodanige oorskot aan die betrokke boer betaal.
- (v) Die in hierdie paragraaf bedoelde goed word nie in opdrag van enige skuldeiser van die betrokke boer ten uitvoering van 'n vennis van 'n gereghof in beslag geneem nie.
- (vi) Die bepalings van sub-artikel (7) is *mutatis mutandis* van toepassing met betrekking tot 'n boer ten opsigte van wie hierdie paragraaf van toepassing is.”;
- (b) deur in paragraaf (b) van bedoelde sub-artikel die woorde „daardie verkoping” deur die woorde „'n in paragraaf (a) bedoelde verkoping” te vervang; en
- (c) deur die volgende sub-artikels na sub-artikel (10) by te voeg:
- „(11) Enige skuldenaar wat sonder die skriftelike magtiging van die raad, enige kragtens hierdie artikel verhipotikeerde goed van die hand sit, vernietig, verbruik of van die grond verwijder waar dit volgens ooreenkoms met die raad gehou moet word, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige boete sowel as sodanige gevangenisstraf.
- (12) As by 'n verhoor ten opsigte van enige oortreding van sub-artikel (11) bewys word dat die beskuldigde versum het om op versoek van 'n deur die raad vir die doel aangewese persoon die verhipotikeerde goed of enige deel daarvan te voorskyn te haal, word die beskuldigde geag die betrokke goed van die hand te gesit, te vernietig, te verbruik of te verwijder het na gelang die geval volgens die aanklag is, tensy die teendeel bewys word.
- (13) Die bepalings van sub-artikels (11) en (12) is *mutatis mutandis* van toepassing met betrekking tot 'n boer ten opsigte van enige goed kragtens 'n in paragraaf (a)*bis* van sub-artikel (6) bedoelde magtigingsbrief aangekoop.
- (14) Iemand wat die inbeslagneming of verkoping van enige goed ingevolge paragraaf (a) of (a)*bis* van sub-artikel (6) belemmer of verhinder, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en sodanige gevangenisstraf.”.

#### 4. Die volgende artikel word hierby na artikel *vyf-en-veertig* van die Hoofwet ingevoeg:

Invoeging van artikel 45*bis* in Wet 13 van 1944.

#### „VOORSKOTTE AAN STATUTÈRE LANDBOU-INSTELLINGS.

Voorskotte aan sekere statutêre landbou-instellings.

**45bis.** Die bank kan op aansoek van enige kragtens 'n Wet van die Parlement ingestelde liggaaam wat, na die oordeel van die raad, die bevordering van enige afdeling van die landboubedryf ten doel het, aan daardie liggaaam geld leen op die voorwaardes en teen die sekeriteit wat die raad bepaal, ten einde sodanige doel te bevorder.”.

#### 5. Artikel *ses-en-vyftig* van die Hoofwet word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang:

Wysiging van artikel 56 van Wet 13 van 1944, soos gewysig deur artikel 25 van Wet 47 van 1959.

„(c) as die eiendom wat aldus tot geld gemaak is, eksekutable verklaar is of deur 'n balju of sy adjunk of 'n geregsbode in beslag geneem is, aan die balju of die geregsbode, na gelang van die geval;”.

#### 6. Hierdie Wet heet die Wysigingswet op die Landbank, 1961. Kort titel.

No. 36, 1961.]

# ACT

## To amend the Companies Act, 1926.

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

*(Assented to 17th May, 1961.)*

**B**E 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 203 of Act 46 of 1926, as amended by section 120 of Act 46 of 1952.

**1.** Section *two hundred and three* of the Companies Act, 1926, is hereby amended—

- (a) by the addition at the end of sub-section (1) of the words “and that any licence, exemption, permit, certificate or authority held in terms of any law by the foreign company in respect of its business or property, shall, with effect from the date of transfer of such business or property to the new company, be deemed for purposes of such law to be held by the new company in respect of the business or property so transferred”;
- (b) by the substitution for sub-section (2) of the following sub-section:

“(2) In sub-section (1) the expression ‘the Court’ means any provincial or local division of the Supreme Court of South Africa within whose area of jurisdiction any address lodged in terms of section *two hundred and one* of any person authorized to accept service of process on behalf of the foreign company is situate.”.

Short title.

**2.** This Act shall be called the Companies Amendment Act, 1961.

No. 37, 1961.]

# ACT

## To provide for the continued operation of certain laws relating to the use of certain emblems and representations, and to extend the scope of such laws.

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

*(Assented to 17th May, 1961.)*

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

Continuation of certain prohibitions in connection with the use of emblems and representations.

**1.** Nothing in the Republic of South Africa Constitution Act, 1961, contained shall be construed as rendering it lawful to use any name, style, title, portrait, effigy, emblem, mark, designation or description, or any reproduction or representation of any nature whatsoever, the use whereof is prohibited in terms of any law which was in operation immediately prior to the thirty-first day of May, 1961, and any such law shall in all respects remain in full force and effect in the same manner as if that Act had not been passed.

Application of certain laws with reference to State President.

**2.** Any prohibition contained in any law referred to in section one which is applicable with reference to the Governor-General shall, in so far as it can be applied, *mutatis mutandis* apply also with reference to the State President.

Short title and commencement.

**3.** This Act shall be called the Unauthorized Use of Emblems Act, 1961, and shall come into operation on the thirty-first day of May, 1961.

No. 36, 1961.]

**WET****Tot wysiging van die Maatskappywet, 1926.**

(Afrikaanse teks deur die Amtenaar belas met die Uitoefening  
van die Uitvoerende Gesag geteken.)  
(Goedgekeur op 17 Mei 1961.)

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

- 1.** Artikel *tweehonderd-en-drie* van die Maatskappywet, 1926, Wysiging van artikel 203 van Wet 46 van 1926, word hierby gewysig—  
 (a) deur aan die end van sub-artikel (1) die woorde „en dat enige lisensie, vrystelling, permit, sertifikaat of magtiging wat ingevolge enige wet deur die buitelandse maatskappy ten opsigte van sy besigheid of goed gehou word, met ingang van die datum van oordrag van daardie besigheid of goed aan die nuwe maatskappy, by die toepassing van daardie wet geag word deur die nuwe maatskappy ten opsigte van die besigheid of goed aldus oorgedra, gehou te wees” by te voeg;  
 (b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:  
 „(2) In sub-artikel (1) beteken die uitdrukking ‘die Hof’ enige provinsiale of plaaslike afdeling van die Hooggereghof van Suid-Afrika binne wie se regsgebied enige ingevolge artikel *tweehonderd-en-een* ingediende adres van iemand wat gemagtig is om namens die buitelandse maatskappy die bestelling van geregtelike stukke te aanvaar, geleë is.”.

**2.** Hierdie Wet heet die Wysigingswet op Maatskappye, Kort titel. 1961.

No. 37, 1961.]

**WET**

Om vir die voortgesette toepassing van sekere wette met betrekking tot die gebruik van sekere embleme en weergawes voorsiening te maak, en om die omvang van sodanige wette uit te brei.

(Engelse teks deur die Amtenaar belas met die Uitoefening van die Uitvoerende Gesag geteken.)  
(Goedgekeur op 17 Mei 1961.)

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

- 1.** Die bepalings van die Grondwet van die Republiek van Suid-Afrika, 1961, word nie so uitgelê dat dit die gebruik veroorloof van enige naam, betiteling, titel, portret, afbeelding, embleem, merk, ampstiel of beskrywing, of 'n reproduksie of weergawe van enige aard hoegenaamd, waarvan die gebruik ingevolge 'n wetsbepaling wat onmiddellik voor die een-en-dertigste dag van Mei 1961 van krag was, verbied word nie, en so 'n wetsbepaling bly in alle opsigte ten volle van krag op diezelfde wyse asof daardie Wet nie aangeneem was nie.
- 2.** 'n Verbod vervat in 'n wetsbepaling in artikel *een* bedoel, wat met betrekking tot die Goewerneur-generaal geld, is vir sover dit toegepas kan word, *mutatis mutandis* ook met betrekking tot die Staatspresident van toepassing.
- 3.** Hierdie Wet heet die Wet op Ongeoorloofde Gebruik van Embleme, 1961, en tree in werking op die een-en-dertigste dag van Mei 1961.

Voortsetting van sekere verbodsbeplings in verband met die gebruik van embleme en weergawes.

Toepassing van sekere wetsbepalings met betrekking tot Staats-president.

Kort titel en inwerking-treding.