

BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

[Geregisteer by die Hoofposkantoor as 'n Nuusblad.]

[Registered at the General Post Office as a Newspaper.]

Vol. IX.]

PRYS 5c

KAAPSTAD, 5 JULIE 1963.
CAPE TOWN, 5TH JULY, 1963.

PRICE 5c

[No. 550.]

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1022.]

[5 Julie 1963.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wette wat hierby ter algemene inligting gepubliseer word:—

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DEPARTMENT OF THE PRIME MINISTER.

No. 1022.]

[5th July, 1963.

It is hereby notified that the State President has assented to the following Acts which are hereby published for general information:—

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No. 76, 1963.]

ACT

To amend the Native Labour Regulation Act, 1911, the Natives Taxation and Development Act, 1925, the Native Trust and Land Act, 1936, the Natives (Urban Areas) Consolidation Act, 1945, the Prevention of Illegal Squatting Act, 1951, the Bantu Authorities Act, 1951, the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952, and the Urban Bantu Councils Act, 1961; to authorize the transfer of certain farms in the districts of Rustenburg and Brits; to authorize a partner to a customary union to claim damages from any person who unlawfully causes the death of the other partner to such union; and to provide for the construction of the word "native" in laws and documents.

(English text signed by the State President.)
(Assented to 28th June, 1963.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Insertion of
section 28 in
Act 15 of 1911.

1. The following section is hereby inserted after section *twenty-seven* of the Native Labour Regulation Act, 1911:

"Foreign
natives
outside
urban
and pro-
claimed
areas.

28. (1) A native not born in the Union or in the territory of South-West Africa, shall not enter, be or remain in any part of any district outside an urban area as defined in the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945) or outside an area proclaimed under section *twenty-three* of the said Act, and no person shall employ or continue to employ any such native within any such part of any district without the written permission of the Secretary for Bantu Administration and Development or a person authorized thereto by him, who may impose such conditions as he may deem fit.

(2) Any native who enters, is or remains in any part of any district contrary to the provisions of sub-section (1) and any person who employs or continues to employ any native in any such part of a district contrary to such provisions, shall be guilty of an offence and liable on first conviction to a fine not exceeding fifty rand or in default of payment to imprisonment for a period not exceeding three months and on a second or subsequent conviction for a like offence in the same area within a period of two years, to a fine of not less than fifty rand or in default of payment to imprisonment for a period of not less than three months or to both such fine and such imprisonment or to such imprisonment without the option of a fine.

(3) In any proceedings in respect of a contravention of sub-section (2)—

(a) any native who is at any time found on any premises in the part of the district concerned in circumstances giving rise to a reasonable suspicion that he is employed on such premises, shall be deemed to be in the employ of the owner, lessee or occupier of such premises in such part of that district, unless the contrary is proved;

(b) it shall be presumed that the native concerned is a native who is under sub-section (1) prohibited from entering, being or remaining in the part of the district in question, unless the contrary is proved.

(4) The provisions of section *fourteen* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), shall apply *mutatis mutandis* in respect of any person convicted under sub-section (2) of this section, any reference in the said section

No. 76, 1963.]

WET

Om die „Natuurleerarbeid Regelingswet, 1911”, die „Natuurle Belasting en Ontwikkeling Wet, 1925”, die Natuurle-trust en -grond Wet, 1936, die Natuurle (Stadsgebiede) Konsolidasiewet, 1945, die Wet op die Voorkoming van Onregmatige Plakkery, 1951, die Wet op Bantoe-owerhede, 1951, die Natuurle (Afskaffing van Passe en Ko-ordinering van Dokumente) Wet, 1952, en die Wet op Stedelike Bantoe-owerhede, 1961, te wysig; om die oordrag van sekere plase in die distrikte Rustenburg en Brits te magtig; om ’n deelgenoot in ’n gebruiklike verbinding te magtig om skadevergoeding te eis van iemand wat wederregtelik die dood van die ander deelgenoot van daardie verbinding veroorsaak; en om voorsiening te maak vir die uitlê van die woord „natuurle” in wette en dokumente.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1963.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Die volgende artikel word hierby na artikel *sewe-en-twintig* in die „Natuurleerarbeid Regelingswet, 1911”, ingevoeg: Invoeging van artikel 28 in Wet 15 van 1911.

„Vreemde
natuurle
buiten
stads- en
geprokla-
meerde
gebieden.

28. (1) Een natuurle die niet in de Unie of in het gebied van Zuidwest-Afrika geboren is, mag een deel van een distrikt buiten een „stadsgebied” zoals in de „Natuurle (Stadsgebiede) Konsolidasiewet, 1945” (Wet No. 25 van 1945), omschreven, of buiten een gebied ingevolge artikel *drie en twintig* van bedoelde Wet geproklameerd, niet binnengaan of daarin zijn of blijven, en niemand mag zulk een natuurle in zulk een deel van een distrikt in dienst nemen of houden, behalve met schriftelike vergunning van de Sekretaris van Bantoe Administratie en Ontwikkeling of een door hem daartoe gemachtigde persoon, die zodanige voorwaarden als hem goeddunkt, kan opleggen.

(2) Elke natuurle die strijdig met de bepalingen van sub-artikel (1) een deel van een distrikt binnengaat, daarin is of daarin blijft en iemand die zulk een natuurle in zulk een deel van een distrikt strijdig met bedoelde bepalingen in dienst neemt of houdt, is aan een misdrijf schuldig en strafbaar bij eerste veroordeling met een boete van hoogstens vijftig rand of bij wanbetaling met gevangenis voor een tijdperk van hoogstens drie maanden en bij een tweede of latere veroordeling wegens een dergelijke overtreding in hetzelfde gebied binnen een tijdperk van twee jaren, met een boete van minstens vijftig rand of bij wanbetaling met gevangenis voor een tijdperk van minstens drie maanden of met zowel zodanige boete als zodanige gevangenis, of met zodanige gevangenis zonder de keuze van een boete.

(3) Bij verrichtingen ten opzichte van een overtreding van sub-artikel (2)—

- (a) wordt een natuurle die te eniger tijd op een perceel in het betrokken deel van een distrikt gevonden wordt onder omstandigheden die aanleiding geven tot een redelik vermoeden dat hij op dat perceel in dienst is, bij ontstentenis van bewijs van het tegendeel, geacht in de dienst van de eigenaar, huurder of okkupeerder van dat perceel in bedoeld deel van dat distrikt te zijn;
- (b) wordt de betrokken natuurle geacht een natuurle te zijn voor wie het ingevolge sub-artikel (1) verboden is om het betrokken deel van het distrikt binnen te gaan of daarin te zijn of te blijven, tenzij het tegendeel bewezen wordt.

(4) De bepalingen van artikel *veertien* van de „Natuurle (Stadsgebiede) Konsolidasiewet, 1945” (Wet No. 25 van 1945), zijn *mutatis mutandis* van toepassing ten opzichte van iemand die ingevolge sub-artikel (2) van dit artikel schuldig bevonden is, en

fourteen to sub-sections (2) and (3) of section *twelve* of the said Act being for the purposes of such application construed as a reference to sub-section (2) of this section.

(5) The provisions of section *thirteen* of the Natives (Urban Areas) Consolidation Act, 1945, shall apply *mutatis mutandis* in respect of any native referred to in sub-section (1) of this section, any reference in the said section *thirteen* to section *twelve* of the said Act being for the purposes of such application construed as a reference to sub-section (1) of this section.”.

Amendment of section 2 of Act 41 of 1925, as amended by section 1 of Act 28 of 1926 and section 1 of Act 38 of 1958.

2. Section *two* of the Natives Taxation and Development Act, 1925, is hereby amended—

(a) by the addition to paragraph (b) of sub-section (1)*bis* of the following proviso:

“Provided that such additional amount shall not be payable in respect of any income received by or accrued to or in favour of such an adult during the period from the first day of July, 1962, until the twenty-eighth day of February, 1963”; and

(b) by the addition to sub-section (1)*ter* of the following proviso:

“Provided that such tax shall not be payable in respect of any income received by or accrued to or in favour of such an adult during the period from the first day of July, 1962, until the twenty-eighth day of February, 1963”.

Amendment of section 2*ter* of Act 41 of 1925, as inserted by section 2 of Act 38 of 1958.

3. Section *two ter* of the Natives Taxation and Development Act, 1925, is hereby amended by the substitution in sub-section (1) for the words “on the thirtieth day of June of” of the word “in”.

Amendment of section 19 of Act 41 of 1925, as amended by section 5 of Act 28 of 1926, section 10 of Act 37 of 1931, section 7 of Act 25 of 1939, section 19 of Act 46 of 1945, section 12 of Act 38 of 1958 and section 8 of Act 46 of 1962.

4. Section *nineteen* of the Natives Taxation and Development Act, 1925, is hereby amended by the substitution for the definition of “year of assessment” of the following definition:

“‘year of assessment’ in respect of any taxable income received or accrued before the first day of March, 1963, means a period commencing on the first day of July of any year and ending on the thirtieth day of June of the next succeeding year and in respect of any taxable income received or accrued on or after the first day of March, 1963, means a period commencing on the first day of March of any year and ending on the last day of February of the next succeeding year.”.

Amendment of First Schedule to Act 18 of 1936, as amended by section 11 of Act 73 of 1956 and section 12 of Act 46 of 1962.

5. The First Schedule to the Native Trust and Land Act, 1936, is hereby amended—

(a) by the addition to Part II of the areas defined in the First Schedule to this Act; and

(b) by the addition to Part III of the areas defined in the Second Schedule to this Act.

Amendment of section 9 of Act 25 of 1945, as amended by section 4 of Act 16 of 1955 and section 29 of Act 36 of 1957.

6. Section *nine* of the Natives (Urban Areas) Consolidation Act, 1945 (hereinafter referred to as the Urban Areas Act), is hereby amended—

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

“(1) Any native not exempted under sub-section (2) who resides or is housed within an urban area but outside a location, native village or native hostel, may be required in the manner prescribed in sub-section (3)—

(a) to take up residence in a location, native village or native hostel (which need not necessarily be situated in such urban area) in which accommodation is available for him; or

(b) if there is no location, native village or native hostel in which such native can conveniently be accommodated, having regard to his place of employment, to remove from such urban area

voor de doeleinden van zodanige toepassing wordte enige verwysing in bedoeld artikel *veertien* naars sub-artikels (2) en (3) van artikel *twaalf* van bedoelde Wet uitgelegd als een verwysing naars sub-artikel (2) van dit artikel.

(5) De bepalingen van artikel *dertien* van die „Naturelle (Stadsgebiede) Konsolidasiewet, 1945”, zyn *mutatis mutandis* van toepassing ten opzichte van een in sub-artikel (1) van dit artikel bedoelde naturel, en voor die doeleinden van zodanige toepassing wordte enige verwysing in bedoeld artikel *dertien* naars artikel *twaalf* van bedoelde Wet uitgelegd als een verwysing naars sub-artikel (1) van dit artikel.”.

2. Artikel *twee* van die „Naturelle Belasting en Ontwikkeling Wet, 1925”, word hierby gewysig—
 - (a) deur die volgende voorbehoudsbepaling by paragraaf (b) van sub-artikel (1) *bis* te voeg:

„Met dien verstande dat zodanig addisioneel bedrag niet betaalbaar is ten opzichte van enige inkomsten ontvangen door of toegevalen aan of ten gunste van zulk een volwassene gedurende het tydperk van die eerste dag van Julie, 1962, tot die agt en twintigste dag van Februarie, 1963”; en
 - (b) deur die volgende voorbehoudsbepaling by sub-artikel (1) *ter* te voeg:

„Met dien verstande dat zodanige belasting niet betaalbaar is ten opzichte van enige inkomsten ontvangen door of toegevalen aan of ten gunste van zulk een volwassene gedurende het tydperk van die eerste dag van Julie, 1962, tot die agt en twintigste dag van Februarie, 1963”.
3. Artikel *twee ter* van die „Naturelle Belasting en Ontwikkeling Wet, 1925”, word hierby gewysig deur in sub-artikel (1) die woorde „op die dertigste dag van Junie van” te vervang deur die woord „in”.

Wysiging van artikel 2 *ter* van Wet 41 van 1925, soos ingevoeg deur artikel 2 van Wet 38 van 1958.
4. Artikel *negentien* van die „Naturelle Belasting en Ontwikkeling Wet, 1925”, word hierby gewysig deur die omskrywing van „jaar van aanslag” deur die volgende omskrywing te vervang:

„jaar van aanslag” ten opzichte van belastbare inkomsten voor die eerste dag van Maart, 1963, ontvangen of toegevalen, een tydperk beginnende op die eerste dag van Julie van een jaar en eindigende op die dertigste dag van Junie van het daaropvolgend jaar en ten opzichte van belastbare inkomsten op of na die eerste dag van Maart, 1963, ontvangen of toegevalen, een tydperk beginnende op die eerste dag van Maart van een jaar en eindigende op die laatste dag van Februarie van het daaropvolgend jaar.”.

Wysiging van artikel 19 van Wet 41 van 1925, soos gewysig deur artikel 5 van Wet 28 van 1926, artikel 10 van Wet 37 van 1931, artikel 7 van Wet 25 van 1939, artikel 19 van Wet 46 van 1945, artikel 12 van Wet 38 van 1958 en artikel 8 van Wet 46 van 1962.
5. Die Eerste Bylae by die Naturelletrust en -grond Wet, 1936, word hierby gewysig—
 - (a) deur die gebiede in die Eerste Bylae by hierdie Wet omskryf, by Deel II te voeg; en
 - (b) deur die gebiede in die Tweede Bylae by hierdie Wet omskryf, by Deel III te voeg.

Wysiging van Eerste Bylae by Wet 18 van 1936, soos gewysig deur artikel 11 van Wet 73 van 1956 en artikel 12 van Wet 46 van 1962.
6. Artikel *nege* van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (hieronder die Stadsgebiedewet genoem) word hierby gewysig—
 - (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) ’n Naturel wat nie ingeolge sub-artikel (2) vrygestel is nie en wat in ’n stadsgebied, maar buite ’n lokasie, naturelledorp of naturelletehuis woon of gehuisves word, kan op die wyse in sub-artikel (3) voorgeskryf, gelas word—

 - (a) om sy intrek te neem in ’n lokasie, naturelledorp of naturelletehuis (wat nie noodwendig in daardie stadsgebied geleë hoef te wees nie) waarin huisvesting vir hom beskikbaar is; of
 - (b) indien daar geen lokasie, naturelledorp of naturelletehuis is waarin daardie naturel gerieflikerwys gehuisves kan word nie, met inagneming van die plek waar hy werk, om daardie stadsgebied te ontruim en sy intrek te neem in ’n afgesonderde

Wysiging van artikel 9 van Wet 25 van 1945, soos gewysig deur artikel 4 van Wet 16 van 1955 en artikel 29 van Wet 36 van 1957.

- and take up residence in a scheduled native area or released area as defined in the Native Trust and Land Act, 1936 (Act No. 18 of 1936); or
- (c) if there is a location, native village or native hostel in which such native can be accommodated but it is considered desirable, having regard to the availability and nearness of such scheduled native area or released area to his place of employment, to accommodate such native in such scheduled native area or released area, to remove from such urban area and take up residence in such scheduled native area or released area.”;
- (b) by the deletion of sub-section (1)*bis*;
- (c) by the substitution in sub-section (2) for the words “The following natives shall be exempt from the operation of any proclamation issued under sub-section (1) but any native” of the words “A native falling within one of the following classes who is not prohibited in terms of the provisions of the Group Areas Act, 1957 (Act No. 77 of 1957); or any other law from residing on land or premises in the urban area in which he is ordinarily resident or employed, shall be exempt from the operation of sub-section (1) but”;
- (d) by the deletion in paragraph (a) of the said sub-section of the words “at the date specified in such proclamation”;
- (e) by the substitution for paragraph (e) of the said sub-section of the following paragraph:
- “(e) not more than one native employed full-time as a *bona fide* domestic servant by a private householder and occupying accommodation approved by the urban local authority which is provided by his employer on the premises on which he is so employed: Provided that this exemption shall not apply when, having due regard to the availability of accommodation for such native in a location, native village or native hostel or in a scheduled native area or released area as defined in the Native Trust and Land Act, 1936, the Minister at the request of the urban local authority or at his own initiative by notice in the *Gazette* declares that such exemption shall not apply in the urban area or any portion thereof, referred to in such notice;”;
- (f) by the addition at the end of paragraph (f) of the said sub-section of the words “and any native lawfully housed in married quarters provided by an employer of native labourers under any regulations made in terms of paragraph (j) of sub-section (2) of section *twenty-three* of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911)”;
- (g) by the substitution for paragraph (j) of the said sub-section of the following paragraphs:
- “(j) any other native who has been exempted, subject to such conditions as he may deem fit, by the Minister after consultation with the urban local authority, unless such exemption is cancelled by the Minister after like consultation and after an enquiry by the Bantu affairs commissioner of the area within which the said native resides, at which enquiry the said native shall be entitled to be heard;
- (k) any native residing in an area declared by the Minister under sub-section (1) of section *eight* as an area predominantly occupied by natives;
- (l) any native accommodated on premises licensed under sub-section (4).”;
- (h) by the substitution in sub-section (3) for the words “outside a location, native village or native hostel in an area proclaimed under sub-section (1)” of the words “in an urban area but outside a location, native village or native hostel” and for the words “by an officer appointed by the urban local authority or by the Minister for the purpose” of the words “in the case of a native resident in an urban area and re-

- naturelle gebied of 'n oopgestelde gebied soos in die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), omskryf; of
- (c) indien daar 'n lokasie, naturelledorp of naturelletehuis is waarin daardie naturel gehuisves kan word, maar dit wenslik geag word, met inagneming van die beskikbaarheid en nabyheid van so 'n afgesonderde naturelle gebied of oopgestelde gebied aan die plek waar hy werk, om daardie naturel in daardie afgesonderde naturelle gebied of oopgestelde gebied te huisves, om daardie stadsgebied te ontruim en sy intrek in daardie afgesonderde naturelle gebied of oopgestelde gebied te neem.”;
- (b) deur sub-artikel (1) *bis* te skrap;
- (c) deur in sub-artikel (2) die woorde „Die volgende naturelle is vrygestel van die werking van 'n kragtens sub-artikel (1) uitgevaardigde proklamasie maar 'n gemagtigde beamppte kan van 'n naturel” deur die woorde „'n Naturel wat binne enige van die volgende kategorieë val en wat nie ingevolge die bepalings van die Wet op Groepsgebiede, 1957 (Wet No. 77 van 1957), of enige ander wet belet word om op grond of 'n perseel in die stadsgebied waarin hy gewoonlik woon of werk, te woon nie, is vrygestel van die toepassing van sub-artikel (1), maar 'n gemagtigde beamppte kan van hom” te vervang;
- (d) deur in paragraaf (a) van bedoelde sub-artikel die woorde „op die by so 'n proklamasie bepaalde datum” te skrap;
- (e) deur paragraaf (e) van bedoelde sub-artikel deur die volgende paragraaf te vervang:
- „(e) nie meer as een naturel wat voltyds as *bona fide*-huisbediende in diens van 'n private huishouer is en wat deur die stedelike plaaslike bestuur goedgekeurde huisvesting bewoon wat deur sy werkgever verskaf word op die perseel waar hy aldus in diens is nie: Met dien verstande dat hierdie vrystelling nie geld nie wanneer, met behoorlike inagneming van die beskikbaarheid van huisvesting vir daardie naturel in 'n lokasie, naturelledorp of naturelletehuis of in 'n afgesonderde naturelle gebied of oopgestelde gebied soos in die Naturelletrust en -grond Wet, 1936, omskryf, die Minister op versoek van die stedelike plaaslike bestuur of uit eie beweging by kennisgewing in die *Staatskoerant* verklaar dat bedoelde vrystelling nie in die stadsgebied of 'n gedeelte daarvan in die kennisgewing vermeld, geld nie;”;
- (f) deur aan die end van paragraaf (f) van bedoelde sub-artikel die woorde „en 'n naturel wettiglik gehuisves in gesinshuisvesting deur 'n werkgever van naturelle arbeiders voorsien kragtens regulasies ingevolge paragraaf (j) van sub-artikel (2) van artikel *drie-en-twintig* van die *Naturellearbeid Regelingswet, 1911*’ (Wet No. 15 van 1911), uitgevaardig” in te voeg;
- (g) deur paragraaf (j) van bedoelde sub-artikel deur die volgende paragrawe te vervang:
- „(j) enige ander naturel wat deur die Minister na oorlegpleging met die stedelike plaaslike bestuur vrygestel is onderworpe aan die voorwaardes wat hy goedvind, tensy sodanige vrystelling deur die Minister ingetrek word na dergelike oorlegpleging en na 'n ondersoek deur die Bantoesakekommissaris van die gebied waarin bedoelde naturel woon, by welke ondersoek bedoelde naturel die reg het om aangehoor te word;
- (k) 'n naturel woonagtig in 'n gebied wat deur die Minister ingevolge sub-artikel (1) van artikel *agt* tot 'n oorwegend deur naturelle bewoonde gebied verklaar is;
- (l) 'n naturel gehuisves op 'n perseel wat ingevolge sub-artikel (4) gelisensieer is.”;
- (h) deur in sub-artikel (3) die woorde „buite 'n lokasie, naturelledorp of naturelletehuis in 'n kragtens sub-artikel (1) geproklameerde gebied” deur die woorde „in 'n stadsgebied maar buite 'n lokasie, naturelledorp of naturelletehuis” en die woorde „deur 'n beamppte deur die stedelike plaaslike bestuur of deur die Minister vir die doel aangestel” deur die woorde „in die geval van 'n naturel in 'n stadsgebied woonagtig van

quired to take up residence in a location, native village or native hostel, by an officer referred to in sub-section (1) of section *twenty-two* or by an officer appointed by the urban local authority or the Minister for the purpose and in the case of any other native, by an officer appointed by the Minister" and the deletion in the said sub-section of the words "the whole or any portion whereof has been proclaimed under sub-section (1)";

- (i) by the substitution in paragraph (a) of sub-section (3)*bis* for the words "proclaimed under sub-section (1)" of the words "in an urban area but outside a location, native village or native hostel or area referred to in paragraph (h) of sub-section (2) or declared by the Minister under sub-section (1) of section *eight* as an area predominantly occupied by natives" and the addition at the end of the said paragraph of the words "and the Minister or such officer may attach such conditions to such consent as he may deem necessary";

- (j) by the insertion after paragraph (b) of sub-section (3)*bis* of the following paragraph:

"(b)*bis* The Minister may at any time withdraw any consent granted by him under paragraph (a) or (b) and an urban local authority may at any time withdraw any such consent granted by it, whether or not the period for which it has been granted has expired, and the provisions of the proviso to sub-section (4) shall apply to any such consent, any reference in the said proviso to licence being construed as a reference to consent under this paragraph.";

- (k) by the insertion after paragraph (f) of sub-section (3)*bis* of the following paragraph:

"(g) The consent required under this sub-section shall be in addition to and not in substitution for any licence required under sub-section (4).";

- (l) by the substitution in sub-section (4) for the words "area proclaimed under sub-section (1), may on payment of such fees as may be prescribed by it and approved by the Minister" of the words "urban area or an officer designated thereto for such purpose by such urban local authority may on payment of such fees (which may vary in respect of various classes of natives to be accommodated or areas or places where such natives are to be accommodated) as may be prescribed", the deletion in the said sub-section of the word "proclaimed" where it occurs for the second time and the insertion in the said sub-section after the word "made" of the words "or deemed to have been made";

- (m) by the substitution in sub-section (5) for the words "area proclaimed under sub-section (1)" of the words "urban area", the insertion in the said sub-section after the word "accommodated" where it occurs for the second time of the words "and any native accommodated on such premises who accommodates any other native on such premises or permits him to be so accommodated without the permission of the owner, lessee, occupier or person in charge or control of such premises", and the deletion in the said sub-section of all the words following the word "offence";

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

"(5)*bis* In any proceedings in respect of a contravention of sub-section (5)—

- (a) a native who is at any time found in any building or on any premises in circumstances giving rise to a reasonable suspicion that he resides or is accommodated in that building or on such premises, shall be deemed to reside or to be accommodated there, unless the contrary is proved;

- (b) a native who resides or is accommodated in any building or on any premises shall be deemed to be so residing or accommodated with the permission of the owner, lessee, occupier or person in charge or control of such building or premises,

wie verlang word dat hy in 'n lokasie, naturelledorp of naturelletehuis moet gaan woon, deur 'n beampte in sub-artikel (1) van artikel *twee-en-twintig* bedoel of deur 'n beampte deur die stedelike plaaslike bestuur of die Minister vir die doel aangestel, en in die geval van enige ander naturel, deur 'n beampte deur die Minister aangestel" te vervang en die woorde „wat as geheel of waarvan 'n gedeelte kragtens sub-artikel (1) geproklameer is" te skrap;

- (i) deur in paragraaf (a) van sub-artikel (3)*bis* die woorde „kragtens sub-artikel (1) geproklameerde grond" deur die woorde „grond in 'n stadsgebied maar buite 'n lokasie, naturelledorp of naturelletehuis of gebied in paragraaf (h) van sub-artikel (2) bedoel of deur die Minister ingevolge sub-artikel (1) van artikel *agt* tot 'n oorwegend deur naturelle bewoonde gebied verklaar" te vervang en aan die end van bedoelde paragraaf die woorde „en die Minister of bedoelde amptenaar kan die voorwaardes wat hy nodig ag aan sodanige toestemming heg" by te voeg;
- (j) deur die volgende paragraaf na paragraaf (b) van sub-artikel (3)*bis* in te voeg:
„(b)*bis* Die Minister kan enige toestemming ingevolge paragraaf (a) of (b) deur hom verleen, te eniger tyd intrek en 'n stedelike plaaslike bestuur kan te eniger tyd so 'n toestemming deur hom verleen, intrek, hetsy die tydperk waarvoor dit verleen is, verstryk het al dan nie, en die bepaling van die voorbehoudsbepaling by sub-artikel (4) is van toepassing op so 'n toestemming, en in dié verband word enige verwysing in bedoelde voorbehoudsbepaling na „lisensie" vertolk as 'n verwysing na 'n toestemming ingevolge hierdie paragraaf.”;
- (k) deur die volgende paragraaf na paragraaf (f) van sub-artikel (3)*bis* in te voeg:
„(g) Die toestemming ingevolge hierdie sub-artikel vereis, moet verkry word bo en behalwe 'n lisensie ingevolge sub-artikel (4) voorgeskryf en is nie ter vervanging daarvan nie.”;
- (l) deur in sub-artikel (4) die woorde „wat in 'n kragtens sub-artikel (1) geproklameerde gebied regs mag het, kan, teen betaling van die gelde wat deur hom voorgeskryf en deur die Minister goedgekeur word" deur die woorde „wat in 'n stadsgebied regsbevoegdheid besit of 'n beampte deur bedoelde stedelike plaaslike bestuur vir daardie doel aangewys, kan, teen betaling van die gelde (wat ten opsigte van verskillende kategorieë naturelle wat gehuisves moet word of gebiede of plekke waar daardie naturelle gehuisves moet word, kan verskil) wat voorgeskryf word," te vervang, die woord „geproklameerde" waar dit die tweede maal voorkom te skrap en na die woord „regulasie" die woorde „wat uitgevaardig is of geag word uitgevaardig te gewees het" in te voeg;
- (m) deur in sub-artikel (5) die woorde „kragtens sub-artikel (1) geproklameerde gebied" deur die woord „stadsgebied" te vervang, na die woord „word" waar dit die derde maal voorkom die woorde „en 'n naturel wat op daardie perseel gehuisves word, wat 'n ander naturel op daardie perseel huisves of toelaat dat hy aldus gehuisves word sonder die toestemming van die eienaar, huurder, okkupeerder of persoon wat die toesig of beheer oor daardie perseel het" in te voeg en al die woorde na die woord „skuldig" te skrap;
- (n) deur die volgende sub-artikel na sub-artikel (5) in te voeg:
„(5)*bis* By verrigtings ten opsigte van 'n oortreding van sub-artikel (5)—
(a) word 'n naturel wat te eniger tyd in 'n gebou of op 'n perseel aangetref word onder omstandighede wat 'n redelike vermoede laat ontstaan dat hy in daardie gebou of op daardie perseel woon of gehuisves word, geag daar te woon of daar gehuisves te word tensy die teendeel bewys word;
(b) word 'n naturel wat in 'n gebou of op 'n perseel woon of gehuisves word, geag met die toestemming van die eienaar, huurder of okkupeerder van of persoon wat die toesig of beheer het oor daardie gebou of perseel aldus te woon of gehuisves te

unless it is proved that such owner, lessee, occupier or person did not know and had no reason to suspect that such native was residing or was accommodated in that building or on such premises and could not by the exercise of reasonable care have prevented him from residing or being accommodated there; and

- (c) a native who without the permission of the owner, lessee, occupier or person in charge or control of the premises resides or is accommodated in the same apartment as that occupied by any other native who is accommodated on such premises under this Act, shall be deemed to be so residing or to be so accommodated with the permission of such other native, unless the contrary is proved.”;
- (o) by the substitution in paragraph (a) and in paragraph (d) of sub-section (6) for the words “area proclaimed under sub-section (1)”, wherever they occur, of the words “urban area”; and
- (p) by the insertion in paragraph (b) of sub-section (9) after the word “person” of the words “other than a native”, and the addition at the end of the said paragraph of the following proviso:

“Provided that such officer or any other authorized officer may summarily eject or cause to be ejected from such location, native village or native hostel, any person whose presence therein is considered by him to be undesirable.”.

Substitution of section 13 of Act 25 of 1945, as substituted by section 31 of Act 54 of 1952 and amended by section 33 of Act 36 of 1957.

7. The following section is hereby substituted for section *thirteen* of the Urban Areas Act:

“Certain provisions not to apply to natives employed in certain industries or classes of employment.

13. (1) The provisions of sections *ten*, *ten bis*, *eleven* and *twelve* shall not apply to or in respect of any native—

(a) recruited and under written contract for employment and employed or, having been so recruited and having entered into such a contract, is proceeding to employment in a gold, coal or uranium mine or mining industry or in any industry or class of employment to which the Minister may, by notice in the *Gazette*, after consultation with the urban local authority concerned, apply the provisions of this section, but the said provisions shall be of full force and effect immediately upon termination of any contract of employment in any such mine or industry or class of employment;

(b) in possession of a passport, permit, document of identity or travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913), and issued to him and bearing an endorsement made by a passport control officer or any other officer authorized thereto by the Minister, authorizing the presence of such native in the area concerned for the period and the purpose indicated thereon.

(2) The onus of proof that a native has been recruited and has entered into a contract of employment and is employed or proceeding to employment in a gold, coal or uranium mine or mining industry or in any industry or class of employment referred to in any notice published under sub-section (1), shall be on such native.”.

Amendment of section 21 of Act 25 of 1945, as amended by section 37 of Act 36 of 1957.

8. Section *twenty-one* of the Urban Areas Act is hereby amended—

- (a) by the substitution in sub-paragraph (i) of paragraph (a) of sub-section (2) for the words “or adopt under sub-section (3) or (4) of section *thirty-eight*” of the words “under sub-section (3) or (4) of section *thirty-eight* (other than a regulation referred to in paragraph (s) of sub-section (3) of the said section)”;
- (b) by the deletion in sub-section (3) of the words “or adopted”; the insertion in the said sub-section after the word “*thirty-eight*” of the words “(other than a regulation referred to in paragraph (s) of sub-section (3) of that section)” and the addition at the end of the said sub-section of the following proviso: “Provided that where the Minister is satisfied that the

word, tensy bewys word dat daardie eenaar, huurder, okkupeerder of persoon nie geweet het en geen rede gehad het om te vermoed dat daardie naturel in daardie gebou of op daardie perseel gewoon het of gehuisves is nie en nie deur redelike voorsorg kon verhoed het dat hy daar woon of gehuisves word nie; en

- (c) word 'n naturel wat sonder die toestemming van die eenaar, huurder of okkupeerder van of persoon wat die toesig of beheer het oor die perseel, in dieselfde vertrek woon of gehuisves word as dié wat geokkupeer word deur 'n ander naturel wat ingevolge hierdie Wet op daardie perseel gehuisves word, geag met die toestemming van sodanige ander naturel aldus te woon of aldus gehuisves te wees, tensy die teendeel bewys word.”;
- (o) deur in paragraaf (a) en in paragraaf (d) van sub-artikel (6) die woorde „kragtens sub-artikel (1) geproklameerde gebied”, oral waar hulle voorkom, deur die woord „stadsgebied” te vervang; en
- (p) deur in paragraaf (b) van sub-artikel (9) na die woord „niemand” die woorde „uitgesonderd 'n naturel” in te voeg en aan die end van bedoelde paragraaf die volgende voorbehoudsbepaling by te voeg:
„Met dien verstande dat bedoelde beampte of 'n ander gemagtigde beampte enigeen summier uit daardie lokasie, naturelledorp of naturelletehuis kan uitsit of laat uitsit indien hy sy teenwoordigheid daarin ongewens beskou.”.

7. Artikel *dertien* van die Stadsgebiedewet word hierby deur die volgende artikel vervang:

„Sekere bepalinge nie op naturelle werksaam in sekere nywerhede of in sekere klasse werk van toepassing nie.

13. (1) Die bepalinge van artikels *tien*, *tien bis*, *elf* en *twaalf* is nie van toepassing nie op of ten opsigte van 'n naturel—

- (a) wat gewerf is en 'n skriftelike kontrak aangegaan het vir diens en in diens is of wat nadat hy aldus gewerf is en so 'n kontrak aangegaan het, onderweg is na diens in 'n goud-, steenkool- of uraanmyn of mynbounywerheid of in enige nywerheid of klas werk waarop die Minister, na oorlegpleging met die betrokke stedelike plaaslike bestuur, die bepalinge van hierdie artikel by kennisgewing in die *Staatskoerant* toepas, maar bedoelde bepalinge is ten volle van krag sodra 'n dienskontrak in so 'n myn of nywerheid of klas werk verstryk;
 - (b) wat in besit is van 'n paspoort, permit, identifikasiebewys of ander reisdokument in die „Wet tot Regeling van de Toelating van Personen tot de Unie, 1913” (Wet No. 22 van 1913), bedoel wat aan hom uitgereik is en waarop 'n endossement is wat aangebring is deur 'n paspoortbeheerbeampte of 'n ander beampte deur die Minister daartoe gemagtig, wat die teenwoordigheid van bedoelde naturel in die betrokke gebied magtig vir die tydperk en die doel daarop aangedui.
- (2) Die las om te bewys dat 'n naturel gewerf is en 'n kontrak aangaan het vir diens en in diens is of onderweg is na diens in 'n goud-, steenkool- of uraanmyn of mynbounywerheid of in 'n nywerheid of klas werk bedoel in 'n kennisgewing ingevolge sub-artikel (1) gepubliseer, berus by daardie naturel.”.

Vervanging van artikel 13 van Wet 25 van 1945, soos vervang deur artikel 31 van Wet 54 van 1952 en gewysig deur artikel 33 van Wet 36 van 1957.

8. Artikel *een-en-twintig* van die Stadsgebiedewet word hierby gewysig—

- (a) deur in sub-paragraaf (i) van paragraaf (a) van sub-artikel (2) die woorde „uit te vaardig of oor te neem” deur die woorde „(uitgesonderd 'n regulasie in paragraaf (s) van sub-artikel (3) van daardie artikel bedoel) uit te vaardig” te vervang; en
- (b) deur in sub-artikel (3) na die woord „regulasie” waar dit die eerste keer voorkom die woorde „(uitgesonderd 'n regulasie in paragraaf (s) van sub-artikel (3) van daardie artikel bedoel)” in te voeg en die woorde „of oorgeneem” te skrap en aan die end van bedoelde sub-artikel die volgende voorbehoudsbepaling by te voeg: „Met dien verstande dat indien die Minister oortuig is dat dit nie doenlik is om so 'n komitee in

Wysiging van artikel 21 van Wet 25 van 1945, soos gewysig deur artikel 37 van Wet 36 van 1957.

establishment or constitution of such a board is not practicable or where any such regulation has been referred to such board or boards or meeting and no such report is made within such period communicated, such regulation may be approved by the Minister or by the Administrator”.

Amendment of section 38 of Act 25 of 1945, as amended by section 6 of Act 45 of 1947, section 10 of Act 16 of 1955, section 47 of Act 36 of 1957 and section 20 of Act 63 of 1962.

9. Section *thirty-eight* of the Urban Areas Act is hereby amended—

- (a) by the deletion in sub-section (3) of the words “or adopt”;
- (b) by the substitution for sub-section (8) of the following sub-section:

“(8) (a) Notwithstanding anything to the contrary in this section contained, the Minister may make regulations as to all or any of the matters referred to in sub-section (3) (other than paragraph (o) thereof) and sub-section (4) and publish such regulations in the *Gazette* for the guidance of urban local authorities.

- (b) When the Minister considers it advisable to do so, he may, after reference to the urban local authority concerned and to the Administrator, by notice in the *Gazette* declare that any or all of the regulations referred to in paragraph (a) and any subsequent amendments thereof shall apply in the area specified in such notice and thereupon such regulations shall apply in such area to the exclusion of any other regulations relating to the same matters and applicable in such area.

- (c) Any regulations applied in an area under paragraph (b) shall be deemed to have been made by the urban local authority under the corresponding provisions of sub-section (3) or (4).”; and

- (c) by the deletion of sub-section (9).

Substitution of section 40 of Act 25 of 1945.

10. The following section is hereby substituted for section *forty* of the Urban Areas Act:

“Co-operation by local authorities for purposes of Bantu administration.

40. (1) Subject to the approval of the Minister, after reference to the Administrator, any urban local authority may co-operate with any other urban local authority or local government body or with the Department of Bantu Administration and Development or an officer thereof, in carrying out or complying with all or any of the provisions of this Act or of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), or of the regulations made under either of the said Acts or in defining, setting apart and laying out or administering any location, native village or native hostel serving the needs of two or more such co-operating bodies.

(2) Notwithstanding anything contained in any law, any revenue derived from and any expenditure incurred in connection with any undertaking in which two or more urban local authorities or local government bodies or the said Department or officer thereof co-operate in terms of sub-section (1), may be apportioned amongst the parties concerned in such amounts as may be determined by the Minister after consultation with the said urban local authorities or local government bodies, and if the said Department or officer thereof is one of the co-operating parties, with the Minister of Finance.

- (3) (a) When the Minister approves under sub-section (1) of the defining, setting apart and laying out or administering of any location, native village or native hostel serving the needs of two or more urban local authorities, he may do so on such terms and conditions as he may deem fit and in particular that one of such urban local authorities may exclusively exercise in relation to any such location, native village or native hostel or the inhabitants thereof, such powers (including the making of regulations

te stel of saam te stel nie, of indien so 'n regulasie na so 'n komitee of komitees of vergadering verwys is en so 'n verslag nie binne daardie meegedeelde tydperk verstrek word nie, daardie regulasie deur die Minister of deur die Administrateur goedgekeur kan word."

9. Artikel *agt-en-dertig* van die Stadsgebiedewet word hierby gewysig—

- (a) deur in sub-artikel (3) die woorde „of oorneem” te skrap;
- (b) deur sub-artikel (8) deur die volgende sub-artikel te vervang:
 - „(8) (a) Ondanks andersluidende bepalings in hierdie artikel vervat, kan die Minister regulasies uitvaardig betreffende enige van of al die aangeleenthede in sub-artikel (3) (uitgesonderd paragraaf (o) daarvan) en sub-artikel (4) vermeld en sodanige regulasies in die *Staatkoerant* afkondig vir die leiding van stedelike plaaslike besture.
 - (b) Wanneer die Minister dit raadsaam ag om dit te doen, kan hy, na voorlegging aan die betrokke stedelike plaaslike bestuur en aan die Administrateur, by kennisgewing in die *Staatkoerant* verklaar dat enige van of al die in paragraaf (a) bedoelde regulasies en enige latere wysigings daarvan, in die gebied in bedoelde kennisgewing vermeld van toepassing is en daarop is bedoelde regulasies in bedoelde gebied van toepassing tot uitsluiting van enige ander regulasies wat betrekking het op dieselfde aangeleenthede en wat in bedoelde gebied geld.
 - (c) Enige regulasies wat kragtens paragraaf (b) in 'n gebied toegepas is, word geag deur die stedelike plaaslike bestuur ingevolge die ooreenstemmende bepalings van sub-artikel (3) of (4) uitvaardig te wees.”; en
- (c) deur sub-artikel (9) te skrap.

Wysiging van artikel 38 van Wet 25 van 1945, soos gewysig deur artikel 6 van Wet 45 van 1947, artikel 10 van Wet 16 van 1955, artikel 47 van Wet 36 van 1957 en artikel 20 van Wet 63 van 1962.

10. Artikel *veertig* van die Stadsgebiedewet word hierby deur die volgende artikel vervang:

„Samewerking deur plaaslike besture vir die doeleindes van Bantoe-administrasie.

40. (1) Onderworpe aan die goedkeuring van die Minister, na voorlegging aan die Administrateur, kan 'n stedelike plaaslike bestuur met 'n ander stedelike plaaslike bestuur of plaaslike bestuursliggaam of met die Departement van Bantoe-administrasie en -ontwikkeling of 'n beamppte daarvan saamwerk by die uitvoering of nakoming van enige van of al die bepalings van hierdie Wet of van die „Naturelle-arbeid Regelingswet, 1911” (Wet No. 15 van 1911), of van die regulasies kragtens die een of die ander van bedoelde Wette uitvaardig of by die bepaling, afsondering en aanleë of bestuur van 'n lokasie, naturelledorp of naturelletehuis wat in die behoeftes van twee of meer van die liggame wat aldus saamwerk, voorsien.

(2) Ondanks andersluidende wetsbepalings, kan alle inkomste verkry uit en alle uitgawes aangegaan in verband met 'n onderneming waarby twee of meer stedelike plaaslike besture of plaaslike bestuursliggame of bedoelde Departement of beamppte daarvan ingevolge sub-artikel (1) saamwerk, aan die betrokke partye toegedeel word in die bedrae wat bepaal word deur die Minister na oorlegpleging met daardie stedelike plaaslike besture of plaaslike bestuursliggame, en, indien bedoelde Departement of beamppte daarvan een van die samewerkende partye is, met die Minister van Finansies.

(3) (a) Wanneer die Minister kragtens sub-artikel (1) die bepaling, afsondering en aanleë of bestuur van 'n lokasie, naturelledorp of naturelletehuis wat in die behoeftes van twee of meer stedelike plaaslike besture voorsien, goedkeur, kan hy dit doen op die bedinge en voorwaardes wat hy goetvind en in die besonder dat een van sodanige stedelike plaaslike besture ten opsigte van so 'n lokasie, naturelledorp of naturelletehuis of die inwoners daarvan, uitsluitlik die bevoegdhede (met inbegrip van die uitvaardiging van regulasies ingevolge sub-

Vervanging van artikel 40 van Wet 25 van 1945.

under sub-section (3) of section *thirty-eight* of this Act) and perform such duties as are contained in this Act or in any law governing such urban local authority, as he may specify in granting such approval.

- (b) The Minister may impose the terms and conditions referred to in paragraph (a) notwithstanding the fact that the location, native village or native hostel concerned is situated wholly or partly on land otherwise outside the area of jurisdiction of the urban local authority which is to exercise the powers and to perform the duties referred to in the said paragraph and whether or not such land is owned jointly or in undivided shares by more than one such urban local authority.

(4) Any urban local authority which under any agreement to co-operate approved under sub-section (1) assumes responsibility under paragraph (a) of sub-section (3) for the administration and control of a location, native village or native hostel which is not situated within its area of jurisdiction, shall in respect of that location, native village or native hostel or any works, plant or service connected with the development or administration thereof, be vested with all the powers it would have had if such location, native village, native hostel, works, service or plant had been situated within its area of jurisdiction.

(5) Any approval under sub-section (1) and the terms and conditions of such approval or a summary thereof shall be made known by notice in the *Gazette* and such approval and terms and conditions shall become operative on such publication."

Amendment of
section 41 of
Act 25 of 1945.

11. Section *forty-one* of the Urban Areas Act is hereby amended—

- (a) by the insertion in sub-section (1) after the word "*nineteen*" of the words "or the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), or the regulations made thereunder";
- (b) by the insertion in the said sub-section after the words "this Act" where they occur for the second and third times of the words "or the said Native Labour Regulation Act, 1911, or the regulations made thereunder"; and
- (c) by the addition of the following sub-section:
- "(3) (a) The Minister may at any time, notwithstanding the provisions of sub-section (1), by notice in writing to an urban local authority, require such urban local authority to submit to him within a period stated in such notice, a report on any aspect of or on any occurrence relating to the administration by such urban local authority or by any committee or officer thereof, of this Act or of the Native Labour Regulation Act, 1911, or of the regulations made under such Acts, and may in addition require such urban local authority to submit to him within a period stated in such or any subsequent notice, copies of any resolutions taken or which may thereafter be taken by such local authority or committee on any matter relating to such administration as may be stated in such notice.
- (b) When an urban local authority or a committee thereof is required by notice under paragraph (a) to submit copies of resolutions to the Minister, no resolution of a class stated in any such notice shall, unless the Minister otherwise directs, be implemented or be further implemented or be acted upon by such urban local authority or by any committee or any officer thereof, until such resolution has been approved by the Minister."

artikel (3) van artikel *agt-en-dertig* van hierdie Wet) uitoefen en die werksaamhede verrig wat in hierdie Wet of in enige wet wat bedoelde stedelike plaaslike bestuur beheers, vervat is en wat hy aandui wanneer hy sodanige goedkeuring verleen.

- (b) Die Minister kan die in paragraaf (a) bedoelde bedinge en voorwaardes oplê, ondanks die feit dat die betrokke lokasie, naturelledorp of naturelletehuis in sy geheel of gedeeltelik geleë is op grond wat andersins buite die regsgebied val van die stedelike plaaslike bestuur wat die bevoegdhede moet uitoefen en die werksaamhede moet verrig waarna in bedoelde paragraaf verwys word en ongeag of sodanige grond gesamentlik of in onverdeelde aandeel deur meer as een sodanige stedelike plaaslike bestuur besit word al dan nie.

(4) 'n Stedelike plaaslike bestuur wat kragtens 'n ingevolge sub-artikel (1) goedgekeurde ooreenkoms om saam te werk, verantwoordelikheid ingevolge paragraaf (a) van sub-artikel (3) aanvaar vir die bestuur en beheer van 'n lokasie, naturelledorp of naturelletehuis wat nie in sy regsgebied geleë is nie, is ten opsigte van daardie lokasie, naturelledorp of naturelletehuis of enige werke, uitrusting of diens verbonde aan die ontwikkeling of bestuur daarvan, bekleed met al die bevoegdhede wat hy sou gehad het indien bedoelde lokasie, naturelledorp, naturelletehuis, werke, diens of uitrusting binne sy regsgebied geleë was.

(5) Elke goedkeuring ingevolge sub-artikel (1) en die bedinge en voorwaardes van sodanige goedkeuring of 'n opsomming daarvan word by kennisgewing in die *Staatskoerant* bekend gemaak en sodanige goedkeuring en bedinge en voorwaardes tree in werking by sodanige publikasie."

11. Artikel een-en-veertig van die Stadsgebiedewet word hierby gewysig—

Wysiging van artikel 41 van Wet 25 van 1945.

- (a) deur in sub-artikel (1) na die woord „negentien” die woorde „of die „Naturellearbeid Regelingswet, 1911” (Wet No. 15 van 1911), of die regulasies daarkragtens uitgevaardig” in te voeg;

- (b) deur in bedoelde sub-artikel na die woorde „hierdie Wet” waar hulle die tweede en derde keer voorkom die woorde „of bedoelde „Naturellearbeid Regelingswet, 1911”, of die regulasies daarkragtens uitgevaardig” in te voeg; en

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

„(3) (a) Die Minister kan te eniger tyd, ondanks die bepalings van sub-artikel (1), by skriftelike kennisgewing aan 'n stedelike plaaslike bestuur, bedoelde stedelike plaaslike bestuur gelas om binne 'n tydperk in bedoelde kennisgewing vermeld, 'n verslag aan hom voor te lê oor enige aspek van of oor enige gebeure met betrekking tot die administrasie deur bedoelde stedelike plaaslike bestuur of deur 'n komitee of beamppte daarvan, van hierdie Wet of van die „Naturellearbeid Regelingswet, 1911”, of van die regulasies kragtens bedoelde Wette uitgevaardig, en kan ook bedoelde stedelike plaaslike bestuur gelas om aan hom binne 'n tydperk in bedoelde of 'n latere kennisgewing vermeld, afskrifte te stuur van enige besluite wat deur bedoelde stedelike plaaslike bestuur of komitee geneem is of daarna geneem word aangaande enige aangeleentheid met betrekking tot sodanige administrasie wat in bedoelde kennisgewing vermeld word.

- (b) Wanneer 'n stedelike plaaslike bestuur of 'n komitee daarvan by kennisgewing ingevolge paragraaf (a) gelas word om afskrifte van besluite aan die Minister te stuur, word, tensy die Minister anders gelas, 'n besluit van 'n kategorie in so 'n kennisgewing vermeld, nie deur bedoelde stedelike plaaslike bestuur uitgevoer of verder uitgevoer nie of word nie deur bedoelde stedelike plaaslike bestuur of deur 'n komitee of beamppte daarvan daarop gehandel nie, voordat bedoelde besluit deur die Minister goedgekeur is."

Amendment of
section 1 of
Act 52 of 1951.

12. Section *one* of the Prevention of Illegal Squatting Act, 1951, is hereby amended by the deletion of the word "shall", the substitution in paragraph (a) for the word "enter" of the words "shall enter" and the substitution in paragraph (b) for the word "enter" of the words "other than a native who is not otherwise prohibited under any law from doing so, shall enter".

Amendment of
section 8 of
Act 68 of 1951.

13. Section *eight* of the Bantu Authorities Act, 1951, is hereby amended by the addition of the following sub-section:

"(3) The books and accounts of a regional or territorial authority shall be audited by the Controller and Auditor-General."

Amendment of
section 17 of
Act 68 of 1951.

14. Section *seventeen* of the Bantu Authorities Act, 1951, is hereby amended by the substitution in paragraph (a) of sub-section (1) for the words "and the keeping and audit of the accounts of tribal, regional and territorial authorities" of the words "the keeping of the accounts of tribal, regional and territorial authorities and the audit of the books and accounts of tribal authorities".

Amendment of
section 3 of
Act 67 of 1952,
as amended by
section 12 of
Act 79 of 1957.

15. (1) Section *three* of the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952 (hereinafter referred to as the reference book Act), is hereby amended—

- (a) by the substitution in sub-section (1) for the expression "(2) and (4)" of the expression "(1)*bis*, (2) and (4)";
- (b) by the substitution in sub-paragraph (i) of paragraph (b) of the said sub-section for the words "the territory of South-West Africa, Basutoland, Swaziland or Bechuanaland" of the words "or the territory of South-West Africa";
- (c) by the substitution in sub-paragraph (ii) of paragraph (b) of the said sub-section for the words "the territory of South-West Africa, Basutoland, Swaziland or Bechuanaland" of the words "or the territory of South-West Africa"; and
- (d) by the insertion after sub-section (1) of the following sub-section:

"(1)*bis* Notwithstanding the provisions of sub-section (1), the identity document referred to in sub-paragraph (ii) of paragraph (b) of the said sub-section shall not be required of nor shall such document be issued to a native—

- (a) who is in possession of a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913);
- (b) who was not born in the Union or the territory of South-West Africa, and who enters the Union or the said territory after the thirtieth day of June, 1963;
- (c) after the thirty-first day of December, 1965, if such native was not born in the Union or the territory of South-West Africa."

(2) Any reference book issued prior to the commencement of this section under sub-paragraph (i) of paragraph (b) of sub-section (1) of section *three* of the reference book Act to a native not born in the Union or the territory of South-West Africa shall be deemed to be an identity document issued under sub-paragraph (ii) of the said paragraph.

Amendment of
section 5 of
Act 67 of 1952,
as substituted by
section 13 of
Act 79 of 1957.

16. Section *five* of the reference book Act is hereby amended—

- (a) by the insertion in sub-section (1) after the word "shall" of the words "subject to the provisions of sub-section (1)*bis* of section *three*";
- (b) by the substitution for sub-section (2) of the following sub-section:

"(2) If at any time an authorized officer finds that a native is not in possession of a reference book as required by this Act or is not in possession of a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913), as the case may be, or if such authorized officer has reasonable grounds for believing that such reference book, passport, permit, document of identity or other travel document in the possession of such native was in fact not issued to such native, he may bring such native or cause him to be brought before a Bantu affairs commissioner or an officer referred to in sub-section (1) in order that a reference book may be issued to such native or in order that such enquiry

12. Artikel *een* van die Wet op die Voorkoming van Onregmatige Plakkery, 1951, word hierby gewysig deur na die uitdrukking „(b)” die woorde „uitgesonderd ’n naturel wat nie andersins ingevolge enige wet verbied word om dit te doen nie,” in te voeg.

Wysiging van artikel 1 van Wet 52 van 1951.

13. Artikel *agt* van die Wet op Bantoe-owerhede, 1951, word hierby gewysig deur die volgende sub-artikel by te voeg:
„(3) Die boeke en rekenings van ’n streeks- of gebieds-owerheid word deur die Kontroleur en Ouditeur-generaal geouditeer.”.

Wysiging van artikel 8 van Wet 68 van 1951.

14. Artikel *sewentien* van die Wet op Bantoe-owerhede, 1951, word hierby gewysig deur in paragraaf (a) van sub-artikel (1) die woorde „en die hou en ouditering van die rekenings van stam-, streeks- en gebiedsowerhede” deur die woorde „die hou van die rekenings van stam-, streeks- en gebiedsowerhede en die ouditering van die boeke en rekenings van stamowerhede” te vervang.

Wysiging van artikel 17 van Wet 68 van 1951.

15. (1) Artikel *drie* van die Naturelle (Afskaffing van Passe en Koördinerings van Dokumente) Wet, 1952 (hieronder die Bewysboekwet genoem), word hierby gewysig—

Wysiging van artikel 3 van Wet 67 van 1952, soos gewysig deur artikel 12 van Wet 79 van 1957.

- (a) deur in sub-artikel (1) die uitdrukking „(2) en (4)” deur die uitdrukking „(1)*bis*, (2) en (4)” te vervang;
- (b) deur in sub-paragraaf (i) van paragraaf (b) van bedoelde sub-artikel die woorde „die gebied Suidwes-Afrika, Basoetoland, Swaziland of Betsjoeanaland” deur die woorde „of die gebied Suidwes-Afrika” te vervang;
- (c) deur in sub-paragraaf (ii) van paragraaf (b) van bedoelde sub-artikel die woorde „die gebied Suidwes-Afrika, Basoetoland, Swaziland of Betsjoeanaland” deur die woorde „of die gebied Suidwes-Afrika” te vervang; en
- (d) deur die volgende sub-artikel na sub-artikel (1) in te voeg:

„(1)*bis* Ondanks die bepalings van sub-artikel (1), word die herkenningsbewys in sub-paragraaf (ii) van paragraaf (b) van bedoelde sub-artikel bedoel, nie vereis van en word so ’n dokument nie uitgereik nie aan ’n naturel—

- (a) wat in besit is van ’n paspoort, permit, identifikasiebewys of ander reisdokument in die „Wet tot Regeling van de Toelating van Personen tot de Unie, 1913” (Wet No. 22 van 1913), bedoel;
- (b) wat nie in die Unie of die gebied Suidwes-Afrika gebore is nie, en wat die Unie of bedoelde gebied na die dertigste dag van Junie 1963 binnekom;
- (c) na die een-en-dertigste dag van Desember 1965, indien dié naturel nie in die Unie of die gebied Suidwes-Afrika gebore is nie.”.

(2) ’n Bewysboek wat voor die inwerkingtreding van hierdie artikel ingevolge sub-paragraaf (i) van paragraaf (b) van sub-artikel (1) van artikel *drie* van die Bewysboekwet uitgereik is aan ’n naturel wat nie in die Unie of die gebied Suidwes-Afrika gebore is nie, word geag ’n herkenningsbewys te wees wat ingevolge sub-paragraaf (ii) van bedoelde paragraaf uitgereik is.

16. Artikel *vyf* van die Bewysboekwet word hierby gewysig—

Wysiging van artikel 5 van Wet 67 van 1952, soos vervang deur artikel 13 van Wet 79 van 1957.

- (a) deur in sub-artikel (1) na die woord „hy” die woorde „behoudens die bepalings van sub-artikel (1)*bis* van artikel *drie*,” in te voeg;
- (b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Indien ’n gemagtigde beampte te eniger tyd bevind dat ’n naturel nie in besit is nie van ’n bewysboek soos deur hierdie Wet vereis word of nie in besit is nie van ’n paspoort, permit, identifikasiebewys of ander reisdokument in die „Wet tot Regeling van de Toelating van Personen tot de Unie, 1913” (Wet No. 22 van 1913), bedoel, na gelang van die geval, of indien bedoelde gemagtigde beampte redelike gronde het om te vermoed dat so ’n bewysboek, paspoort, permit, identifikasiebewys of ander reisdokument in die besit van bedoelde naturel, inderdaad nie aan dié naturel uitgereik is nie, kan hy dié naturel voor ’n Bantoesake-kommissaris of ’n beampte bedoel in sub-artikel (1) bring of laat bring, sodat ’n bewysboek aan dié naturel uitgereik kan word of sodat sodanige ondersoek ingestel

may be made regarding the identification of such native as such Bantu affairs commissioner or officer may consider necessary.”; and

- (c) by the substitution in sub-section (3) for the words “sub-sections (1) and (2)” of the words “sub-sections (1), (1)*bis* and (2)”.

Amendment of section 6 of Act 67 of 1952, as amended by section 14 of Act 79 of 1957.

17. Section *six* of the reference book Act is hereby amended by the substitution in sub-section (3) for the words “other than an identity document, has been issued to a native not born in the Union, the territory of South-West Africa, Basutoland, Swaziland or Bechuanaland” of the words “has been issued to a native not born in the Union or the territory of South-West Africa and that such native is or is required to be in possession of a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913),”.

Amendment of section 8 of Act 67 of 1952, as amended by section 16 of Act 79 of 1957.

18. Section *eight* of the reference book Act is hereby amended by the addition of the following sub-section:

“(7) For the purposes of this section, any reference therein to a reference book shall be deemed to include a reference to a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913).”.

Amendment of section 8*ter* of Act 67 of 1952, as inserted by section 17 of Act 79 of 1957.

19. Section *eight ter* of the reference book Act is hereby amended by the insertion after sub-section (2) of the following sub-section:

“(3) For the purposes of this section, any reference therein to a reference book shall be deemed to include a reference to a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913).”.

Repeal of section 9 of Act 67 of 1952, as amended by section 18 of Act 79 of 1957.

20. Section *nine* of the reference book Act is hereby repealed.

Substitution of section 11 of Act 67 of 1952, as substituted by section 20 of Act 79 of 1957.

21. The following section is hereby substituted for section *eleven* of the reference book Act:

“Establishment of Native Affairs Central Reference Bureau.

11. The Minister shall establish a Native Affairs Central Reference Bureau under the control of an officer of the Department of Bantu Administration and Development to be known as the Director, in which all finger-prints taken under this Act or any other law and received therein shall be classified and all such particulars as the Minister may from time to time determine which are contained in reference books, passports, permits, documents of identity or other travel documents referred to in sub-section (1)*bis* of section *three* or in documents of identification referred to in section *ten* shall be recorded or otherwise dealt with in such manner as may be prescribed.”.

Amendment of section 12 of Act 67 of 1952, as amended by section 21 of Act 79 of 1957.

22. Section *twelve* of the reference book Act is hereby amended—

- (a) by the substitution in paragraph (e) of sub-section (1) for the words “the territory of South-West Africa, Basutoland, Swaziland or Bechuanaland” of the words “or the territory of South-West Africa, or to natives in possession of passports, permits, documents of identity or other travel documents referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913)”;
- (b) by the insertion in paragraph (f) of the said sub-section after the word “books” of the words “or on passports, permits, documents of identity or other travel documents referred to in the Admission of Persons to the Union Regulation Act, 1913”; and
- (c) by the insertion in paragraph (j) of the said sub-section after the word “books” of the words “or of passports, permits, documents of identity or other travel documents referred to in the Admission of Persons to the Union Regulation Act, 1913”.

kan word betreffende die identifikasie van dié naturel as wat sodanige Bantoesakekommissaris of beampte nodig ag.”; en

- (c) deur in sub-artikel (3) die woorde „sub-artikels (1) en (2)” deur die woorde „sub-artikels (1), (1)*bis* en (2)” te vervang.

17. Artikel *ses* van die Bewysboekwet word hierby gewysig deur in sub-artikel (3) die woorde „ander bewysboek as ’n herkenningsbewys uitgereik is aan ’n naturel wat nie in die Unie, die gebied Suidwes-Afrika, Basoetoland, Swaziland of Betsjoeanaland gebore is nie” deur die woorde „bewysboek uitgereik is aan ’n naturel wat nie in die Unie of die gebied Suidwes-Afrika gebore is nie en dat bedoelde naturel in besit van ’n paspoort, permit, identifikasiebewys of ander reisdokument in die ,Wet tot Regeling van de Toelating van Personen tot de Unie, 1913’ (Wet No. 22 van 1913), bedoel, is of moet wees” te vervang.

Wysiging van artikel 6 van Wet 67 van 1952, soos gewysig deur artikel 14 van Wet 79 van 1957.

18. Artikel *agt* van die Bewysboekwet word hierby gewysig deur die volgende sub-artikel by te voeg:

„(7) By die toepassing van hierdie artikel word enige verwysing daarin na ’n bewysboek geag ’n verwysing na ’n paspoort, permit, identifikasiebewys of ander reisdokument in die ,Wet tot Regeling van de Toelating van Personen tot de Unie, 1913’ (Wet No. 22 van 1913), bedoel, in te sluit.”.

Wysiging van artikel 8 van Wet 67 van 1952, soos gewysig deur artikel 16 van Wet 79 van 1957.

19. Artikel *agt ter* van die Bewysboekwet word hierby gewysig deur die volgende sub-artikel na sub-artikel (2) in te voeg:

„(3) By die toepassing van hierdie artikel word enige verwysing daarin na ’n bewysboek geag ’n verwysing na ’n paspoort, permit, identifikasiebewys of ander reisdokument in die ,Wet tot Regeling van de Toelating van Personen tot de Unie, 1913’ (Wet No. 22 van 1913), bedoel, in te sluit.”.

Wysiging van artikel 8*ter* van Wet 67 van 1952, soos ingevoeg deur artikel 17 van Wet 79 van 1957.

20. Artikel *nege* van die Bewysboekwet word hierby herroep.

Herroeping van artikel 9 van Wet 67 van 1952, soos gewysig deur artikel 18 van Wet 79 van 1957.

21. Artikel *elf* van die Bewysboekwet word hierby deur die volgende artikel vervang:

„Instelling van Sentrale Bewysburo vir Natu-
rellesake.

11. Die Minister moet ’n Sentrale Bewysburo vir Natu-
rellesake instel, onder beheer van ’n beampte van die Departement van Bantoe-administrasie en -ontwikkeling, wat as die Direkteur bekend staan, waar alle vingerafdrukke wat kragtens hierdie Wet of enige ander wet geneem is en daar ontvang word, geklassifiseer moet word, en al die besonderhede wat die Minister van tyd tot tyd bepaal, wat vervat is in bewysboeke, paspoorte, permitte, identifikasiebewyse of ander reisdokumente in sub-artikel (1)*bis* van artikel *drie* bedoel of in uitkenbewyse in artikel *tien* bedoel, op die voorgeskrewe wyse aangeteken of anders mee gehandel moet word.”.

Vervanging van artikel 11 van Wet 67 van 1952, soos vervang deur artikel 20 van Wet 79 van 1957.

22. Artikel *twalf* van die Bewysboekwet word hierby gewysig—

- (a) deur in paragraaf (e) van sub-artikel (1) die woorde „die gebied Suidwes-Afrika, Basoetoland, Swaziland of Betsjoeanaland gebore is nie en die Unie verlaat” deur die woorde „of die gebied Suidwes-Afrika gebore is nie en die Unie verlaat of op naturelle in besit van paspoorte, permitte, identifikasiebewyse of ander reisdokumente in die ,Wet tot Regeling van de Toelating van Personen tot de Unie, 1913’ (Wet No. 22 van 1913), bedoel” te vervang;
- (b) deur in paragraaf (f) van bedoelde sub-artikel na die woord „bewysboeke” die woorde „of in paspoorte, permitte, identifikasiebewyse of ander reisdokumente in die ,Wet tot Regeling van de Toelating van Personen tot de Unie, 1913’, bedoel” in te voeg; en
- (c) deur in paragraaf (j) van bedoelde sub-artikel na die woord „bewysboeke” die woorde „of van paspoorte, permitte, identifikasiebewyse of ander reisdokumente in die ,Wet tot Regeling van de Toelating van Personen tot de Unie, 1913’, bedoel” in te voeg.

Wysiging van artikel 12 van Wet 67 van 1952, soos gewysig deur artikel 21 van Wet 79 van 1957.

Amendment of section 13 of Act 67 of 1952, as amended by section 22 of Act 79 of 1957.

Substitution of section 14bis of Act 67 of 1952, as inserted by section 23 of Act 79 of 1957.

Amendment of section 15 of Act 67 of 1952, as substituted by section 24 of Act 79 of 1957.

Amendment of section 2 of Act 79 of 1961.

Amendment of section 3 of Act 79 of 1961.

Amendment of section 4 of Act 79 of 1961.

23. Section *thirteen* of the reference book Act is hereby amended by the deletion of the words "who has attained the age of sixteen years" and the addition at the end of the said section of the words "or a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913), and issued to such native."

24. The following section is hereby substituted for section *fourteen bis* of the reference book Act:

"Proof of certain facts by affidavit. 14bis. Whenever in any criminal proceedings under this Act the question arises whether a reference book or a particular reference book bearing a particular name was issued to an accused person, any officer having charge of the finger-print records in the bureau, may, on having been furnished with the finger-prints of such accused person and such reference book (if any), in a document purporting to be an affidavit made by such officer, state that he has ascertained that the finger-prints so furnished to him in respect of such accused person are or are not identical with those, according to the records of the bureau, of the person to whom that reference book purports to have been issued or of any person to whom, according to the records of the bureau, such or any reference book was issued, and such document shall on its mere production in those proceedings by any person, but subject *mutatis mutandis* to the provisions of sub-section (6) of section *two hundred and thirty-nine* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), be *prima facie* proof of the fact that a reference book was or was not issued to the accused person according to the contents of such statement."

25. Section *fifteen* of the reference book Act is hereby amended—

- (a) by the substitution in paragraph (f) of sub-section (1) for the words "*eight ter* or *nine*" of the words "*or eight ter*"; and
- (b) by the addition of the following sub-section:
 "(4) For the purposes of this section any reference therein to a reference book shall be deemed to include a reference to a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913)."

26. Section *two* of the Urban Bantu Councils Act, 1961, is hereby amended—

- (a) by the insertion in paragraph (a) of sub-section (3) after the word "request" of the words "unless the Minister otherwise directs"; and
- (b) by the addition of the following sub-section:
 "(5) Whenever the Minister deems it in the public interest to do so, he may, after consultation with the urban local authority concerned, by notice in writing to such urban local authority declare that with effect from a date specified in such notice, the urban Bantu council referred to in such notice shall cease to exist and thereupon the members of such council shall cease to hold office as from the date so specified and thereupon a new urban Bantu council or new urban Bantu councils may be established in the manner provided for in this Act."

27. Section *three* of the Urban Bantu Councils Act, 1961, is hereby amended—

- (a) by the insertion in paragraph (a) of sub-section (3) after the word "question" of the words "and who have the prescribed qualifications"; and
- (b) by the addition of the following sub-section:
 "(4) A Bantu not born in the Republic or the territory of South-West Africa is not qualified to be elected or selected as a member of an urban Bantu council and such a Bantu is also not qualified to vote at any election of such members."

28. Section *four* of the Urban Bantu Councils Act, 1961, is hereby amended—

- (a) by the insertion in paragraph (a) of sub-section (2)

23. Artikel *dertien* van die Bewysboekwet word hierby gewysig deur die woorde „wat die leeftyd van sestien jaar bereik het” te skrap en die woord „toon” deur die woorde „of ’n paspoort, permit, identifikasiebewys of ander reisdokument in die ,Wet tot Regeling van de Toelating van Personen tot de Unie, 1913’ (Wet No. 22 van 1913), bedoel en aan so ’n naturel uitgereik, toon” te vervang.

Wysiging van artikel 13 van Wet 67 van 1952, soos gewysig deur artikel 22 van Wet 79 van 1957.

24. Artikel *veertien bis* van die Bewysboekwet word hierby deur die volgende artikel vervang:

„Bewys van sekere feite deur beëdigde verklaring.

14bis. Indien in ’n strafsak kragtens hierdie Wet die vraag ontstaan of ’n bewysboek of ’n bepaalde bewysboek wat ’n bepaalde naam dra aan ’n beskuldigde uitgereik is, kan ’n beamppte in beheer van die vingerafdruk-registers in die buro, nadat hy voorsien is van die vingerafdrukke van bedoelde beskuldigde en bedoelde bewysboek (as daar een is), in ’n dokument wat heet ’n beëdigde verklaring te wees wat deur dié beamppte afgelê is, verklaar dat hy vasgestel het dat die vingerafdrukke wat ten opsigte van daardie beskuldigde aldus aan hom voorgelê is, volgens die aantekeninge van die buro, dieselfde is of nie dieselfde is nie as dié van die persoon aan wie daardie bewysboek heet uitgereik te wees of van enige persoon aan wie daardie of ’n bewysboek volgens die aantekeninge van die buro uitgereik is, en daardie dokument is by blote oorlegging daarvan in daardie saak deur enige persoon, maar onderworpe *mutatis mutandis* aan die bepalings van sub-artikel (6) van artikel *tweehonderd nege-en-dertig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), *prima facie*-bewys dat ’n bewysboek aan die beskuldigde uitgereik is of nie uitgereik is nie, volgens die inhoud van daardie verklaring.”

Vervanging van artikel 14bis van Wet 67 van 1952, soos ingevoeg deur artikel 23 van Wet 79 van 1957.

25. Artikel *vyftien* van die Bewysboekwet word hierby gewysig—

- (a) deur in paragraaf (f) van sub-artikel (1) die woorde „agt ter of nege” deur die woorde „of agt ter” te vervang; en
- (b) deur die volgende sub-artikel by te voeg:

„(4) By die toepassing van hierdie artikel word enige verwysing daarin na ’n bewysboek geag ’n verwysing na ’n paspoort, permit, identifikasiebewys of ander reisdokument in die ,Wet tot Regeling van de Toelating van Personen tot de Unie, 1913’ (Wet No. 22 van 1913), bedoel, in te sluit.”

Wysiging van artikel 15 van Wet 67 van 1952, soos vervang deur artikel 24 van Wet 79 van 1957.

26. Artikel *twee* van die Wet op Stedelike Bantoerade, 1961, word hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (3) na die woord „instel” die woorde „tensy die Minister anders gelas” in te voeg; en
- (b) deur die volgende sub-artikel by te voeg:

„(5) Wanneer die Minister dit in die openbare belang ag om dit te doen, kan hy, na oorlegpleging met die betrokke stedelike plaaslike bestuur, by skriftelike kennisgewing aan bedoelde stedelike plaaslike bestuur, verklaar dat met ingang van ’n datum in daardie kennisgewing vermeld, die stedelike Bantoeraad waarna in bedoelde kennisgewing verwys word, ophou om te bestaan, en daarop hou die lede van daardie raad vanaf die datum aldus vermeld op om hul amp te bekleed en daarop kan ’n nuwe stedelike Bantoeraad of nuwe stedelike Bantoerade op die wyse in hierdie Wet voorgeskryf, ingestel word.”

Wysiging van artikel 2 van Wet 79 van 1961.

27. Artikel *drie* van die Wet op Stedelike Bantoerade, 1961, word hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (3) na die woorde „woonagtig is” die woorde „en wat die voorgeskrewe kwalifikasies besit” in te voeg; en
- (b) deur die volgende sub-artikel by te voeg:

„(4) ’n Bantoe wat nie in die Republiek of die gebied Suidwes-Afrika gebore is nie, is nie bevoeg om as lid van ’n stedelike Bantoeraad verkies of gekies te word nie en so ’n Bantoe is ook nie bevoeg om by die verkiesing van sodanige lede te stem nie.”

Wysiging van artikel 3 van Wet 79 van 1961.

28. Artikel *vier* van die Wet op Stedelike Bantoerade, 1961, word hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (2) na die woorde

Wysiging van artikel 4 van Wet 79 van 1961.

before the word "exercise" of the words "on behalf of and subject to the directions of the urban local authority concerned"; and

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

"(4) Nothing in sub-section (2) contained shall be construed as derogating from the powers, functions and duties of an urban local authority in respect of any matter assigned to an urban Bantu council and any such assignment may, after consultation with the Administrator in question and with the concurrence of the Minister, be withdrawn by the urban local authority."

Amendment of
section 10 of
Act 79 of 1961.

29. Section *ten* of the Urban Bantu Councils Act, 1961, is hereby amended by the addition at the end of paragraph (a) of sub-section (1) of the words "and the qualifications of candidates for such elections".

Authority for
the transfer
of certain farms
in the districts
of Rustenburg
and Brits.

30. (1) Notwithstanding the provisions of any law, the Registrar of Deeds, Pretoria, is hereby authorized, on proof of payment of the transfer duties, stamp duties and registration fees which may be payable and without production of any title deeds which may be unobtainable, to execute deeds of transfer in favour of the undermentioned persons in respect of the properties hereinafter mentioned:

(a) To MATTHYS JOHANNES HERMANN (now deceased) in respect of—

(i) certain portion of the farm Bulhoek No. 75 JQ (formerly No. 406), district of Rustenburg, in extent 1176 morgen 486 square roods, as held by deeds of transfer Nos. 2893/13, 6619/24, 11574/24, 5144/30, 6417/40, 6418/40, 8380/40, 9974/40, 31586/45, 31587/45;

(ii) the farm Vaalkop No. 76 JQ (formerly No. 730), district of Rustenburg, in extent 1564 morgen 371 square roods, as held by deeds of transfer Nos. 12140/22, 5540/24, 6618/24, 6619/24, 6417/40, 6418/40, 8380/40, 9974/40, 31586/45, 31587/45,

which properties were disposed of to the said MATTHYS JOHANNES HERMANN on the third day of May, 1948, for a consideration of seven thousand six hundred and forty-five rand (R7,645) for the property described in sub-paragraph (i) and ten thousand one hundred and sixty-seven rand (R10,167) for the property described in sub-paragraph (ii);

(b) To the following Bantu in the shares indicated opposite their respective names:

MARTINUS MOLOTSANE	251/2742
ERNST HUMA	251/2742
ABEDNEGO HUMA	251/2742
JOSEF MOLOTSANE	144/2742
CHRISTOF MOLOTSANE	45/2742
MARTHINUS MOLOTSANE	45/2742
NOAH MOKGETI	45/5484
WILLEMINA MOLOTSANE, Spinster	45/5484
PRISCILLA MOLOTSANE, Spinster	45/5484
SOFIA MOLOTSANE, Spinster ..	45/5484
PRISCILLA MOLOTSANE, Widow..	197/2742
HETSERON MOLOTSANE	251/2742
AUGUST MOLOTSANE	251/2742
FRANZINA HUMA, born LESHU, Widow	251/21936
ZACHARIA HUMA	251/21936
JOB TLADI	251/21936
ISMAEL HUMA	251/21936
HERMINA HUMA, Spinster ..	251/21936
PETRUS HUMA	251/21936
WILLEM HUMA	251/21936
SALTIEL HUMA	251/21936
ROSINA MOLOTSANE born RASH- OANYANE, Widow	251/2742
MARTINUS KHUNOU	125/2742
CHRISTOPH KHUNOU	125/5484
SOLOMON KHUNOU	125/5484
TITUS MATHULOE	107/2742
JOHANNA MOLOTSANE Spinster	107/10968

„oefen ook” die woorde „namens en onderworpe aan die voorskrifte van die betrokke stedelike plaaslike bestuur,” in te voeg; en

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

„(4) Die bepalings van sub-artikel (2) word nie so uitgelê dat dit afbreuk doen aan die bevoegdheid, werksaamhede en pligte van ’n stedelike plaaslike bestuur nie ten opsigte van enige aangeleentheid aan ’n stedelike Bantoeraad opgedra, en so ’n opdrag kan, na oorlegpleging met die betrokke Administrateur en met instemming van die Minister, deur die stedelike plaaslike bestuur ingetrek word.”.

29. Artikel *tien* van die Wet op Stedelike Bantoerade, 1961, word hierby gewysig deur aan die end van paragraaf (a) van sub-artikel (1) die woorde „en die kwalifikasies van kandidate vir sodanige verkiesings” by te voeg. Wysiging van artikel 10 van Wet 79 van 1961.

30. (1) Ondanks andersluidende wetsbepalings, word die Registrateur van Aktes, Pretoria, hierby gemagtig om by oorlegging van bewys van betaling van die hereregte, seëlregte en registrasiegelde wat betaalbaar is, en sonder oorlegging van enige titelaktes wat onverkrygbaar is, aktes van transport ten gunste van ondervermelde persone ten opsigte van die hieronder vermelde eiendomme te verly: Magtiging vir die oordrag van sekere plase in die distrikte Rustenburg en Brits.

(a) Aan MATTHYS JOHANNES HERMANN (nou oorlede) ten opsigte van—

(i) sekere gedeelte van die plaas Bulhoek No. 75 JQ (voorheen No. 406), distrik Rustenburg, groot 1176 morg 486 vierkante roede, gehou kragtens aktes van transport Nos. 2893/13, 6619/24, 11574/24, 5144/30, 6417/40, 6418/40, 8380/40, 9974/40, 31586/45, 31587/45;

(ii) die plaas Vaalkop No. 76 JQ (voorheen No. 730), distrik Rustenburg, groot 1564 morg 371 vierkante roede, gehou kragtens aktes van transport Nos. 12140/22, 5540/24, 6618/24, 6619/24, 6417/40, 6418/40, 8380/40, 9974/40, 31586/45, 31587/45, welke eiendomme op die derde dag van Mei 1948 aan bedoelde MATTHYS JOHANNES HERMANN van die hand gesit is teen ’n vergoeding van seweduisend seshonderd vyf-en-veertig rand (R7,645) vir die eiendom beskryf in sub-paragraaf (i) en tienduisend honderd sewe-en-sestig rand (R10,167) vir die eiendom beskryf in sub-paragraaf (ii);

(b) Aan die volgende Bantoes in die aandele teenoor hul onderskeie name aangedui:

MARTINUS MOLOTSANE	251/2742
ERNST HUMA	251/2742
ABEDNEGO HUMA	251/2742
JOSEF MOLOTSANE	144/2742
CHRISTOF MOLOTSANE	45/2742
MARTHINUS MOLOTSANE	45/2742
NOAH MOKGETI	45/5484
WILLEMINA MOLOTSANE, Ongetroude vrou	45/5484
PRISCILLA MOLOTSANE, Ongetroude vrou	45/5484
SOFIA MOLOTSANE, Ongetroude vrou	45/5484
PRISCILLA MOLOTSANE, Weduwee	197/2742
HETSERON MOLOTSANE	251/2742
AUGUST MOLOTSANE	251/2742
FRANZINA HUMA, gebore LESHU, Weduwee	251/21936
ZACHARIAH HUMA	251/21936
JOB TLADI	251/21936
ISMAEL HUMA	251/21936
HERMINA HUMA, Ongetroude vrou	251/21936
PETRUS HUMA	251/21936
WILLEM HUMA	251/21936
SALTIEL HUMA	251/21936
ROSINA MOLOTSANE, gebore RASHOANYANE, Weduwee	251/2742
MARTINUS KHUNOU	125/2742
CHRISTOPH KHUNOU	125/5484
SOLOMON KHUNOU	125/5484
TITUS MATHULOE	107/2742
JOHANNA MOLOTSANE, Ongetroude vrou	107/10968

ROSINA MOLOTSANE, Spinster ..	107/10968
BETUEL MOLOTSANE	107/10968
MARTHINUS MOLOTSANE ..	107/10968

in respect of—

- (i) Certain portion A of the farm Welgevonden No. 202 JQ (formerly No. 267 Rustenburg formerly No. 26), district of Brits, in extent 2174 morgen 500 square roods, as held by deed of transfer No. 2747/1919, which property was disposed of to the said Bantu on the third day of May, 1948 for a consideration of fourteen thousand one hundred and twenty-nine rand (R14,129);
- (ii) Certain portion 11 (a Portion of Portion) of the farm Waaikraal No. 396 JQ (formerly No. 206), district of Rustenburg, in extent 566.5950 morgen, as held by deed of transfer No. 3731/1937, which property was disposed of to the said Bantu on the tenth day of June, 1957, for a consideration of three thousand six hundred and eighty-two rand (R3,682).

(2) For the purpose of executing the deeds of transfer and payment of the transfer duties, stamp duties and registration fees in respect of the properties referred to in sub-section (1), the Secretary for Bantu Administration and Development is hereby authorized to sign any document or declaration which may be required in connection therewith.

Right of a partner to a customary union to claim damages from person unlawfully causing death of other partner.

31. (1) A partner to a customary union as defined in section *thirty-five* of the Native Administration Act, 1927 (Act No. 38 of 1927), shall, subject to the provisions of this section, be entitled to claim damages for loss of support from any person who unlawfully causes the death of the other partner to such union or is legally liable in respect thereof, provided such partner or such other partner is not at the time of such death a party to a subsisting marriage.

(2) No such claim for damages shall be enforceable by any person who claims to be a partner to a customary union with such deceased partner, unless—

(a) such person produces a certificate issued by a Bantu affairs commissioner stating the name of the partner, or in the case of a union with more than one woman, the names of the partners, with whom the deceased partner had entered into a customary union which was still in existence at the time of death of the deceased partner; and

(b) such person's name appears on such certificate.

(3) Where it appears from the certificate referred to in sub-section (2) that the deceased partner was survived by more than one partner to a customary union, all such surviving partners who desire to claim damages for loss of support, shall be joined as plaintiffs in one action.

(4) (a) Where any action is instituted under this section against any person by a partner to a customary union and it appears from the certificate referred to in sub-section (2) that the deceased partner was survived by a partner to a customary union who has not been joined as a plaintiff, such person may serve a notice on such partner who has not been joined as a plaintiff to intervene in the action as a co-plaintiff within a period of not less than fourteen days nor more than one month specified in such notice, and thereupon the action shall be stayed for the period so specified.

(b) If any partner to a customary union upon whom a notice has been served in terms of paragraph (a), fails to intervene in the action within the period specified in such notice or within such extended period as the court on good cause shown may allow, such partner shall be deemed to have abandoned her claim.

(5) If a deceased partner to a customary union is survived by more than one partner to such a union, the aggregate of the amounts of the damages to be awarded to such partners in terms of this section shall under no circumstances exceed the amount which would have been awarded had the deceased partner been survived by only one partner to a customary union.

ROSINA MOLOTSANE, Ongetroude	
VROU	107/10968
BETUEL MOLOTSANE	107/10968
MARTHINUS MOLOTSANE ..	107/10968

ten opsigte van—

- (i) Sekere gedeelte A van die plaas Welgevonden No. 202 JQ (voorheen No. 267 Rustenburg voorheen No. 26), distrik Brits, groot 2174 morg 500 vierkante roede, gehou kragtens akte van transport No. 2747/1919, welke eiendom op die derde dag van Mei 1948 aan bedoelde Bantoes van die hand gesit is vir 'n vergoeding van veertien-duisend honderd nege-en-twintig rand (R14,129);
- (ii) Sekere gedeelte 11 ('n Gedeelte van Gedeelte) van die plaas Waaikraal No. 396 JQ (voorheen No. 206) distrik Rustenburg, groot 566.5950 morg, gehou kragtens akte van transport No. 3731/1937, welke eiendom op die tiende dag van Junie 1957 aan bedoelde Bantoes van die hand gesit is vir 'n vergoeding van drieduisend seshonderd twee-en-tagtig rand (R3,682).

(2) Vir die doeleindes van die verlyding van die aktes van transport en betaling van die hereregte, seëlregte en registrasiegelde ten opsigte van die eiendomme in sub-artikel (1) bedoel, word die Sekretaris van Bantoe-administrasie en -ontwikkeling hierby gemagtig om enige dokument of verklaring wat in verband daarmee nodig is, te teken.

31. (1) 'n Deelgenoot van 'n gebruikelike verbinding soos in artikel vyf-en-dertig van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), omskryf, is, behoudens die bepalinge van hierdie artikel, geregtig om skadevergoeding vir die verlies van onderhoud te eis van enigeen wat wederregtelik die dood van die ander deelgenoot van so 'n verbinding veroorsaak of regtens ten opsigte daarvan aanspreeklik is, mits bedoelde deelgenoot of bedoelde ander deelgenoot nie ten tyde van sodanige dood 'n deelgenoot van 'n bestaande huwelik is nie.

Reg van 'n deelgenoot van gebruikelike verbinding om skadevergoeding te eis van iemand wat wederregtelik die dood van 'n ander deelgenoot veroorsaak.

(2) Geen sodanige eis om vergoeding kan deur iemand wat voorgee 'n deelgenoot van 'n gebruikelike verbinding met so 'n oorlede deelgenoot te wees, afgedwing word nie, tensy—

- (a) bedoelde persoon 'n sertifikaat toon wat uitgereik is deur 'n Bantoesakekommissaris waarin die naam van die deelgenoot of, in die geval van 'n verbinding met meer as een vrou, die name van die deelgenote met wie die oorlede deelgenoot 'n gebruikelike verbinding aangegaan het wat ten tyde van die dood van die oorlede deelgenoot nog bestaan het, vermeld word; en
- (b) bedoelde persoon se naam op so 'n sertifikaat vermeld word.

(3) Waar dit uit die in sub-artikel (2) bedoelde sertifikaat blyk dat die oorlede deelgenoot oorleef is deur meer as een deelgenoot van 'n gebruikelike verbinding, word al sodanige oorlewende deelgenote wat vergoeding vir die verlies van onderhoud wil eis, as eisers in een geding saamgevoeg.

(4) (a) Wanneer 'n geding ingevolge hierdie artikel deur 'n deelgenoot van 'n gebruikelike verbinding teen iemand ingestel word en dit uit die in sub-artikel (2) bedoelde sertifikaat blyk dat die oorlede deelgenoot oorleef is deur 'n deelgenoot van 'n gebruikelike verbinding wat nie as 'n eiser toegevoeg is nie, kan so iemand 'n kennisgewing aan so 'n deelgenoot wat nie as eiser toegevoeg is nie, bestel om as mede-eiser tot die geding toe te tree binne 'n tydperk van minstens veertien dae en hoogstens een maand in bedoelde kennisgewing vermeld en daarop word die geding vir die aldus vermelde tydperk opgeskort.

(b) Indien 'n deelgenoot van 'n gebruikelike verbinding aan wie 'n kennisgewing ingevolge paragraaf (a) bestel is, in gebreke bly om binne die tydperk in die kennisgewing vermeld of binne so 'n langer tydperk as wat die hof om gegronde aangevoerde rede toelaat, tot die geding toe te tree, word dit geag dat so 'n deelgenoot haar eis laat vaar het.

(5) Indien 'n oorlede deelgenoot van 'n gebruikelike verbinding deur meer as een deelgenoot van so 'n verbinding oorleef word, oorskry die totaal van die skadevergoedingsbedrae wat aan bedoelde deelgenote ingevolge hierdie artikel toegestaan word, onder geen omstandighede die bedrag wat toegeken sou geword het indien die oorlede deelgenoot deur slegs een deelgenoot van 'n gebruikelike verbinding oorleef was nie.

(6) A partner to a customary union whose name has been omitted from a certificate issued by a Bantu affairs commissioner in terms of sub-section (2) shall not by reason of such omission have any claim against the Government of the Republic or the Bantu affairs commissioner if such omission was made *bona fide*.

(7) Nothing in this section contained shall be construed as affecting in any manner the procedure prescribed in any other law to be followed in the institution of a claim for damages for loss of support.

References in laws and documents to a native to be construed as references to a Bantu.

32. (1) Any reference in any law or document to a native shall be construed as a reference to a Bantu and any word or expression in any law or document connected with a native shall be construed accordingly.

(2) Unless a contrary intention appears from the terms of any particular law or document, the word "Bantu", for the purposes of the application of sub-section (1), means the same as the word "native" as defined in section one of the Population Registration Act, 1950 (Act No. 30 of 1950).

Short title and commencement.

33. This Act shall be called the Bantu Laws Amendment Act, 1963, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*: Provided that different dates may be fixed for different sections.

First Schedule.

Area No. 50.

DISTRICT OF CAMPERDOWN.

The farm "Rietvallei" No. 851.

Description.—From the south-eastern beacon of sub 45 to the south-eastern beacon of sub 46; thence along the boundaries of the said sub 46, so as to exclude it from this area, to its north-western beacon on the south-eastern boundary of sub 33; thence along the boundaries of the following properties namely subs 33, 170 and 171, so as to include them in this area, to the south-eastern beacon of sub 133 of 28; thence along the eastern and northern boundaries of sub 133 of 28 and the south-eastern boundaries of subs 26 and 27, so as to exclude them from this area, to the western beacon of sub 117 of 28; thence along the boundaries of the said sub 117, so as to exclude it from this area, to the north-western beacon of sub 168 of 28; thence along the boundaries of subs 168 and 153 of 28, so as to exclude them from this area, to the northern beacon of sub 149 of 28; thence along the boundaries of subs 49, 35, 34 and 45, so as to include them in this area, to the first mentioned beacon.

Area No. 51.

DISTRICT OF CAMPERDOWN.

Description.—From the intersection of the north-western boundary of sub C of Hammarsdale No. 6981 with the middle of the Sterkspruit; thence down the middle of the Sterkspruit to its intersection with the eastern boundary of Lot 7 Sterkspruit No. 1605; thence along the boundaries of the following properties, so as to include them in this area: Lot 7 Sterkspruit No. 1605, Waterfrost No. 8120, ZZ No. 9816, A.G. No. 7688, ZA No. 10123, O No. 7528, T No. 8141, Y No. 10937, Feckenham No. 12166, U No. 7249, V No. 7302, W No. 7634, E No. 7633, D No. 11442, C No. 8026 and B No. 6617 to the northern beacon of the said B No. 6617; thence along the western boundaries of the farm Hammarsdale No. 6981 to the intersection first mentioned.

Area No. 52.

DISTRICT OF PINETOWN.

Description.—From the intersection of the south-eastern boundary of M of Kraanskloof No. 867 with the middle of the Umgeni River; thence down the middle of the Umgeni River to its intersection with the eastern boundary of XX of Clermont No. 838; thence along the boundaries of the following properties, so as to include them in this area: viz. XX of Clermont No. 838, Clermont A No. 12118, Christianenburg Township and Clermont A No. 12118, to the intersection of the south-eastern boundary of sub 5 of Kraanskloof Estate No. 13277, with the middle of the Aller River; thence along the boundaries of the following properties so as to exclude them from this area viz. sub 5 of Kraanskloof Estate No. 13277 and M of Kraanskloof No. 867 to the intersection first mentioned.

(6) 'n Deelgenoot van 'n gebruikelike verbinding wie se naam weggelaat is uit 'n sertifikaat wat ingevolge sub-artikel (2) deur 'n Bantoesakekommissaris uitgereik is, het vanweë sodanige weglating geen eis teen die Regering van die Republiek of die Bantoesakekommissaris indien so 'n weglating *bona fide* geskied het nie.

(7) Die bepalinge van hierdie artikel word nie uitgelê asof dit op enige wyse die prosedure raak wat in enige ander wet voorgeskryf word om by die instelling van 'n eis om vergoeding vir verlies van onderhoud gevolg te word nie.

32. (1) 'n Verwysing in 'n wet of dokument na 'n natuurel word as 'n verwysing na 'n Bantoe uitgelê en 'n woord of uitdrukking in 'n wet of dokument wat in verband staan met 'n natuurel word dienoreenkomstig uitgelê.

Verwysings in wette en dokumente na 'n natuurel word as verwysings na 'n Bantoe uitgelê.

(2) Tensy uit die bepalinge van 'n bepaalde wet of dokument 'n ander bedoeling blyk, beteken die woord „Bantoe” vir die doeleindes van die toepassing van sub-artikel (1), dieselfde as die woord „natuurel” soos omskryf in artikel een van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950).

33. Hierdie Wet heet die Wysigingswet op Bantowetgewing, 1963, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal: Met dien verstande dat verskillende datums vir verskillende artikels bepaal kan word.

Kort titel en inwerkingtreding.

Eerste Bylae.

Gebied No. 50.

DISTRIK CAMPERDOWN.

Die plaas „Rietvallei” No. 851.

Omskrywing.—Van die suidoostelike baken van onderverdeling 45 af na die suidoostelike baken van onderverdeling 46; vandaar langs die grense van bedoelde onderverdeling 46, om dit uit hierdie gebied uit te sluit, tot by sy noordwestelike baken op die suidoostelike grens van onderverdeling 33; vandaar langs die grense van die volgende eiendomme naamlik onderverdelings 33, 170 en 171, om hulle in hierdie gebied in te sluit, tot by die suidoostelike baken van onderverdeling 133 van 28; vandaar langs die oostelike en noordelike grense van onderverdeling 133 van 28 en die suidoostelike grense van onderverdelings 26 en 27, om hulle uit hierdie gebied uit te sluit, tot by die westelike baken van onderverdeling 117 van 28; vandaar langs die grense van bedoelde onderverdeling 117, om dit uit hierdie gebied uit te sluit, tot by die noordwestelike baken van onderverdeling 168 van 28; vandaar langs die grense van onderverdelings 168 en 153 van 28, om hulle uit hierdie gebied uit te sluit, tot by die noordelike baken van onderverdeling 149 van 28; vandaar langs die grense van onderverdelings 49, 35, 34 en 45, om hulle in hierdie gebied in te sluit, tot by die eersgenoemde baken.

Gebied No. 51.

DISTRIK CAMPERDOWN.

Omskrywing.—Van die punt af waar die noordwestelike grens van onderverdeling C van Hammarsdale No. 6981 die middellyn van die Sterkspruit kruis; vandaar met die middellyn van die Sterkspruit af tot waar dit die oostelike grens van Perseel 7 Sterkspruit No. 1605 kruis; vandaar met die grense van die volgende eiendomme, om hulle in hierdie gebied in te sluit: Perseel 7 Sterkspruit No. 1605, Waterfrost No. 8120, ZZ No. 9816, AG No. 7688, ZA No. 10123, O No. 7528, T No. 8141, Y No. 10937, Feckenham No. 12166, U No. 7249, V No. 7302, W No. 7634, E No. 7633, D No. 11442, C No. 8026 en B No. 6617, tot by die noordelike baken van bedoelde B No. 6617; vandaar langs die westelike grense van die plaas Hammarsdale No. 6981 tot by die eersvermelde kruising.

Gebied No. 52.

DISTRIK PINETOWN.

Omskrywing.—Van die punt af waar die suidoostelike baken van M van Kraanskloof No. 867 die middellyn van die Umgirivier kruis; vandaar met die middellyn van die Umgirivier af tot waar dit die oostelike grens van XX van Clermont No. 838 kruis; vandaar langs die grense van die volgende eiendomme, om hulle in hierdie gebied in te sluit: naamlik XX van Clermont No. 838, Clermont A No. 12118, Christianen-burgdorp en Clermont A No. 12118 tot waar die suidoostelike grens van onderverdeling 5 van Kraanskloof Estate No. 13277 die middellyn van die Allerrivier kruis; vandaar langs die grense van die volgende eiendomme, om hulle uit hierdie gebied uit te sluit, naamlik onderverdeling 5 van Kraanskloof Estate No. 13277 en M van Kraanskloof No. 867 tot by die eersvermelde kruising.

Area No. 53.

DISTRICTS OF KLIP RIVER AND DUNDEE.

Description.—From the southern beacon of Fitty Park No. 1364 along the boundaries of the following properties, so as to include them in this area: viz. Fitty Park No. 1364, Waayhoek No. 1153, D of ABCDKL of Opmerkzaamheid No. 1394 and ABC of Oliphantskop No. 1259 to the southern beacon of Portion F.G.M.E. of Opmerkzaamheid No. 1394; thence along the boundaries of the following properties so as to exclude them from this area: viz. Portion F.G.M.E. of Opmerkzaamheid No. 1394, Petronella No. 14026, Uitvlucht No. 1156, Spendikron No. 5294 and Uitvlucht No. 1156 to the eastern beacon of Uitvlucht No. 1156, common to it, Omdraai No. 4981, Klip Poort No. 1162, and Vaalkop No. 1164; thence along the boundaries of the following properties so as to include them in this area: viz. Vaalkop No. 1164, sub A of Klip Poort No. 1162, Uitval No. 1244, Vergelegen No. 1157, Somshoek No. 1151, Fairview No. 8290, Baviaan Trap No. 6000, Zondagrivierspoort No. 1361 and Fitty Park No. 1364 to the beacon first mentioned.

Area No. 54.

DISTRICT OF NQUTU.

Description.—From the north-western beacon of Lot 1 Nondweni No. 13709, common to it and Native Reserve No. 18; thence along the eastern and southern boundaries of Native Reserve No. 18 so as to exclude it from this area, to the north-western boundary of Lot 6 Nondweni No. 10878; thence along the boundaries of Lot 6 Nondweni No. 10878, Lot 2 Nondweni No. 12746 and Lot 1 Nondweni No. 13709, so as to exclude them from this area, to the beacon first mentioned.

Second Schedule

Area No. 39.

DISTRICT OF RUSTENBURG.

Description.—The farms Leeuwfontein No. 50 JQ, Nooitgedacht No. 49 JQ, Driefontein No. 48 JQ, Kafferskraal No. 43 JQ, Boekenhoutfontein No. 44 JQ, Buffelskloof No. 52 JQ, Vaalboschlaagte No. 55 JQ, Houwater No. 54 JQ, Buffelshoek of Buffelspan No. 53 JQ, Doornhoek No. 91 JQ, and Waagfontein No. 89 JQ.

Area No. 40.

DISTRICT OF BRITS.

Description.—Commencing at the south-western beacon of Portion 48 of the farm Elandsfontein No. 440 JQ; thence generally north-westwards and westwards along the boundaries of the following portions of the said farm Elandsfontein No. 440 JQ, so as to include them in this area: viz. the said Portion 48, portion a of Portion 5 of Portion B, Portion 41 (a portion of Portion 5 of Portion B), the remainder of Portion 5 of Portion B (in extent 305.4683 morgen), to its most northerly beacon; thence generally south-eastwards along the boundaries of the following portions of the said farm Elandsfontein No. 440 JQ, so as to include them in this area: viz. the said Remainder of Portion 5 of Portion B (in extent 305.4683 morgen), Portion 34, Portion 36 and Portion 35 to its most easterly beacon common to it and the most northerly beacon of Portion (DB 202 Fol. 29) of the farm Schietfontein No. 437 JQ; thence generally eastwards and westwards along the boundaries of the following portions of the said farm Schietfontein No. 437 JQ so as to include them in this area: viz. the said Portion (DB 202 Fol. 29) and Portion 30 to the first named beacon, the point of commencement.

Gebied No. 53.

DISTRIKTE KLIPPRIVIER EN DUNDEE.

Omskrywing.—Van die suidelike baken van Fitty Park No. 1364 af, langs die grense van die volgende eiendomme, om hulle in hierdie gebied in te sluit: naamlik Fitty Park No. 1364, Waayhoek No. 1153, D van ABCDKL van Opmerkzaamheid No. 1394 en ABC van Oliphantskop No. 1259 tot by die suidelike baken van Gedeelte F.G.M.E. van Opmerkzaamheid No. 1394; vandaar langs die grense van die volgende eiendomme, om hulle uit hierdie gebied uit te sluit: naamlik Gedeelte F.G.M.E. van Opmerkzaamheid No. 1394, Petronella No. 14026, Uitvlugth No. 1156, Spendikron No. 5294 en Uitvlugth No. 1156 tot by die oostelike baken van Uitvlugth No. 1156 wat gemeen is daaraan en aan Omdraai No. 4981, Klip Poort No. 1162 en Vaalkop No. 1164; vandaar langs die grense van die volgende eiendomme om hulle in hierdie gebied in te sluit, naamlik Vaalkop No. 1164, onderverdeling A van Klip Poort No. 1162, Uitval No. 1244, Vergelegen No. 1157, Somshoek No. 1151, Fairview No. 8290, Baviaan Trap No. 6000, Zondagrivierspoort No. 1361 en Fitty Park No. 1364 tot by die eersvermelde baken.

Gebied No. 54.

DISTRIK NQUTU.

Omskrywing.—Vanaf die noordwestelike baken van Perseel 1 Nondweni No. 13709, wat gemeen is daaraan en aan Naturelleservaat No. 18; vandaar langs die oostelike en suidelike grense van Naturelleservaat No. 18, om dit uit hierdie gebied uit te sluit, na die noordwestelike grens van Perseel 6 Nondweni No. 10878; vandaar langs die grense van Perseel 6 Nondweni No. 10878, Perseel 2 Nondweni No. 12746 en Perseel 1 Nondweni No. 13709, om hulle uit hierdie gebied uit te sluit, na eersvermelde baken.

Tweede Bylae.

Gebied No. 39.

DISTRIK RUSTENBURG.

Omskrywing.—Die plase Leeuwfontein No. 50 JQ, Nooitgedacht No. 49 JQ, Driefontein No. 48 JQ, Kafferskraal No. 43 JQ, Boekenhoutfontein No. 44 JQ, Buffelskloof No. 52 JQ, Vaalboschlaagte No. 55 JQ, Houwater No. 54 JQ, Buffelshoek of Buffelspan No. 53 JQ, Doornhoek No. 91 JQ en Waagfontein No. 89 JQ.

Gebied No. 40.

DISTRIK BRITS.

Omskrywing.—Begin by die suidwestelike baken van Gedeelte 48 van die plaas Elandsfontein No. 440 JQ; vandaar in 'n algemeen noordwestelike en westelike rigting langs die grense van die volgende gedeeltes van genoemde plaas Elandsfontein No. 440 JQ, om hulle in hierdie gebied in te sluit: naamlik bedoelde Gedeelte 48, gedeelte a van Gedeelte 5 van Gedeelte B, Gedeelte 41 ('n gedeelte van Gedeelte 5 van Gedeelte B), die Restant van Gedeelte 5 van Gedeelte B (305.4683 morg groot), tot by sy noordelike baken; vandaar in 'n algemeen suidoostelike rigting langs die grense van die volgende gedeeltes van bedoelde plaas Elandsfontein No. 440 JQ, om hulle in hierdie gebied in te sluit: naamlik bedoelde Restant van Gedeelte 5 van Gedeelte B (305.4683 morg groot), Gedeelte 34, Gedeelte 36 en Gedeelte 35 tot by sy oostelike baken wat gemeen is daaraan en die noordelike baken van Gedeelte (AB 202 Fol. 29) van die plaas Schietfontein No. 437 JQ; vandaar in 'n algemeen oostelike en westelike rigting langs die grense van die volgende gedeeltes van bedoelde plaas Schietfontein No. 437 JQ, om hulle in hierdie gebied in te sluit: naamlik bedoelde Gedeelte (AB 202 Fol. 29) en Gedeelte 30 tot by die eersvermelde baken, die aanvangspunt.

No. 77, 1963.]

ACT

To amend the Defence Act, 1957.*(Afrikaans text signed by the State President.)
(Assented to 28th June, 1963.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 44 of 1957, as amended by section 1 of Act 12 of 1961 and section 1 of Act 42 of 1961.

1. Section *one* of the Defence Act, 1957 (hereinafter referred to as the principal Act), is hereby amended by the substitution in sub-section (1) for the definition of "commando" of the following definition:

"'commando' means a commando or an air commando established under this Act;".

Amendment of section 3 of Act 44 of 1957.

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

"(2) The South African Defence Force or any portion or member thereof may at all times be employed—

- (a) on service in defence of the Republic;
- (b) on service in the prevention or suppression of internal disorder in the Republic;
- (c) on service in the preservation of life, health or property or the maintenance of essential services; and
- (d) on such police duties as may be prescribed.

(3) A member of the South African Defence Force may, subject to such limitations and restrictions as may be prescribed, be required to serve in any portion of that Force, and any such member serving in any armed service, arm, formation, corps or unit or performing any duty in respect of which a special allowance is prescribed, shall not be entitled to such allowance while serving in any other armed service, arm, formation, corps or unit or performing any other duty.

(4) Any such member who is employed on police duties shall have all such powers and functions as are by law conferred upon or entrusted to a member of the South African Police Force established under the Police Act, 1958 (Act No. 7 of 1958), and shall in respect of acts done or omitted to be done by him be liable to the same extent as he would have been liable in like circumstances if he were a member of the said Force, and shall have the benefit of all the indemnities to which a member of that Force would in like circumstances be entitled."

Amendment of section 4 of Act 44 of 1957.

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

(a) by the insertion in sub-section (2) after the word "shall" of the words "subject to the provisions of sub-sections (2)*bis* and (2)*ter*,"; and by the deletion of the proviso to the said sub-section;

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

"(2)*bis* (a) Nothing in this section shall be construed as requiring any employer to pay any person in his employ any salary or wages in respect of any period during which he is absent from his work for the purpose of undergoing any training or carrying out any service under this Act.

b) Notwithstanding the provisions of sub-sections (1) and (2) and of any other law, no employee who is undergoing any training under this Act and who is by law or in terms of any condition of his employment entitled to increased remuneration, paid sick leave or other paid leave of absence, or, subject to the provisions of sub-paragraph (ii), any similar benefit upon completion of a fixed period or successive fixed periods of employment shall—

No. 77, 1963.]

WET

Tot wysiging van die Verdedigingswet, 1957.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1963.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel een van die Verdedigingswet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig deur in sub-artikel (1) die woordbepaling van „kommando” deur die volgende woordbepaling te vervang:

„„kommando” ’n kragtens hierdie Wet ingestelde kommando of lugkommando;”.

Wysiging van artikel 1 van Wet 44 van 1957, soos gewysig deur artikel 1 van Wet 12 van 1961 en artikel 1 van Wet 42 van 1961.

2. Artikel drie van die Hoofwet word hierby gewysig deur die volgende sub-artikels by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

Wysiging van artikel 3 van Wet 44 van 1957.

„(2) Die Suid-Afrikaanse Weermag of enige deel of lid daarvan kan te alle tye gebruik word—

- (a) in diens ter verdediging van die Republiek;
- (b) in diens ter voorkoming of onderdrukking van binne-landse onluste in die Republiek;
- (c) in diens ter behoud of bewaring van lewens, gesondheid of eiendom of ter instandhouding van noodsaaklike dienste; en
- (d) in verband met polisiepligte wat voorgeskryf word.

(3) ’n Lid van die Suid-Afrikaanse Weermag kan, behoudens die beperkings en voorbehoude wat voorgeskryf word, verplig word om in enige deel van daardie Mag te dien en so ’n lid wat in ’n gewapende diens, weermagsdeel, formasie, korps, of eenheid dien, of pligte uitvoer ten opsigte waarvan ’n spesiale toelae voorgeskryf is, is nie op daardie toelae geregtig terwyl hy in ’n ander gewapende diens, weermagsdeel, formasie, korps of eenheid dien of ander pligte uitvoer nie.

(4) So ’n lid wat in verband met polisiepligte gebruik word, het al die bevoegdhede en werksaamhede wat by wet aan ’n lid van die kragtens die Polisiewet, 1958 (Wet No. 7 van 1958), ingestelde Suid-Afrikaanse Polisiemag verleen of opgedra word, en is ten opsigte van handelingde deur hom gedoen of nagelaat in dieselfde mate aanspreeklik as wat hy onder dergelyke omstandighede aanspreeklik sou gewees het as hy ’n lid van genoemde Mag was, en het die voordeel van al die indemniteite waarop ’n lid van daardie Mag onder dergelyke omstandighede geregtig sou gewees het.”.

3. Artikel vier van die Hoofwet word hierby gewysig—

Wysiging van artikel 4 van Wet 44 van 1957.

(a) deur in sub-artikel (2) na die woord „is” waar dit vir die tweede maal voorkom die woorde „behoudens die bepalings van sub-artikels (2)*bis* en (2)*ter*,” in te voeg; en deur die voorbehoudsbepaling by genoemde sub-artikel te skrap;

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

„(2)*bis* (a) Die bepalings van hierdie artikel word nie so uitgelê dat dit ’n werkgewer verplig om aan iemand in sy diens salaris of loon te betaal ten opsigte van ’n tydperk waartydens hy afwesig is van sy werk ten einde opleiding te ondergaan of diens ingevolge hierdie Wet te verrig nie.

(b) Ondanks die bepalings van sub-artikels (1) en (2) en van enige ander wet, is geen werknemer wat opleiding ingevolge hierdie Wet ondergaan en wat by wet of ingevolge ’n voorwaarde van sy diens geregtig is op verhoogde besoldiging, betaalde siekteverlof of ander betaalde verlof, of, behoudens die bepalings van sub-paragraaf (ii), enige soortgelyke voordeel na voltooiing van ’n bepaalde tydperk of agtereenvolgende bepaalde tydperke van diens—

- (i) have the right to reckon in respect of any one unbroken period of such training more than four months of the absence from his employment occasioned by such training as employment in the determination of such increased remuneration, paid sick leave, or other paid leave of absence or similar benefit as may accrue to him in respect of such employment: Provided that this subparagraph shall not be construed as limiting any longer period which may be determined or fixed by or under any law relating to his employment;
- (ii) be entitled to the grant to him by his employer of paid sick leave in respect of a period falling within the limits of any period of such training, during which he is incapacitated as a result of any injury or illness;
- (iii) claim any such paid sick leave or other paid leave of absence or any other benefit before he has, pursuant to the provisions of this Act, been permitted to resume his employment and has so resumed such employment.

(2)*ter* If an employee referred to in sub-section (2)*bis* is an apprentice as defined in the Apprenticeship Act, 1944 (Act No. 37 of 1944), the provisions of sub-section (1) of section *twenty-six* of that Act shall not apply in respect of a period of not more than four months of the first period and not more than three weeks of any subsequent period of his absence from his employment occasioned by such training during the prescribed period of his apprenticeship."

Repeal of sections 13 and 28 of Act 44 of 1957.

4. Sections *thirteen* and *twenty-eight* of the principal Act are hereby repealed.

Amendment of section 32 of Act 44 of 1957.

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

"(2) The system of commandos mentioned in sub-section (1) may include air commandos for providing air support."

Amendment of section 33 of Act 44 of 1957.

6. Section *thirty-three* of the principal Act is hereby amended by the addition of the following proviso:

"Provided that different regulations may be made in respect of commandos and air commandos."

Amendment of section 38 of Act 44 of 1957.

7. Section *thirty-eight* of the principal Act is hereby amended by the deletion of all the words after the words "South African Defence Force".

Amendment of section 39 of Act 44 of 1957.

8. Section *thirty-nine* of the principal Act is hereby amended by the insertion in sub-sections (1) and (3) after the word "ammunition" of the word "equipment".

Amendment of section 41 of Act 44 of 1957.

9. Section *forty-one* of the principal Act is hereby amended by the insertion after the word "any" of the word "equipment,".

Insertion of section 42*bis* in Act 44 of 1957.

10. The following section is hereby inserted in the principal Act after section *forty-two*:

"Aircraft 42*bis*. The use of aircraft necessary for the for training training of air commandos may be obtained from of air the owners thereof by agreement and against such commandos. compensation and subject to such conditions as the Secretary for Defence in consultation with the Treasury may determine."

Amendment of section 43 of Act 44 of 1957.

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

"(2) A special allowance, of which the amount and conditions of payment shall be prescribed by the Secretary for Defence in consultation with the Treasury, may be paid to any officer of an air commando for the partial defrayment of the cost of his private flying: Provided

- (i) geregtig om ten opsigte van enige een ononderbroke tydperk van bedoelde opleiding meer as vier maande van die afwesigheid van sy werk wat deur bedoelde opleiding veroorsaak is, as diens te reken by die vasstelling van daardie verhoogde besoldiging, betaalde siekteverlof of ander betaalde verlof of soortgelyke voordeel wat aan hom toekom ten opsigte van bedoelde diens nie: Met dien verstande dat hierdie sub-paragraaf nie so uitgelê word dat dit enige langer tydperk vasgestel of bepaal by of kragtens 'n wet wat op sy diens betrekking het, beperk nie;
- (ii) geregtig op die verlening aan hom deur sy werkgever van betaalde siekteverlof ten opsigte van 'n tydperk wat binne die perke van 'n tydperk van bedoelde opleiding val en waartydens hy buite aksie gestel is as 'n gevolg van 'n besering of siekte nie;
- (iii) geregtig om enige sodanige siekteverlof of ander betaalde verlof of enige ander voordeel te eis voordat hy ooreenkomstig die bepalings van hierdie Wet, toegelaat is om sy werk te hervat en hy aldus sy werk hervat het nie.

(2)ter Indien 'n in sub-artikel (2)*bis* bedoelde werknemer 'n vakleerling is soos in die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944), omskryf, is die bepalings van sub-artikel (1) van artikel *ses-en-twintig* van daardie Wet nie van toepassing nie ten opsigte van 'n tydperk van hoogstens vier maande van die eerste tydperk en hoogstens drie weke van enige daaropvolgende tydperk van sy afwesigheid van sy werk veroorsaak deur bedoelde opleiding gedurende die voorgeskrewe tydperk van sy vakleerlingskap."

4. Artikels *dertien* en *agt-en-twintig* van die Hoofwet word hierby herroep. Herroeping van artikels 13 en 28 van Wet 44 van 1957.
5. Artikel *twee-en-dertig* 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 32 van Wet 44 van 1957.
 „(2) Die in sub-artikel (1) genoemde kommandostelsel kan lugkommando's ter voorsiening van lugondersteuning insluit."
6. Artikel *drie-en-dertig* van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by te voeg: Wysiging van artikel 33 van Wet 44 van 1957.
 „Met dien verstande dat verskillende regulasies ten opsigte van kommando's en lugkommando's uitgevaardig kan word."
7. Artikel *agt-en-dertig* van die Hoofwet word hierby gewysig deur al die woorde na die woord „nie", waar dit vir die tweede maal voorkom, te skrap. Wysiging van artikel 38 van Wet 44 van 1957.
8. Artikel *nege-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikels (1) en (3) na die woord „ammunisie" die woord „uitrusting" in te voeg. Wysiging van artikel 39 van Wet 44 van 1957.
9. Artikel *een-en-veertig* van die Hoofwet word hierby gewysig deur na die woord „enige" die woord „uitrusting," in te voeg. Wysiging van artikel 41 van Wet 44 van 1957.
10. Die volgende artikel word hierby in die Hoofwet na artikel *twee-en-veertig* ingevoeg: Invoeging van artikel 42*bis* in Wet 44 van 1957.
 „Vliegtuie 42*bis*. Die gebruik van vliegtuie benodig vir die op-
 vir opleiding leiding van lugkommando's kan van die eienaars
 van lug- daarvan verkry word by ooreenkomstige teen die ver-
 kommando's goeding en onderworpe aan die voorwaardes wat die
 Sekretaris van Verdediging in oorleg met die Tesourie
 bepaal."
11. Artikel *drie-en-veertig* 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 43 van Wet 44 van 1957.
 „(2) 'n Spesiale toelae, waarvan die bedrag en voorwaardes van betaling deur die Sekretaris van Verdediging in oorleg met die Tesourie voorgeskryf moet word, kan betaal word aan 'n offisier van 'n lugkommando ter gedeeltelike dekking van die koste van sy private vlieëry: Met dien ver-

that the Government or any person in the service of the State shall not be liable for any loss or damage resulting from any bodily injury, loss of life or loss of or damage to property or livestock caused by or arising out of or in connection with such private flying.”.

Amendment of section 70 of Act 44 of 1957, as amended by section 10 of Act 42 of 1961.

12. Section *seventy* of the principal Act is hereby amended by the addition at the end of sub-section (3) of the words “or by reason of the exemption of persons from training in terms of section *seventy-four bis*.”.

Insertion of section 74bis in Act 44 of 1957.

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

“Manpower board. 74bis. (1) The Minister of Labour may, in consultation with the Minister—

(a) appoint a manpower board to—

(i) advise the Government in time of peace and war concerning the use of the manpower of the Republic with particular regard to the allocation of the necessary manpower to the South African Defence Force to enable that Force to carry out the tasks assigned to it from time to time;

(ii) determine from time to time, with due regard to the maintenance of the economy of the Republic, which categories or portions of categories of persons employed in or practising any particular profession, industry, trade or occupation, should be exempted from military service or training and submit recommendations in accordance with such determinations to the Minister of Labour, who may, in terms of the powers conferred hereby, direct any exemption board appointed in terms of this Act to authorize the exemption of persons in any such category or portion thereof from such service or training; or

(iii) perform such other duties as the Minister of Labour in consultation with the Minister may assign to it;

(b) abolish the manpower board;

(c) terminate the appointment of any member of the manpower board, and if considered necessary, appoint another person to take his place as a member of the board; and

(d) authorize the manpower board to appoint committees to investigate such matters as the board may deem necessary and report thereon to the board.

(2) The manpower board shall consist of a chairman and as many other members as the Minister of Labour, in consultation with the Minister, may deem necessary to represent the interests of the State, the South African Defence Force, employers and employees.

(3) A member of the manpower board or of a committee appointed in terms of sub-section (1) who is not in the full-time employment of the State, shall be paid such remuneration and allowances in respect of his services as may be determined by the Minister of Labour in consultation with the Minister of Finance.”.

Amendment of section 90 of Act 44 of 1957, as amended by section 11 of Act 12 of 1961.

14. Section *ninety* of the principal Act is hereby amended by the substitution for the words “section *thirteen*” of the words “sub-section (2) of section *three*”.

Amendment of section 92 of Act 44 of 1957, as amended by section 13 of Act 12 of 1961.

15. Section *ninety-two* of the principal Act is hereby amended by the addition of the following sub-section:

“(3) Where the urgency of the circumstances in a magisterial district of the Republic requires the immediate employment of members of the South African Defence Force in support of the South African Police before action can be taken in terms of sub-section (1) or (2), all or some of the members of the Citizen Force or the commandos who are resident in the magisterial district concerned,

stande dat nóg die Regering nóg iemand in die diens van die Staat aanspreeklik is vir enige verlies of skade wat voortspruit uit enige liggaamlike besering, lewensverlies of verlies van of skade aan eiendom of lewende hawe wat veroorsaak word deur of ontstaan uit of in verband met die private vlieëry.”.

12. Artikel *sewentig* van die Hoofwet word hierby gewysig deur aan die end van sub-artikel (3) die woorde „of vanweë die vrystelling van persone van opleiding ingevolge artikel *vier-en-sewentig bis*.” by te voeg.

Wysiging van artikel 70 van Wet 44 van 1957, soos gewysig deur artikel 10 van Wet 42 van 1961.

13. Die volgende artikel word hierby in die Hoofwet na artikel *vier-en-sewentig* ingevoeg:

Invoeging van artikel 74bis in Wet 44 van 1957.

„Mannekrag- 74bis. (1) Die Minister van Arbeid kan, in oorleg met die Minister—

(a) 'n mannekragraad aanstel om—

- (i) in vredes- en oorlogstyd die Regering van advies te dien oor die gebruik van die mannekrag van die Republiek, met besondere aandag aan die toewysing van die nodige mannekrag aan die Suid-Afrikaanse Weermag om daardie Mag in staat te stel om die take wat van tyd tot tyd aan hom opgedra word, uit te voer;
- (ii) met behoorlike inagneming van die instandhouding van die ekonomie van die Republiek, van tyd tot tyd te bepaal watter kategorieë of dele van kategorieë van persone wat in enige bepaalde beroep, nywerheid, bedryf of nering werksaam is of dit beoefen, van militêre diens of opleiding vrygestel behoort te word en ooreenkomstig daardie bepalings aanbevelings voor te lê aan die Minister van Arbeid, wat ingevolge die bevoegdhede hierby verleen, enige vrystellingsraad wat kragtens hierdie Wet aangestel is, kan gelas om die vrystelling van persone in enige sodanige kategorie of deel daarvan van sodanige diens of opleiding te magtig; of
- (iii) die ander pligte uit te voer wat die Minister van Arbeid in oorleg met die Minister aan hom opdra;

(b) die mannekragraad afskaf;

(c) die aanstelling van 'n lid van die mannekragraad beëindig en, indien dit nodig geag word, 'n ander persoon aanstel om sy plek as lid van die raad te vul; en

(d) die mannekragraad magtig om komitees aan te stel om die aangeleenthede te ondersoek wat die raad nodig ag en daarvoor aan die raad verslag te doen.

(2) Die mannekragraad bestaan uit 'n voorsitter en soveel ander lede as wat die Minister van Arbeid, in oorleg met die Minister, nodig ag om die belange van die Staat, die Suid-Afrikaanse Weermag, werkgewers en werknemers te verteenwoordig.

(3) Daar word aan 'n lid van die mannekragraad of van 'n komitee ingevolge sub-artikel (1) aangestel, wat nie in die voltydse diens van die Staat is nie, die besoldiging en toelaes ten opsigte van sy dienste betaal wat die Minister van Arbeid in oorleg met die Minister van Finansies bepaal.”.

14. Artikel *negentig* van die Hoofwet word hierby gewysig deur die woorde „artikel *dertien*” deur die woorde „sub-artikel (2) van artikel *drie*” te vervang.

Wysiging van artikel 90 van Wet 44 van 1957, soos gewysig deur artikel 11 van Wet 12 van 1961.

15. Artikel *twee-en-negentig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg:

Wysiging van artikel 92 van Wet 44 van 1957, soos gewysig deur artikel 13 van Wet 12 van 1961.

„(3) Waar die omstandighede in 'n landdrosdistrik van die Republiek sodanig is dat dit dringend nodig is om lede van die Suid-Afrikaanse Weermag onmiddellik in diens te stel ter ondersteuning van die Suid-Afrikaanse Polisie voordat ingevolge sub-artikel (1) of (2) opgetree kan word, kan al of sommige van die lede van die Burgermag of die kommando's wat in die betrokke landdrosdistrik woonagtig is, in

may, in anticipation of such action, in such manner as may be deemed expedient, be called out for the service mentioned in sub-section (1) and any action under this sub-section shall have the same force and effect as any corresponding action by the State President under sub-section (1) but shall not remain in force in any case for longer than twenty-four hours."

Amendment of section 92*bis* of Act 44 of 1957, as inserted by section 14 of Act 12 of 1961.

16. Section *ninety-two bis* of the principal Act is hereby amended by the substitution in sub-section (1) for the word "*ninety-two*," of the words "sub-section (1) or (2) of section *ninety-two* or called out for service under sub-section (3) of section *ninety-two*."

Substitution of section 92*ter* of Act 44 of 1957, as inserted by section 14 of Act 12 of 1961.

17. The following section is hereby substituted for section *ninety-two ter* of the principal Act:

"Persons performing services or undergoing training may be employed in terms of section 3(2) of this Act. 92*ter*. Notwithstanding the provisions of section *ninety-two*, a member of the Citizen Force or the Reserve or a commando who is performing any service or duty or undergoing training in any portion of the South African Defence Force may at any time be employed as provided by sub-section (2) of section *three* and any such employment shall in relation to any such member have the same force and effect as if such member had been called out in terms of section *ninety-one* or *ninety-two*: Provided that—

- (a) no service under this section in defence of the Republic shall extend for a period of more than four days beyond the termination of the time which would have been occupied by the service, duty or training which the member is performing or undergoing; and
- (b) no service under this section in the prevention or suppression of internal disorder in the Republic or in the preservation of life, health or property or the maintenance of essential services shall extend for a period of more than seven days beyond the termination of the time which would have been occupied by the service, duty or training which the member is performing or undergoing."

Amendment of section 96 of Act 44 of 1957.

18. Section *ninety-six* of the principal Act is hereby amended by the substitution in sub-section (1) for the word "*ninety-two*" of the words "sub-section (1) of section *ninety-two*".

Amendment of section 97 of Act 44 of 1957.

19. Section *ninety-seven* of the principal Act is hereby amended by the deletion of paragraph (h) of sub-section (1).

Amendment of section 98 of Act 44 of 1957, as amended by section 11 of Act 42 of 1961.

20. Section *ninety-eight* of the principal Act is hereby amended by the insertion in sub-section (1) after the word "and" of the words "subject to a directive in terms of sub-paragraph (ii) of paragraph (a) of sub-section (1) of section *seventy-four bis*,".

Amendment of section 103 of Act 44 of 1957.

21. Section *one hundred and three* of the principal Act is hereby amended:

- (a) by the insertion in sub-section (1) after the word "arisen" of the words "or might arise"; and
- (b) by the deletion in sub-paragraph (iii) of paragraph (a) of sub-section (2) of all the words from "but" up to and including the word "imprisonment" where it occurs for the second time.

Amendment of section 108 of Act 44 of 1957.

22. Section *one hundred and eight* of the principal Act is hereby amended by the substitution for the words "member of the Permanent Force, or any other member of the South African Defence Force called out for service in terms of Chapter X" of the words "person to whom the Military Discipline Code applies,".

Amendment of section 121 of Act 44 of 1957.

23. Section *one hundred and twenty-one* of the principal Act is hereby amended—

- (a) by the insertion in paragraph (a) after the word "Force" where it occurs for the first time of the words "or any auxiliary service, voluntary nursing service or civilian protective service established under this Act," and after the word "Force" where it occurs for the second time of the words "or service,"; and
- (b) by the insertion in paragraph (b) after the word "Force" wherever it occurs of the words "or service".

afwagting van sodanige optrede en op die wyse wat dienstig geag word, opgeroep word vir die in sub-artikel (1) genoemde diens en enige optrede kragtens hierdie sub-artikel het dieselfde krag en uitwerking as enige ooreenstemmende optrede deur die Staatspresident kragtens sub-artikel (1), maar dit bly in iedere geval nie vir langer as vier-en-twintig uur van krag nie."

16. Artikel *twee-en-negentig bis* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „*twee-en-negentig*” deur die woorde „sub-artikel (1) of (2) van artikel *twee-en-negentig*” te vervang; en deur in genoemde sub-artikel na die woord „diens” die woorde „of ingevolge sub-artikel (3) van artikel *twee-en-negentig* vir diens” in te voeg.

Wysiging van artikel 92*bis* van Wet 44 van 1957, soos deur artikel 14 van Wet 12 van 1961 ingevoeg.

17. Artikel *twee-en-negentig ter* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 92*ter* van Wet 44 van 1957, soos ingevoeg deur artikel 14 van Wet 12 van 1961.

„Persone wat diens doen of opleiding ondergaan kan ingevolge artikel 3(2) van hierdie Wet in diens gestel word.
92*ter*. Ondanks die bepalings van artikel *twee-en-negentig* kan ’n lid van die Burgermag of die Reserwe of ’n kommando wat enige diens of pligte verrig of opleiding ondergaan by enige deel van die Suid-Afrikaanse Weermag, te eniger tyd in diens gestel word soos in sub-artikel (2) van artikel *drie* bepaal, en so ’n indiensstelling het met betrekking tot so ’n lid dieselfde krag en uitwerking asof daardie lid kragtens artikel *een-en-negentig* of *twee-en-negentig* opgeroep was: Met dien verstande dat—

- (a) geen diens ingevolge hierdie artikel ter verdediging van die Republiek langer as vier dae voortduur na die verstryking van die tyd wat die diens, pligte of opleiding wat die lid verrig of ondergaan, sou geduur het nie; en
- (b) geen diens ingevolge hierdie artikel in verband met die voorkoming of onderdrukking van binne-landse onluste in die Republiek of die behoud of bewaring van lewens, gesondheid of eiendom of die instandhouding van noodsaaklike dienste, langer as sewe dae voortduur na die verstryking van die tyd wat die diens, pligte of opleiding wat die lid verrig of ondergaan, sou geduur het nie."

18. Artikel *ses-en-negentig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „*twee-en-negentig*” deur die woorde „sub-artikel (1) van artikel *twee-en-negentig*” te vervang.

Wysiging van artikel 96 van Wet 44 van 1957.

19. Artikel *sewe-en-negentig* van die Hoofwet word hierby gewysig deur paragraaf (h) van sub-artikel (1) te skrap.

Wysiging van artikel 97 van Wet 44 van 1957.

20. Artikel *agt-en-negentig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woord „en” die woorde „met inagneming van ’n lasgewing ingevolge sub-paragraaf (ii) van paragraaf (a) van sub-artikel (1) van artikel *vier-en-sewentig bis*,” in te voeg.

Wysiging van artikel 98 van Wet 44 van 1957, soos gewysig deur artikel 11 van Wet 42 van 1961.

21. Artikel *honderd-en-drie* van die Hoofwet word hierby gewysig—

Wysiging van artikel 103 van Wet 44 van 1957.

- (a) deur aan die end van sub-artikel (1) die woorde „of kan ontstaan.” by te voeg; en
- (b) deur in sub-paragraaf (iii) van paragraaf (a) van sub-artikel (2) al die woorde vanaf „maar” tot en met „nie”, waar dit die tweede maal voorkom, te skrap.

22. Artikel *honderd-en-agt* van die Hoofwet word hierby gewysig deur die woorde „lid van die Staande Mag of ’n ander lid van die Suid-Afrikaanse Weermag wat kragtens Hoofstuk X tot diens opgeroep is” deur die woorde „persoon op wie die Reglement van Dissipline van toepassing is,” te vervang.

Wysiging van artikel 108 van Wet 44 van 1957.

23. Artikel *honderd een-en-twintig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 121 van Wet 44 van 1957.

- (a) deur in paragraaf (a) na die woord „Weermag” die woorde „of ’n hulpdien, vrywillige verpleegdiens of burgerlike beskermingsdiens kragtens hierdie Wet ingestel,” en na die woord „Mag” die woorde „of diens” in te voeg; en
- (b) deur in paragraaf (b) na die woord „Mag” oral waar dit voorkom die woorde „of diens” in te voeg.

Amendment of section 122 of Act 44 of 1957.

24. Section *one hundred and twenty-two* of the principal Act is hereby amended by the insertion in paragraph (a) of sub-section (1) after the word "Force" of the words "or any auxiliary service, voluntary nursing service or civilian protective service established under this Act".

Amendment of section 123 of Act 44 of 1957.

25. Section *one hundred and twenty-three* of the principal Act is hereby amended by the insertion after the word "Force" of the words "or any auxiliary service, voluntary nursing service or civilian protective service established under this Act".

Insertion of section 144bis in Act 44 of 1957.

26. The following section is hereby inserted in the principal Act after section *one hundred and forty-four*:

"Compulsory immunisation and prophylaxis.

144bis. (1) Any member of the South African Defence Force or any auxiliary service, voluntary nursing service or civilian protective service established under this Act may be required to submit to and if so required shall submit to immunisation or prophylaxis against such communicable, infectious or epidemic illness as may be determined from time to time by a prescribed authority.

(2) Such immunisation or prophylaxis may be carried out by means of vaccination or injection with, or oral administration of, the specific antigen or prophylactic medicament determined for the purpose by a registered medical officer."

Amendment of section 145 of Act 44 of 1957, as amended by section 18 of Act 80 of 1959 and section 23 of Act 12 of 1961.

27. Section *one hundred and forty-five* of the principal Act is hereby amended by the deletion in sub-paragraph (ii) of paragraph (a) of sub-section (1) of the words "other than a member of the Permanent Force Reserve,".

Amendment of section 146 of Act 44 of 1957, as amended by section 24 of Act 12 of 1961.

28. Section *one hundred and forty-six* of the principal Act is hereby amended by the deletion in sub-section (1) of the words "(other than a member of the Permanent Force Reserve)".

Amendment of section 148 of Act 44 of 1957.

29. Section *one hundred and forty-eight* of the principal Act is hereby amended by the insertion after the word "forces" of the words "or any auxiliary service established under this Act,".

Amendment of section 149bis of Act 44 of 1957, as inserted by section 25 of Act 12 of 1961.

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

"(1) The Government or any person in the service of the State shall not be liable (except in the case of any wilful act or omission on the part of any such person) to any person, irrespective of whether that person is referred to in paragraph (a), (b) or (c) of sub-section (3) of section *seventy-six* or not (except any person who is an officer or employee of the State acting in the execution of his duty as such), who makes use of any vehicle, aircraft or vessel which is the property of the State in its Department of Defence or to whom services are rendered by the said Department or who makes use of any other property of the State in its Department of Defence, or to the spouse, or any parent, child or other dependant of any such person, for any loss or damage resulting from any bodily injury, loss of life or loss of or damage to property caused by or arising out of or in any way connected with the use of any such vehicle, aircraft or vessel, or the said services or the use of any such other property."

Substitution in Act 44 of 1957 for "Governor-General" and "Union" of "State President" and "Republic" respectively.

31. The principal Act is hereby amended by the substitution for the words "Governor-General" and "Union" wherever they occur of the words "State President" and "Republic" respectively.

Short title.

32. This Act shall be called the Defence Amendment Act, 1963.

24. Artikel *honderd twee-en-twintig* van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (1) na die woord „Weermag” die woorde „of ’n hulpdiens, vrywillige verpleegdiens of burgerlike beskermingsdiens kragtens hierdie Wet ingestel” in te voeg. Wysiging van artikel 122 van Wet 44 van 1957.
25. Artikel *honderd drie-en-twintig* van die Hoofwet word hierby gewysig deur na die woord „Weermag” die woorde „of ’n hulpdiens, vrywillige verpleegdiens of burgerlike beskermingsdiens kragtens hierdie Wet ingestel” in te voeg. Wysiging van artikel 123 van Wet 44 van 1957.
26. Die volgende artikel word hierby in die Hoofwet na artikel *honderd vier-en-veertig* ingevoeg:

„Verpligte immunisering en profilakse.

144bis. (1) ’n Lid van die Suid-Afrikaanse Weermag of ’n hulpdiens, vrywillige verpleegdiens of burgerlike beskermingsdiens kragtens hierdie Wet ingestel, kan aangesê word om hom te onderwerp aan, en wanneer hy aldus aangesê word, moet hy homself onderwerp aan, immunisering of profilakse teen die oordraagbare, aansteeklike of epidemiese siekte wat van tyd tot tyd deur ’n voorgeskrewe owerheid bepaal word.
(2) Bedoelde immunisering of profilakse kan uitgevoer word by wyse van inenting of inspuiting met of mondelike toediening van die spesifieke antigeen of profilaktiese medisyne vir die doel deur ’n geregistreerde geneeskundige beampte bepaal.”

Invoeging van artikel 144bis in Wet 44 van 1957.
27. Artikel *honderd vyf-en-veertig* van die Hoofwet word hierby gewysig deur in sub-paragraaf (ii) van paragraaf (a) van sub-artikel (1) die woorde „wat nie lid van die Staandemagreserwe is nie” te skrap. Wysiging van artikel 145 van Wet 44 van 1957, soos gewysig deur artikel 18 van Wet 80 van 1959 en artikel 23 van Wet 12 van 1961.
28. Artikel *honderd ses-en-veertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „(uitgesonderd ’n lid van die Staandemagreserwe)” te skrap. Wysiging van artikel 146 van Wet 44 van 1957, soos gewysig deur artikel 24 van Wet 12 van 1961.
29. Artikel *honderd agt-en-veertig* van die Hoofwet word hierby gewysig deur na die woord „magte” die woorde „enige hulpdiens kragtens hierdie Wet ingestel” in te voeg. Wysiging van artikel 148 van Wet 44 van 1957.
30. Artikel *honderd nege-en-veertig bis* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:
„(1) Die Regering of iemand in diens van die Staat is nie aanspreeklik nie (behalwe in die geval van ’n opsetlike handeling of versuim aan die kant van so iemand) teenoor iemand, ongeag of daardie iemand in paragraaf (a), (b) of (c) van sub-artikel (3) van artikel *ses-en-sewentig* bedoel word of nie (uitgesonderd iemand wat ’n beampte of werknemer van die Staat is en wat in die uitvoering van sy pligte as sodanig optree), wat gebruik maak van ’n voertuig, vliegtuig of vaartuig wat die eiendom van die Staat in sy Departement van Verdediging is of aan wie dienste deur genoemde Departement gelewer word of wat van ander eiendom van die Staat in sy Departement van Verdediging gebruik maak, of teenoor die eggenoot, of ’n ouer, kind of ander afhanklike van so iemand, vir enige verlies of skade ten gevolge van liggaamlike besering, lewensverlies of verlies van of skade aan eiendom wat veroorsaak word deur of voortspruit uit of op enige wyse in verband staan met die gebruik van so ’n voertuig, vliegtuig of vaartuig, of bedoelde dienste, of die gebruik van enige sodanige ander eiendom.” Wysiging van artikel 149bis van Wet 44 van 1957, soos ingevoeg deur artikel 25 van Wet 12 van 1961.
31. Die Hoofwet word hierby gewysig deur die woorde „Goewerneur-generaal” en „Unie” oral waar hulle voorkom deur onderskeidelik die woorde „Staatspresident” en „Republiek” te vervang. Vervanging in Wet 44 van 1957 van „Goewerneur-generaal” en „Unie” deur onderskeidelik „Staatspresident” en „Republiek”.
32. Hierdie Wet heet die Wysigingswet op Verdediging, 1963. Kort titel.

No. 78, 1963.]

ACT

To amend the Mental Disorders Act, 1916.

(English text signed by the State President.)
(Assented to 28th June, 1963.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of
section 8 of
Act 38 of 1916.

1. Section *eight* of the Mental Disorders Act, 1916 (hereinafter referred to as the principal Act), is hereby amended by the deletion of sub-sections (3) and (5).

Amendment of
section 15 of
Act 38 of 1916.

2. Section *fifteen* of the principal Act is hereby amended—
- (a) by the deletion of sub-section (1);
 - (b) by the substitution in sub-section (2) for the words “the patient” where they occur for the first time of the words “a patient in relation to whom a reception order has been issued”, the deletion in that sub-section of the word “also” and the substitution in that sub-section for the words “as aforesaid” of the words “to the official *curator ad litem*”; and
 - (c) by the deletion of sub-sections (3), (5) and (6).

Amendment of
section 16 of
Act 38 of 1916.

3. Section *sixteen* of the principal Act is hereby amended by the deletion of the words “order, depositions and” and of the words “depositions and statements” where they occur for the first time and the substitution for the words “the order with all such reports, depositions and statements” of the words “such reports”.

Amendment of
section 18 of
Act 38 of 1916.

4. Section *eighteen* of the principal Act is hereby amended—
- (a) by the substitution in sub-section (1) for the words “a reception order, application, reports, and any evidence of mental disorder or defectiveness therein appearing submitted” of the words “the evidence of mental disorder or defectiveness as contained in the medical reports referred to in sub-sections (2) and (4) of section *fifteen* submitted to him”; and
 - (b) by the deletion in sub-section (2) of all the words after the word “patient”.

Amendment of
section 25 of
Act 38 of 1916,
as amended by
section 11 of
Act 7 of 1944.

5. Section *twenty-five* of the principal Act is hereby amended—
- (a) by the insertion in sub-section (1) after the word “shall” of the words “except in the case of any such patient detained in a Government institution who is not in the medical care of the superintendent of such institution”;
 - (b) by the addition at the end of that sub-section of the following paragraph, the existing sub-section becoming paragraph (a):
“(b) In the case of any such patient detained in a Government institution who is not in the medical care of the superintendent of such institution, such superintendent shall arrange for reports as contemplated in paragraph (a) to be submitted to him.”;
 - (c) by the substitution in sub-section (3) for the words “may, if not satisfied with such report” of the words “or, as the case may be, the superintendent of the institution in question, may, if not satisfied with any such report submitted to him”; and
 - (d) by the insertion in sub-section (4) after the word “reports” of the words “submitted to him,” and after the word “Commissioner” of the words “or such superintendent, as the case may be”.

Amendment of
section 44 of
Act 38 of 1916,
as amended by
section 21 of
Act 7 of 1944.

6. Section *forty-four* of the principal Act is hereby amended—
- (a) by the substitution for the words preceding the proviso of the following:
“The superintendent of an institution may upon a written application by the patient or (if he is a minor)

No. 78, 1963.]

WET

Tot wysiging van die „Wet op Geestesgebreken, 1916”.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1963.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel *agt* van die „Wet op Geestesgebreken, 1916” (hieronder die Hoofwet genoem), word hierby gewysig deur sub-artikels (3) en (5) te skrap. Wysiging van artikel 8 van Wet 38 van 1916.
2. Artikel *vyftien* van die Hoofwet word hierby gewysig— Wysiging van artikel 15 van Wet 38 van 1916.
 - (a) deur sub-artikel (1) te skrap;
 - (b) deur in sub-artikel (2) die woorde „de patient” waar hulle die eerste maal voorkom deur die woorde „een patient met betrekking tot wie een opnemingsorder verleend is” te vervang, die woord „tevens” en die woorde „als voormeld toezenden” te skrap en na die woord „aanhouding” die woorde „aan de officiële *curator ad litem* toezenden”; en
 - (c) deur sub-artikels (3), (5) en (6) te skrap.
3. Artikel *sestien* van die Hoofwet word hierby gewysig deur die woorde „order, afgelegde verklaringen en”, die woorde „verklaringen en opgaven” op beide plekke waar hulle voorkom en die woorde „order tezamen met alle” te skrap. Wysiging van artikel 16 van Wet 38 van 1916.
4. Artikel *agtien* van die Hoofwet word hierby gewysig— Wysiging van artikel 18 van Wet 38 van 1916.
 - (a) deur in sub-artikel (1) die woorde „een opnemingsorder, applikatie en rapporten, door de officiële *curator ad litem* aan hem voorgelegd, en van enige bewijzen van krenking of gebrekkigheid van geest waarvan uit die stukken mocht blijken” deur die woorde „de bewijzen van krenking of gebrekkigheid van geest zoals vervat in de in sub-artikels (2) en (4) van artikel *vijftien* bedoelde geneeskundige rapporten door de officiële *curator ad litem* aan hem voorgelegd” te vervang; en
 - (b) deur in sub-artikel (2) al die woorde na die woord „staat” te skrap.
5. Artikel *vyf-en-twintig* van die Hoofwet word hierby gewysig— Wysiging van artikel 25 van Wet 38 van 1916, soos gewysig deur artikel 11 van Wet 7 van 1944.
 - (a) deur in sub-artikel (1) na die woord „heeft” die woorde „behalve in het geval van zulk een patient die in een regeringsinrichting aangehouden wordt en niet in de geneeskundige zorg van de superintendent van die inrichting is” in te voeg;
 - (b) deur aan die end van daardie sub-artikel die volgende paragraaf by te voeg, terwyl die bestaande sub-artikel paragraaf (a) word:
„(b) In het geval van zulk een patient die in een regeringsinrichting aangehouden wordt en niet in de geneeskundige zorg van de superintendent van die inrichting is, treft die superintendent maatregelen voor het voorleggen aan hem van rapporten zoals in paragraaf (a) beoogd.”;
 - (c) deur in sub-artikel (3) die woorde „niet tevreden is met het rapport” deur die woorde „of, naar gelang van het geval, de superintendent van de betrokken inrichting, niet met zulk een aan hem voorgelegd rapport tevreden is” te vervang; en
 - (d) deur in sub-artikel (4) na die woord „verdere” die woorde „aan hem voorgelegde” en na die woord „Kommissaris” die woorde „of die superintendent, naar gelang van het geval” in te voeg.
6. Artikel *vier-en-veertig* van die Hoofwet word hierby gewysig— Wysiging van artikel 44 van Wet 38 van 1916, soos gewysig deur artikel 21 van Wet 7 van 1944.
 - (a) deur die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende te vervang:
„De superintendent van een inrichting kan op een schriftelijke applikatie door de patient of (indien hij

by him and his guardian, receive and lodge as a boarder any person who is desirous of submitting voluntarily to treatment but whose mental condition is not such as to justify the issue of a certificate of mental disorder or defectiveness—

- (a) in the case of an institution other than a licensed institution, for the period specified in the application; or
- (b) in the case of a licensed institution, for a period not exceeding fourteen days or such longer period (not exceeding the period specified in the application) as may be approved by the Commissioner within the said period of fourteen days;";
- (b) by the deletion of paragraph (1) of the proviso;
- (c) by the insertion in paragraph (4) of the proviso after the word "boarders" of the words "in a licensed institution" and the substitution in that paragraph for the words "in the forms prescribed" of the words "in writing by the superintendent of such institution;"; and
- (d) by the substitution in paragraph (5) of the proviso for the words following the word "specified" of the words "in the relevant application, unless a further application is made in respect of the patient concerned in terms of this section and (in the case of a patient in a licensed institution) the Commissioner has authorized the patient to be lodged as a boarder in that institution in terms of such further application".

Amendment of section 44*bis* of Act 38 of 1916, as inserted by section 2 of Act 14 of 1961.

7. Section *forty-four bis* of the principal Act is hereby amended by the insertion after the word "thereat" of the words "or elsewhere".

Amendment of section 49 of Act 38 of 1916, as substituted by section 23 of Act 7 of 1944.

8. Section *forty-nine* of the principal Act is hereby amended by the substitution in sub-section (7) for the words "an institution" of the words "a licensed institution".

Amendment of section 50 of Act 38 of 1916, as substituted by section 23 of Act 7 of 1944.

9. Section *fifty* of the principal Act is hereby amended by the insertion in paragraph (a) of sub-section (2) after the word "appears" of the words "to the superintendent of an institution or (in the case of a person detained in a licensed institution)".

Amendment of section 63 of Act 38 of 1916.

10. Section *sixty-three* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "notice of discharge" of the words "certificate of the superintendent of the institution in which he was detained or, in the case of a patient detained elsewhere than in a Government institution, of the person in whose medical care he was"; and
- (b) by the substitution for sub-section (2) of the following sub-section:
 "(2) Any certificate issued under sub-section (1) shall be sent to the Master by the superintendent of the institution or the person in charge of the place in which the patient was detained."

Amendment of section 87 of Act 38 of 1916, as amended by section 31 of Act 7 of 1944, section 7 of Act 37 of 1957 and section 5 of Act 14 of 1961.

11. Section *eighty-seven* of the principal Act is hereby amended—

- (a) by the insertion after the definition of "medical practitioner" of the following definition:
 "'medical superintendent' means the medical superintendent of a government institution and includes a psychiatrist employed at such an institution acting under the authority of the medical superintendent of that institution;";
- (b) by the deletion of the definition of "physician superintendent"; and
- (c) by the insertion after the definition of "prescribed" of the following definition:

minderjarig is) door hem en zijn voogd, iemand die zich vrijwillig aan behandeling wenst te onderwerpen doch wiens geestestoestand niet van dien aard is dat de uitreiking van een certificaat van geestelijke krenking of gebrekkigheid gerechtvaardigd zou zijn, als verpleegde opnemen en huisvesten—

- (a) in het geval van een andere inrichting dan een gelicentieerde inrichting, voor het tijdvak in de applikatie vermeld; of
- (b) in het geval van een gelicentieerde inrichting, voor een tijdvak van hoogstens veertien dagen of zulk een langer tijdvak (het tijdvak in de applikatie vermeld niet te boven gaande) als binnen bedoeld tijdvak van veertien dagen door de Kommissaris mocht worden goedgekeurd;"
- (b) deur paragraaf (1) van die voorbehoudsbepaling te skrap;
- (c) deur in paragraaf (4) van die voorbehoudsbepaling na die woord „verpleegden” die woorde „in een gelicentieerde inrichting” in te voeg en die woorde „in de voorgeschreven vorm” deur die woorde „door de superintendent van die inrichting schriftelik” te vervang; en
- (d) deur in paragraaf (5) van die voorbehoudsbepaling die woorde na die woord „tijdvak” deur die woorde „in de betrokken applikatie vermeld, ontslagen, tenzij een verdere applikatie ingevolge dit artikel ten opzichte van de betrokken patient gemaakt wordt en (in het geval van een patient in een gelicentieerde inrichting) de Kommissaris het huisvesten van de patient als verpleegde in die inrichting overeenkomstig die verdere applikatie gemagtigd heeft” te vervang.

7. Artikel *vier-en-veertig bis* van die Hoofwet word hierby gewysig deur na die woord „aldaar” die woorde „of elders” in te voeg.

Wysiging van artikel 44bis van Wet 38 van 1916, soos ingevoeg deur artikel 2 van Wet 14 van 1961.

8. Artikel *nege-en-veertig* van die Hoofwet word hierby gewysig deur in sub-artikel (7) die woorde „een inrichting” deur die woorde „een gelicentieerde inrichting” te vervang.

Wysiging van artikel 49 van Wet 38 van 1916, soos vervang deur artikel 23 van Wet 7 van 1944.

9. Artikel *vyftig* van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (2) na die woord „Indien” die woorde „de superintendent van een inrichting of (in het geval van iemand die in een gelicentieerde inrichting aangehouden word)” in te voeg.

Wysiging van artikel 50 van Wet 38 van 1916, soos vervang deur artikel 23 van Wet 7 van 1944.

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

Wysiging van artikel 63 van Wet 38 van 1916.

- (a) deur in sub-artikel (1) die woorde „de kennisgeving van ontslag” deur die woorde „het certifikaat van de superintendent van de inrichting waarin hij aangehouden was of, in het geval van een patient elders dan in een Staatsinrichting aangehouden, van de persoon onder wiens geneeskundig toezicht hij was” te vervang; en
- (b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:
„(2) Een krachtens sub-artikel (1) uitgereikt certifikaat word deur de superintendent van de inrichting of de persoon in bevel van de plaats waar de patient aangehouden was, de Meester toegezonden.”.

11. Artikel *sewe-en-tagtig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 87 van Wet 38 van 1916, soos gewysig deur artikel 31 van Wet 7 van 1944, artikel 7 van Wet 37 van 1957 en artikel 5 van Wet 14 van 1961.

- (a) deur na die omskrywing van „geneeskundige praktizijn” die volgende omskrywing in te voeg:
„betkent „geneeskundige superintendent” de geneeskundige superintendent van een regeringsinrichting en ook een psichiater aan zulk een inrichting werkzaam, handelende op gezag van de geneeskundige superintendent van die inrichting;”;
- (b) deur die omskrywing van „geneesheer-bestuurder” te skrap; en
- (c) deur na die omskrywing van „voorgeschreven” die volgende omskrywing in te voeg:

“‘psychiatrist’ means a medical practitioner whose speciality in psychiatry has been registered under section *fifteen* of the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928);”.

Construction of references to physician superintendent in Act 38 of 1916.

12. Subject to the provisions of paragraph (b) of section *eleven* of this Act, any reference in the principal Act to a physician superintendent shall be construed as a reference to a medical superintendent.

Short title.

13. This Act shall be called the Mental Disorders Amendment Act, 1963.

„betekent ‚psychiater‘ een geneeskundige praktizijn wiens specialiteit in psichiatrie krachts artikel vijftien van de ‚Wet op Geneeshere, Tandartse en Aptekers, 1928‘ (Wet No. 13 van 1928), geregistreerd is;”.

12. Behoudens die bepalings van paragraaf (b) van artikel elf van hierdie Wet, word enige verwysing in die Hoofwet na ’n geneesheer-bestuurder as ’n verwysing na ’n geneeskundige superintendent uitgelê. Uitleg van verwysings na geneesheer-bestuurder in Wet 38 van 1916.

13. Hierdie Wet heet die Wysigingswet op Geestesgebreke, Kort titel. 1963.

No. 79, 1963.]

ACT

To amend the Public Health Act, 1919.

(Afrikaans text signed by the State President.)
(Assented to 28th June, 1963.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 36 of Act 36 of 1919, as amended by section 3 of Act 71 of 1959.

1. Section *thirty-six* of the Public Health Act, 1919 (hereinafter referred to as the principal Act), is hereby amended by the insertion after paragraph (k) of the following paragraph:—
“(k)*bis* the compulsory immunization of persons against infectious diseases and any matter incidental to such immunization;”.

Amendment of section 50 of Act 36 of 1919, as amended by section 3 of Act 29 of 1933, section 6 of Act 57 of 1935, section 1 of Act 14 of 1938, section 15 of Act 37 of 1943, section 8 of Act 51 of 1946, section 8 of Act 44 of 1952 and section 1 of Act 60 of 1956.

2. Section *fifty* of the principal Act is hereby amended by the insertion in paragraph (h) of sub-section (1) after the word “diphtheria” of the word “poliomyelitis”.

Amendment of section 92 of Act 36 of 1919, as amended by section 11 of Act 44 of 1952.

3. Section *ninety-two* of the principal Act is hereby amended—
(a) by the substitution for the words “procure and transmit to the registrar of vaccination” of the words “within thirteen months after the birth of such child, procure for safe keeping by such parent or guardian”; and
(b) by the deletion of all the words after the word “small-pox” where it occurs for the last time.

Amendment of section 95 of Act 36 of 1919, as amended by section 13 of Act 44 of 1952.

4. Section *ninety-five* of the principal Act is hereby amended by the substitution for the words “and transmit” of the words “for safe keeping by such parent or guardian”.

Amendment of section 96 of Act 36 of 1919, as amended by section 14 of Act 44 of 1952.

5. Section *ninety-six* of the principal Act is hereby amended by the substitution for the words “transmit to a registrar of vaccination” of the words “procure for safe keeping by such person, parent or guardian”.

Repeal of section 101 of Act 36 of 1919, as amended by section 17 of Act 44 of 1952.

6. Section *one hundred and one* of the principal Act is hereby repealed.

Amendment of section 138 of Act 36 of 1919.

7. Section *one hundred and thirty-eight* of the principal Act is hereby amended by the substitution for the expression “paragraphs (g) and (t)” of the expression “paragraphs (g), (k)*bis* and (t)”.

Amendment of section 153 of Act 36 of 1919, as amended by section 5 of Act 71 of 1959.

8. Section *one hundred and fifty-three* of the principal Act is hereby amended by the substitution for the words following the word “Act” where it occurs for the fourth time of the following proviso:

“Provided that for the purposes of Chapters VII and VIII and any other provision of this Act necessary for or incidental to the carrying out of those Chapters in respect of the area under the jurisdiction of the municipal council of Kimberley or Warrenton or the village management board of Ritchie, the municipal council concerned or such village management board shall be the local authority.”.

Short title.

9. This Act shall be called the Public Health Amendment Act, 1963.

No. 79, 1963.]

WET

Tot wysiging van die „Volksgezondheidswet, 1919”.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1963.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel *ses-en-dertig* van die „Volksgezondheidswet, 1919” (hieronder die Hoofwet genoem), word hierby gewysig deur na paragraaf (k) die volgende paragraaf in te voeg:
„(k)*bis* het verpligtend immuun maken van personen tegen besmettelike ziekten en enige aangelegenheid verbandhoudend met zodanig immuun maken;”.
2. Artikel *vyftig* van die Hoofwet word hierby gewysig deur in paragraaf (h) van sub-artikel (1) na die woord „diphtheritis” die woord „poliomyelitis” in te voeg.
3. Artikel *twee-en-negentig* van die Hoofwet word hierby gewysig—
(a) deur na die woord „tevens” die woorde „binnen dertien maanden na de geboorte van zodanig kind” in te voeg en die woorde „en aan de registrateur van inenting doen toekomen” deur die woorde „om door die ouder of voogd veilig bewaard te worden” te vervang; en
(b) deur al die woorde na die woord „geleden” waar dit die laaste maal voorkom, te skrap.
4. Artikel *vyf-en-negentig* van die Hoofwet word hierby gewysig deur die woorde „verkrijgen en opzenden” deur die woorde „voor veilige bewaring door die ouder of voogd verkrijgen” te vervang.
5. Artikel *ses-en-negentig* van die Hoofwet word hierby gewysig deur die woorde „aan die registrateur van inenting” te skrap en die woord „toezenden” deur die woorde „voor veilige bewaring door die ouder of voogd verkrijgen” te vervang.
6. Artikel *honderd-en-een* van die Hoofwet word hierby herroep.
7. Artikel *honderd agt-en-dertig* van die Hoofwet word hierby gewysig deur die uitdrukking „paragrafen (g) en (t)” deur die uitdrukking „paragrafen (g), (k)*bis* en (t)” te vervang.
8. Artikel *honderd drie-en-vyftig* van die Hoofwet word hierby gewysig deur die woorde na die woord „Wet” waar dit die vierde maal voorkom deur die volgende voorbehoudsbepaling te vervang:
„Met dien verstande dat voor de doeleinden van Hoofdstukken VII en VIII en andere bepalingen van deze Wet vereist voor of verbandhoudend met de uitvoering van die Hoofdstukken ten opzichte van het gebied onder de rechtsmacht van de municipale raad van Kimberley of Warrenton of de dorpsbeheerraad van Ritchie, de betrokken municipale raad of bedoelde dorpsbeheerraad de plaatselijke autoriteit is.”.
9. Hierdie Wet heet die Wysigingswet op Volksgesondheid, Kort titel. 1963.

Wysiging van artikel 36 van Wet 36 van 1919, soos gewysig deur artikel 3 van Wet 71 van 1959.

Wysiging van artikel 50 van Wet 36 van 1919, soos gewysig deur artikel 3 van Wet 29 van 1933, artikel 6 van Wet 57 van 1935, artikel 1 van Wet 14 van 1938, artikel 15 van Wet 37 van 1943, artikel 8 van Wet 51 van 1946, artikel 8 van Wet 44 van 1952 en artikel 1 van Wet 60 van 1956.

Wysiging van artikel 92 van Wet 36 van 1919, soos gewysig deur artikel 11 van Wet 44 van 1952.

Wysiging van artikel 95 van Wet 36 van 1919, soos gewysig deur artikel 13 van Wet 44 van 1952.

Wysiging van artikel 96 van Wet 36 van 1919, soos gewysig deur artikel 14 van Wet 44 van 1952.

Herroeping van artikel 101 van Wet 36 van 1919, soos gewysig deur artikel 17 van Wet 44 van 1952.

Wysiging van artikel 138 van Wet 36 van 1919.

Wysiging van artikel 153 van Wet 36 van 1919, soos gewysig deur artikel 5 van Wet 71 van 1959.

No. 80, 1963.]

ACT

To consolidate and amend the laws relating to the reciprocal enforcement of maintenance orders made in the Republic and proclaimed countries, and to provide for other incidental matters.

(English text signed by the State President.)
(Assented to 28th June, 1963.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

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

- (i) “certified copy”, in relation to an order of court, means a copy certified by the proper officer of the court to be a true copy; (ii)
- (ii) “maintenance court” means a maintenance court contemplated in section *two* of the Maintenance Act, 1963; (v)
- (iii) “maintenance order” means any order, other than an order of affiliation, for the periodical payment by any person of sums of money towards the maintenance of any other person whom he is liable to maintain in accordance with the law of the country in which the order is made; (iv)
- (iv) “Minister” means the Minister of Justice; (iii)
- (v) “prescribed” means prescribed by rules made under this Act; (vi)
- (vi) “proclaimed country” means a country or territory in respect of which this Act applies in terms of section *two*; (i)
- (vii) “provisional maintenance order” means a maintenance order having no effect unless and until confirmed by a competent court in the country where the person against whom it has been made is resident. (vii)

Application of Act.

2. (1) The State President may by proclamation in the *Gazette* declare that this Act shall apply in respect of any country or territory in which there is in his opinion a law providing for the enforcement therein of maintenance orders made by courts of the Republic.

(2) The State President may by like proclamation withdraw any such proclamation.

Registration of maintenance orders made in proclaimed countries.

3. Whenever a certified copy of a maintenance order made before or after the commencement of this Act, against any person by any court in a proclaimed country is transmitted to the Minister by the Secretary of State or the officer administering the government of such country, the Minister or any person acting under his authority shall transmit a copy of the order to a maintenance court, and the order shall, on receipt thereof, be registered by that court in the prescribed manner.

Confirmation of provisional maintenance orders made in proclaimed countries.

4. (1) Upon receipt of a certified copy of a provisional maintenance order made by a court in a proclaimed country, together with the depositions of witnesses and a statement of the grounds on which the order might have been opposed, the Minister or any person acting under his authority shall transmit the documents concerned to the maintenance officer of a maintenance court, whereupon such maintenance officer shall institute an enquiry in such maintenance court with a view to confirmation of such order and may for that purpose cause any person, including any person legally liable to maintain any other person, to be summoned to appear before such maintenance court and give evidence or produce any book, document or statement, including, in the case of a person so liable, a statement giving full particulars of his earnings signed by his employer.

(2) Any person to be summoned as a witness shall be summoned in the manner in which a person may be subpoenaed to appear before a magistrate's court in a criminal trial.

No. 80, 1963.]

WET

Tot samevatting en wysiging van die wetsbepalings met betrekking tot die wederkerige afdwinging van onderhoudsbevele uitgevaardig in die Republiek en geproklameerde lande, en om voorsiening te maak vir ander aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1963.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy uit die samehang anders blyk, Woord-
omskrywing.
beteken—

- (i) „geproklameerde land” ’n land of gebied ten opsigte waarvan hierdie Wet kragtens artikel twee van toepassing is; (vi)
- (ii) „gewaarmerkte afskrif”, met betrekking tot ’n hofbevel, ’n afskrif wat deur die bevoegde amptenaar van die hof as ’n juiste afskrif gewaarmerk is; (i)
- (iii) „Minister” die Minister van Justisie; (iv)
- (iv) „onderhoudsbevel” ’n bevel, met uitsondering van ’n affiliasiebevel, tot periodieke betaling deur enige persoon van bedrae geld tot onderhoud van enige ander persoon wat hy ooreenkomstig die reg van die land waarin die bevel uitgevaardig word, verplig is om te onderhou; (iii)
- (v) „onderhoudshof” ’n onderhoudshof wat in artikel twee van die Wet op Onderhoud, 1963, beoog word; (ii)
- (vi) „voorgeskrewe” deur reëls wat kragtens hierdie Wet uitgevaardig is, voorgeskryf; (v)
- (vii) „voorlopige onderhoudsbevel” ’n onderhoudsbevel wat geen gevolg het tensy en voordat dit bekragtig word deur ’n bevoegde hof in die land waar die persoon teen wie dit uitgevaardig is, woonagtig is nie. (vii)

2. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* hierdie Wet van toepassing verklaar ten opsigte van enige land of gebied waarin daar na sy oordeel ’n wet bestaan wat voorsiening maak vir die afdwinging daarin van onderhoudsbevele deur howe in die Republiek uitgevaardig. Toepassing
van Wet.

(2) Die Staatspresident kan by dergelike proklamasie so ’n proklamasie intrek.

3. Wanneer ’n gewaarmerkte afskrif van ’n onderhoudsbevel uitgevaardig voor of na die inwerkingtreding van hierdie Wet teen enige persoon deur enige hof in ’n geproklameerde land, aan die Minister gestuur word deur die staatsekretaris of die amptenaar belas met die administrasie van die regering van daardie land, stuur die Minister of iemand wat namens hom optree ’n afskrif van die bevel aan ’n onderhoudshof, en die bevel word by ontvangs daarvan deur daardie hof op die voorgeskrewe wyse geregistreer. Registrasie van
onderhoudsbevele
in geproklameerde
lande uitge-
vaardig.

4. (1) By ontvangs van ’n gewaarmerkte afskrif van ’n voorlopige onderhoudsbevel deur ’n hof in ’n geproklameerde land uitgevaardig, tesame met die verklarings van getuies en ’n uiteensetting van die gronde waarop die bevel bestry kon geword het, stuur die Minister of iemand wat namens hom optree die betrokke stukke aan die onderhoudsbeampte van ’n onderhoudshof, en daarop stel daardie onderhoudsbeampte ’n ondersoek in daardie onderhoudshof in met die oog op bekragtiging van die bevel en kan hy vir daardie doel enige persoon, met inbegrip van enige persoon wat regtens verplig is om ’n ander persoon te onderhou, laat dagvaar om voor bedoelde onderhoudshof te verskyn en getuienis af te lê of ’n boek, dokument of staat, met inbegrip, in die geval van ’n persoon wat aldus verplig is, van ’n staat wat volle besonderhede van sy verdienste aandui en deur sy werkgewer onderteken is, oor te lê. Bekragtiging
van voorlopige
onderhoudsbevele
in geproklameerde
lande uitge-
vaardig.

(2) ’n Persoon wat as getuie gedagvaar moet word, word gedagvaar op die wyse waarop ’n persoon as getuie gedagvaar kan word om by ’n strafverhoor voor ’n landdroshof te verskyn.

(3) The maintenance court shall hold the enquiry in such manner as may be prescribed and may—

- (a) make an order confirming the provisional maintenance order without modification or with such modification as to it may seem just;
- (b) remit the case for further evidence to the court which made the provisional order;
- (c) make no order;
- (d) at any time, on good cause shown, make an order varying or discharging an order made by it under this section.

(4) (a) Any person aggrieved by an order made under this section may, within such period and in such manner as may be prescribed, appeal against such order to the provincial or local division of the Supreme Court of South Africa having jurisdiction.

(b) On appeal such division may make such order in the matter as it may deem fit.

(5) The provisions of sections *eight*, *nine* and *ten* of the Maintenance Act, 1963, shall *mutatis mutandis* apply in respect of any enquiry held under this section.

Certain maintenance moneys payable to clerk of the court.

5. Any sum of money payable in terms of a maintenance order registered under section *three* or confirmed under section *four* shall be deemed to be payable in the first instance to the clerk of the maintenance court where such order has been so registered or confirmed.

Certain maintenance orders deemed for certain purposes to have been made under Maintenance Act, 1963.

6. Any maintenance order registered under section *three* or confirmed under section *four* shall for the purposes of sections *eleven*, *twelve* and *fourteen* of the Maintenance Act, 1963, be deemed to be a maintenance order made under that Act by the maintenance court where such order has been so registered or confirmed: Provided that in a prosecution for a contravention of the said section *eleven* in respect of an order registered under section *three*, the provisions of section *thirteen* of the said Act shall not apply.

Transmission to proclaimed country of maintenance orders made in Republic.

7. Whenever it appears to any court in the Republic that any person against whom it has, before or after the commencement of this Act, made a maintenance order, is resident in a proclaimed country, that court shall transmit to the Minister a certified copy of the order for transmission to the Secretary of State or the officer administering the government of such country.

Provisional maintenance orders against persons resident in proclaimed countries.

8. (1) Notwithstanding anything to the contrary in any other law contained an enquiry may be held under section *five* of the Maintenance Act, 1963, in the absence of any person resident in a proclaimed country who may be legally liable to maintain any person in the Republic, provided the evidence of all witnesses at the enquiry is read over to and signed by them.

(2) The court holding the enquiry may make a provisional maintenance order only, against the person so resident and shall, with a view to confirmation of the provisional maintenance order, forward to the Minister for transmission to the Secretary of State or the officer administering the government of the proclaimed country a certified copy of the order together with the depositions of witnesses, a statement of the grounds on which the order might have been opposed and such information as may be available for the identification and location of the person against whom the order has been made.

(3) If the court before which the provisional maintenance order has come for confirmation remits the case for further evidence, the maintenance court shall proceed with the enquiry as if no provisional order had been made and may take into consideration the contents of depositions of witnesses in the court before which such order has come for confirmation.

(4) Upon confirmation of a provisional maintenance order in terms of this section, it shall be deemed to be an order made under paragraph (a) or (b) of sub-section (4) of section *five* of the Maintenance Act, 1963, as the case may be, by the court which made such provisional order.

Rules.

9. The Minister may by notice in the *Gazette* make rules—

(3) Die onderhoudshof neem die ondersoek waar op die voorgeskrewe wyse en kan—

- (a) 'n bevel uitvaardig waarby die voorlopige onderhoudsbevel bekragtig word sonder wysiging of met sodanige wysiging as wat hy billik ag;
- (b) die saak na die hof wat die voorlopige bevel uitgevaardig het, vir verdere getuienis terugverwys;
- (c) geen bevel uitvaardig nie;
- (d) te eniger tyd om gegronde redes 'n bevel uitvaardig waarby 'n bevel wat deur hom kragtens hierdie artikel uitgevaardig is, gewysig of opgehef word.

(4) (a) 'n Persoon wat hom veronreg voel deur 'n bevel wat kragtens hierdie artikel uitgevaardig is, kan binne die voorgeskrewe tydperk en op die voorgeskrewe wyse teen die bevel appelleer na die provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika wat met regsbevoegdheid in die saak beklee is.

(b) By appèl kan so 'n afdeling so 'n bevel in die saak uitvaardig as wat hy goed ag.

(5) Die bepalinge van artikels *agt*, *nege* en *tien* van die Wet op Onderhoud, 1963, is *mutatis mutandis* ten opsigte van 'n ondersoek wat kragtens hierdie artikel plaasvind, van toepassing.

5. Enige bedrag betaalbaar ingevolge 'n onderhoudsbevel wat kragtens artikel *drie* geregistreer of kragtens artikel *vier* bekragtig is, word geag in die eerste plek aan die klerk van die onderhoudshof waar die bevel aldus geregistreer of bekragtig is, betaalbaar te wees. Sekere onderhoudsgelde aan klerk van die hof betaalbaar.

6. 'n Onderhoudsbevel wat kragtens artikel *drie* geregistreer of kragtens artikel *vier* bekragtig is, word by die toepassing van artikels *elf*, *twaalf* en *veertien* van die Wet op Onderhoud, 1963, geag 'n onderhoudsbevel te wees wat kragtens daardie Wet uitgevaardig is deur die onderhoudshof waar die bevel aldus geregistreer of bekragtig is: Met dien verstande dat by 'n vervolging weens oortreding van genoemde artikel *elf* ten opsigte van 'n bevel wat kragtens artikel *drie* geregistreer is, die bepalinge van artikel *dertien* van genoemde Wet nie van toepassing is nie. Sekere onderhoudsbevele word vir sekere doeleindes geag kragtens die Wet op Onderhoud, 1963, uitgevaardig te wees.

7. Wanneer dit vir enige hof in die Republiek blyk dat enige persoon teen wie hy, voor of na die inwerkingtreding van hierdie Wet, 'n onderhoudsbevel uitgevaardig het, in 'n geproklameerde land woonagtig is, stuur daardie hof 'n gewaarmerkte afskrif van die bevel aan die Minister vir versending na die staatssekretaris of die amptenaar belas met die administrasie van die regering van daardie land. Versending na geproklameerde land van onderhoudsbevele in die Republiek uitgevaardig.

8. (1) Ondanks andersluidende wetsbepalinge kan 'n ondersoek kragtens artikel *vyf* van die Wet op Onderhoud, 1963, plaasvind in die afwesigheid van 'n in 'n geproklameerde land woonagtige persoon wat regtens verplig is om 'n persoon in die Republiek te onderhou, mits die getuienis van al die getuies by die ondersoek aan hulle oorgelees en deur hulle onderteken word. Voorlopige onderhoudsbevele teen persone in geproklameerde lande woonagtig.

(2) Die hof wat die ondersoek waarneem, kan slegs 'n voorlopige onderhoudsbevel uitvaardig teen die persoon wat aldus woonagtig is en moet, met die oog op bekragtiging van die voorlopige onderhoudsbevel, 'n gewaarmerkte afskrif van die bevel tesame met die verklarings van getuies, 'n uiteensetting van die gronde waarop die bevel bestry kon geword het en sodanige inligting as wat beskikbaar is vir die identifisering en opsporing van die persoon teen wie die bevel uitgevaardig is, aan die Minister stuur vir versending na die staatssekretaris of die amptenaar belas met die administrasie van die regering van die geproklameerde land.

(3) Indien die hof voor wie die voorlopige onderhoudsbevel vir bekragtiging gekom het, die saak vir verdere getuienis terugverwys, gaan die onderhoudshof met die ondersoek voort asof geen voorlopige onderhoudsbevel uitgevaardig was nie en kan hy die inhoud van verklarings van getuies in die hof voor wie die bevel vir bekragtiging gekom het, in aanmerking neem.

(4) By bekragtiging van 'n voorlopige onderhoudsbevel ingevolge hierdie artikel, word dit geag 'n bevel te wees wat kragtens paragraaf (a) of (b) van sub-artikel (4) van artikel *vyf* van die Wet op Onderhoud, 1963, al na die geval, uitgevaardig is deur die hof wat die voorlopige bevel uitgevaardig het.

9. Die Minister kan by kennisgewing in die *Staatskoerant* reëls reëls uitvaardig— Reëls.

- (a) prescribing the procedure and rules of evidence to be followed at or in connection with an enquiry under section *four*;
- (b) as to any matter which may in terms of this Act be prescribed.

Repeal of laws.

10. (1) Subject to the provisions of sub-section (2), the laws specified in the Schedule are hereby repealed to the extent indicated in the third column thereof.

(2) Any order registered or confirmed or anything done under any provision of any law repealed by sub-section (1), shall be deemed to have been registered or confirmed or done under the corresponding provision of this Act.

(3) Any country or territory in respect of which the provisions of the Maintenance Orders Act, 1923 (Act No. 15 of 1923), applied immediately prior to the commencement of this Act, shall be deemed to be a proclaimed country.

Short title and commencement.

11. This Act shall be called the Reciprocal Enforcement of Maintenance Orders Act, 1963, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Schedule.

No. and year of law.	Short title.	Extent of repeal.
Act No. 15 of 1923.	Maintenance Orders Act, 1923.	The whole.
Act No. 68 of 1957.	General Law Amendment Act, 1957.	Sections <i>twenty-six</i> and <i>twenty-seven</i> .

- (a) wat die prosedure en bewysleerreëls wat by of in verband met 'n ondersoek kragtens artikel vier gevolg moet word, voorskryf;
- (b) met betrekking tot enige aangeleentheid wat kragtens hierdie Wet voorgeskryf kan word.

10. (1) Behoudens die bepalings van sub-artikel (2) word die wette in die Bylae vermeld hierby herroep in die mate in die derde kolom daarvan uiteengesit. Herroeping van wette.

(2) 'n Bevel wat geregistreer of bekragtig is of enigiets gedoen kragtens 'n bepaling van 'n wet wat deur sub-artikel (1) herroep word, word geag kragtens die ooreenstemmende bepaling van hierdie Wet geregistreer of bekragtig of gedoen te wees.

(3) Enige land of gebied ten opsigte waarvan die bepalings van die „Onderhoudsvonnissen Wet, 1923” (Wet No. 15 van 1923), van toepassing was onmiddellik voor die inwerking-treding van hierdie Wet, word geag 'n geproklameerde land te wees.

11. Hierdie Wet heet die Wet op Wederkerige Afdwinging van Onderhoudsbevele, 1963, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerking-treding.

Bylae.

No. en jaar van Wet.	Kort titel.	In watter mate herroep.
Wet No. 15 van 1923.	Onderhoudsvonnissen Wet, 1923.	Die geheel.
Wet No. 68 van 1957.	Algemene Regswysigingswet, 1957.	Artikels ses-en-twintig en sewe-en-twintig.

No. 81, 1963.]

ACT

To consolidate the laws relating to the registration of births, marriages and deaths.

(Afrikaans text signed by the State President.)

(Assented to 28th June, 1963.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

PRELIMINARY.

Definitions.

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

- (i) "adult" means any person of the age of sixteen years or upwards or any married person; (xxi)
- (ii) "assistant registrar" means an officer appointed as an assistant registrar of births, marriages and deaths under paragraph (b) of sub-section (2) of section two; (i)
- (iii) "birth" means the birth of any viable child whether such child is living or dead at the time of birth; (viii)
- (iv) "body" means any human dead body, including the body of any still-born child; (xii)
- (v) "burial" means burial in earth, interment or any other form of sepulture or the cremation or any other mode of disposal of a body; (iii)
- (vi) "burial order" means an order given under any provision of this Act, authorizing the burial of a body; (iv)
- (vii) "burial place" means any burial ground, whether public or private, or any place whatsoever wherein is buried, interred, cremated or otherwise disposed of or intended to be buried, interred, cremated or otherwise disposed of one or more bodies; (ii)
- (viii) "child" means a person under the age of twenty-one years; (ix)
- (ix) "district registrar" and "assistant district registrar" mean respectively a person designated or lawfully acting as such for any district or portion of a district under this Act; and, when used in relation to any district or portion thereof, means respectively the district registrar or assistant district registrar of that district or portion; and, when used in relation to an event occurring in any district or portion thereof, means respectively the district registrar or assistant district registrar of the district or portion in which the event occurred; (vi)
- (x) "magistrate" includes an additional and an assistant magistrate; (x)
- (xi) "Minister" means the Minister of the Interior; (xiii)
- (xii) "name" includes a surname, except in sections eight and nine where it does not include a surname; (xiv)
- (xiii) "occupier of a dwelling", in relation to any public or charitable institution or barracks, means any governor, deputy governor, superintendent or assistant superintendent, gaoler, or medical or other officer or person in charge thereof; and, in relation to any mine or a Bantu compound or location in connection with a mine, means any manager or superintendent or person in charge thereof; and, in relation to any premises let in lodgings or separate apartments, means any person residing in such dwelling under whom such lodgings or separate apartments are immediately held; and, in relation to any tent, vehicle or other place of residence, or place in or upon which any person may be born or die, means any owner when in occupation or charge thereof, and, if the owner is not in occupation or charge thereof, any lessee or other person in occupation or having the charge, care or custody thereof; (v)

No. 81, 1963.]

WET

Tot samevatting van die wetsbepalings betreffende die registrasie van geboortes, huwelike en sterfgevalle.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1963.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

INLEIDING.

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet— Woord-
omskrywing.

- (i) „assistent-registrateur” ’n beamppte kragtens paragraaf (b) van sub-artikel (2) van artikel twee as ’n assistent-registrateur van geboortes, huwelike en sterfgevalle aangestel; (ii)
- (ii) „begraafplaas” enige openbare of private begraafplaas, of enige plek hoegenaamd waarin een of meer lyke begrawe, bygesit, of veras is of waarin op ’n ander wyse daaroor beskik is, of wat bedoel is vir die begrawing, bysetting of verassing van of beskikking op ander wyse oor een of meer lyke; (vii)
- (iii) „begrafnis” die begrawing in die grond, bysetting of enige ander vorm van teraardebestelling of die verassing van of beskikking op enige ander wyse oor ’n lyk; (v)
- (iv) „begrafnisorder” ’n order kragtens ’n bepaling van hierdie Wet uitgereik waarby magtiging vir die begrafnis van ’n lyk verleen word; (vi)
- (v) „bewoner van ’n woning”, met betrekking tot ’n openbare of liefdadigheidsinrigting of barakke, enige goewerneur, vise-goewerneur, superintendent of assistent-superintendent, gevangenisbewaarder, of mediese of ander beamppte of persoon belas met die bestuur daarvan; en, met betrekking tot ’n myn of ’n Bantoe-kampong of -lokasie verbonde aan ’n myn, enige bestuurder of superintendent of persoon belas met die bestuur daarvan; en, met betrekking tot geboue verhuur in woonkamers of aparte woonstelle, enigiemand wat in sodanige woning woon en onder wie sodanige woonkamers of aparte woonstelle direk gehou word; en, met betrekking tot ’n tent, voertuig of ander woonplek, of plek waarin of waarop enigiemand gebore kan word of kan sterf, enige eienaar wat dit bewoon of beheer daaroor het, en, indien die eienaar dit nie bewoon of beheer daaroor het nie, enige huurder of ander persoon wat dit bewoon, of die beheer, opsig of toesig daaroor het; (xiii)
- (vi) „distriksregistrateur” en „assistent-distriksregistrateur”, onderskeidelik, iemand wat kragtens hierdie Wet vir ’n distrik of deel van ’n distrik as sodanig aangewys is of wettiglik optree; en, wanneer gebruik met betrekking tot ’n distrik of deel daarvan, onderskeidelik, die distriksregistrateur of assistent-distriksregistrateur van daardie distrik of deel; en, wanneer gebruik met betrekking tot ’n gebeurtenis wat in enige distrik of deel daarvan plaasvind, onderskeidelik, die distriksregistrateur of assistent-distriksregistrateur van die distrik of deel waarin die gebeurtenis plaasgevind het; (ix)
- (vii) „doodgebore”, met betrekking tot ’n kind, dat die kind lewensvatbaar was maar na volledige geboorte geen teken van lewe getoon het nie; (xx)
- (viii) „geboorte” die geboorte van ’n lewensvatbare kind hetsy sodanige kind ten tyde van die geboorte lewend of dood is; (iii)
- (ix) „kind” iemand onder die ouderdom van een-en-twintig jaar; (viii)
- (x) „landdros” ook ’n addisionele en ’n assistent-landdros; (x)
- (xi) „lewensvatbaar”, met betrekking tot ’n kind, dat die kind een is waarvan ’n vrou minstens ses maande swanger was; (xxii)

- (xiv) "police officer" means a member—
 - (a) of a police force established under any law who exercises, performs or carries out police powers, duties and functions; or
 - (b) of any body who exercises, performs or carries out such powers, duties and functions under any law; (xv)
- (xv) "prescribed" means prescribed under this Act or any regulation; (xxii)
- (xvi) "register", for the purposes of sections *forty-six*, *forty-seven* and *forty-eight*, includes in addition to any births register, marriage register or deaths register kept under this Act any books, registers or records which were records of any births, marriages or deaths registration office prior to the commencement of this Act; (xvi)
- (xvii) "registrar" means the officer appointed as registrar of births, marriages and deaths under paragraph (a) of sub-section (2) of section *two*; (xvii)
- (xviii) "registrar-general" means the officer appointed as registrar-general of births, marriages and deaths under sub-section (1) of section *two*; (xviii)
- (xix) "regulation" means a regulation made and in force under this Act; (xix)
- (xx) "still-born", in relation to a child, means that it was viable but showed no sign of life after complete birth; (vii)
- (xxi) "urban area" means an area under the jurisdiction of a municipal council, borough council, town council or village council or a town board, village management board, local board or health committee, or any other area from time to time defined by the Minister by notice in the *Gazette* to be an urban area for the purposes of this Act; (xx)
- (xxii) "viable", in relation to a child, means that it has had at least six months of intra-uterine existence. (xi)

CHAPTER I.

ADMINISTRATION.

Appointment of registrar-general, registrar and assistant registrars.

2. (1) The State President may, for the administration of this Act, from time to time appoint, subject to the laws governing the public service, an officer to be styled the registrar-general of births, marriages and deaths, who shall be the custodian of all notices of births and deaths, of all such returns as are required by any regulation to be rendered to him by district registrars, of all registers, returns and other documents required to be rendered by marriage officers, magistrates and Bantu Affairs commissioners under this Act or any marriage law, and of all records of any births, marriages or deaths registration office in existence prior to the commencement of this Act.

(2) The Minister may from time to time, subject to the laws governing the public service, appoint—

- (a) an officer to be styled the registrar of births, marriages and deaths, to whom the registrar-general may delegate any function assigned to him under this Act or any other law;
- (b) one or more officers to be styled assistant registrars of births, marriages and deaths who may, subject to the directions and control of the registrar and subject to any regulations, do anything which may lawfully be done by the registrar.

Designation of district registrars and assistant district registrars and construing of references to such registrars.

3. (1) The Minister or any person authorized thereto by him may from time to time—

- (a) designate for each of the magisterial districts of the Republic or for any areas therein, officers in the public service as district registrars of births and deaths in respect of persons of all classes or races or of specified classes or races or of all classes or races other than specified classes or races;
- (b) designate officers in the public service as assistant district registrars of births and deaths or, where no such officers are available, appoint persons as assistant district registrars of births and deaths.

- (xii) „lyk” ’n dooie menslike liggaam, met inbegrip van die liggaam van ’n doodgebore kind; (iv)
- (xiii) „Minister” die Minister van Binnelandse Sake; (xi)
- (xiv) „naam” ook ’n van, behalwe in artikels *agt* en *nege*, waar dit nie ’n van insluit nie; (xii)
- (xv) „polisiebeampte” ’n lid—
 - (a) van ’n polisiemag kragtens enige wetsbepaling ingestel wat polisiebevoegdheide, -pligte en -werk-saamhede uitoefen, uitvoer of verrig; of
 - (b) van enige liggaam wat kragtens enige wetsbepaling sodanige bevoegdheide, pligte en werksaamhede uitoefen, uitvoer of verrig; (xiv)
- (xvi) „register”, by die toepassing van artikels *ses-en-veertig*, *sewe-en-veertig* en *agt-en-veertig*, benewens enige ge-boortesregister, huweliksregister of sterfgevalleregister kragtens hierdie Wet gehou, ook enige boeke, registers of dokumente wat stukke was van enige geboortes-, huweliks- of sterfgevalleregistrasiekantoor voor die inwerkingtreding van hierdie Wet; (xvi)
- (xvii) „registrateur” die beampte kragtens paragraaf (a) van sub-artikel (2) van artikel *twee* as registrateur van ge-boortes, huwelike en sterfgevalle aangestel; (xvii)
- (xviii) „registrateur-generaal” die beampte kragtens sub-artikel (1) van artikel *twee* as registrateur-generaal van geboortes, huwelike en sterfgevalle aangestel; (xviii)
- (xix) „regulasie” ’n regulasie wat kragtens hierdie Wet uit-gevaardig en van krag is; (xix)
- (xx) „stadsgebied” ’n gebied onder die jurisdiksie van ’n munisipale raad, stadsraad of dorpsraad, of ’n stads-bestuur of dorpsbestuursraad of plaaslike bestuur, of gesondheidskomitee, of enige ander gebied wat van tyd tot tyd deur die Minister by kennisgewing in die *Staatskoerant* tot ’n stadsgebied vir die doeleindes van hierdie Wet verklaar word; (xxi)
- (xxi) „volwasse persoon” enigiemand van die ouderdom van sestien jaar of meer of enige getroude persoon; (i)
- (xxii) „voorgeskryf” of „voorgeskrewe” kragtens hierdie Wet of ’n regulasie voorgeskryf. (xv)

HOOFSTUK I.

UITVOERING.

2. (1) Die Staatspresident kan, vir die uitvoering van hierdie Wet, van tyd tot tyd, met inagneming van die wetsbepalings op die Staatsdiens, ’n beampte, die registrateur-generaal van ge-boortes, huwelike en sterfgevalle genoem, aanstel, wat die be-waarder is van alle kennisgewings van geboortes en sterfgevalle, van al die opgawes wat volgens enige regulasie deur distriks-registrateurs aan hom verstrekk moet word, van alle registers, opgawes en ander dokumente wat deur huweliksbeamptes, land-droste en Bantoesakekommissarisse kragtens hierdie Wet of enige wetsbepaling betreffende huwelike, verstrekk moet word, en van alle stukke van enige geboortes-, huweliks- of sterfgevalle-registrasiekantoor wat voor die inwerkingtreding van hierdie Wet bestaan het.

Aanstelling van registrateur-generaal, registrateur en assistent-registrateurs.
- (2) Die Minister kan van tyd tot tyd, met inagneming van die wetsbepalings op die Staatsdiens—
 - (a) ’n beampte, die registrateur van geboortes, huwelike en sterfgevalle genoem, aanstel, aan wie die registrateur-generaal enige werksaamheid wat kragtens hierdie Wet of enige ander wetsbepaling aan hom opgedra is, kan delegeer;
 - (b) een of meer beamptes, assistent-registrateurs van ge-boortes, huwelike en sterfgevalle genoem, aanstel, wat, onderworpe aan die bevel en onder die toesig van die registrateur en met inagneming van enige regulasies, enigiets kan doen wat regtens deur die registrateur gedoen kan word.
3. (1) Die Minister of enigiemand wat deur hom daartoe gemagtig is, kan van tyd tot tyd—

Aanwysing van distriksregi-strateurs en assistent-distriks-registrateurs en uitleg van verwysings na sodanige regi-strateurs.

 - (a) vir elkeen van die landdrosdistrikte van die Republiek of vir enige gebiede daarin, beamptes in die Staatsdiens as distriksregistrateurs van geboortes en sterfgevalle aanwys ten opsigte van persone van alle klasse of rasse of van bepaalde klasse of rasse of van alle klasse of rasse behalwe bepaalde klasse of rasse;
 - (b) beamptes in die Staatsdiens as assistent-distriks-registrateurs van geboortes en sterfgevalle aanwys of, waar sodanige beamptes nie beskikbaar is nie, persone as assistent-distriksregistrateurs van geboortes en sterfgevalle aanstel.

(2) Where no district registrar has been designated for any district or any part thereof, the magistrate of such district shall *ex officio* be the district registrar: Provided that if a Bantu Affairs commissioner has been appointed for any such district or such part thereof, he shall be *ex officio* district registrar in respect of Bantu and the magistrate shall be district registrar in respect of persons of all other races.

(3) The duties of any district registrar or assistant district registrar shall be as prescribed by this Act or by any regulation.

(4) Whenever under sub-section (1) or (2) two or more persons have been designated or appointed or are lawfully acting as district registrars or assistant district registrars for any magisterial district or any part thereof, any reference in this Act or in any other law to the district registrar or assistant district registrar of births and deaths for such district or such part thereof shall be construed as a reference to the appropriate person so designated or appointed or acting.

CHAPTER II.

GENERAL.

General duties of district registrar and assistant district registrar.

4. (1) It shall be the duty of every district registrar and assistant district registrar to inform himself as far as possible of every birth or death which occurs within his district.

(2) If after the expiry of the time allowed under this Act for giving any notice or information of any such birth or death, the notice or information has not been given, the district registrar or assistant district registrar may, by notice in writing under his hand, require any person whose duty it is under this Act to give any such notice or information to attend within such time as is specified in the notice at the office of the district registrar or assistant district registrar or any other place mentioned in the notice, there to give to the district registrar or assistant district registrar or to any other person named in the notice such information as may be necessary concerning the birth or death, as the case may be: Provided that when an inquest or enquiry is being held or has been held concerning the death of any person no such requirement as is in this section mentioned, shall be made by any district registrar or assistant district registrar for information as to such death.

Duty of district registrar or assistant district registrar on receipt of notice of birth or death.

5. (1) On receipt by the district registrar or assistant district registrar of any notice, information, memorandum, return or certificate in respect of a birth or death given or transmitted under this Act, he shall examine it and cause any omission, defect or inaccuracy therein to be supplied or corrected as far as may be possible, and for the purposes of this section he may require any person whose duty it is to give information under this Act to attend and give information in the manner prescribed by section *four*.

(2) It shall be the duty of every district registrar and assistant district registrar to ensure that every birth or death which comes to his notice is recorded on the form prescribed therefor and that such form is duly completed.

(3) The completion of such form shall constitute the registration of the birth or death recorded thereon and such form, when so completed, shall be deemed to form part of the relevant births register or deaths register, as the case may be.

Births and deaths registration books to be kept.

6. Books shall be kept by each district registrar to be called the "births register" and "deaths register", respectively; and there shall be respectively transcribed therein such information as to births and deaths as is prescribed.

Registration of birth or death after one year.

7. No birth or death shall be registered after the expiry of one year from the date of such birth or death except upon the written authority of the registrar-general and the payment of the prescribed fee (if any).

Alteration of name in births register.

8. When the birth of any person has been registered and the name under which his birth was registered, is altered, either of his parents or his guardian, if he is under twenty-one years of age, or he himself, if he is twenty-one years of age or over,

(2) Waar geen distriksregistrator vir enige distrik of enige deel daarvan aangewys is nie, is die landdros van sodanige distrik *ex officio* die distriksregistrator: Met dien verstande dat as daar 'n Bantoesakekommissaris vir enige sodanige distrik of sodanige deel daarvan aangestel is, hy *ex officio* distriksregistrator ten opsigte van Bantoes is en die landdros distriksregistrator ten opsigte van persone van alle ander rasse is.

(3) Die pligte van enige distriksregistrator of assistent-distriksregistrator is soos deur hierdie Wet of deur enige regulasie voorgeskryf.

(4) Wanneer twee of meer persone kragtens sub-artikel (1) of (2) aangewys of aangestel is of wettiglik optree as distriksregistrateurs of assistent-distriksregistrateurs vir 'n landdros-distrik of 'n deel daarvan, word enige verwysing in hierdie Wet of in enige ander wet na die distriksregistrator of assistent-distriksregistrator van geboortes en sterfgevalle vir so 'n distrik of so 'n deel daarvan uitgelê as 'n verwysing na die gepaste persoon wat aldus aangewys of aangestel is of optree.

HOOFSTUK II.

ALGEMEEN.

4. (1) Dit is die plig van elke distriksregistrator en assistent-distriksregistrator om hom sover moontlik op hoogte te hou van elke geboorte of sterfgeval wat in sy distrik plaasvind.

Algemene pligte van distriksregistrator en assistent-distriksregistrator.

(2) Indien na verstryking van die tydperk kragtens hierdie Wet toegestaan vir die gee van kennis of inligting betreffende enige sodanige geboorte of sterfgeval, die kennis of inligting nie gegee is nie, kan die distriksregistrator of assistent-distriksregistrator, by skriftelike kennisgewing deur hom onderteken, enigiemand wie se plig dit kragtens hierdie Wet is om enige sodanige kennis of inligting te gee, beveel om binne die tydperk in die kennisgewing vermeld by die kantoor van die distriksregistrator of assistent-distriksregistrator of enige ander plek in die kennisgewing vermeld, te verskyn, om daar aan die distriksregistrator of assistent-distriksregistrator of aan enige ander in die kennisgewing genoemde persoon, die inligting te gee wat nodig is met betrekking tot die geboorte of sterfgeval, na gelang van die geval: Met dien verstande dat waar 'n geregtelike lykskouing of ondersoek met betrekking tot die dood van enige persoon gehou word of gehou is, geen bevel soos in hierdie artikel vermeld deur die distriksregistrator of assistent-distriksregistrator uitgereik mag word vir die verkryging van inligting aangaande die sterfgeval nie.

5. (1) By ontvangs deur die distriksregistrator of assistent-distriksregistrator van enige kennisgewing, inligting, memorandum, opgawe of sertifikaat ten opsigte van 'n geboorte of sterfgeval wat kragtens hierdie Wet gegee of ingestuur is, moet hy dit nasien en enige weglating, gebrek of onjuistheid daarin sover moontlik laat aanvul of verbeter, en by die toepassing van hierdie artikel kan hy enigiemand wie se plig dit is om kragtens hierdie Wet inligting te gee, beveel om op die wyse in artikel vier voorgeskryf, te verskyn en inligting te gee.

Plig van distriksregistrator of assistent-distriksregistrator by ontvangs van kennisgewing van geboorte of sterfgeval.

(2) Dit is die plig van elke distriksregistrator en assistent-distriksregistrator om te sorg dat elke geboorte of sterfgeval waarvan hy te wete kom, aangeteken word op die vorm daarvoor voorgeskryf en dat sodanige vorm behoorlik ingevul word.

(3) Die invulling van sodanige vorm maak die registrasie uit van die geboorte of sterfgeval daarop aangeteken en sodanige vorm, wanneer aldus ingevul, word geag deel uit te maak van die betrokke geboortesregister of sterfgevalleregister, na gelang van die geval.

6. Boeke, wat onderskeidelik die „geboortesregister” en „sterfgevalleregister” genoem word, moet deur elke distriksregistrator gehou word; en daarin word onderskeidelik oorgeskryf die inligting aangaande geboortes en sterfgevalle wat voorgeskryf word.

Geboortes- en sterfgevalle-registrasieboeke moet gehou word.

7. Geen geboorte of sterfgeval word na die verstryking van een jaar vanaf die datum van sodanige geboorte of sterfgeval geregistreer nie behalwe kragtens die skriftelike magtiging van die registrator-generaal en na betaling van die voorgeskrewe gelde (as daar is).

Registrasie van geboorte of sterfgeval na een jaar.

8. Wanneer die geboorte van enige persoon geregistreer is en die naam waaronder sy geboorte geregistreer is, verander word, kan enigeen van sy ouers of sy voog, indien hy onder die ouderdom van een-en-twintig jaar is, of hyself, indien hy een-en-

Verandering van naam in geboortesregister.

may apply to the registrar-general for the alteration of his name in the relative births register, and thereupon the registrar-general may, if satisfied that the applicant is competent to make the application and upon payment by the applicant of the prescribed fee (if any), amend the registration of the said person's birth by inscribing the altered name on the original birth information form filed in his office in connection with the registration of such birth, but without erasing the original name therefrom, and shall instruct the district registrar concerned to make a similar inscription in his births register.

Amplification of
nameless birth
registration.

9. When the birth of any person has been registered without the assignment of any name to him, either of his parents or his guardian, if he is under twenty-one years of age, or he himself, if he is twenty-one years of age or over, or has no parent or guardian, may apply to the registrar-general for the amplification of the registration of his birth by the inscription of his name in connection therewith and thereupon the registrar-general shall, if satisfied that the applicant is competent to make the application and upon payment by the applicant of the prescribed fee (if any), amplify the registration of the said person's birth by inscribing his name on the original birth information form filed in his office in connection with the registration of such birth and shall instruct the district registrar concerned to make a similar inscription in his births register.

Registration of
birth of illegitimate
child.

10. (1) In the case of an illegitimate child, no person shall be required to give information under this Act, as its father concerning its birth, and the district registrar or assistant district registrar shall not enter in any register or other book the name of any person as the father of the child except at the joint request of the mother and of the person who in the presence of the district registrar or assistant district registrar acknowledges himself in writing to be the father of the child.

(2) Such an acknowledgment, if made, shall be embodied in the certificate or register and the person so acknowledging himself to be the father of the child shall, together with the mother, sign in the presence of the district registrar or assistant district registrar, or of a justice of the peace, or police officer, the notice, certificate or register, as the case may be.

Amendment of
birth registration
of illegitimate child
after legitimation.

11. (1) Any parent or guardian of a person born of parents who were not married to each other at the time of his birth, but who married each other after the registration of his birth (whether they could or could not have legally married each other at the time of his birth) may, if such person is under twenty-one years of age, or such person himself may, if he is twenty-one years of age or over, or has no parent or guardian, apply to the registrar-general for the registration of his birth as if his parents had been married to each other at the time of his birth and thereupon the registrar-general shall, if satisfied that the applicant is competent to make the application, that the alleged parents of such person are in fact his parents and that they legally married each other, instruct the district registrar concerned to register the birth in the prescribed manner as if such person's parents had been legally married to each other at the time of his birth.

(2) If a person's parents who were not married to each other at the time of his birth, have married each other before the registration of his birth, such birth shall be registered as if they had been married to each other at the time of his birth.

Information as to
live new-born child
or body of new-
born child found
abandoned.

12. If any live new-born child or the body of a new-born child is found abandoned, the person finding it shall, as soon as possible, give notice to a justice of the peace or police officer or to any Bantu chief or headman, and any justice of the peace or police officer or Bantu chief or headman who knows or is informed of the discovery of such a child or body so abandoned, and, in the case of a live new-born child, any person in whose charge such a child is placed and any person holding any official enquiry into or being aware of any circumstances relating to the abandonment, shall forthwith give to the district

twintig jaar oud of ouer is, by die registrateur-generaal aansoek doen om die verandering van sy naam in die betrokke geboortesregister, en die registrateur-generaal kan dan, indien hy oortuig is dat die aansoeker bevoeg is om die aansoek te doen en na betaling deur die aansoeker van die voorgeskrewe gelde (as daar is), die registrasie van bedoelde persoon se geboorte verander deur die veranderde naam in te skryf op die oorspronklike geboortekennisgewingsvorm wat in sy kantoor geliasseer is in verband met die registrasie van sodanige geboorte, maar sonder om die oorspronklike naam daarop uit te wis, en hy moet die betrokke distriksregistrateur gelas om 'n dergelike inskrywing in sy geboortesregister te doen.

9. Wanneer die geboorte van enige persoon geregistreer is sonder dat daar 'n naam aan hom toegewys is, kan enigeen van sy ouers of sy voog, indien hy onder die ouderdom van een-en-twintig jaar is, of hyself, indien hy een-en-twintig jaar oud of ouer is, of geen ouer of voog het nie, by die registrateur-generaal aansoek doen om die aanvulling van die registrasie van sy geboorte deur die inskrywing van sy naam in verband daarmee en die registrateur-generaal moet dan, indien hy oortuig is dat die aansoeker bevoeg is om die aansoek te doen en na betaling deur die aansoeker van die voorgeskrewe gelde (as daar is), die registrasie van bedoelde persoon se geboorte aanvul deur sy naam in te skryf op die oorspronklike geboortekennisgewingsvorm wat in sy kantoor geliasseer is in verband met die registrasie van sodanige geboorte en hy moet die betrokke distriksregistrateur gelas om 'n dergelike inskrywing in sy geboortesregister te doen.

Aanvulling van naamlose geboorte-registrasie.

10. (1) In die geval van 'n buite-egtelike kind, word van geen persoon verlang dat hy in sy hoedanigheid as vader, inligting kragtens hierdie Wet met betrekking tot die geboorte van die kind moet gee nie, en die distriksregistrateur of assistent-distriksregistrateur skryf nie in enige register of ander boek die naam van enige persoon as die vader van die kind in nie behalwe op die gesamentlike versoek van die moeder en van die persoon wat in die teenwoordigheid van die distriksregistrateur of assistent-distriksregistrateur skriftelik erken dat hy die vader van die kind is.

Registrasie van geboorte van buite-egtelike kind.

(2) So 'n erkenning, as een gemaak word, word opgeneem in die sertifikaat of register en die persoon wat aldus erken dat hy die vader van die kind is, moet, tesame met die moeder, in die teenwoordigheid van die distriksregistrateur of assistent-distriksregistrateur of van 'n vrederegter of polisiebeampte, die kennisgewing, sertifikaat of register, na gelang van die geval, onderteken.

11. (1) Enige ouer of voog van 'n persoon wat gebore is uit ouers wat nie ten tyde van sy geboorte met mekaar getroud was nie, maar wat na die registrasie van sy geboorte met mekaar getrou het (hetsy hulle ten tyde van sy geboorte wettiglik met mekaar kon getrou het, al dan nie) kan, indien sodanige persoon onder die ouderdom van een-en-twintig jaar is, of sodanige persoon self kan, indien hy een-en-twintig jaar oud of ouer is, of geen ouer of voog het nie, by die registrateur-generaal aansoek doen om die registrasie van sy geboorte asof sy ouers ten tyde van sy geboorte met mekaar getroud was en die registrateur-generaal moet dan, indien hy oortuig is dat die aansoeker bevoeg is om die aansoek te doen, dat die beweerde ouers van sodanige persoon inderdaad sy ouers is en dat hulle wettiglik met mekaar getrou het, die betrokke distriksregistrateur gelas om die geboorte op die voorgeskrewe wyse te registreer asof sodanige persoon se ouers ten tyde van sy geboorte wettiglik met mekaar getroud was.

Wysiging van geboorteregistrasie van buite-egtelike kind na wettiging.

(2) Indien iemand se ouers wat nie ten tyde van sy geboorte met mekaar getroud was nie, voor die registrasie van sy geboorte met mekaar getrou het, word sodanige geboorte geregistreer asof hulle ten tyde van sy geboorte met mekaar getroud was.

12. Indien 'n lewende pasgebore kind of die lyk van 'n pasgebore kind verlate gevind word, moet die persoon wat die kind of lyk vind, so spoedig moontlik kennis gee aan 'n vrederegter of polisiebeampte of aan enige Bantoe kaptein of -hoofman, en enige vrederegter of polisiebeampte of Bantoe kaptein of -hoofman wat weet van of in kennis gestel word van die ontdekking van so 'n kind of lyk wat aldus verlaat is, en, in die geval van 'n lewende pasgebore kind, enige persoon in wie se sorg so 'n kind geplaas word en enige persoon wat 'n amptelike ondersoek hou aangaande of kennis dra van enige omstandighede betreffende die verlating, moet onverwyld aan die distriks-

Inligting aangaande lewende pasgebore kind of lyk van pasgebore kind wat verlate gevind word.

registrar or assistant district registrar of the district wherein the child or body was found the prescribed notice or information.

Duty of person holding inquest to give information to district registrar.

13. Any person holding in accordance with any law any inquest or enquiry as to the death of any person shall forthwith furnish to the district registrar the prescribed particulars in respect of the death.

Burial register to be kept.

14. (1) The custodian or person having the charge or control of any burial place shall keep a book to be called the "burial register" in which he shall enter the prescribed particulars regarding every burial in such burial place.

(2) The custodian or person aforesaid shall produce such book for inspection whenever so required by the district registrar.

Information by undertaker.

15. Any undertaker or person having charge of any funeral shall obtain, as far as possible, and supply to the custodian or person having charge or control of a burial place, whenever it has been arranged that a burial shall take place therein, such information as may be necessary to enable the custodian or person aforesaid to make the required entries in the burial register referred to in section *fourteen*.

Burial order in case of person dying outside a district in which it is desired to bury such person.

16. (1) Any district registrar or assistant district registrar may issue, to any person having the charge of the body of a deceased person who has died outside his district or area (whether within or outside the Republic) and whose relatives or friends desire that such body be buried within the district or area under the jurisdiction of such district registrar or assistant district registrar, an order authorizing the burial of such body within such district or area.

(2) An order referred to in sub-section (1) may be issued by any police officer in charge of a police station or in charge or temporarily in charge of a police mortuary, or any police officer in charge of a charge office, in the district or area in which the body in question is to be buried, where such officer considers it necessary to issue such an order in order to avoid delay or inconvenience, and any such officer shall as soon as possible after the issue by him of such an order advise the district registrar or assistant district registrar concerned in writing of the issue thereof.

(3) The production of any such order shall, notwithstanding anything in this Act contained, be sufficient authority to any person to bury such body or allow such body to be buried or to conduct any funeral or religious service in connection with its burial.

Information as to persons enrolled for military service and as to deaths therein.

17. (1) Whenever a person ordinarily resident in the Republic is enrolled for military service either within or outside the Republic, such particulars shall be obtained by the military authorities as will enable them in the event of his death while upon such service to furnish to the registrar-general particulars thereof on the prescribed form.

(2) The death information form shall be duly signed by the officer commanding the unit to which the deceased belonged or some other officer designated thereto by the military authorities.

CHAPTER III.

INFORMATION AS TO BIRTHS AND DEATHS IN URBAN AREAS.

Application of this Chapter.

18. The provisions of this Chapter shall apply only within urban areas.

Duty of father or occupier of dwelling to notify birth of child.

19. In the case of any child born alive in any urban area it shall be the duty of the father of the child, and, in the event of the death or absence or other inability of the father, then of any person, other than the mother, present at the birth, or of the occupier of the dwelling in which the child is born, and, in the event of the death or absence or other inability of such occupier, then of the person having charge of the child, within seven days after the birth, to give the prescribed notice or information thereof to the district registrar or assistant district registrar.

registrator of assistent-distriksregistrator van die distrik waarin die kind of lyk gevind is die voorgeskrewe kennis of inligting gee.

13. Iemand wat ooreenkomstig enige wetsbepaling 'n geregtelike lykskouing of ondersoek aangaande die dood van enige persoon hou, moet onverwyld aan die distriksregistrator die voorgeskrewe besonderhede ten opsigte van die dood verstrek.

Plig van persoon wat geregtelike lykskouing hou om inligting aan distriksregistrator te gee.

14. (1) Die bewaarder van of die persoon wat toesig of beheer het oor 'n begraafplaas, moet 'n boek, wat die „begrafnisregister” genoem word, hou, waarin hy die voorgeskrewe besonderhede betreffende elke begrafnis in sodanige begraafplaas moet aanteken.

Begrafnisregister moet gehou word.

(2) Voormelde bewaarder of persoon moet, wanneer dit deur die distriksregistrator van hom vereis word, sodanige boek ter insae oorle.

15. Enige begrafnisondernemer of persoon wat verantwoordelik is vir 'n begrafnis moet, wanneer reëlins getref is vir die plaasvind van 'n begrafnis in 'n begraafplaas, vir sover moontlik die inligting verkry, en aan die bewaarder van of persoon wat toesig of beheer het oor die begraafplaas, verskaf, wat nodig is om voormelde bewaarder of persoon in staat te stel om die vereiste aantekeninge in die in artikel veertien bedoelde begrafnisregister te maak.

Inligting deur begrafnisondernemer.

16. (1) 'n Distriksregistrator of assistent-distriksregistrator kan aan enige persoon wat die lyk van 'n oorlede persoon onder sy sorg het wat buite sy distrik of gebied (hetsy binne of buite die Republiek) gesterf het, en wie se familiebetrekkinge of vriende verlang dat sodanige lyk binne die distrik of gebied onder die jurisdiksie van sodanige distriksregistrator of assistent-distriksregistrator begrawe moet word, 'n order uitreik wat die begrafnis van sodanige lyk binne sodanige distrik of gebied magtig.

Begrafnisorder in geval van 'n persoon wat sterf buite 'n distrik waarin verlang word om sodanige persoon te begrawe.

(2) 'n In sub-artikel (1) bedoelde order kan uitgereik word deur 'n polisiebeampte in bevel van 'n polisiestasie of in bevel of tydelik in bevel van 'n polisielykhuis, of 'n polisiebeampte in bevel van 'n aanklagkantoor, in die distrik of gebied waarin die betrokke lyk begrawe staan te word, waar sodanige beampte dit nodig ag om so 'n order uit te reik ten einde oponthoud of ongerief te vermy, en enige sodanige beampte moet so spoedig moontlik nadat hy so 'n order uitgereik het, die betrokke distriksregistrator of assistent-distriksregistrator skriftelik van die uitreiking daarvan in kennis stel.

(3) Die oorlegging van enige sodanige order is, ondanks enigiets in hierdie Wet vervat, voldoende magtiging aan enige persoon om sodanige lyk te begrawe of om toe te laat dat sodanige lyk begrawe word of om enige lykdien of godsdienstige plegtigheid in verband met die begrafnis te lei.

17. (1) Wanneer iemand wat gewoonlik in die Republiek woonagtig is in militêre diens tree, hetsy binne of buite die Republiek, moet die militêre owerhede die besonderhede verkry wat hulle in staat sal stel om, ingeval hy te sterwe kom terwyl hy in sodanige diens is, op die voorgeskrewe vorm besonderhede daaromtrent aan die registrator-generaal te verstrek.

Inligting aangaande persone in militêre diens en aangaande sterfgevälle daarin.

(2) Die inligtingsvorm in verband met die sterfgeval moet behoorlik onderteken word deur die bevelvoerende offisier van die eenheid waaraan die oorledene behoort het of deur 'n ander offisier daartoe deur die militêre owerhede aangewys.

HOOFSTUK III.

INLIGTING AANGAANDE GEBOORTES EN STERFGEVALL IN STADSGEBIEDE.

18. Die bepalings van hierdie Hoofstuk is slegs in stadsgebiede van toepassing.

Toepassing van hierdie Hoofstuk.

19. In die geval van 'n kind wat in 'n stadsgebied lewend gebore word, is dit die plig van die vader van die kind, en ingeval die vader oorlede of afwesig is of om 'n ander rede nie daartoe in staat is nie, dan van enige ander persoon, behalwe die moeder, wat by die geboorte teenwoordig was, of van die bewoner van die woning waarin die kind gebore word, en ingeval sodanige bewoner oorlede of afwesig is of om 'n ander rede nie daartoe in staat is nie, dan van die persoon wat die kind onder sy sorg het, om binne sewe dae na die geboorte die voorgeskrewe kennis daarvan of inligting daaromtrent aan die distriksregistrator of assistent-distriksregistrator te gee.

Plig van vader of bewoner van woning om van geboorte van kind kennis te gee.

Duty of medical practitioner or midwife in case of still-born child.

20. (1) In the case of any still-born child, any medical practitioner or registered midwife who was in attendance at the birth, or any medical practitioner who has examined the body of the child shall forthwith sign and give, without fee or reward, to one or other of the persons required by this Act to give information concerning a birth, a certificate stating that the child was still-born.

(2) Any person who would, if the child had not been still-born, have been required by this Act to give information concerning the birth, shall forthwith deliver such certificate to the district registrar or assistant district registrar.

(3) If no medical practitioner or registered midwife was present at the still-birth and no medical practitioner has examined the body of the child, the person referred to in sub-section (2) shall make a solemn declaration that the child was not born alive and deliver such declaration within twenty-four hours of the still-birth to the district registrar or assistant district registrar.

(4) Whenever a person not registered as a midwife assisted at the birth, the information to be furnished shall include the name and address of such person.

Issue of burial order in case of still-born child.

21. (1) Any district registrar or assistant district registrar shall, upon receiving such information as is referred to in section twenty accompanied by such a certificate or solemn declaration as is mentioned therein, forthwith, or as soon as he is required to do so, give, without fee or reward, either to the person giving the information concerning the birth or to the undertaker or other person having charge of the burial of a still-born child, an order under his hand authorizing burial: Provided that no such order shall be given if the district registrar or assistant district registrar is not satisfied that the child was still-born.

(2) If the district registrar or assistant district registrar is not satisfied that the child was still-born he shall report to the magistrate such facts concerning the alleged still-birth as are known to him.

Notification of death and issue of burial order.

22. (1) It shall be the duty of every adult relative of a deceased person present at his death or in attendance during his last illness or at his dwelling with him and, if there are no such relatives, of every adult person present at the death of any person, and, if there was no such adult person present, then of the occupier of the dwelling in which the death occurred, and, in the event of the death or absence or other inability of such occupier, then of every adult inmate of the dwelling or of any person causing the body to be buried, to give to the district registrar or assistant district registrar notice in the prescribed manner of the death within twenty-four hours thereafter.

(2) The district registrar or assistant district registrar shall register and deal with such notice in the prescribed manner and, if he is satisfied that the death was due to natural causes, he shall give, without fee or reward, to the person giving the notice an order under his hand authorizing burial.

(3) A notice in terms of sub-section (1) may be received and an order under sub-section (2) may be issued on behalf of the district registrar or assistant district registrar concerned by any police officer in charge of a police station or in charge or temporarily in charge of a police mortuary, or any police officer in charge of a charge office, in the district or area in which the death occurred, where such officer considers it necessary to receive such notice and to issue such order in order to avoid delay or inconvenience, and any such officer who receives such a notice and issues such an order shall as soon as possible thereafter advise the district registrar or assistant district registrar concerned in writing accordingly and at the same time transmit to him the notice so received.

When deceased not attended by medical practitioner.

23. In the case of the death of any person who has not been attended during his last illness by a medical practitioner, if no inquest or other proceeding has been or is being instituted, or if no certificate by a registered medical practitioner is produced stating that to the best of his knowledge and belief

20. (1) In die geval van 'n doodgebore kind, moet enige mediese praktisyn of geregistreerde vroedvrou wat by die geboorte behulpsaam was, of enige mediese praktisyn wat die lyk van die kind ondersoek het, onverwyld, sonder betaling of beloning, 'n sertifikaat wat vermeld dat die kind doodgebore is, onderteken en aan die een of ander van die persone gee wat kragtens hierdie Wet verplig is om inligting betreffende 'n geboorte te gee.

Plig van mediese praktisyn of vroedvrou in geval van doodgebore kind.

(2) Enige persoon wat, indien die kind nie doodgebore was nie, kragtens hierdie Wet verplig sou gewees het om inligting betreffende die geboorte te gee, moet onverwyld sodanige sertifikaat aan die distriksregistrateur of assistent-distriksregistrateur oorhandig.

(3) Indien geen mediese praktisyn of geregistreerde vroedvrou teenwoordig was by die doodgeboorte nie en geen mediese praktisyn die lyk van die kind ondersoek het nie, moet die in sub-artikel (2) bedoelde persoon 'n plegtige verklaring doen dat die kind nie lewend gebore is nie en sodanige verklaring binne vier-en-twintig uur na die doodgeboorte aan die distriksregistrateur of assistent-distriksregistrateur oorhandig.

(4) Wanneer iemand wat nie as 'n vroedvrou geregistreer is nie by die geboorte behulpsaam was, moet die inligting wat verstrekt moet word die naam en adres van sodanige persoon bevat.

21. (1) 'n Distriksregistrateur of assistent-distriksregistrateur moet, na ontvangs van die in artikel *twintig* bedoelde inligting vergesel van die sertifikaat of plegtige verklaring wat daarin vermeld word, onverwyld, of sodra dit van hom verlang word, sonder betaling of beloning, aan of die persoon wat die inligting betreffende die geboorte gee of die begrafnisondernemer of ander persoon wat verantwoordelik is vir die begrafnis van 'n doodgebore kind, 'n deur hom ondertekende order uitreik waarby die begrafnis gemagtig word: Met dien verstande dat geen sodanige order uitgereik word nie as die distriksregistrateur of assistent-distriksregistrateur nie oortuig is dat die kind doodgebore was nie.

Uitreiking van begrafnisorder in geval van doodgebore kind.

(2) Indien die distriksregistrateur of assistent-distriksregistrateur nie oortuig is dat die kind doodgebore was nie, moet hy aan die landdros verslag doen van die feite betreffende die beweerde doodgeboorte wat aan hom bekend is.

22. (1) Dit is die plig van elke volwasse familiebetrekking van 'n oorlede persoon wat by sy oorlyde teenwoordig was of gedurende sy laaste siekte behulpsaam was of by hom in sy woning was, en as daar nie sodanige familiebetrekkinge is nie, van elke volwasse persoon wat by die oorlyde van 'n persoon teenwoordig was, en as daar geen sodanige volwasse persoon teenwoordig was nie, dan van die bewoner van die woning waarin die oorlyde plaasgevind het, en ingeval sodanige bewoner oorlede of afwesig is of om 'n ander rede nie daartoe in staat is nie, dan van elke volwasse inwoner van die woning of van enige persoon wat die lyk laat begrawe, om binne vier-en-twintig uur na die oorlyde aan die distriksregistrateur of assistent-distriksregistrateur op die voorgeskrewe wyse kennis daarvan te gee.

Kennisgewing van sterfgeval en uitreiking van begrafnisorder.

(2) Die distriksregistrateur of assistent-distriksregistrateur registreer sodanige kennisgewing en handel daarmee op die voorgeskrewe wyse en as hy oortuig is dat die oorlyde die gevolg was van natuurlike oorsake, reik hy, sonder betaling of beloning, aan die persoon wat die kennis gee 'n deur hom ondertekende order uit waarby die begrafnis gemagtig word.

(3) 'n Kennisgewing ingevolge sub-artikel (1) kan ontvang en 'n order kragtens sub-artikel (2) kan uitgereik word namens die betrokke distriksregistrateur of assistent-distriksregistrateur deur 'n polisiebeampte in bevel van 'n polisiestasie of in bevel of tydelik in bevel van 'n polisielykhuis, of 'n polisiebeampte in bevel van 'n aanklagkantoor, in die distrik of gebied waarin die oorlyde plaasgevind het, waar sodanige beampte dit nodig ag om sodanige kennisgewing te ontvang en sodanige order uit te reik ten einde oponthoud of ongerief te vermy, en enige sodanige beampte wat so 'n kennisgewing ontvang en so 'n order uitreik, moet so spoedig moontlik daarna die betrokke distriksregistrateur of assistent-distriksregistrateur skriftelik dienoreenkomstig in kennis stel, en terselfdertyd aan hom die kennisgewing stuur wat hy aldus ontvang het.

23. In die geval van die oorlyde van iemand wat nie gedurende sy laaste siekte deur 'n mediese praktisyn behandel is nie, indien geen geregtelike lykskouing of ander verrigtinge gehou is of gehou word nie, of indien geen sertifikaat van 'n geregistreerde mediese praktisyn oorgelê word nie waarin vermeld word dat na sy beste wete en geloof die oorlyde die gevolg van

Waar oorledene nie deur 'n mediese praktisyn behandel was nie.

the death was due to natural causes, or if though such a certificate is produced the district registrar or assistant district registrar to whom notice of death is given in terms of section *twenty-two* is not satisfied that the death was due to natural causes, the district registrar or assistant district registrar shall forthwith report to the magistrate such facts concerning the death as are known to him.

Certificate by medical practitioner and issue of burial order.

24. (1) In the case of the death of any person who has been attended during his last illness by a medical practitioner such practitioner shall, if satisfied that such death was due to natural causes, forthwith sign and give, without fee or reward, to one or other of the persons required by this Act to give notice concerning the death, a certificate stating to the best of his knowledge and belief the cause of death, and such person shall, within twenty-four hours from the receipt thereof, deliver such certificate to the district registrar or assistant district registrar.

(2) Whenever a medical practitioner is unable to give such certificate of death, he shall forthwith report his inability to the magistrate.

(3) Any district registrar or assistant district registrar shall, upon receiving such notice accompanied by such certificate, forthwith, or as soon as he is required to do so, give, without fee or reward, either to the person giving the notice or to the undertaker or other person having charge of the burial, an order under his hand authorizing burial.

Magistrate's duty on receiving medical practitioner's or registrar's report as to still-birth or death.

25. The magistrate shall, on receipt of any such report as is referred to in section *twenty-one*, *twenty-three* or *twenty-four*, instruct the district surgeon or other medical practitioner to investigate the cause of death, and if, in the opinion of the district surgeon or other medical practitioner death occurred from natural causes, the magistrate shall give an order authorizing burial and shall communicate the opinion of the district surgeon or other medical practitioner to the district registrar or assistant district registrar.

Issue of burial order in other cases.

26. In any case not provided for in any of the preceding sections the magistrate shall give an order authorizing burial as soon as he is satisfied that the body in question is no longer required for the purposes of an inquest or other proceeding.

Production of burial order to person who buries the body.

27. A burial order shall be produced by the person obtaining it or by some person on his behalf to the person who buries the body or conducts any funeral or religious service in connection with the burial.

No burial to take place without a burial order except in cases of urgent necessity.

28. (1) Except in a case where—

- (a) the immediate burial of the body of a person who has died from infectious disease is ordered by any local authority under any law or bye-law or regulation relating to public health; or
- (b) in the opinion of a health officer or local authority the body of a deceased person is in such a condition as to be a danger to public health if kept during the time necessary for obtaining the usual burial order; or
- (c) unforeseen circumstances arise which would prevent or have prevented the obtaining of a burial order,

no burial shall take place without a burial order.

(2) Any person who under the circumstances described in paragraph (a), (b) or (c) of sub-section (1) buries any body or conducts any funeral or religious service in connection with the burial of any body, and any person in charge of a burial place shall, within twenty-four hours after the burial, give notice thereof in writing to the district registrar or assistant district registrar of the district from which such body has been brought for burial or within which such burial has taken place or such funeral or religious service has been conducted.

Removal orders.

29. (1) If the burial of any deceased person does not take place within the urban area where the death occurred, a removal order shall be obtained from the district registrar or assistant district registrar.

natuurlike oorsake was, of indien, ofskoon so 'n sertifikaat oorgelê word, die distriksregistrator of assistent-distriksregistrator aan wie kennis van oorlyde ingevolge artikel twee-en-twintig gegee word nie oortuig is dat die oorlyde die gevolg van natuurlike oorsake was nie, moet die distriksregistrator of assistent-distriksregistrator onverwyld aan die landdros verslag doen van die feite betreffende die oorlyde wat aan hom bekend is.

24. (1) In die geval van die oorlyde van iemand wat gedurende sy laaste siekte deur 'n mediese praktisyn behandel is, moet sodanige praktisyn, indien hy oortuig is dat die oorlyde die gevolg van natuurlike oorsake was, onverwyld, sonder betaling of beloning, 'n sertifikaat wat na sy beste wete en geloof die oorsaak van oorlyde vermeld, onderteken en aan die een of ander van die persone gee wat kragtens hierdie Wet verplig is om kennis betreffende die oorlyde te gee, en sodanige persoon moet, binne vier-en-twintig uur vanaf ontvangs daarvan, sodanige sertifikaat aan die distriksregistrator of assistent-distriksregistrator oorhandig.

Sertifikaat van mediese praktisyn en uitreiking van begrafnisorder.

(2) Wanneer 'n mediese praktisyn nie in staat is om sodanige sertifikaat van oorlyde te gee nie, moet hy onverwyld verslag doen aan die landdros oor sy onvermoë om dit te doen.

(3) 'n Distriksregistrator of assistent-distriksregistrator moet, na ontvangs van sodanige kennisgewing vergesel van sodanige sertifikaat, onverwyld, of sodra dit van hom verlang word, sonder betaling of beloning, aan of die persoon wat die kennis gee of die begrafnisondernemer of ander persoon wat verantwoordelik is vir die begrafnis 'n deur hom ondertekende order uitreik waarby die begrafnis gemagtig word.

25. By ontvangs van 'n in artikel een-en-twintig, drie-en-twintig of vier-en-twintig bedoelde verslag, moet die landdros aan die distriksgeneesheer of 'n ander mediese praktisyn opdrag gee om ondersoek in te stel na die oorsaak van oorlyde, en, indien na die oordeel van daardie distriksgeneesheer of ander mediese praktisyn die oorlyde die gevolg was van natuurlike oorsake, moet die landdros 'n order uitreik waarby die begrafnis gemagtig word en moet hy die mening van die distriksgeneesheer of ander mediese beampte aan die distriksregistrator of assistent-distriksregistrator oordra.

Landdros se plig by ontvangs van verslag van mediese praktisyn of registrator betreffende doodgeboorte of sterfgeval.

26. In enige geval wat nie deur enige van die voorafgaande artikels gedek word nie, reik die landdros 'n order uit waarby die begrafnis gemagtig word, sodra hy oortuig is dat die betrokke lyk nie langer vir die doeleindes van 'n geregtelike lykskouing of ander verrigtinge benodig word nie.

Uitreiking van begrafnisorder in ander gevalle.

27. 'n Begrafnisorder moet deur die persoon wat dit verkry of deur 'n ander persoon namens hom, oorgelê word aan die persoon wat die lyk begrawe of wat enige lykdienst of godsdienstige plegtigheid in verband met die begrafnis lei.

Oorlegging van begrafnisorder aan persoon wat die lyk begrawe.

28. (1) Behalwe in 'n geval waar—

- (a) die onmiddellike begrafnis van die lyk van iemand wat oorlede is aan 'n besmetlike siekte deur 'n plaaslike bestuur kragtens die een of ander wet of verordening of regulasie betreffende volksgesondheid gelas word; of
- (b) na die oordeel van 'n gesondheidsbeampte of plaaslike bestuur die lyk van 'n oorlede persoon in so 'n toestand is dat dit 'n gevaar sou uitmaak vir die volksgesondheid, indien dit behou word gedurende die tyd wat nodig is vir die verkryging van die gewone begrafnisorder; of
- (c) onvoorsiene omstandighede ontstaan het wat die verkryging van 'n begrafnisorder sou verhinder of verhinder het,

Geen begrafnis vind plaas sonder 'n begrafnisorder behalwe in gevalle van dringende noodsaaklikheid nie.

vind geen begrafnis sonder 'n begrafnisorder plaas nie.

(2) Iemand wat onder die omstandighede in paragraaf (a), (b) of (c) van sub-artikel (1) beskryf, 'n lyk begrawe of 'n lykdienst of godsdienstige plegtigheid in verband met die begrafnis van 'n lyk lei, en iemand wat toesig het oor 'n begraafplaas, moet, binne vier-en-twintig uur na die begrafnis, skriftelik daarvan kennis gee aan die distriksregistrator of assistent-distriksregistrator van die distrik vanwaar sodanige lyk vir begrafnis gebring is of waarin sodanige begrafnis plaasgevind het of sodanige lykdienst of godsdienstige plegtigheid gelei is.

29. (1) Indien die begrafnis van 'n oorlede persoon nie binne die stadsgebied waar die oorlyde plaasgevind het, geskied nie, moet 'n verwyderingsorder van die distriksregistrator of assistent-distriksregistrator verkry word.

Verwyderingsorders.

(2) A removal order required in terms of sub-section (1) may be issued by any police officer in charge of a police station or in charge or temporarily in charge of a police mortuary, or any police officer in charge of a charge office, in the district or area in which the death occurred, where such officer considers it necessary to issue such order in order to avoid delay or inconvenience, and any such officer who issues such an order shall as soon as possible thereafter advise the district registrar or assistant district registrar concerned in writing of the issue thereof.

CHAPTER IV.

INFORMATION AS TO BIRTHS AND DEATHS IN AREAS OTHER THAN URBAN AREAS.

Application of Chapter IV.

30. The provisions of Chapter IV shall apply to any part of the Republic to which Chapter III does not apply.

Duty of person in case of birth of child.

31. (1) In the case of any child born alive it shall be the duty of the father of the child, and, in the event of the death or absence or other inability of the father, then of any person, other than the mother, present at the birth, or of the occupier of the dwelling in which the child is born, and, in the event of the death or absence or other inability of such occupier, then of the person having charge of the child, within thirty days after the birth, to give the prescribed notice thereof to the district registrar or assistant district registrar or to a justice of the peace or to a police officer.

(2) Any such justice of the peace or police officer shall, on receipt of such notice, forthwith give written information of the birth to the district registrar or assistant district registrar.

Notification of death.

32. (1) It shall be the duty of every adult relative of a deceased person present at his death or in attendance during his last illness or at his dwelling with him and, if there are no such relatives, of every adult person present at the death of any person, and, if there was no such adult person present, then of the occupier of the dwelling in which the death occurred, and, in the event of the death or absence or other inability of such occupier, then of every adult inmate of the dwelling or of any person causing the body to be buried, to give to the district registrar, assistant district registrar, justice of the peace or police officer notice in the prescribed manner of the death within thirty days thereafter.

(2) Any such justice of the peace or police officer shall, on receipt of such notice, forthwith give written information of the death to the district registrar or assistant district registrar.

Application of section 20 in non-urban areas.

33. The provisions of section *twenty* shall apply for the purpose of notifying information as to the delivery of still-born children in areas to which this Chapter applies: Provided that in any such area the certificate or declaration required by the said section shall be delivered to the district registrar, assistant district registrar, justice of the peace or police officer within thirty days after the delivery of the still-born child.

Duties of medical practitioner in attendance at last illness.

34. Whenever any medical practitioner has attended during the last illness of any person outside the boundary of any urban area, it shall be the duty of such medical practitioner, on application by the district registrar or by the assistant district registrar or by the person giving notice of the death, forthwith to send to the district registrar or assistant district registrar without fee or reward a certificate of the cause of death or a notice of inability to sign such a certificate.

CHAPTER V.

INFORMATION AS TO AND REGISTRATION OF BIRTHS AND DEATHS OF BANTU.

Non-applicability of Act to notification of births and deaths of Bantu in rural areas.

35. Nothing in this Act contained shall be construed as applying to the notification or registration of the births and deaths of Bantu in areas to which Chapter IV applies until the State President has, by proclamation in the *Gazette*, applied this Act to the notification and registration of births and deaths

(2) 'n Ingevolge sub-artikel (1) vereiste verwyderingsorder kan uitgereik word deur 'n polisiebeampte in bevel van 'n polisiestasië of in bevel of tydelik in bevel van 'n polisielykhuys, of 'n polisiebeampte in bevel van 'n aanklagkantoor, in die distrik of gebied waarin die oorlyde plaasgevind het, waar sodanige beampte dit nodig ag om sodanige order uit te reik ten einde oponthoud of ongerief te vermy, en enige sodanige beampte wat so 'n order uitreik, moet so spoedig moontlik daarna die betrokke distriksregistrator of assistent-distriksregistrator skriftelik van die uitreiking daarvan in kennis stel.

HOOFSTUK IV.

INLIGTING AANGAANDE GEBOORTES EN STERFGEVALLE IN ANDER GEBIEDE AS STADSGBIEDE.

30. Die bepalings van Hoofstuk IV is van toepassing in enige deel van die Republiek waarin Hoofstuk III nie van toepassing is nie.

Toepassing van Hoofstuk IV.

31. (1) In die geval van 'n kind wat lewend gebore word, is dit die plig van die vader van die kind, en ingeval die vader oorlede of afwesig is of om 'n ander rede nie daartoe in staat is nie, dan van enige ander persoon, behalwe die moeder, wat by die geboorte teenwoordig was, of van die bewoner van die woning waarin die kind gebore word, en ingeval sodanige bewoner oorlede of afwesig is of om 'n ander rede nie daartoe in staat is nie, dan van die persoon wat die kind onder sy sorg het, om binne dertig dae na die geboorte die voorgeskrewe kennis daarvan aan die distriksregistrator of assistent-distriksregistrator of aan 'n vrederegter of aan 'n polisiebeampte te gee.

Plig van persoon in geval van geboorte van kind.

(2) Enige sodanige vrederegter of polisiebeampte moet na ontvangs van sodanige kennisgewing, onverwyld aan die distriksregistrator of assistent-distriksregistrator skriftelik inligting omtrent die geboorte gee.

32. (1) Dit is die plig van elke volwasse familiebetrekking van 'n oorlede persoon wat by sy oorlyde teenwoordig was of gedurende sy laaste siekte behulpsaam was of by hom in sy woning was, en as daar nie sodanige familiebetrekkinge is nie, van elke volwasse persoon wat by die oorlyde van 'n persoon teenwoordig was, en as daar geen sodanige volwasse persoon teenwoordig was nie, dan van die bewoner van die woning waarin die oorlyde plaasgevind het, en ingeval sodanige bewoner oorlede of afwesig is of om 'n ander rede nie daartoe in staat is nie, dan van elke volwasse inwoner van die woning of van enige persoon wat die lyk laat begrawe, om binne dertig dae na die oorlyde aan die distriksregistrator, assistent-distriksregistrator, vrederegter of polisiebeampte op die voorgeskrewe wyse kennis daarvan te gee.

Kennisgewing van sterfgeval.

(2) Enige sodanige vrederegter of polisiebeampte moet na ontvangs van sodanige kennisgewing, onverwyld aan die distriksregistrator of assistent-distriksregistrator skriftelik inligting omtrent die oorlyde gee.

33. Die bepalings van artikel *twintig* is vir die doeleindes van die gee van inligting aangaande die geboorte van doodgebore kinders van toepassing in gebiede waarin hierdie Hoofstuk van toepassing is: Met dien verstande dat in enige sodanige gebied die sertifikaat of verklaring wat deur genoemde artikel vereis word binne dertig dae na die geboorte van die doodgebore kind aan die distriksregistrator, assistent-distriksregistrator, vrederegter of polisiebeampte oorhandig moet word.

Toepassing van artikel 20 in ander gebiede as stadsgebiede.

34. Wanneer 'n mediese praktisyn buite die grense van 'n stadsgebied iemand gedurende sy laaste siekte behandel het, is dit die plig van sodanige mediese praktisyn om, op aansoek van die distriksregistrator of van die assistent-distriksregistrator of van die persoon wat kennis van die oorlyde gee, onverwyld, sonder betaling of beloning, aan die distriksregistrator of assistent-distriksregistrator 'n sertifikaat betreffende die oorsaak van oorlyde of 'n kennisgewing dat hy nie in staat is om so 'n sertifikaat te onderteken nie, te stuur.

Pligte van mediese praktisyn wat by laaste siekte behandeling verskaf het.

HOOFSTUK V.

INLIGTING AANGAANDE EN REGISTRASIE VAN GEBOORTES EN STERFGEVALLE VAN BANTOES.

35. Niks in hierdie Wet vervat, word uitgelê as sou dit van toepassing wees op die kennisgewing of registrasie van geboortes en sterfgevalle van Bantoes in gebiede waarin Hoofstuk IV van toepassing is nie, totdat die Staatspresident by proklamasie in die *Staatskoerant* hierdie Wet van toepassing gemaak het op die kennisgewing en registrasie van geboortes en sterfgevalle van

Wet nie van toepassing op kennisgewing van geboortes en sterfgevalle van Bantoes in landelike gebiede nie.

of Bantu in such areas: Provided that any Bantu who so desires shall be entitled to avail himself of the facilities for registration offered.

Special provisions for registration of Bantu births and deaths.

36. (1) The State President may make regulations prescribing special provisions, either in addition to or in substitution of the provisions of this Act, to be in force in any district of the Republic or portion of a district or in Bantu locations, for the notification and registration of the births and deaths of Bantu, and may by such regulations prescribe penalties for a contravention thereof or failure to comply therewith, not exceeding the penalties mentioned in section *forty-nine*.

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

Definition of Bantu.

37. The expression "Bantu" in this Chapter means a person both of whose parents belong or belonged to an aboriginal race or tribe of Africa and includes any person of mixed race living as a member of any Bantu community, tribe, kraal or location.

CHAPTER VI.

REGISTRATION OF BIRTHS AND DEATHS OCCURRING ON BOARD SHIP.

Registration of births and deaths occurring on board ship.

38. The receipt by a district registrar or an assistant district registrar of any return transmitted in terms of sub-section (2) of section *one hundred and eighty-nine* of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), shall constitute the registration of the birth or death therein recorded, and the provisions of this Act shall thereupon apply as if such birth or death had occurred within the district of such district registrar or assistant district registrar.

CHAPTER VII.

REGISTRATION OF MARRIAGES.

Manner of dealing with special marriage licences and certain other documents.

39. If any officer is in terms of this Act required to transmit any duplicate original register of a marriage to any other officer he shall transmit with such register to such officer every special marriage licence and every prescribed document relating to such marriage.

The preservation of records of a marriage.

40. (1) The marriage officer solemnizing any marriage between parties of whom the male is not a Bantu, the parties thereto and at least two competent witnesses shall sign an original and a duplicate original register of such marriage in the prescribed form before they leave the premises where the marriage took place.

(2) The said marriage officer shall keep the original register with his records and shall, within one week from the date of the marriage, transmit the duplicate original register, to which revenue stamps to the prescribed value have been affixed, to the registrar-general for record.

The preservation of records of marriages between Bantu.

41. (1) The marriage officer solemnizing any marriage between parties of whom the male is a Bantu, the parties thereto and at least two competent witnesses shall sign an original register and the prescribed number of duplicate original registers of such marriage in the prescribed form before they leave the premises where the marriage took place.

(2) The said marriage officer shall keep the original register with his records and shall, if he is not in terms of sub-section (3) required to transmit the duplicate original registers so signed to a Bantu Affairs commissioner or magistrate, transmit them to the registrar-general within one week after the date of the marriage.

Bantoes in sodanige gebiede: Met dien verstande dat enige Bantoe wat dit verlang, geregtig is om van die fasiliteite vir registrasie wat aangebied word, gebruik te maak.

36. (1) Die Staatspresident kan regulasies uitvaardig waarby spesiale bepalings, hetsy ter aanvulling hetsy ter vervanging van die bepalings van hierdie Wet, voorgeskryf word, om van krag te wees in enige distrik van die Republiek of deel van 'n distrik of in Bantoe-lokasies, betreffende kennisgewing en registrasie van geboortes en sterfgevalle van Bantoes, en kan in sodanige regulasies strawwe voorskryf vir 'n oortreding daarvan of versuim om daaraan te voldoen, wat die strawwe in artikel *nege-en-veertig* vermeld nie te bowe gaan nie.

Spesiale bepalings aangaande registrasie van geboortes en sterfgevalle van Bantoes.

(2) Enige regulasie kragtens hierdie artikel uitgevaardig, moet in die Senaat en in die Volksraad ter Tafel gelê word binne veertien dae na afkondiging daarvan as die Parlement dan in gewone sessie is, of, as die Parlement nie dan in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie, en, indien sowel die Senaat as die Volksraad besluite neem waarby dit of enige bepaling daarvan afgekeur word gedurende die sessie waarin dit aldus ter genoemde Tafels gelê word, hou dit op om van krag te wees in die mate waarin dit aldus afgekeur word, op die dag waarop die laaste van sodanige besluite geneem word.

37. Die uitdrukking „Bantoe” in hierdie Hoofstuk beteken 'n persoon van wie beide ouers tot 'n inboorlingras of -stam van Afrika behoort of behoort het, en ook 'n persoon van gemengde ras wat as 'n lid van 'n Bantoe-gemeenskap, -stam, -kraal of -lokasie leef.

Omskrywing van Bantoe.

HOOFSTUK VI.

REGISTRASIE VAN GEBOORTES EN STERFGEVALLE WAT AAN BOORD VAN 'N SKIP PLAASVIND.

38. Die ontvangs deur 'n distriksregistrator of 'n assistent-distriksregistrator van 'n opgawe ingevolge sub-artikel (2) van artikel *honderd nege-en-tagtig* van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), ingestuur, maak die registrasie uit van die geboorte of sterfgeval daarin aangeteken, en die bepalings van hierdie Wet is daarna van toepassing asof sodanige geboorte of sterfgeval in die distrik van sodanige distriksregistrator of assistent-distriksregistrator plaasgevind het.

Registrasie van geboortes en sterfgevalle wat aan boord van 'n skip plaasvind.

HOOFSTUK VII.

REGISTRASIE VAN HUWELIKE.

39. Indien van 'n beampte ingevolge hierdie Wet vereis word dat hy 'n duplikaat van die oorspronklike register van 'n huwelik aan 'n ander beampte moet stuur, moet hy tesame met sodanige register aan sodanige beampte elke spesiale huwelikslisensie en elke voorgeskrewe dokument met betrekking tot sodanige huwelik stuur.

Manier waarop met spesiale huwelikslisensies en sekere ander dokumente gehandel word.

40. (1) Die huweliksbeampte wat 'n huwelik voltrek tussen partye van wie die man nie 'n Bantoe is nie, die partye daarby en ten minste twee bevoegde getuies moet 'n oorspronklike en 'n duplikaat van die oorspronklike register van sodanige huwelik in die voorgeskrewe vorm onderteken voordat hulle die perseel waar die huwelik plaasgevind het, verlaat.

Bewaring van huwelikstukke.

(2) Genoemde huweliksbeampte moet die oorspronklike register by sy stukke bewaar en moet, binne een week vanaf die datum van die huwelik, die duplikaat van die oorspronklike register, waaraan inkomsteseëls van die voorgeskrewe waarde geheg is, aan die registrator-generaal vir bewaring stuur.

41. (1) Die huweliksbeampte wat 'n huwelik voltrek tussen partye van wie die man 'n Bantoe is, die partye daarby en ten minste twee bevoegde getuies moet 'n oorspronklike register en die voorgeskrewe getal duplikate van die oorspronklike register van sodanige huwelik in die voorgeskrewe vorm onderteken voordat hulle die perseel waar die huwelik plaasgevind het, verlaat.

Bewaring van stukke van huwelike tussen Bantoes.

(2) Genoemde huweliksbeampte moet die oorspronklike register by sy stukke bewaar en moet, indien daar nie ingevolge sub-artikel (3) van hom vereis word dat hy die duplikate van die oorspronklike register aldus onderteken aan 'n Bantoesake-kommissaris of landdros moet stuur nie, hulle binne een week na die datum van die huwelik aan die registrator-generaal stuur.

(3) If the marriage took place—

- (a) in an area under the jurisdiction of a Bantu Affairs commissioner and the said marriage officer is not the Bantu Affairs commissioner for that area or an officer attached to the office of such Bantu Affairs commissioner; or
- (b) in an area not under the jurisdiction of a Bantu Affairs commissioner and the said marriage officer is not the magistrate of the district in which the marriage took place, or an officer attached to the office of such magistrate,

the said marriage officer shall within one week after the date of the marriage transmit, in the event contemplated in paragraph (a), to that Bantu Affairs commissioner, or, in the event contemplated in paragraph (b), to the magistrate of that district, the prescribed number of duplicate original registers so signed.

(4) The Bantu Affairs commissioner or magistrate receiving such registers shall keep one thereof with his records and shall within one week after the date of such receipt transmit the others to the registrar-general.

CHAPTER VIII.

MISCELLANEOUS.

Searches and issue of certificates.

42. (1) It shall be the duty of the registrar-general or district registrar and of every marriage officer, Bantu Affairs commissioner or magistrate, upon receipt by him of a written application from any person and upon payment of the prescribed fee, to cause search to be made in any birth, death or marriage register which is in terms of this Act or a prior law in the custody of such officer, and to issue a certificate in the prescribed form of any entry contained in such register or in any documents attached to such register: Provided that no such duty shall rest on the registrar-general in respect of a register relating to the birth or death of a Bantu which occurred after the thirty-first day of December, 1959, or to a marriage solemnized after the said date between parties of whom the male is a Bantu, unless such application was transmitted to him by any officer who has, in terms of this Act, the custody of a register of such birth, death or marriage.

(2) Such officer shall so transmit any such application received by him if by reason of his having transmitted in terms of this Act any document relating to such register to the said registrar-general, he is unable to issue the certificate applied for.

(3) Every such certificate signed by the registrar-general, district registrar or marriage officer, Bantu Affairs commissioner or magistrate, as the case may be, shall in all courts of law and public offices be *prima facie* evidence of the particulars set forth therein.

Solemn declaration under this Act to be exempt from stamp duties.

43. Notwithstanding anything contained in the Stamp Duties Act, 1962 (Act No. 59 of 1962), no affidavit or solemn declaration made by any person for the purposes of complying with any provision of this Act or the regulations relating to the registration of births and deaths shall be liable to stamp duty.

Saving as to registration in respect of Indian immigrants.

44. (1) (a) Nothing in this Act contained shall apply to the registration of the births, marriages and deaths of Indians in the Province of Natal until a date which the State President is hereby authorized to fix by proclamation in the *Gazette* as a date from which the provisions of this Act shall be extended to such Indians.

(b) Until such date such registration shall in all respects be made in like manner as if this Act had not been passed.

(2) From the date of such extension the Minister or any magistrate or other officer of the public service shall procure and forward to the registrar-general a duplicate original register of any marriage solemnized by him under the provisions of the Indian Immigration Law, 1891 (Law No. 25 of 1891), of Natal.

(3) Within six months from the date of such extension the Minister shall furnish the registrar-general or cause him to be furnished by an officer of the public service with the registers of all marriages entered into prior to the date of such extension by Indians after their arrival in the Province of Natal.

- (3) Indien die huwelik plaasgevind het—
- (a) in 'n gebied onder die jurisdiksie van 'n Bantoesake-kommissaris en genoemde huweliksbeampte is nie die Bantoesakekommissaris vir daardie gebied of 'n beampte verbonde aan die kantoor van sodanige Bantoesakekommissaris nie; of
- (b) in 'n gebied nie onder die jurisdiksie van 'n Bantoesakekommissaris nie en genoemde huweliksbeampte is nie die landdros van die distrik waarin die huwelik plaasgevind het of 'n beampte verbonde aan die kantoor van sodanige landdros nie,
- moet genoemde huweliksbeampte binne een week na die datum van die huwelik die voorgeskrewe getal duplikate van die oorspronklike register, aldus onderteken, stuur, in die geval beoog in paragraaf (a), aan daardie Bantoesakekommissaris, of, in die geval beoog in paragraaf (b), aan die landdros van daardie distrik.
- (4) Die Bantoesakekommissaris of landdros wat sodanige registers ontvang, bewaar een daarvan by sy stukke en stuur binne een week na die datum van sodanige ontvangs die ander aan die registrateur-generaal.

HOOFTUK VIII.

GEMENGDE BEPALINGS.

42. (1) Dit is die plig van die registrateur-generaal of distriks-registrateur en van elke huweliksbeampte, Bantoesakekommissaris of landdros, om by ontvangs deur hom van 'n skriftelike aansoek van enige persoon en teen betaling van die voorgeskrewe gelde, enige geboortes-, sterfgevallen- of huweliksregister wat ingevolge hierdie Wet of 'n vroeëre wet in die bewaring van sodanige beampte is, te laat naspoor, en om 'n sertifikaat in die voorgeskrewe vorm uit te reik van enige inskrywing wat in sodanige register of in enige dokument wat aan sodanige register geheg is, voorkom: Met dien verstande dat geen sodanige plig op die registrateur-generaal rus nie ten opsigte van 'n register betreffende die geboorte of oorlyde van 'n Bantoe wat na die een-en-dertigste dag van Desember 1959 plaasgevind het, of betreffende 'n huwelik wat na genoemde datum voltrek is tussen partye van wie die man 'n Bantoe is, tensy sodanige aansoek aan hom gestuur is deur 'n beampte wat ingevolge hierdie Wet die bewaring van 'n register van sodanige geboorte, oorlyde of huwelik het.

Nasporing en die uitreiking van sertifikate.

(2) Sodanige beampte moet enige sodanige aansoek wat deur hom ontvang word aldus stuur, indien hy nie in staat is om die sertifikaat waarom aansoek gedoen is, uit te reik nie omdat hy ingevolge hierdie Wet enige dokument betreffende sodanige register aan genoemde registrateur-generaal gestuur het.

(3) Elke sodanige sertifikaat wat deur die registrateur-generaal, distriksregistrateur of huweliksbeampte, Bantoesakekommissaris of landdros, na gelang van die geval, onderteken is, is in alle geregshoeve en openbare kantore *prima facie* getuigenis van die besonderhede daarin vermeld.

43. Ondanks enigiets in die Seëlwet, 1962 (Wet No. 59 van 1962), vervat, is geen beëdigde verklaring of plegtige verklaring wat deur enige persoon gedoen word ten einde aan 'n bepaling van hierdie Wet of die regulasies betreffende die registrasie van geboortes en sterfgevallen te voldoen, aan seëlregte onderhewig nie.

Plegtige verklaring kragtens hierdie Wet is vrygestel van seëlregte.

44. (1) (a) Niks in hierdie Wet vervat, is op die registrasie van die geboortes, huwelike en sterfgevallen van Indiërs in die provinsie Natal van toepassing nie tot 'n datum wat die Staatspresident hierby gemagtig word om by proklamasie in die *Staatskoerant* vas te stel as 'n datum vanaf wanneer die bepalings van hierdie Wet na sodanige Indiërs uitgebrei word.

Voorbehoudsbepaling betreffende registrasie ten opsigte van Indiër-immigrante.

(b) Tot bedoelde datum vind sodanige registrasie in alle opsigte op dieselfde wyse plaas asof hierdie Wet nie aangeneem was nie.

(2) Vanaf die datum van sodanige uitbreiding moet die Minister of enige landdros of ander beampte in die Staatsdiens 'n duplikaat van die oorspronklike register van enige huwelik wat hy kragtens die bepalings van die „Indian Immigration Law, 1891” (Wet No. 25 van 1891), van Natal voltrek, verkry en aan die registrateur-generaal stuur.

(3) Binne ses maande vanaf die datum van sodanige uitbreiding moet die Minister die registers van alle huwelike wat voor die datum van sodanige uitbreiding deur Indiërs aangegaan is na hulle aankoms in die provinsie Natal, aan die registrateur-generaal verskaf of deur 'n beampte in die Staatsdiens aan hom laat verskaf.

Penalty for failure to give notice or information.

45. Any person who, without reasonable cause or excuse fails to give or transmit any notice, information, memorandum, return or certificate required by this Act or by any regulation, to be given or transmitted, shall be guilty of an offence: Provided that no person shall be liable to be convicted under this section if it appears that any other person has duly given or transmitted the required notice, information, memorandum, return or certificate.

Penalty for false statement made for insertion in information.

46. Any person who wilfully makes or causes to be made, for the purpose of being inserted in any notice or information or in any births register, deaths register or marriage register, any false statement relating to any of the particulars required by this Act or by any regulation to be made known and registered, shall be guilty of an offence and liable on conviction to the penalties which by law may be imposed for the crime of perjury.

Penalty for negligently losing or injuring register.

47. Any person, having the custody of any register or certified copy thereof or of any part thereof, who negligently loses it or injures it or negligently, while it is in his custody, allows it to be injured, shall be guilty of an offence.

Penalty for wilfully destroying or falsifying register or wilfully giving false certificate.

48. Any person who wilfully destroys or injures or renders illegible or causes to be destroyed or injured or rendered illegible any register or certified copy thereof or any part thereof or falsely makes or counterfeits or causes to be falsely made or counterfeited any part of a register or certified copy thereof, or wilfully inserts or causes to be inserted in any register or certified copy or part thereof any false entry or wilfully gives or utters any false certificate or certifies any writing to be a copy of or extract from a register knowing such copy or extract to be false in any part or who forges or counterfeits the signature, seal, impression, or stamp of the registrar-general or the registrar or any assistant registrar or any district registrar or assistant district registrar or of any marriage officer, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years, and any person, having the custody or care of any register, who knowingly permits any such act to be committed shall also be guilty of an offence and liable on conviction to the same penalty.

Penalty for contravention where no penalty specially provided.

49. Any person who contravenes or fails to comply with any provision of this Act or of any regulation for the contravention whereof or for the failure to comply wherewith no penalty is specially provided shall be liable on conviction to a fine not exceeding fifty rand.

Regulations.

50. (1) The State President may make regulations, not inconsistent with this Act—

- (a) as to the management of the registrar-general's or registrar's office or of any district registration office;
- (b) prescribing the duties and powers of the registrar-general, of the registrar, of any assistant registrar and of the district registrars and assistant district registrars;
- (c) as to the obtaining of particular information respecting all births, marriages and deaths occurring in the Republic and prescribing the nature and extent of such information;
- (d) prescribing any forms, certificates, notices or registers to be used in connection with the registration of births, marriages and deaths and as to the use thereof; as to the correction or alteration in and addition to any such forms, certificates, notices or registers and for the disposal, safe custody and preservation thereof;
- (e) prescribing the fees payable for searches made or allowed or certificates given or for any act performed under the provisions of this Act or any regulation, and the persons by whom and to whom such fees are payable,

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

(2) Different fees may be prescribed under paragraph (e) of sub-section (1) in respect of different kinds of searches,

45. Iemand wat sonder gegronde rede of verskoning versuim om enige kennis, inligting, memorandum, opgawe of sertifikaat te gee of te stuur wat volgens hierdie Wet of volgens enige regulasie gegee of gestuur moet word, is aan 'n misdryf skuldig: Met dien verstande dat niemand kragtens hierdie artikel veroordeel kan word nie as dit blyk dat enigiemand anders die vereiste kennis, inligting, memorandum, opgawe of sertifikaat behoorlik gegee of gestuur het.

Straf vir versuim om kennis of inligting te gee.

46. Iemand wat opsetlik 'n valse verklaring betreffende enige besonderhede wat volgens hierdie Wet of volgens enige regulasie bekend gemaak en geregistreer moet word, doen of laat doen met die doel dat dit in enige kennisgewing of inligting of in enige geboortesregister, sterfgevalleregister of huweliksregister opgeneem moet word, is aan 'n misdryf skuldig en by skuldigebevinning strafbaar met die strawwe wat regtens vir die misdaad van meened opgelê kan word.

Straf vir valse verklaring gemaak vir opneming in inligting.

47. Iemand wat 'n register of 'n gesertifiseerde afskrif daarvan of enige deel daarvan in sy bewaring het en wat dit deur nalatigheid verloor of beskadig of wat, terwyl dit in sy bewaring is, deur nalatigheid toelaat dat dit beskadig word, is aan 'n misdryf skuldig.

Straf vir die verlies of beskadiging van register deur nalatigheid.

48. Iemand wat opsetlik 'n register of 'n gesertifiseerde afskrif daarvan of enige deel daarvan vernietig of beskadig of onleesbaar maak of dit laat vernietig of beskadig of onleesbaar maak of wat enige deel van 'n register of 'n gesertifiseerde afskrif daarvan vervals of namaak of dit laat vervals of namaak of wat opsetlik in 'n register of 'n gesertifiseerde afskrif of deel daarvan 'n valse inskrywing maak of laat maak of wat opsetlik 'n valse sertifikaat gee of uitgee of sertifiseer dat enige geskrif 'n afskrif van of uittreksel uit 'n register is, terwyl hy weet dat sodanige afskrif of uittreksel in een of ander opsig vals is of wat die handtekening, seël, stempel of tjap van die registrateur-generaal of die registrateur of enige assistent-registrateur of enige distriks-registrateur of assistent-distriksregistrateur of van enige huweliksbeampte vervals of namaak, is aan 'n misdryf skuldig en by skuldigebevinning strafbaar met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, en iemand wat 'n register in sy bewaring of onder sy sorg het en wat willens en wetens toelaat dat enige sodanige handeling plaasvind, is ook aan 'n misdryf skuldig en by skuldigebevinning strafbaar met dieselfde straf.

Straf vir opsetlike vernietiging of vervalsing van register of opsetlike verstrekking van 'n valse sertifikaat.

49. Iemand wat 'n bepaling van hierdie Wet of van 'n regulasie oortree of versuim om daaraan te voldoen, is, waar daar geen spesiale voorsiening vir 'n straf vir die oortreding daarvan of vir die versuim om daaraan te voldoen, gemaak is nie, by veroordeling strafbaar met 'n boete van hoogstens vyftig rand.

Straf vir oortreding waar daar nie spesiale voorsiening vir 'n straf gemaak is nie.

50. (1) Die Staatspresident kan regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie—

Regulasies.

- (a) aangaande die bestuur van die kantoor van die registrateur-generaal of van die registrateur of van enige distriksregistrasiekantoor;
- (b) waarby die pligte en bevoegdhede van die registrateur-generaal, of die registrateur, of enige assistent-registrateur en van die distriksregistrateurs en assistent-distriksregistrateurs voorgeskryf word;
- (c) aangaande die verkryging van besondere inligting met betrekking tot alle geboortes, huwelike en sterfgevalle wat in die Republiek plaasvind en waarby die aard en omvang van sodanige inligting voorgeskryf word;
- (d) waarby enige vorms, sertifikate, kennisgewings of registers wat in verband met die registrasie van geboortes, huwelike en sterfgevalle gebruik moet word, voorgeskryf word en aangaande die gebruik daarvan; aangaande verbeterings of veranderings in en byvoegings by enige sodanige vorms, sertifikate, kennisgewings of registers en die beskikking daarvoor of die veilige bewaring of in goeie toestand hou daarvan;
- (e) waarby voorgeskryf word die gelde betaalbaar vir nasporings uitgevoer of toegelaat of sertifikate gegee of vir enige handeling kragtens die bepalings van hierdie Wet of enige regulasie verrig, en die persone deur wie en aan wie sodanige gelde betaalbaar is, en in die algemeen vir die beter verwesenliking van die oogmerke en doelstellings van hierdie Wet.

(2) Verskillende gelde kan kragtens paragraaf (e) van subartikel (1) voorgeskryf word ten opsigte van verskillende soorte nasporings, sertifikate of handeling en ten opsigte van na-

certificates or acts and in respect of searches, certificates or acts relating to events that occurred at different times.

(3) The regulations may prescribe penalties for the contravention thereof or failure to comply therewith, not exceeding in any case a fine of twenty rand.

Repeal of laws.

51. (1) Subject to the provisions of sub-section (2), the laws specified in the Schedule are hereby repealed.

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

Short title.

52. This Act shall be called the Births, Marriages and Deaths Registration Act, 1963.

Schedule.

LAWS REPEALED.

No. and year.	Short title.
Act No. 17 of 1923 ..	Births, Marriages and Deaths Registration Act, 1923.
Act No. 7 of 1934 ..	Births, Marriages and Deaths Registration Amendment Act, 1934.
Act No. 5 of 1943 ..	Births, Marriages and Deaths Registration Amendment Act, 1943.
Act No. 35 of 1951 ..	Births and Deaths Registration Amendment Act, 1951.
Act No. 46 of 1955 ..	Births, Marriages and Deaths Registration Amendment Act, 1955.
Act No. 26 of 1959 ..	Births, Marriages and Deaths Registration Amendment Act, 1959.
Act No. 5 of 1960 ..	Births, Marriages and Deaths Registration Amendment Act, 1960.
Act No. 3 of 1962 ..	Births, Marriages and Deaths Registration Amendment Act, 1962.

sporings, sertifikate of handelinge betreffende gebeurtenisse wat op verskillende tye plaasgevind het.

(3) Die regulasies kan strawwe voorskryf vir die oortreding daarvan of versuim om daaraan te voldoen, wat in geen geval 'n boete van twintig rand te bowe gaan nie.

51. (1) Behoudens die bepalings van sub-artikel (2), word die wette vermeld in die Bylae hierby herroep. Herroeping van wette.

(2) Enige proklamasie of regulasie wat uitgevaardig is of handeling wat verrig is of enigiets wat gedoen is of wat geag word uitgevaardig, verrig of gedoen te gewees het kragtens 'n by sub-artikel (1) herroepe wetsbepaling, word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgevaardig, verrig of gedoen te gewees het.

52. Hierdie Wet heet die Wet op die Registrasie van Korttitel. Geboortes, Huwelike en Sterfgevälle, 1963.

Bylae.

WETTE HERROEP.

No. en jaar.	Kort titel.
Wet No. 17 van 1923 ..	„Wet op de Registratie van Geboorten, Huweliken en Sterfgevallen, 1923”.
Wet No. 7 van 1934 ..	Wysigingswet op die Registrasie van Geboortes, Huwelike en Sterfgevälle, 1934.
Wet No. 5 van 1943 ..	Wysigingswet op die Registrasie van Geboortes, Huwelike en Sterfgevälle, 1943.
Wet No. 35 van 1951 ..	Wysigingswet op die Registrasie van Geboortes en Sterfgevälle, 1951.
Wet No. 46 van 1955 ..	Wysigingswet op die Registrasie van Geboortes, Huwelike en Sterfgevälle, 1955.
Wet No. 26 van 1959 ..	Wysigingswet op die Registrasie van Geboortes, Huwelike en Sterfgevälle, 1959.
Wet No. 5 van 1960 ..	Wysigingswet op die Registrasie van Geboortes, Huwelike en Sterfgevälle, 1960.
Wet No. 3 van 1962 ..	Wysigingswet op die Registrasie van Geboortes, Huwelike en Sterfgevälle, 1962.

No. 82, 1963.]

ACT

To provide for the transfer to the University of the Orange Free State by the Public Debt Commissioners of an amount of two hundred and twenty thousand rand from the local loans fund established under the Local Loans Act, 1926; for the establishment by the Council of the said University of an Orange Free State Study Bursaries Fund; for the administration of the said Fund and the application of the income derived from the investment of the moneys therein; to amend the Local Loans Act, 1926; to provide for the repeal of certain laws; and to provide for other incidental matters.

(English text signed by the State President.)
(Assented to 28th June, 1963.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) "Council" means the Council of the University; (iii)
 - (ii) "fund" means the Orange Free State Study Bursaries Fund established in terms of section *three*; (i)
 - (iii) "Minister" means the Minister of Education, Arts and Science; (ii)
 - (iv) "University" means the University of the Orange Free State. (iv)

Transfer to the University of the capital of the Local Loans Fund established under Act 34 of 1909, of the Orange Free State.

2. (1) Notwithstanding anything to the contrary in any law contained, the Public Debt Commissioners shall pay to the University an amount of two hundred and twenty thousand rand, being the capital of the Local Loans Fund established under the Local Loans Fund (Bursaries and Annuities) Act, 1909 (Act No. 34 of 1909), of the Orange Free State, which has, in terms of section *two* of the Local Loans Act, 1926 (Act No. 19 of 1926), been placed to the credit of the local loans fund established under section *one* of that Act.

(2) Of the said amount an amount of one hundred and twenty thousand rand shall be so paid as soon as possible after the commencement of this section, and the balance of the amount shall be so paid as soon as possible after the obligation to pay any annuities in terms of section *five* of the said Local Loans Fund (Bursaries and Annuities) Act, 1909, has ceased.

Establishment of Orange Free State Study Bursaries Fund.

3. (1) The Council shall establish a gift fund to be known as the Orange Free State Study Bursaries Fund to the credit of which shall be placed all moneys paid to the University in terms of section *two* and all amounts, including donations, received by the Council for the benefit of the fund from any other source.

(2) The fund shall be administered by the Council and it may receive for the benefit of the fund donations from any person.

Application of income derived from investment of moneys in fund.

4. (1) The income derived from the investment of the moneys in the fund shall be applied for providing study bursaries to deserving students who are children of inhabitants of the Orange Free State, to enable them to receive education at the University or any other university or the Agricultural College at Glen or Potchefstroom.

(2) Such bursaries shall be allotted by the Council mainly to—

- (a) students pursuing their studies with the object of acquiring agricultural knowledge; and
- (b) students studying to qualify as school teachers, including teachers in science and technology.

(3) The Council shall determine, on a basis fixed from time to time with the approval of the Minister—

- (a) the manner in which the moneys in the fund shall be invested;
- (b) the proportion of the study bursaries that may, with due regard to the provisions of sub-section (2), be allotted in respect of different fields of study; and

No. 82, 1963.]

WET

Om voorsiening te maak vir die oordrag aan die Universiteit van die Oranje-Vrystaat deur die Openbare Skuldkommissaris van 'n bedrag van tweehonderd-en-twintigduisend rand uit die plaaslike leningsfonds gestig kragtens die Plaaslike Leningswet, 1926; vir die stigting deur die Raad van genoemde Universiteit van 'n Oranje-Vrystaatse Studiebeursfonds; vir die beheer van genoemde fonds en die aanwending van die inkomste verkry uit die belegging van die gelde daarin; vir die wysiging van die Plaaslike Leningswet, 1926; vir die herroeping van sekere wette; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1963.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

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

- (i) „fonds” die ingevolge artikel drie gestigte Oranje-Vrystaatse Studiebeursfonds; (ii)
- (ii) „Minister” die Minister van Onderwys, Kuns en Wetenskap; (iii)
- (iii) „Raad” die Raad van die Universiteit; (i)
- (iv) „Universiteit” die Universiteit van die Oranje-Vrystaat. (iv)

2. (1) Ondanks andersluidende wetsbepalings, moet die Openbare Skuldkommissaris aan die Universiteit 'n bedrag van tweehonderd-en-twintigduisend rand, die kapitaal van die Plaaslike Leningsfonds gestig kragtens die „Plaatselik Leen-fonds (Beurzen en Jaargelden) Wet, 1909” (Wet No. 34 van 1909), van die Oranje-Vrystaat, wat ingevolge artikel twee van die Plaaslike Leningswet, 1926 (Wet No. 19 van 1926), gekrediteer is aan die plaaslike leningsfonds wat kragtens artikel een van daardie Wet gestig is, betaal. **Oordrag aan die Universiteit van die kapitaal van die Plaaslike Leningsfonds gestig kragtens Wet 34 van 1909, van die Oranje-Vrystaat.**

(2) Van genoemde bedrag moet 'n bedrag van honderd-en-twintigduisend rand so spoedig moontlik na die inwerking-treding van hierdie artikel aldus betaal word, en die balans van die bedrag moet so spoedig moontlik aldus betaal word nadat die verpligting om enige jaargelde ingevolge artikel vyf van genoemde „Plaatselik Leen-fonds (Beurzen en Jaargelden) Wet, 1909”, te betaal, opgehou het om te bestaan.

3. (1) Die Raad moet 'n skenkingsfonds, bekend as die Oranje-Vrystaatse Studiebeursfonds, stig wat gekrediteer word met alle gelde wat ingevolge artikel twee aan die Universiteit betaal word en alle bedrae, met inbegrip van skenkings, wat deur die Raad uit enige ander bron ten bate van die fonds ontvang word. **Stigting van Oranje-Vrystaatse Studiebeursfonds.**

(2) Die fonds word deur die Raad beheer en die Raad kan van enige persoon skenkings ten bate van die fonds ontvang.

4. (1) Die inkomste wat verkry word uit die belegging van die gelde in die fonds word aangewend om studiebeurse te verskaf aan verdienstelike studente wat kinders is van inwoners van die Oranje-Vrystaat, ten einde hulle in staat te stel om onderwys aan die Universiteit of enige ander universiteit of die Landboukollege te Glen of Potchefstroom te ontvang. **Aanwending van inkomste verkry uit belegging van gelde in die fonds.**

(2) Sodanige beurse word deur die Raad toegeken hoofsaaklik aan—

- (a) studente wat hulle studies voortsit met die doel om landboukundige kennis te verwerf; en
- (b) studente wat studeer om hulle as onderwysers te bekwaam, insluitende onderwysers in wetenskap en tegnologie.

(3) Die Raad bepaal, op 'n grondslag wat van tyd tot tyd met die goedkeuring van die Minister vasgestel word—

- (a) die wyse waarop die gelde in die fonds belê moet word;
- (b) die verhouding van die studiebeurse wat, met behoorlike inagneming van die bepalinge van sub-artikel (2), ten opsigte van verskillende studierigtings toegeken mag word; en

(c) the portion of the annual income derived from the investment of the moneys in the fund that shall be made available for study bursaries to students who desire—

- (i) to study at any South African university other than the University in a field of agriculture for which provision is not made at the University;
- (ii) to follow any course at the Agricultural College at Glen or Potchefstroom; or
- (iii) to follow post-graduate agricultural studies outside the Republic.

Amendment of section 2 of Act 19 of 1926.

5. Section *two* of the Local Loans Act, 1926 (hereinafter referred to as the principal Act), is hereby amended by the insertion in paragraph (a) of sub-section (1) before the word "the", where it occurs for the first time, of the words "subject to the provisions of the Orange Free State Study Bursaries Fund Act, 1963,".

Amendment of section 3 of Act 19 of 1926.

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

"(1) The interest received in respect of the amount held for the credit of the local loans fund in terms of paragraph (a) of sub-section (1) of section *two* shall be applied by the Commissioners in the manner provided in section *five* of Act No. 34 of 1909 of the Orange Free State and any interest not so applied shall be paid to the Council of the University of the Orange Free State and shall be applied by it as provided in section *four* of the Orange Free State Study Bursaries Fund Act, 1963, as if such interest were income derived from the investment of moneys in the Orange Free State Study Bursaries Fund established in terms of that Act."

Amendment of section 5 of Act 19 of 1926.

7. Section *five* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "local loans fund established under section *five* of Act No. 34 of 1909 of the Orange Free State" of the words "amount referred to in sub-section (1) of section *three*".

Repeal of laws.

8. (1) The Local Loans Fund (Bursaries and Annuities) Act, 1909 (Act No. 34 of 1909), of the Orange Free State, is hereby repealed: Provided that the provisions of this sub-section shall, in respect of sub-section (1) of section *five*, sub-section (1) of section *seven* and section *eight* of the said Act, only come into operation on the date on which the second amount payable in terms of section *two* of this Act is paid to the University.

(2) Section *eighteen* of the Financial Adjustments Act, 1923 (Act No. 35 of 1923), and section *thirteen* of the Financial Adjustments Act, 1925 (Act No. 43 of 1925), are hereby repealed.

(3) (a) Paragraph (a) of sub-section (1) of section *two*, sub-section (1) of section *three* and the words "and with the interest payable on the amount referred to in sub-section (1) of section *three*" in sub-section (2) of section *five* of the Local Loans Act, 1926 (Act No. 19 of 1926), are hereby deleted.

(b) Paragraph (a) shall come into operation on the date on which the second amount payable in terms of section *two* of this Act is paid to the University.

Short title.

9. This Act shall be called the Orange Free State Study Bursaries Fund Act, 1963.

(c) die deel van die jaarlikse inkomste verkry uit die belegging van die gelde in die fonds wat beskikbaar gestel moet word vir studiebeurse aan studente wat—

- (i) aan 'n ander Suid-Afrikaanse universiteit as die Universiteit wil studeer in 'n landbou-richting waarvoor daar nie by die Universiteit voorsiening gemaak is nie;
- (ii) 'n kursus aan die Landboukollege te Glen of Potchefstroom wil volg; of
- (iii) na-graadse landboukundige studies buite die Republiek wil volg.

5. Artikel twee van die Plaaslike Leningswet, 1926 (hieronder die Hoofwet genoem), word hierby gewysig deur in paragraaf (a) van sub-artikel (1) voor die woord „die”, waar dit die eerste maal voorkom, die woorde „behoudens die bepalings van die Wet op die Oranje-Vrystaatse Studiebeursfonds, 1963,” in te voeg.

Wysiging van artikel 2 van Wet 19 van 1926.

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

Wysiging van artikel 3 van Wet 19 van 1926.

„(1) Die rente ontvang ten opsigte van die bedrag wat gehou word ten bate van die plaaslike leningsfonds ingevolge paragraaf (a) van sub-artikel (1) van artikel twee moet deur die kommissaris bestee word volgens voorskrif van artikel vyf van Wet No. 34 van 1909 van die Oranje-Vrystaat en enige rente wat nie aldus bestee word nie moet aan die Raad van die Universiteit van die Oranje-Vrystaat betaal word en moet deur hom aangewend word soos in artikel vier van die Wet op die Oranje-Vrystaatse Studiebeursfonds, 1963, bepaal, asof sodanige rente inkomste was wat verkry is uit die belegging van gelde in die Oranje-Vrystaatse Studiebeursfonds wat ingevolge daardie Wet gestig is.”.

7. Artikel vyf van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „plaaslike leningsfonds, gestig ingevolge artikel vyf van Wet No. 34 van 1909 van die Oranje-Vrystaat” deur die woorde „in sub-artikel (1) van artikel drie bedoelde bedrag” te vervang.

Wysiging van artikel 5 van Wet 19 van 1926.

8. (1) Die „Plaatselik Leenfondse (Beurzen en Jaargelden) Wet, 1909” (Wet No. 34 van 1909), van die Oranje-Vrystaat, word hierby herroep: Met dien verstande dat die bepalings van hierdie sub-artikel, ten opsigte van sub-artikel (1) van artikel vyf, sub-artikel (1) van artikel sewe en artikel agt van genoemde Wet, slegs in werking tree op die datum waarop die tweede bedrag wat ingevolge artikel twee van hierdie Wet betaalbaar is, aan die Universiteit betaal word.

Herroeping van wette.

(2) Artikel agtien van die „Finansiële Regelings Wet, 1923” (Wet No. 35 van 1923), en artikel dertien van die „Finansiële Regelings Wet, 1925” (Wet No. 43 van 1925), word hierby herroep.

(3) (a) Paragraaf (a) van sub-artikel (1) van artikel twee, sub-artikel (1) van artikel drie en die woorde „en die rente wat betaalbaar is op die in sub-artikel (1) van artikel drie bedoelde bedrag” in sub-artikel (2) van artikel vyf van die Plaaslike Leningswet, 1926 (Wet No. 19 van 1926), word hierby geskrap.

(b) Paragraaf (a) tree in werking op die datum waarop die tweede bedrag wat ingevolge artikel twee van hierdie Wet betaalbaar is, aan die Universiteit betaal word.

9. Hierdie Wet heet die Wet op die Oranje-Vrystaatse Kort titel. Studiebeursfonds, 1963.

No. 83, 1963.]

ACT

To provide for the transfer of certain stores to the Standard Stock Account of the Department of Agricultural Technical Services; for the transfer of certain equipment to the Equipment Capital Account of the Department of Agricultural Technical Services; for the transfer of certain equipment to the Equipment Capital Account of the Department of Forestry; for the validation of certain payments by the Transvaal Provincial Administration; for guarantees by the Minister of Economic Affairs in respect of loans to the South African Foreign Trade Organisation; for the exemption of the "Staalwerkers Koöperatiewe Spaarbank Beperk" from the payment of certain fees in connection with its registration as a company under Act No. 46 of 1926; for writing off certain monies short-paid in respect of premiums on policies effected on behalf of brokers or underwriters at Lloyds; and for the disposal of the surplus revenue of the Railway and Harbour Fund; and to amend Acts Nos. 41 of 1925, 42 of 1935, 37 of 1943, 67 of 1955, 23 of 1956, 38 of 1957 and 16 of 1961.

(Afrikaans text signed by the State President.)

(Assented to 28th June, 1963.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

PART I.

MATTERS AFFECTING THE CONSOLIDATED REVENUE FUND.

Transfer of certain stores to Standard Stock Account of the Department of Agricultural Technical Services.

1. Stores to the value of two hundred and twenty-three thousand six hundred and twelve rand purchased through the Loan Account by the Department of Agricultural Technical Services and held by that Department on the thirty-first day of March, 1958, are hereby transferred to the Standard Stock Account of the said Department.

Transfer of certain equipment to Equipment Capital Account of the Department of Agricultural Technical Services.

2. Equipment to the value of nine hundred and twenty-six thousand eight hundred and eighty rand purchased through the Loan Account by the Department of Agricultural Technical Services and held by that Department on the thirty-first day of March, 1959, is hereby transferred to the Equipment Capital Account of the said Department.

Transfer of certain equipment to Equipment Capital Account of the Department of Forestry.

3. Equipment to the value of two million six hundred and five thousand eight hundred and seven rand purchased through the Loan Account by the Department of Forestry and held by that Department on the thirty-first day of March, 1961, is hereby transferred to the Equipment Capital Account of the said Department.

Validation of certain payments by the Transvaal Provincial Administration.

4. The payment by the Transvaal Provincial Administration of amounts totalling fifty-nine thousand nine hundred and sixty-one rand seventy-six cents in respect of the provision, in any home or other institution for the accommodation of aged persons, of medical services to such persons by the said Administration during the period from the first day of August, 1956, to the thirty-first day of March, 1962, is hereby validated.

Guarantees by the Minister of Economic Affairs in respect of loans to South African Foreign Trade Organisation.

5. The Minister of Economic Affairs may in consultation with the Minister of Finance guarantee, subject to such terms and conditions as he may in consultation with that Minister determine, repayment of the capital of and payment of the interest on any loan granted by any person to the company registered in terms of section *twenty-one* of the Companies Act, 1926 (Act No. 46 of 1926), under the name of South African Foreign Trade Organisation: Provided that the prior approval by resolution of the Senate and the House of Assembly shall be required for every guarantee so furnished whereby the total amount so guaranteed exceeds the sum of five hundred thousand rand.

Exemption of "Staalwerkers Koöperatiewe Spaarbank Beperk" from payment of certain fees in connection with its registration as a company under Act 46 of 1926.

6. (1) The registrar of companies may—
(a) if the co-operative trading society registered under the name of "Staalwerkers Koöperatiewe Spaarbank Beperk" amends its regulations (which it is hereby empowered to do) to conform to the requirements of the Companies Act, 1926, in regard to a memorandum and articles of association; and

No. 83, 1963.]

WET

Om voorsiening te maak vir die oordrag van sekere voorrade na die Standaardvoorraad rekening van die Departement van Landbou-tegniese Dienste; vir die oordrag van sekere uitrusting na die Uitrustingskapitaal rekening van die Departement van Landbou-tegniese Dienste; vir die oordrag van sekere uitrusting na die Uitrustingskapitaal rekening van die Departement van Bosbou; vir die geldigverklaring van sekere betalings deur die Transvaalse Provinsiale Administrasie; vir waarborge deur die Minister van Ekonomiese Sake ten opsigte van lenings aan die „South African Foreign Trade Organisation”; vir die vrystelling van die Staalwerkers Koöperatiewe Spaarbank Beperk van die betaling van sekere gelde in verband met sy registrasie as ’n maatskappy kragtens Wet No. 46 van 1926; vir die afskrywing van sekere gelde te min betaal ten opsigte van premies op polisse gesluit ten behoeve van makelaars of versekeraars van Lloyds; en vir die besteding van die surplus-inkomste van die Spoorweg- en Hawefonds; en tot wysiging van Wette Nos. 41 van 1925, 42 van 1935, 37 van 1943, 67 van 1955, 23 van 1956, 38 van 1957 en 16 van 1961.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1963.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

DEEL I.

AANGELEENTHEDE WAT DIE GEKONSOLIDEERDE INKOMSTEFONDS RAAK.

1. Voorrade ter waarde van tweehonderd drie-en-twintigduisend seshonderd-en-twaalf rand wat deur die Departement van Landbou-tegniese Dienste deur die Leningsrekening aangekoop is en op die een-en-dertigste dag van Maart 1958 in besit van daardie Departement was, word hierby na die Standaardvoorraad rekening van gemelde Departement oorgedra. Oordrag van sekere voorrade na Standaardvoorraad rekening van die Departement van Landbou-tegniese Dienste.
2. Uitrusting ter waarde van negehonderd ses-en-twintigduisend agthonderd-en-tagtig rand wat deur die Departement van Landbou-tegniese Dienste deur die Leningsrekening aangekoop is en op die een-en-dertigste dag van Maart 1959 in besit van daardie Departement was, word hierby na die Uitrustingskapitaal rekening van gemelde Departement oorgedra. Oordrag van sekere uitrusting na Uitrustingskapitaal rekening van die Departement van Landbou-tegniese Dienste.
3. Uitrusting ter waarde van tweemiljoen seshonderd-en-veftigduisend agthonderd-en-sewe rand wat deur die Departement van Bosbou deur die Leningsrekening aangekoop is en op die een-en-dertigste dag van Maart 1961 in besit van daardie Departement was, word hierby na die Uitrustingskapitaal rekening van gemelde Departement oorgedra. Oordrag van sekere uitrusting na Uitrustingskapitaal rekening van die Departement van Bosbou.
4. Die betaling deur die Transvaalse Provinsiale Administrasie van bedrae wat altesame nege-en-veftigduisend negehonderd een-en-sestig rand ses-en-sewentig sent beloop, ten opsigte van die verskaffing, in enige tehuis of ander inrigting vir die huisvesting van bejaarde persone, van mediese dienste aan sodanige persone deur gemelde Administrasie gedurende die tydperk vanaf die eerste dag van Augustus 1956 tot die een-en-dertigste dag van Maart 1962, word hierby geldig verklaar. Geldigverklaring van sekere betalings deur die Transvaalse Provinsiale Administrasie.
5. Die Minister van Ekonomiese Sake kan, in oorleg met die Minister van Finansies, op die bedinge en voorwaardes wat hy in oorleg met bedoelde Minister bepaal, die terugbetaling van die hoofsom van en die betaling van die rente op enige lening deur enige persoon toegestaan aan die maatskappy wat kragtens artikel een-en-twintig van die Maatskappywet, 1926 (Wet No. 46 van 1926), onder die naam „South African Foreign Trade Organisation” geregistreer is, waarborg: Met dien verstande dat die voorafgaande goedkeuring by besluit van die Senaat en die Volksraad verkry moet word vir elke waarborg aldus verstrekkende waardeur die totale bedrag aldus gewaarborg die som van vyfhonderdduisend rand oorskry. Waarborge deur die Minister van Ekonomiese Sake ten opsigte van lenings aan „South African Foreign Trade Organisation”.
6. (1) Die registrateur van maatskappye kan—
(a) indien die koöperatiewe handelsvereniging wat onder die naam „Staalwerkers Koöperatiewe Spaarbank Beperk” geregistreer is, sy regulasies wysig (soos hy hierby gemagtig word om te doen) ten einde aan die vereistes van die Maatskappywet, 1926, met betrekking tot ’n akte van oprigting en statute te voldoen; en Vrystelling van Staalwerkers Koöperatiewe Spaarbank Beperk van betaling van sekere gelde in verband met sy registrasie as ’n maatskappy kragtens Wet 46 van 1926.

- (b) if the said regulations as so amended are approved by him and by the registrar of banks; and
- (c) if the said society applies therefor to him in such form and subject to such requirements as may be approved by him, and has, in connection with such application, furnished a copy, signed by the chairman and the secretary of the society, of a resolution approving of the application and of the amendments to the regulations, as proposed, duly adopted by the members of the society at a special general meeting convened for the purpose of considering the resolution, register the said regulations, as so amended, as a memorandum and articles of association under the Companies Act, 1926, without payment of any fee or charge prescribed by that Act.

(2) The registration of the regulations as so amended shall have the same effect as, and shall carry with it all the consequences of, a registration of a memorandum and articles of association in accordance with the ordinary procedure prescribed by the Companies Act, 1926.

(3) Upon the registration of the said society under sub-section (1) as a company—

- (a) the registrar of companies shall give notice thereof to the registrar of co-operative societies, who shall thereupon remove the name of "Staalwerkers Koöperatieve Spaarbank Beperk" from the register of co-operative societies and companies;
- (b) the officer in charge of a deeds registry in which is registered any deed bearing the name of "Staalwerkers Koöperatieve Spaarbank Beperk" shall, without charge, upon production to him of the owner's copy of the said deed, and of the certificate of incorporation issued under section *eighteen* of the Companies Act, 1926, or a certified copy thereof, substitute the name of the company so registered for the name of "Staalwerkers Koöperatieve Spaarbank Beperk" in the owner's copy and in the registered copy of the said deed and in all relevant registers in that deeds registry;
- (c) all the rights and obligations of "Staalwerkers Koöperatieve Spaarbank Beperk" shall automatically be transferred to the company so registered.

(4) Such registration shall not render defective any legal proceedings which may have been instituted by or against "Staalwerkers Koöperatieve Spaarbank Beperk", and any such proceedings may be continued after such registration by or against the company so registered.

Writing off certain monies short-paid in respect of premiums on policies effected on behalf of brokers or underwriters at Lloyds.

7. The amount representing the difference between the sum of the amounts paid to receivers of revenue in terms of paragraph (f) of sub-section (1) of section *sixty* of the Insurance Act, 1943 (Act No. 27 of 1943), in respect of premiums paid during any calendar year prior to the year 1962, and the sum of the amounts which in terms of the said provisions should have been so paid in respect of such premiums, is hereby written off.

Amendment of section 12 of Act 41 of 1925, as amended by section 14 of Act 49 of 1935, section 11 of Act 50 of 1937, section 20 of Act 27 of 1940, section 16 of Act 41 of 1942, section 16 of Act 37 of 1943, section 5 of Act 29 of 1945 and section 4 of Act 46 of 1962.

8. (1) Section *twelve* of the Natives Taxation and Development Act, 1925, is hereby amended by the deletion of paragraph (a).

(2) The amendment effected by sub-section (1) shall be deemed to have come into operation on the first day of April, 1963.

Insertion of section 10 *quat* in Act 42 of 1935.

9. (1) The following section is hereby inserted after section *ten ter* of the National Roads Act, 1935:

"Board may construct, reconstruct, repair or maintain certain *10quat.* (1) The Board may construct, reconstruct, repair or maintain or cause to be constructed, reconstructed, repaired or maintained any bridge connecting two provinces which is situated on a road declared a national road under paragraph

- (b) indien gemelde regulasies, soos aldus gewysig, deur hom en deur die registrateur van banke goedgekeur word; en
- (c) indien gemelde vereniging daarom by hom aansoek doen in die vorm en onderworpe aan die vereistes wat hy goedkeur, en in verband met daardie aansoek 'n deur die voorsitter en die sekretaris van die vereniging ondertekende afskrif verstrek het van 'n besluit waarby die aansoek en die wysigings van die regulasies, soos voorgestel, goedgekeur word en wat behoorlik deur die lede van die vereniging aangeneem is op 'n spesiale algemene vergadering belê om die besluit te oorweeg, die gemelde regulasies, soos aldus gewysig, as 'n akte van oprigting en statute ingevolge die Maatskappywet, 1926, registreer sonder betaling van enige gelde of koste wat deur daardie Wet voorgeskryf word.

(2) Die registrasie van die regulasies soos aldus gewysig het dieselfde uitwerking en bring dieselfde gevolge mee as 'n registrasie van 'n akte van oprigting en statute ingevolge die gewone prosedure deur die Maatskappywet, 1926, voorgeskryf.

(3) By die registrasie van gemelde vereniging kragtens sub-artikel (1) as 'n maatskappy—

- (a) moet die registrateur van maatskappye daarvan kennis gee aan die registrateur van koöperatiewe verenigings, wat daarop die naam van Staalwerkers Koöperatiewe Spaarbank Beperk in die register van koöperatiewe verenigings en maatskappye moet skrap;
 - (b) moet die beampte aan die hoof van 'n registrasiekantoor van aktes waarin enige akte geregistreer is waarin die naam van Staalwerkers Koöperatiewe Spaarbank Beperk verskyn, sonder betaling, by voorlegging aan hom van die eienaar se afskrif van daardie akte en van die sertifikaat van inkorporasie uitgereik kragtens artikel *agtien* van die Maatskappywet, 1926, of 'n gesertifiseerde afskrif daarvan, die naam van Staalwerkers Koöperatiewe Spaarbank Beperk deur die naam van die aldus geregistreerde maatskappy vervang in die eienaar se afskrif en in die geregistreerde afskrif van bedoelde akte en in alle gepaste registers in daardie registrasiekantoor van aktes;
 - (c) gaan alle regte en verpligtings van Staalwerkers Koöperatiewe Spaarbank Beperk outomaties oor op die aldus geregistreerde maatskappy.
- (4) Bedoelde registrasie maak geen regsgeeding wat deur of teen Staalwerkers Koöperatiewe Spaarbank Beperk ingestel mag gewees het, ongeldig nie, en so 'n regsgeeding kan na daardie registrasie deur of teen die aldus geregistreerde maatskappy voortgesit word.

7. Die bedrag wat die verskil uitmaak tussen die som van die bedrae wat ingevolge die bepalings van paragraaf (f) van sub-artikel (1) van artikel *sestig* van die Versekeringswet, 1943 (Wet No. 27 van 1943), aan ontvangers van inkomste betaal is ten opsigte van premies wat gedurende enige kalenderjaar voor die jaar 1962 betaal is, en die som van die bedrae wat ingevolge daardie bepalings ten opsigte van sodanige premies aldus betaal moes gewees het, word hierby afgeskryf.

Afskrywing van sekere gelde te min betaal ten opsigte van premies op polisse gesluit ten behoeve van makelaars of versekeraars van Lloyds.

8. (1) Artikel *twaalf* van die „Naturelle Belasting en Ontwikkeling Wet, 1925,” word hierby gewysig deur paragraaf (a) te skrap.

(2) Die wysiging deur sub-artikel (1) aangebring, word geag op die eerste dag van April 1963 in werking te getree het.

Wysiging van artikel 12 van Wet 41 van 1925, soos gewysig deur artikel 14 van Wet 49 van 1935, artikel 11 van Wet 50 van 1937, artikel 20 van Wet 27 van 1940, artikel 16 van Wet 41 van 1942, artikel 16 van Wet 37 van 1943, artikel 5 van Wet 29 van 1945 en artikel 4 van Wet 46 van 1962.

9. (1) Die volgende artikel word hierby na artikel *tien ter* van die Wet op Nasionale Paaie, 1935, ingevoeg:

Invoeging van artikel 10^{quat} in Wet 42 van 1935.

„Die raad kan ten koste van die fonds sekere brúe aanlê, ver-

10^{quat}. (1) Die raad kan enige brug wat twee provinsies verbind en wat op 'n pad wat kragtens paragraaf (a) van sub-artikel (1) van artikel *vier* tot nasionale pad verklaar is, geleë is of opeenvolgende dele van so 'n pad verbind of deel uitmaak van die

bridges at cost of the fund.

(a) of sub-section (1) of section *four* or connects consecutive sections of any such road or forms part of the shortest road connection between such consecutive sections.

(2) Subject to the provisions of sub-section (2) of section *five*, the board may defray from the fund any costs incurred by it under sub-section (1)."

(2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1962.

Amendment of section 17 of Act 42 of 1935.

10. (1) Section *seventeen* of the National Roads Act, 1935, is hereby amended by the substitution for the word "Nothing" of the words "Save as provided in section *ten quat*, nothing".

(2) The amendment effected by sub-section (1) shall be deemed to have come into operation on the first day of April, 1962.

Amendment of section 3 of Act 37 of 1943, as amended by section 30 of Act 57 of 1946, section 30 of Act 48 of 1947, section 9 of Act 56 of 1951, section 13 of Act 34 of 1954 and section 20 of Act 67 of 1955.

11. Section *three* of the Finance Act, 1943, is hereby amended—

(a) by the deletion at the end of paragraph (j) of sub-section (3) of the word "and"; and

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

"(l) to the Atomic Energy Board established by section *eleven* of the Atomic Energy Act, 1948 (Act No. 35 of 1948), in connection with any expenditure incurred by it in terms of that Act in respect of the production of atomic energy or in respect of research in connection with the production of atomic energy or the extraction, recovery, refinement or processing of prescribed or restricted materials."

Amendment of section 3 of Act 67 of 1955.

12. Section *three* of the Finance Act, 1955, is hereby amended by the substitution in sub-section (1) for the words "officer in the public service" of the words "person who is a contributor to any pension fund established by section *two* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955)", and for the words "such officer" of the words "such person".

Amendment of section 4 of Act 23 of 1956, as amended by section 15 of Act 37 of 1958.

13. (1) Section *four* of the Exchequer and Audit Act, 1956, is hereby amended by the substitution for the words "three thousand six hundred pounds" of the words "eight thousand seven hundred rand".

(2) The amendment effected by sub-section (1) shall be deemed to have come into operation on the first day of January, 1963.

Amendment of section 20 of Act 23 of 1956, as amended by section 13 of Act 81 of 1957, section 41 of Act 45 of 1959 and section 39 of Act 64 of 1959.

14. (1) Section *twenty* of the Exchequer and Audit Act, 1956, is hereby amended—

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

"(a) an amount of thirteen million rand in respect of every financial year, and in addition—

(i) in respect of the financial year ending on the thirty-first day of March, 1964, an amount of three million two hundred and fifty thousand rand;

(ii) in respect of the financial year ending on the thirty-first day of March, 1965, and every financial year thereafter, such amount, not exceeding one million five hundred thousand rand, as the Minister in consultation with the Minister of Bantu Education may determine,

which amounts shall be transferred from the Revenue Account in such instalments and at such times as the Treasury may determine;"

(b) by the deletion in paragraph (b) of the said sub-section of the words "four-fifths of the amount of".

(2) The amendment effected by paragraph (b) of sub-section (1) shall be deemed to have come into operation on the first day of April, 1963.

Amendment of section 2 of Act 38 of 1957, as amended by section 17 of Act 80 of 1959 and section 1 of Act 3 of 1963.

15. Section *two* of the Financial Relations Amendment Act, 1957, is hereby amended by the addition at the end thereof of the following proviso:

"Provided further that when the control of education for Coloured persons in any province or of such education provided in any particular kind of college or school in any province has as a result of the operation of the provisions of the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), been transferred to the Department

nuwe, her-
stel of in
stand hou.

kortste padverbinding tussen sodanige opeenvolgende dele, aanlê, vernuwe, herstel of in stand hou of dit laat aanlê, vernuwe, herstel of in stand hou.
(2) Behoudens die bepalings van sub-artikel (2) van artikel vyf, kan die raad enige koste deur hom kragtens sub-artikel (1) aangegaan, uit die fonds bestry."

(2) Sub-artikel (1) word geag op die eerste dag van April 1962 in werking te getree het.

10. (1) Artikel *sewentien* van die Wet op Nasionale Paaie, 1935, word hierby gewysig deur na die woord „raad” die woorde „behalwe soos in artikel *tien quat* bepaal” in te voeg. Wysiging van artikel 17 van Wet 42 van 1935.

(2) Die wysiging deur sub-artikel (1) aangebring, word geag op die eerste dag van April 1962 in werking te getree het.

11. Artikel *drie* van die Finansiewet, 1943, word hierby gewysig— Wysiging van artikel 3 van Wet 37 van 1943, soos gewysig deur artikel 30 van Wet 57 van 1946, artikel 30 van Wet 48 van 1947, artikel 9 van Wet 56 van 1951, artikel 13 van Wet 34 van 1954 en artikel 20 van Wet 67 van 1955.

(a) deur aan die end van paragraaf (j) van sub-artikel (3) die woord „en” te skrap; en

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

„(l) aan die Raad op Atoomkrag ingestel by artikel *elf* van die Wet op Atoomkrag, 1948 (Wet No. 35 van 1948), in verband met onkoste ingevolge daardie Wet deur hom aangegaan ten opsigte van die voortbrenging van atoomkrag of ten opsigte van navorsing in verband met die voortbrenging van atoomkrag of die ekstrahering, winning, raffinering of verwerking van voorgeskrewe of beperkte materiaal.”

12. Artikel *drie* van die Finansiewet, 1955, word hierby gewysig deur in sub-artikel (1) die woorde „’n amptenaar in die staatsdiens” deur die woorde „enigiemand wat ’n bydraer tot ’n by artikel *twee* van die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955), ingestelde pensioenfonds is,” en die woorde „so ’n amptenaar” deur die woorde „so iemand” te vervang. Wysiging van artikel 3 van Wet 67 van 1955.

13. (1) Artikel *vier* van die Skatkis- en Ouditwet, 1956, word hierby gewysig deur die woorde „drieduisend seshonderd pond” deur die woorde „agtduisend sewehonderd rand” te vervang. Wysiging van artikel 4 van Wet 23 van 1956, soos gewysig deur artikel 15 van Wet 37 van 1958.

(2) Die wysiging deur sub-artikel (1) aangebring, word geag op die eerste dag van Januarie 1963 in werking te getree het.

14. (1) Artikel *twintig* van die Skatkis- en Ouditwet, 1956, word hierby gewysig— Wysiging van artikel 20 van Wet 23 van 1956, soos gewysig deur artikel 13 van Wet 81 van 1957, artikel 41 van Wet 45 van 1959 en artikel 39 van Wet 64 van 1959.

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

„(a) ’n bedrag van dertienmiljoen rand ten opsigte van elke boekjaar, en daarbenewens—

(i) ten opsigte van die boekjaar eindigende op die een-en-dertigste dag van Maart 1964 ’n bedrag van driemiljoen tweehonderd-en-vyftigduisend rand;

(ii) ten opsigte van die boekjaar eindigende op die een-en-dertigste dag van Maart 1965 en elke boekjaar daarna die bedrag van hoogstens eenmiljoen vyfhonderdduisend rand wat die Minister in oorleg met die Minister van Bantoe-onderwys bepaal,

watter bedrae uit die Inkomstefonds in die paaie-mente en op die tye oorgeplaas word wat die Tesourie bepaal;”;

(b) deur in paragraaf (b) van gemelde sub-artikel die woorde „vier-vyfdes van die bedrag van” te skrap.

(2) Die wysiging deur paragraaf (b) van sub-artikel (1) aangebring, word geag op die eerste dag van April 1963 in werking te getree het.

15. Artikel *twee* van die Wysigingswet op Finansiële Verhoudings, 1957, word hierby gewysig deur aan die end daarvan die volgende voorbehoudsbepaling by te voeg: Wysiging van artikel 2 van Wet 38 van 1957, soos gewysig deur artikel 17 van Wet 80 van 1959 en artikel 1 van Wet 3 van 1963.

„Met dien verstande voorts dat wanneer die beheer oor onderwys vir Kleurlinge in ’n provinsie, of oor sodanige onderwys wat in ’n bepaalde soort kollege of skool in ’n provinsie verskaf word, as gevolg van die toepassing van die bepalings van die Wet op Onderwys vir Kleurlinge, 1963 (Wet No. 47 van 1963), aan die Departement van Kleurling-

of Coloured Affairs, the Minister of Finance may reduce the amount payable in terms of the preceding provisions of this section to the revenue fund of the province concerned in respect of the financial year in which the transfer is effected and every subsequent financial year, by an amount which he, after consultation with the Administrator of that province, is satisfied represents that portion of the amount so payable which would, but for the transfer, have related to such education in that province, or to such education provided in that kind of college or school in that province, as the case may be."

Amendment of
section 3 of
Act 16 of 1961.

16. Section *three* of the General Loans Act, 1961, is hereby amended by the substitution in sub-section (1) for the word "thirty" of the word "sixty".

PART II.

MATTERS AFFECTING THE RAILWAY ADMINISTRATION.

Disposal of
surplus revenue
of Railway and
Harbour Fund.

17. The surplus revenue of the Railway and Harbour Fund in respect of the financial year ended on the thirty-first day of March, 1963, as certified by the Controller and Auditor-General, is hereby appropriated as follows:—

- (a) Four million rand shall be credited to the Betterment Fund.
- (b) Two million rand shall be applied towards the reduction of interest-bearing capital appropriated as working capital for the purposes of the Betterment Fund.
- (c) The balance (if any) of the surplus revenue shall be credited to the Fund established under section *one hundred and four* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961).

Short title.

18. This Act shall be called the Finance Act, 1963.

sake oorgedra is, die Minister van Finansies die bedrag wat ingevolge die voorafgaande bepalings van hierdie artikel aan die inkomstefonds van die betrokke provinsie ten opsigte van die boekjaar waarin die oordrag geskied en elke daaropvolgende boekjaar betaalbaar is, kan verminder met 'n bedrag wat hy, na oorlegpleging met die Administrateur van die betrokke provinsie, oortuig is dié gedeelte van die aldus betaalbare bedrag uitmaak wat, as dit nie vir die oordrag was nie, op sodanige onderwys in daardie provinsie of op sodanige onderwys wat in daardie soort kollege of skool in daardie provinsie verskaf word, na gelang van die geval, betrekking sou gehad het."

16. Artikel *drie* van die Algemene Leningswet, 1961, word hierby gewysig deur in sub-artikel (1) die woord „dertigmiljoen” deur die woord „sestigmiljoen” te vervang.

Wysiging van artikel 3 van Wet 16 van 1961.

DEEL II.

AANGELEENTHEDE WAT DIE SPOORWEGADMINISTRASIE RAAK.

17. Die surplus-inkomste van die Spoorweg- en Hawefonds ten opsigte van die boekjaar wat op die een-en-dertigste dag van Maart 1963 geëindig het, soos deur die Kontroleur en Ouditeur-generaal gesertifiseer, word hierby soos volg beskikbaar gestel:—

Besteding van surplus-inkomste van Spoorweg- en Hawefonds.

- (a) Viermiljoen rand word na die Verbeteringsfonds oorgedra.
- (b) Tweemiljoen rand word aangewend ter vermindering van rentedraende kapitaal wat as bedryfskapitaal bewillig is vir die doel van die Verbeteringsfonds.
- (c) Die oorskot (as daar is) van die surplus-inkomste word oorgedra na die fonds wat ingevolge artikel *honderd-en-vier* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), ingestel is.

18. Hierdie Wet heet die Finansiewet, 1963.

Kort titel.

No. 85, 1963.]

ACT**To amend the Supreme Court Act, 1959.**

(Afrikaans text signed by the State President.)
(Assented to 28th June, 1963.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of
section 10 of
Act 59 of 1959.

1. Section *ten* of the Supreme Court Act, 1959 (hereinafter referred to as the principal Act), is hereby amended by the substitution in paragraph (a) of sub-section (1) for the words "Great Seal" of the word "Seal".

Amendment of
section 20 of
Act 59 of 1959.

2. Section *twenty* of the principal Act is hereby amended by the insertion after sub-section (3) of the following sub-section:

"(3)*bis* Notwithstanding anything to the contrary in any law contained, no appeal shall lie from a judgment or order of the court of a provincial or local division in proceedings in connection with an application—

(a) by one spouse against the other for maintenance *pendente lite*;

(b) for contribution towards the costs of a pending matrimonial action;

(c) for the interim custody of a child when a matrimonial action between its parents is pending or is about to be instituted; or

(d) by one parent against the other for access to a child."

Repeal of
section 23 of
Act 59 of 1959.

3. Section *twenty-three* of the principal Act is hereby repealed.

Substitution of
section 25 of
Act 59 of 1959.

4. The following section is hereby substituted for section *twenty-five* of the principal Act:

"No process 25. Notwithstanding anything to the contrary to be issued in any law contained, no summons or subpoena against the Chief Justice, a judge of appeal or any judge except other judge of the Supreme Court shall in any civil with consent action be issued out of any court except with the of court. consent of that court."

Substitution of
section 26 of
Act 59 of 1959.

5. The following section is hereby substituted for section *twenty-six* of the principal Act:

"Scope and 26. (1) The civil process of a provincial or local execution of division shall run throughout the Republic and process of may be served or executed within the jurisdiction of provincial and local of any division. divisions.

(2) Any warrant or other process for the execution of a judgment given or order issued against any association of persons corporate or unincorporate, partnership or firm may be executed by attachment of the property or assets of such association, partnership or firm."

Amendment of
section 27 of
Act 59 of 1959.

6. Section *twenty-seven* of the principal Act is hereby amended by the substitution for the words "in accordance with the provisions of section *twenty-five*" of the words "outside the area of jurisdiction of the court in which it was issued".

Amendment of
section 30 of
Act 59 of 1959.

7. Section *thirty* of the principal Act is hereby amended by the substitution in sub-section (4) for the words "twenty-five pounds" of the words "fifty rand".

Amendment of
section 32 of
Act 59 of 1959.

8. Section *thirty-two* of the principal Act is hereby amended by the substitution in sub-section (5) for the words "twenty-five pounds" of the words "fifty rand".

Amendment of
section 34 of
Act 59 of 1959.

9. Section *thirty-four* of the principal Act is hereby amended by the substitution for sub-section (7) of the following sub-section:

"(7) The Minister may delegate to an officer in the Department of Justice any of the powers vested in him by this section."

Amendment of
section 39 of
Act 59 of 1959.

10. Section *thirty-nine* of the principal Act is hereby amended by the substitution for the words "two hundred pounds" wherever they occur of the words "four hundred rand".

No. 85, 1963.]

WET

Tot wysiging van die Wet op die Hooggeregshof, 1959.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1963.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel *tien* van die Wet op die Hooggeregshof, 1959 (hieronder die Hoofwet genoem), word hierby gewysig deur in paragraaf (a) van sub-artikel (1) die woord „Grootseël” deur die woord „Seël” te vervang. Wysiging van artikel 10 van Wet 59 van 1959.
2. Artikel *twintig* van die Hoofwet word hierby gewysig deur na sub-artikel (3) die volgende sub-artikel in te voeg: Wysiging van artikel 20 van Wet 59 van 1959.
„(3)*bis* Ondanks andersluidende wetsbepalings, is daar geen appèl teen ’n uitspraak of bevel van die hof van ’n provinsiale of plaaslike afdeling nie in verrigtings in verband met ’n aansoek—
(a) deur een eggenoot teen die ander om onderhoud *pendente lite*;
(b) om ’n bydrae tot die koste van ’n huweliksgeding wat aanhangig is;
(c) om die tussentydse bewaring van ’n kind wanneer ’n huweliksgeding tussen sy ouers aanhangig is of op die punt staan om ingestel te word; of
(d) deur een eggenoot teen die ander om toegang tot ’n kind.”.
3. Artikel *drie-en-twintig* van die Hoofwet word hierby herroep. Herroeping van artikel 23 van Wet 59 van 1959.
4. Artikel *vyf-en-twintig* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 25 van Wet 59 van 1959.
„Proses- 25. Ondanks andersluidende wetsbepalings, word stukke word nie sonder geding teen die Hoofregter, ’n appèlregter of ’n toestemming van die hof ander regter van die Hooggeregshof uit enige hof teen regter uitgereik nie, behalwe met die toestemming van uitgereik daardie hof.”.
5. Artikel *ses-en-twintig* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 26 van Wet 59 van 1959.
„Strekking 26. (1) Die siviele prosesstukke van ’n provinsiale en tenuitvoerlegging of plaaslike afdeling geld dwarsdeur die Republiek van proses- en kan in die regsgebied van enige afdeling bestel stukke van of ten uitvoer gelê word.
provisiale (2) ’n Lasbrief of ander prosesstuk vir die tenuitvoerlegging van ’n uitspraak gegee of bevel uitgevaardig teen ’n vereniging van persone met of sonder afdelings. regspersoonlikheid, vennootskap of firma kan deur beslaglegging op die eiendom of bates van dié vereniging, vennootskap of firma ten uitvoer gelê word.”.
6. Artikel *sewe-en-twintig* van die Hoofwet word hierby gewysig deur die woorde „ooreenkomstig artikel *vyf-en-twintig* bestel is,” deur die woorde „bestel is buite die regsgebied van die hof waaruit dit uitgereik is,” te vervang. Wysiging van artikel 27 van Wet 59 van 1959.
7. Artikel *dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (4) die woorde „vyf-en-twintig pond” deur die woorde „vyftig rand” te vervang. Wysiging van artikel 30 van Wet 59 van 1959.
8. Artikel *twee-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (5) die woorde „vyf-en-twintig pond” deur die woorde „vyftig rand” te vervang. Wysiging van artikel 32 van Wet 59 van 1959.
9. Artikel *vier-en-dertig* van die Hoofwet word hierby gewysig deur sub-artikel (7) deur die volgende sub-artikel te vervang: Wysiging van artikel 34 van Wet 59 van 1959.
„(7) Die Minister kan aan ’n beamppte in die Departement van Justisie enige bevoegdheid delegeer wat by hierdie artikel aan hom verleen word.”.
10. Artikel *nege-en-dertig* van die Hoofwet word hierby gewysig deur die woorde „tweehonderd pond” oral waar dit voorkom deur die woorde „vierhonderd rand” te vervang. Wysiging van artikel 39 van Wet 59 van 1959.

Amendment of
section 43 of
Act 59 of 1959,
as amended by
section 39 of
Act 93 of 1962.

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

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

“(2) (a) The Chief Justice may, after consultation with the judges president of the several divisions, and subject to the approval of the State President, make rules for regulating the conduct of the proceedings of the provincial and local divisions.

(b) The judge president of a provincial division may make rules for regulating the proceedings of that division or of any local division within the area of jurisdiction of which such provincial division exercises concurrent jurisdiction, with reference to—

(i) the times for the holding of courts;

(ii) the placing on the roll of actions for hearing; and

(iii) the extension or reduction as local circumstances may require of any period within which any act is in terms of the rules made under paragraph (a) required to be performed.

(c) For the purposes of this section the senior judge of the Griqualand West local division shall, so long as a judge president has not been appointed for that division, be deemed to be a judge president.”; and

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

“(3) The rules made under paragraph (a) of sub-section (2) may prescribe—

(a) the process of the courts;

(b) the time and manner of appeal to any division referred to in that sub-section;

(c) the practice and procedure in connection with the service of any summons, pleading, subpoena or other document or in connection with the issue of interrogatories or the execution of any writ or warrant;

(d) the compulsory examination by one or more duly registered medical practitioners of any party to proceedings in which damages or compensation in respect of alleged bodily injury is claimed and whose state of health is relevant for the determination of such damages or compensation, and the manner, time, place and responsibility for the cost of the examination, and the making available to the opposing party of any documentary report on the examination;

(e) the procedure at or in connection with any enquiry as to the mental state of any person and the judgments or orders which may be given or issued at any such enquiry;

(f) the appointment and admission of commissioners to take evidence and examine witnesses;

(g) the manner in which documents executed outside the Republic may be authenticated to permit of their being produced or used in any court or produced or lodged in any public office in the Republic;

(h) the appointment and admission of sworn translators;

(i) the proceedings of the sheriff and other officers of the court;

(j) the tariff of court fees other than court fees in respect of the South-West Africa Division;

(k) the fees payable in respect of the service or execution of any process of the court (except subpoenas or warrants issued at the instance of the State in criminal matters) or in respect of the summoning of persons to answer interrogatories;

(l) the tariff of costs and expenses which may be allowed in respect of the service or execution of any process referred to in paragraph (k) or to persons appearing to answer interrogatories;

(m) the manner of determining the amount of security to be given in any case where security is required to be given and the form and manner in which such security may be given;

11. Artikel *drie-en-veertig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 43 van Wet 59 van 1959, soos gewysig deur artikel 39 van Wet 93 van 1962.

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

„(2) (a) Die Hoofregter kan na oorlegpleging met die regters-president van die onderskeie afdelings, en onderworpe aan die goedkeuring van die Staatspresident, reëls uitvaardig waarby die verrigtings van die provinsiale en plaaslike afdelings gereël word.

(b) Die regter-president van 'n provinsiale afdeling kan reëls uitvaardig waarby die verrigtings van daardie afdeling of van 'n plaaslike afdeling in die regsgebied waarvan daardie provinsiale afdeling konkurrerende jurisdiksie uitoefen, gereël word met betrekking tot—

- (i) die tye vir die hou van hofsittings;
- (ii) die ter rolle plasing van sake vir verhoor; en
- (iii) die verlenging of verkorting na vereiste van plaaslike omstandighede van enige tydperk waarin 'n handeling ingevolge die kragtens paragraaf (a) uitgevaardigde reëls verrig moet word.

(c) By die toepassing van hierdie artikel word die senior regter van die plaaslike afdeling Griekwaland-Wes, so lank as wat daar nie 'n regter-president vir daardie afdeling aangestel is nie, as 'n regter-president beskou.”; en

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

„(3) Die reëls ingevolge paragraaf (a) van sub-artikel (2) uitgevaardig, kan voorskryf—

- (a) die prosesstukke van die howe;
- (b) die tyd en wyse van appèl na 'n afdeling in daardie sub-artikel bedoel;
- (c) die praktyk en prosedure in verband met die bestelling van dagvaardings, pleitstukke, getuiedagvaardings of ander stukke of in verband met die uitreiking van vraagpunte of die tenuitvoerlegging van bevelskrifte of lasbriewe;
- (d) die verpligte ondersoek deur een of meer behoorlik geregistreerde geneeshere van 'n party by verrigtings waarin vergoeding of skadeloosstelling ten opsigte van beweerde liggaamlike besering geëis word en wie se gesondheidstoestand by die bepaling van sodanige vergoeding of skadeloosstelling ter sake is, asook die wyse, tyd, plek en verantwoordelikheid vir die koste van die ondersoek en die beskikbaarstelling aan die teenparty van enige dokumentêre verslag van die ondersoek;
- (e) die prosedure by of in verband met 'n ondersoek na iemand se geestestoestand en die uitsprake of bevels wat by so 'n ondersoek gegee of uitgevaardig kan word;
- (f) die aanstelling en toelating van kommissarisse om getuienis te neem en getuies te ondervra;
- (g) die wyse waarop stukke wat buite die Republiek verly is, gewaarmerk kan word ten einde in 'n hof oorgelê of gebruik of in 'n openbare kantoor in die Republiek oorgelê of ingedien te kan word;
- (h) die aanstelling en toelating van beëdigde vertalers;
- (i) die verrigtings van die balju en ander beamptes van die hof;
- (j) die tarief van ander hofgelde as hofgelde ten opsigte van die Suidwes-Afrika-afdeling;
- (k) die gelde betaalbaar ten opsigte van die bestelling of tenuitvoerlegging van prosesstukke van die hof (behalwe getuiedagvaardings of lasbriewe op versoek van die Staat in strafsake uitgereik) of ten opsigte van die dagvaarding van persone om op vraagpunte te antwoord;
- (l) die tarief van koste en uitgawes wat ten opsigte van die bestelling of tenuitvoerlegging van prosesstukke in paragraaf (k) bedoel of aan persone wat verskyn om op vraagpunte te antwoord, toegelaat mag word;
- (m) die wyse waarop die bedrag van sekerheid bepaal word wat verstrekk moet word in 'n geval waar sekerheid verstrekk moet word en die vorm waarin en wyse waarop sodanige sekerheid verstrekk kan word;

- (n) the hours during which the office of a registrar shall be open for the transaction of business;
- (o) the manner of recording or noting of evidence and of the proceedings in any court;
- (p) the tariff of fees chargeable by advocates, attorneys and notaries;
- (q) the taxation of bills of costs, including bills of costs not relating to litigation, and the recovery of costs; and
- (r) generally any matter which is necessary to be prescribed in order to ensure the proper despatch and conduct of the business of the court."

Substitution of references to Governor-General and Union in Act 59 of 1959.

12. The principal Act is hereby amended by the substitution for the word "Governor-General" wherever it occurs of the words "State President" and for the word "Union" wherever it occurs of the word "Republic".

Repeal of section 3 of Act 24 of 1922.

13. Section *three* of the South-West Africa Affairs Act, 1922, is hereby repealed in so far as it relates to the attendance of witnesses in any civil action in the South-West Africa Division of the Supreme Court of South Africa.

Short title and commencement.

14. This Act shall be called the Supreme Court Amendment Act, 1963, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

- (n) die ure waartydens 'n griffier se kantoor vir die afhandeling van werksaamhede oop moet wees;
- (o) die wyse van aantekening of notering van getuienis en van verrigtings in 'n hof;
- (p) die tarief van gelde wat deur advokate, prokureurs en notarisse gevorder kan word;
- (q) die taksering van kosterekenings, met inbegrip van kosterekenings wat nie op gedingvoering betrekking het nie, en die verhaal van koste; en
- (r) oor die algemeen enige aangeleentheid wat dit nodig is om voor te skryf ten einde die behoorlike afhandeling en reëling van die werksaamhede van die hof te verseker."

12. Die Hoofwet word hierby gewysig deur die woord „Goewerneur-generaal" oral waar dit voorkom deur die woord „Staatspresident" en die woord „Unie" oral waar dit voorkom deur die woord „Republiek" te vervang.

Vervanging in Wet 59 van 1959 van verwysings na Goewerneur-generaal en Unie.

13. Artikel drie van die „Wet betreffende Aangelegenheden van Zuidwest-Afrika, 1922", word hierby herroep vir sover dit op die verskyning van getuies in 'n siviele geding in die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika betrekking het.

Herroeping van artikel 3 van Wet 24 van 1922.

14. Hierdie Wet heet die Wysigingswet op die Hooggeregshof, 1963, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerkingtreding.

No. 86, 1963.]

ACT

To provide for the establishment, maintenance and conduct of retreats, rehabilitation centres and hostels; for the establishment of a National Alcoholism Advisory Board; for the certification of institutions as retreats for certain purposes; for the approval of institutions as hostels for certain purposes; for the committal of certain persons to and their detention, training and treatment in such retreats, rehabilitation centres or certified retreats; to amend the Criminal Procedure Act, 1955; and to provide for other incidental matters.

(English text signed by the State President.)

(Assented to 28th June, 1963.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

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

- (i) "approved hostel" means a hostel approved or deemed to have been approved under section *eleven*; (iii)
- (ii) "certified retreat" means an institution certified or deemed to be certified under section *nine*; (ii)
- (iii) "hostel" means a hostel established or deemed to have been established under section *ten*; (xii)
- (iv) "inmate" means any person who under this Act or any other law was sent or admitted to a retreat, rehabilitation centre or certified retreat, and includes any such person who has been released on licence or granted leave of absence from a retreat, rehabilitation centre or certified retreat, or who is still under the control or supervision of the management of a retreat, rehabilitation centre or certified retreat or is liable to be brought back thereto; (v)
- (v) "magistrate" includes an additional magistrate and an assistant magistrate, and in relation to any provision of this Act the administration of which has, by proclamation issued under section *thirty-eight*, been assigned to the Minister of Bantu Administration and Development, a Bantu Affairs commissioner, an additional Bantu Affairs commissioner and an assistant Bantu Affairs commissioner; and any reference to a magistrate's court shall be construed accordingly; (vi)
- (vi) "management", in relation to a retreat, rehabilitation centre or hostel, means the board of management appointed or deemed to have been appointed under section *seven* or *ten*, and, in relation to a certified retreat or approved hostel, means the persons who have the management and control thereof; (i)
- (vii) "Minister", in relation to any provision of this Act, means the Minister to whom, or the Ministers to whom acting in consultation with one another, the administration of that provision has been assigned by proclamation issued under section *thirty-eight*; (vii)
- (viii) "prescribed" means prescribed by regulation or rule made or prescribed under this Act; (xvi)
- (ix) "reform school" means a reform school as defined in section *one* of the Children's Act, 1960 (Act No. 33 of 1960); (xiv)
- (x) "regulation" means a regulation made and in force under this Act; (ix)
- (xi) "rehabilitation centre" means a rehabilitation centre established or deemed to have been established under section *three*; (x)
- (xii) "retreat" means a retreat established or deemed to have been established under section *three*; (xiii)
- (xiii) "rule" means a rule prescribed by a management under powers conferred upon it by regulation; (viii)
- (xiv) "Secretary" or "other senior officer", in relation to any provision of this Act, means the head or any other senior officer of the Department of State administered by the Minister to whom the administration of that provision has been assigned by proclamation issued under section *thirty-eight*; (xi)

No. 86, 1963.]

WET

Om voorsiening te maak vir die stigting, instandhouding en bestuur van toevlugte, rehabilitasiesentrums en tehuse; vir die instelling van 'n Nasionale Adviserende Raad oor Alkoholisme; vir die sertifisering van inrigtings as toevlugte vir sekere doeleindes; vir die goedkeuring van inrigtings as tehuse vir sekere doeleindes; vir die verwysing van sekere persone na, en hulle aanhouding, opleiding en behandeling in bedoelde toevlugte, rehabilitasiesentrums of gesertifiseerde toevlugte; vir die wysiging van die Strafproseswet, 1955; en vir ander bykomstige aangeleenthede.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1963.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy uit die samehang anders blyk, Woordbepaling. beteken—

- (i) „bestuur”, met betrekking tot 'n toevlug, rehabilitasiesentrum of tehuis, die bestuursraad wat kragtens artikel *sewe* of *tien* aangestel is of geag word aldus aangestel te gewees het, en, met betrekking tot 'n gesertifiseerde toevlug of goedgekeurde tehuis, die persone wat met die bestuur en beheer daarvan belas is; (vi)
- (ii) „gesertifiseerde toevlug” 'n inrigting wat kragtens artikel *nege* gesertifiseer is of geag word aldus gesertifiseer te wees; (ii)
- (iii) „goedgekeurde tehuis” 'n tehuis wat kragtens artikel *elf* goedgekeur is of geag word aldus goedgekeur te gewees het; (i)
- (iv) „hierdie Wet” ook die regulasies; (xvi)
- (v) „inwoner” 'n persoon wat kragtens hierdie Wet of 'n ander wetsbepaling na 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug verwys of daarin opgeneem is, en ook so 'n persoon wat met vergunning uit 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug vrygelaat is of aan wie verlof tot afwesigheid daaruit toegestaan is, of wat nog onder die beheer of toesig van die bestuur van 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug staan, of wat daarheen teruggebring kan word; (iv)
- (vi) „landdros” ook 'n addisionele landdros en 'n assistent-landdros, en met betrekking tot enige bepaling van hierdie Wet waarvan die uitvoering by proklamasie uitgevaardig kragtens artikel *agt-en-dertig* aan die Minister van Bantoe-administrasie en -ontwikkeling opgedra is, 'n Bantoesakekommissaris, 'n addisionele Bantoesakekommissaris en 'n Assistent-bantoesakekommissaris; en word enige verwysing na 'n landdroshof dienooreenkomstig uitgelê; (v)
- (vii) „Minister”, met betrekking tot die een of ander bepaling van hierdie Wet, die Minister aan wie, of die Ministers aan wie, handelende in oorleg met mekaar, die uitvoering van daardie bepaling by 'n kragtens artikel *agt-en-dertig* uitgevaardigde proklamasie opgedra is; (vii)
- (viii) „reël” 'n reël deur 'n bestuur kragtens 'n by regulasie aan hom verleende bevoegdheid voorgeskryf; (xiii)
- (ix) „regulasie” 'n regulasie wat kragtens hierdie Wet uitgevaardig en van krag is; (x)
- (x) „rehabilitasiesentrum” 'n rehabilitasiesentrum wat kragtens artikel *drie* gestig is of geag word aldus gestig te gewees het; (xi)
- (xi) „Sekretaris” of „ander senior beampte”, met betrekking tot die een of ander bepaling van hierdie Wet, die hoof of 'n ander senior beampte van die Staatsdepartement onder beheer van die Minister aan wie die uitvoering van daardie bepaling by 'n kragtens artikel *agt-en-dertig* uitgevaardigde proklamasie opgedra is; (xiv)
- (xii) „tehuis” 'n tehuis wat kragtens artikel *tien* gestig is of geag word aldus gestig te gewees het; (iii)

Application of Act in respect of persons.

Establishment of retreats and rehabilitation centres.

Purposes for which persons are detained in retreat or rehabilitation centre.

Abolition of retreat or rehabilitation centre.

Establishment and functions of National Alcoholism Advisory Board.

(xv) "social welfare officer" means an officer who is employed in the professional division in accordance with the law governing the public service and who, in the performance of his duties, is mainly concerned with welfare work; (xv)

(xvi) "this Act" includes the regulations. (iv)

2. No person who has not attained the age of eighteen years shall be committed or transferred, or admitted as a voluntary inmate, to a retreat, rehabilitation centre or certified retreat.

3. (1) The Minister may, in consultation with the Minister of Finance, out of moneys appropriated by Parliament for the purpose—

(a) establish, maintain and conduct retreats for the reception, treatment and training of such persons as are referred to in paragraph (b) of sub-section (1) of section *fourteen* and of any persons who are transferred thereto under any provision of this Act;

(b) establish, maintain and conduct rehabilitation centres for the reception, treatment and training of such persons as are referred to in paragraphs (a), (c), (d) and (e) of sub-section (1) of section *fourteen* and of any persons who are transferred thereto under any provision of this Act.

(2) (a) Every retreat established under section *three* of the Work Colonies Act, 1949 (Act No. 25 of 1949), which is in existence at the commencement of this Act, shall, as from such commencement, be deemed to be a retreat established under paragraph (a) of sub-section (1).

(b) Every work colony established or deemed to have been established under the Work Colonies Act, 1949, which is in existence at the commencement of this Act, shall, as from such commencement, be deemed to be a rehabilitation centre established under paragraph (b) of sub-section (1); and any reference in any law or document to a work colony shall be construed as a reference to a rehabilitation centre established under this section.

4. The inmates of a retreat or rehabilitation centre shall be detained therein for the purpose of improving their physical, mental and moral condition by—

(a) developing and improving their physical condition by means of physical training suited to their particular capacities and needs, and, where necessary, by appropriate medical and mental treatment;

(b) training them in habits of industry and work;

(c) correcting, under suitable medical, psychiatric, social or psychological supervision, behaviour disabilities, including alcoholism, which impede proper social adjustment;

(d) the application of any further measures which may be necessary to remove or overcome particular disabilities; and

(e) generally, training them in habits of social adaptation in the community and of good citizenship.

5. The Minister may at any time abolish any retreat or rehabilitation centre.

6. (1) As soon as may be after the commencement of this Act, the Minister shall establish a board to be known as the National Alcoholism Advisory Board (hereinafter referred to as the Advisory Board), the functions of which shall be—

(a) to advise the Minister in regard to any matter affecting alcoholism which the Minister may refer to it for its advice or in regard to which the Advisory Board considers it necessary to advise the Minister;

- (xiii) „toevlug” ’n toevlug wat kragtens artikel *drie* gestig is of geag word aldus gestig te gewees het; (xii)
- (xiv) „verbeteringskool” ’n verbeteringskool soos in artikel *een* van die Kinderwet, 1960 (Wet No. 33 van 1960), omskryf; (ix)
- (xv) „volkswelsynbeampte” ’n beampte wat, ooreenkomstig die wetsbepalings op die Staatsdiens, in die vakkundige afdeling werksaam is en wat by die uitvoering van sy ampspligte hoofsaaklik met welsynswerk te doen het; (xv)
- (xvi) „voorgeskrif” of „voorgeskrewe”, voorgeskryf deur ’n regulasie of reël kragtens hierdie Wet uitgevaardig of voorgeskryf. (viii)

2. Niemand wat nie die leeftyd van agtien jaar bereik het nie, mag na ’n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug verwys of oorgeplaas word of as ’n vrywillige inwoner daarin opgeneem word nie.

Toepassing van Wet ten opsigte van persone.

3. (1) Die Minister kan, in oorleg met die Minister van Finansies, uit gelde wat deur die Parlement vir die doel bewillig is—

Stigting van toevlugte en rehabilitasiesentrums.

- (a) toevlugte stig, in stand hou en bestuur vir die opname, behandeling en opleiding van sodanige persone as wat in paragraaf (b) van sub-artikel (1) van artikel *veertien* bedoel word en van enige persone wat kragtens enige bepaling van hierdie Wet daarheen oorgeplaas word;
- (b) rehabilitasiesentrums stig, in stand hou en bestuur vir die opname, behandeling en opleiding van sodanige persone as wat in paragrafe (a), (c), (d) en (e) van sub-artikel (1) van artikel *veertien* bedoel word en van enige persone wat kragtens enige bepaling van hierdie Wet daarheen oorgeplaas word.
- (2) (a) Elke toevlug wat kragtens artikel *drie* van die Wet op Werkkolonies, 1949 (Wet No. 25 van 1949), gestig is, en wat by die inwerkingtreding van hierdie Wet bestaan, word, vanaf sodanige inwerkingtreding, geag ’n toevlug te wees wat kragtens paragraaf (a) van sub-artikel (1) gestig is.
- (b) Elke werkkolonie wat kragtens die Wet op Werkkolonies, 1949, gestig is of geag word aldus gestig te gewees het, en wat by die inwerkingtreding van hierdie Wet bestaan, word, vanaf sodanige inwerkingtreding, geag ’n rehabilitasiesentrum te wees wat kragtens paragraaf (b) van sub-artikel (1) gestig is; en ’n verwysing in enige wet of dokument na ’n werkkolonie, word geag ’n verwysing te wees na ’n rehabilitasiesentrum wat kragtens hierdie artikel gestig is.

4. Die inwoners van ’n toevlug of rehabilitasiesentrum word daarin aangehou met die doel om hulle liggaamlike, geestelike en sedelike toestand te verbeter deur—

Doeleindes waarvoor persone in toevlug of rehabilitasiesentrum aangehou word.

- (a) hul liggaamlike toestand te ontwikkel en te verbeter deur middel van liggaamsontwikkeling wat by hul besondere vermoë en behoeftes pas, asook, indien nodig, deur geskikte geneeskundige en geestesbehandeling;
- (b) hulle te leer om vlytig en arbeidsaam te wees;
- (c) gedragsafwykings, met inbegrip van alkoholisme, wat behoorlike maatskaplike aanpassing verhinder, onder geskikte mediese, psigiatrisse, maatskaplike of sielkundige toesig te verbeter;
- (d) die aanwending van enige verdere maatreëls wat nodig is om ’n bepaalde onvermoë te verwyder of te bowe te kom; en
- (e) in die algemeen, hulle te leer om hulle by die gemeenskapslewe aan te pas en om goeie burgers te wees.

5. Die Minister kan te eniger tyd ’n toevlug of rehabilitasiesentrum afskaf.

Afskaffing van toevlug of rehabilitasiesentrum.

6. (1) So spoedig doenlik na die inwerkingtreding van hierdie Wet, stel die Minister ’n raad in, genoem die Nasionale Adviserende Raad oor Alkoholisme (hieronder die Adviserende Raad genoem), met die funksies—

Instelling en funksies van Nasionale Adviserende Raad oor Alkoholisme.

- (a) om die Minister van advies te dien met betrekking tot enige aangeleentheid rakende alkoholisme wat die Minister na die Adviserende Raad vir sy advies verwys of met betrekking waartoe die Adviserende Raad dit nodig ag om die Minister te adviseer;

- (b) to co-ordinate measures in connection with the combating of alcoholism or treatment of alcoholics;
- (c) to plan research in the field of alcoholism and to give guidance to other bodies doing such research.
- (2) (a) The Advisory Board shall consist of so many members, but not more than fifteen, as the Minister may from time to time determine, and such members shall be appointed by the Minister.
- (b) Two of the members of the Advisory Board shall be officers of the Department of Social Welfare and Pensions; not more than eight of the members shall be officers nominated from among their personnel by such departments of State and provincial administrations as the Minister may, from time to time, determine; and not more than five shall be members selected by the Minister from among persons who are actively interested, on a voluntary basis, in the problem of alcoholism or have special knowledge of that subject.
- (3) (a) A member of the Advisory Board shall be appointed for such period, not exceeding five years, and upon such conditions as the Minister may determine at the time of making the appointment: Provided that the period of office of a member may be terminated at any time if in the opinion of the Minister there are good reasons for doing so.
- (b) A member of the Advisory Board may on the expiration of any period for which he was appointed, be re-appointed.
- (4) If the office of any member of the Advisory Board becomes vacant before the expiration of the period for which he was appointed, the Minister shall, subject to the applicable provisions of paragraph (b) of sub-section (2), appoint another person to hold office for the unexpired portion of the period for which his predecessor was appointed.
- (5) Any member of the Advisory Board who is not an officer in the public service, may be paid such fees or travelling and subsistence allowance, while he is engaged upon the business of the Board, as the Minister may, in consultation with the Minister of Finance, determine.
- (6) (a) The Minister shall designate one of the two officers of the Department of Social Welfare and Pensions appointed as members of the Advisory Board, as the chairman thereof and the other as the vice-chairman thereof.
- (b) The vice-chairman shall, when acting in the place of the chairman, in all respects have all the powers and perform all the duties of the chairman.
- (7) In the event of the absence of both the chairman and the vice-chairman from any meeting of the Advisory Board the members present at the meeting shall elect one of their number to preside at such meeting.
- (8) The first meeting of the Advisory Board shall be held at a time and place to be determined by the Minister, and subsequent meetings shall, at least twice every year, be held at such times and places as the chairman may direct.
- (9) The Advisory Board shall, as soon as may be practicable after it has been established, frame rules governing its quorum, the procedure at meetings and, generally, the conduct of its business, and may from time to time alter or revoke any such rules.
- (10) The Secretary may designate any officer of the Department of Social Welfare and Pensions to act as secretary of the Advisory Board.
- (11) (a) The Advisory Board shall at least once every five years and whenever requested by the Minister to do so, prepare and submit to the Minister a report on its activities.
- (b) Any such report shall be laid upon the Table in the Senate and in the House of Assembly within fourteen days after receipt thereof by the Minister if Parliament is then in session or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing ordinary session.
- (12) The National Work Colonies and Retreats Advisory Board appointed in terms of section six of the Work Colonies Act, 1949 (Act No. 25 of 1949), is hereby abolished.

7. (1) The Minister shall appoint in respect of each retreat and in respect of each rehabilitation centre a board of manage-

- (b) om maatreëls in verband met die bestryding van alkoholisme of die behandeling van alkoholiste te koördineer;
- (c) om navorsing op die gebied van alkoholisme te beplan en om aan ander liggame wat sodanige navorsing doen, leiding te gee.
- (2) (a) Die Adviserende Raad bestaan uit soveel lede, maar hoogstens vyftien, as wat die Minister van tyd tot tyd bepaal, en die lede word deur die Minister aangestel.
- (b) Twee van die lede van die Adviserende Raad moet beamptes van die Departement van Volkswelsyn en Pensioene wees; hoogstens agt van die lede moet beamptes wees wat deur die Staatsdepartemente en provinsiale administrasies wat die Minister van tyd tot tyd bepaal, uit hulle personeel benoem word; en hoogstens vyf moet lede wees wat deur die Minister gekies word uit persone wat hulle, op 'n vrywillige grondslag, aktief besig hou met die vraagstuk van alkoholisme of wat besondere kennis van daardie onderwerp dra.
- (3) (a) 'n Lid van die Adviserende Raad word aangestel vir 'n tydperk van hoogstens vyf jaar en op die voorwaardes wat die Minister ten tyde van die aanstelling bepaal: Met dien verstande dat die ampstermyn van 'n lid te eniger tyd beëindig kan word indien na die mening van die Minister goeie redes daarvoor bestaan.
- (b) 'n Lid van die Adviserende Raad kan by verstryking van 'n tydperk waarvoor hy aangestel is, weer aangestel word.
- (4) Indien die setel van 'n lid van die Adviserende Raad vakant raak voor die verstryking van die tydperk waarvoor hy aangestel is, moet die Minister, met inagneming van die toepaslike bepalings van paragraaf (b) van sub-artikel (2), 'n ander persoon aanstel, wat sy amp beklee vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger aangestel was.
- (5) Daar kan aan 'n lid van die Adviserende Raad wat nie 'n beampte in die Staatsdiens is nie, terwyl hy sake van die Raad verrig, die gelde of reis- en onderhoudstoelae betaal word wat die Minister, in oorleg met die Minister van Finansies, bepaal.
- (6) (a) Die Minister moet een van die twee beamptes van die Departement van Volkswelsyn en Pensioene wat as lede van die Adviserende Raad aangestel is, as die voorsitter daarvan, en die ander as die ondervoorsitter daarvan, aanwys.
- (b) Terwyl die ondervoorsitter in die plek van die voorsitter optree, het hy in alle opsigte al die bevoegdhede en vervul hy al die pligte van die voorsitter.
- (7) Ingeval sowel die voorsitter as die ondervoorsitter van 'n vergadering van die Adviserende Raad afwesig is, kies die lede wat by die vergadering aanwesig is een uit hul midde om by die vergadering voor te sit.
- (8) Die eerste vergadering van die Adviserende Raad word gehou op 'n tyd en plek wat die Minister bepaal, en daaropvolgende vergaderings word, minstens twee keer elke jaar, gehou op die tye en plekke wat die voorsitter bepaal.
- (9) Die Adviserende Raad moet so spoedig doenlik na sy instelling, reëls opstel ter reëling van sy kworum, die prosedure op vergaderings en, oor die algemeen, die verrigting van sy werksaamhede, en kan van tyd tot tyd sodanige reëls wysig of intrek.
- (10) Die Sekretaris kan 'n beampte van die Departement van Volkswelsyn en Pensioene aanwys om as sekretaris van die Adviserende Raad op te tree.
- (11) (a) Die Adviserende Raad moet, minstens een keer elke vyf jaar en wanneer hy deur die Minister versoek word om dit te doen, 'n verslag oor sy werksaamhede opstel en aan die Minister voorlê.
- (b) Enige sodanige verslag moet in die Senaat en in die Volksraad ter Tafel gelê word binne veertien dae na ontvangs daarvan deur die Minister as die Parlement dan in sessie is, of, as die Parlement nie dan in sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.
- (12) Die Nasionale Adviserende Raad vir Werkkolonies en Toevlugte aangestel ingevolge artikel ses van die Wet op Werkkolonies, 1949 (Wet No. 25 van 1949), word hierby afgeskaf.

7. (1) Die Minister moet ten opsigte van elke toevlug en ten opsigte van elke rehabilitasiesentrum 'n bestuursraad aan-

Bestuursrade van toevlugte en rehabilitasiesentrums.

ment which may advise the Minister on any matter connected with retreats or rehabilitation centres, as the case may be.

(2) The constitution, procedure and functions of boards of management shall be as prescribed, and every such board shall have the powers and perform the duties conferred or imposed upon a board of management by or under this Act.

(3) Any board of management appointed for any institution under section *seven* of the Work Colonies Act, 1949 (Act No. 25 of 1949), which is in existence at the commencement of this Act, shall as from such commencement, be deemed to have been appointed under this section in respect of the corresponding institution.

Classification of retreats and rehabilitation centres and classification and separation of inmates.

8. In order to provide training and treatment suitable to the needs and requirements of particular groups of inmates, the Minister may classify retreats and rehabilitation centres under different categories or divisions, and shall provide for the classification and separation of different groups of inmates within a particular retreat or rehabilitation centre.

Certified retreats.

9. (1) If the Minister is satisfied that an institution is so managed and conducted that it is suitable for the reception, maintenance, treatment and training of persons referred to in paragraph (b) of sub-section (1) of section *fourteen*, and that the powers conferred by this Act upon the management of a certified retreat, may properly be entrusted to the management of that institution, he may, on the application of the management concerned, and on such conditions as may be prescribed, grant to it a certificate declaring that institution to be a certified retreat under this Act.

(2) (a) A certificate granted under sub-section (1) may at any time be withdrawn by the Minister or may be surrendered by the management of the institution in respect of which it was granted.

(b) Written notice shall be given of the withdrawal or surrender of any such certificate and shall take effect on the date specified in the document whereby notice is given of the withdrawal or surrender.

(c) Unless the Minister and the management of the institution in respect of which the certificate was granted agree on the date, the date may not be earlier than a date three months after the date upon which notice of the withdrawal or surrender was given.

(3) Upon withdrawal or surrender of a certificate under sub-section (2), the powers conferred and the duties imposed by or under this Act upon the management of the certified retreat in respect of any inmate thereof shall devolve upon the Minister.

(4) Any institution certified or deemed to be certified under section *nine* of the Work Colonies Act, 1949 (Act No. 25 of 1949), and in existence at the commencement of this Act, shall, as from such commencement, be deemed to be a retreat certified under this section, and any certificate granted to the management of any such institution shall be deemed to have been granted under this section.

Establishment of hostels.

10. (1) The Minister may, in consultation with the Minister of Finance, out of moneys appropriated by Parliament for the purpose, establish, maintain and conduct hostels for the purpose of providing homes for inmates who have been released on licence from a retreat, rehabilitation centre or certified retreat or who have been discharged from the provisions of this Act or for persons referred to in section *sixteen*.

(2) The Minister shall appoint in respect of each hostel established under sub-section (1) a board of management the constitution, procedure, functions, powers and duties of which shall be prescribed.

(3) Every hostel established under section *ten* of the Work Colonies Act, 1949 (Act No. 25 of 1949), which is in existence at the commencement of this Act, shall, as from such commencement, be deemed to be a hostel established under this section.

(4) Any board of management appointed for any hostel under section *ten* of the Work Colonies Act, 1949, which is in existence at the commencement of this Act, shall as from such commencement, be deemed to have been appointed under this section in respect of the hostel in question.

(5) The Minister may at any time abolish any hostel.

stel wat die Minister oor enige aangeleentheid in verband met toevlugte of rehabilitasiesentrums, na gelang van die geval, van advies kan dien.

(2) Die samestelling, prosedure en werksaamhede van bestuursrade word voorgeskryf, en elke sodanige raad het die bevoegdhede en verrig die pligte wat by of kragtens hierdie Wet aan 'n bestuursraad verleen of opgelê word.

(3) Enige bestuursraad wat kragtens artikel sewe van die Wet op Werkkolonies, 1949 (Wet No. 25 van 1949), vir 'n inrigting aangestel is, en wat by die inwerkingtreding van hierdie Wet bestaan, word, vanaf sodanige inwerkingtreding, geag kragtens hierdie artikel ten opsigte van die ooreenstemmende inrigting aangestel te gewees het.

8. Ten einde opleiding en behandeling te voorsien wat aan die behoeftes en vereistes van bepaalde groepe inwoners voldoen, kan die Minister toevlugte en rehabilitasiesentrums onder verskillende kategorieë of afdelings indeel, en moet hy vir die klassifisering en skeiding van verskillende groepe inwoners binne 'n bepaalde toevlug of rehabilitasiesentrum voorsiening maak.

Klassifisering van toevlugte en rehabilitasiesentrums en klassifisering en skeiding van inwoners.

9. (1) As die Minister oortuig is dat 'n inrigting so bestuur en gedryf word dat dit geskik is vir die opname, onderhoud, behandeling en opleiding van persone in paragraaf (b) van sub-artikel (1) van artikel veertien bedoel en dat die bevoegdhede wat deur hierdie Wet aan die bestuur van 'n gesertifiseerde toevlug verleen word, gevoeglik aan die bestuur van daardie inrigting toevertrou kan word, kan hy op aansoek van die betrokke bestuur en wel op die voorgeskrewe voorwaardes aan daardie bestuur 'n sertifikaat verleen waarby daardie inrigting tot 'n gesertifiseerde toevlug kragtens hierdie Wet verklaar word.

Gesertifiseerde toevlugte.

(2) (a) 'n Sertifikaat kragtens sub-artikel (1) verleen, kan te eniger tyd deur die Minister ingetrek, of deur die bestuur van die inrigting ten opsigte waarvan dit verleen is, teruggegee word.

(b) Skriftelike kennis moet gegee word van die intrekking of teruggawe van enige sodanige sertifikaat en tree in werking op die datum aangedui in die dokument waarby kennis van die intrekking of teruggawe gegee word.

(c) Tensy die Minister en die bestuur van die inrigting ten opsigte waarvan die sertifikaat verleen is oor die datum ooreenkom, mag die datum nie vroeër wees as 'n datum drie maande na die datum waarop kennis van die intrekking of teruggawe gegee is nie.

(3) Wanneer 'n sertifikaat kragtens sub-artikel (2) ingetrek of teruggegee word, gaan die bevoegdhede en pligte wat by of kragtens hierdie Wet aan die bestuur van die gesertifiseerde toevlug ten aansien van 'n inwoner daarin verleen of opgelê word, op die Minister oor.

(4) 'n Inrigting wat kragtens artikel nege van die Wet op Werkkolonies, 1949 (Wet No. 25 van 1949), gesertifiseer is of geag word aldus gesertifiseer te wees, en wat by die inwerkingtreding van hierdie Wet bestaan, word, vanaf sodanige inwerkingtreding, geag 'n toevlug te wees wat kragtens hierdie artikel gesertifiseer is, en enige sertifikaat wat aan die bestuur van enige sodanige inrigting verleen is, word geag kragtens hierdie artikel verleen te gewees het.

10. (1) Die Minister kan, in oorleg met die Minister van Finansies, uit gelde wat deur die Parlement vir die doel bewillig is, tehuise stig, in stand hou en bestuur met die doel om aan inwoners wat met vergunning uit 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug vrygelaat is of wat van die bepaling van hierdie Wet onthef is of aan in artikel sestion bedoelde persone, tuistes te verskaf.

Stigting van tehuise.

(2) Die Minister stel ten opsigte van elke kragtens sub-artikel (1) gestigte tehuis 'n bestuursraad aan waarvan die samestelling, prosedure, werksaamhede, bevoegdhede en pligte voorgeskryf word.

(3) Elke tehuis wat kragtens artikel tien van die Wet op Werkkolonies, 1949 (Wet No. 25 van 1949), gestig is en wat by die inwerkingtreding van hierdie Wet bestaan, word, vanaf sodanige inwerkingtreding, geag 'n tehuis te wees wat kragtens hierdie artikel gestig is.

(4) Enige bestuursraad wat kragtens artikel tien van die Wet op Werkkolonies, 1949, vir 'n tehuis aangestel is, en wat by die inwerkingtreding van hierdie Wet bestaan, word, vanaf sodanige inwerkingtreding, geag kragtens hierdie artikel ten opsigte van die betrokke tehuis aangestel te gewees het.

(5) Die Minister kan te eniger tyd enige tehuis afskaf.

Approved
hostels.

11. (1) The Minister may approve of the establishment or conduct of hostels by associations of persons for the purpose mentioned in sub-section (1) of section *ten*, and may, on the prescribed conditions, grant to the management of any such hostel a certificate declaring that hostel to be an approved hostel.

(2) The provisions of sub-section (2) of section *nine* shall *mutatis mutandis* apply in respect of the withdrawal or surrender of a certificate granted under sub-section (1).

(3) Any hostel approved under section *eleven* of the Work Colonies Act, 1949 (Act No. 25 of 1949), and in existence at the commencement of this Act, shall, as from such commencement, be deemed to be a hostel approved under this section, and any certificate granted to the management of any such hostel shall be deemed to have been granted under this section.

Financial aid
for certain
institutions and
associations of
persons.

12. (1) The Minister may, in consultation with the Minister of Finance, out of moneys appropriated by Parliament for the purpose, make grants—

- (a) in respect of the establishment, extension, reconstruction, maintenance, conduct and control of any certified retreat or approved hostel; and
- (b) to any association of persons approved by the Minister which has as its object the prevention or combating of alcoholism or the treatment of alcoholics or the co-ordination of the activities of different associations of persons in that field.

(2) A grant made under sub-section (1) shall be subject to the prescribed conditions and to the condition that the books, accounts and records of the retreat, hostel or association of persons concerned, shall at all times be available for inspection and auditing by any officer in the public service and that a report on the activities of the retreat, hostel or association of persons concerned shall once in every calendar year be submitted to the Minister.

Staff of
retreats,
rehabilitation
centres and
hostels.

13. (a) The Minister may, subject to the laws governing the public service, appoint the staff necessary for the proper conduct and control of retreats, rehabilitation centres and hostels, and in making any such appointment, he shall have due regard to the provisions of section *four*.

(b) The functions, powers and duties of persons so appointed shall be as prescribed.

Procedure for
bringing persons
eligible for
admission to a
retreat, etc.,
before a
magistrate.

14. (1) Whenever there is lodged with or made before a public prosecutor a sworn declaration in writing by any person (including any social welfare officer) alleging that any other person who is within the area of jurisdiction of the magistrate's court to which such prosecutor is attached, is a person who—

- (a) because of his own misconduct or default (which shall be taken to include the squandering of his means by betting, gambling or otherwise) habitually fails to provide for his own support or for that of any dependant whom he is legally liable to maintain; or
- (b) is addicted to drink or drugs and in consequence thereof squanders his means or injures his health or endangers the peace or in any other manner does harm to his own welfare or the welfare of his family; or
- (c) habitually begs for money or goods or induces others to beg for money or goods on his behalf; or
- (d) has no sufficient honest means of livelihood; or
- (e) leads an idle, dissolute or disorderly life,

the clerk of the court shall, at the request of the public prosecutor, issue and deliver to a member of the South African Police a summons to be served on such person calling on him to appear before a magistrate within such area at a time and place stated therein, or if the prosecutor does not request the issue of such a summons a magistrate of the court in question may, on the application of the public prosecutor, issue a warrant directing that such person be arrested and as soon thereafter as practicable be brought before a magistrate within such area.

(2) (a) A public prosecutor shall not, in terms of sub-section (1), request a clerk of the court to issue a summons in

11. (1) Die Minister kan sy goedkeuring verleen aan die stigting of bestuur van tehuise deur verenigings van persone vir die in sub-artikel (1) van artikel *tien* vermelde doel, en kan, op die voorgeskrewe voorwaardes, aan die bestuur van so 'n tehuis 'n sertifikaat verleen waarby daardie tehuis tot 'n goedgekeurde tehuis verklaar word.

Goedgekeurde tehuise.

(2) Die bepalings van sub-artikel (2) van artikel *nege* is *mutatis mutandis* van toepassing ten opsigte van die intrekking of teruggawe van 'n kragtens sub-artikel (1) verleende sertifikaat.

(3) Enige tehuis wat kragtens artikel *elf* van die Wet op Werkkolonies, 1949 (Wet No. 25 van 1949), goedgekeur is en wat by die inwerkingtreding van hierdie Wet bestaan, word, vanaf sodanige inwerkingtreding, geag 'n tehuis te wees wat kragtens hierdie artikel goedgekeur is, en enige sertifikaat wat aan die bestuur van enige sodanige tehuis verleen is, word geag kragtens hierdie artikel verleen te gewees het.

12. (1) Die Minister kan, in oorleg met die Minister van Finansies, uit gelde wat deur die Parlement vir die doel bewillig is, toekennings doen—

Geldelike hulp aan sekere inrigtings en verenigings van persone.

(a) ten opsigte van die oprigting, uitbreiding, herbouing, instandhouding, bestuur en beheer van enige gesertifiseerde toevlug of goedgekeurde tehuis; en

(b) aan enige vereniging van persone deur die Minister goedgekeur wat hom ten doel stel die voorkoming of bestryding van alkoholisme of die behandeling van alkoholiste of die koördinering van die werksaamhede van verskillende verenigings van persone op daardie gebied.

(2) 'n Toekenning kragtens sub-artikel (1) gedoen, is onderworpe aan die voorgeskrewe voorwaardes en aan die voorwaarde dat die boeke, rekenings en registers van die betrokke toevlug, tehuis of vereniging van persone te alle tye vir insae en ouditering deur 'n beamppte in die Staatsdiens beskikbaar moet wees en dat 'n verslag oor die werksaamhede van die betrokke toevlug, tehuis of vereniging van persone een maal elke kalenderjaar aan die Minister voorgelê moet word.

13. (a) Die Minister kan, met inagneming van die wetsbepalings op die Staatsdiens, die personeel wat vir die behoorlike bestuur en beheer van toevlugte, reabilitasiesentrums en tehuise nodig is, aanstel, en wanneer hy so 'n aanstelling doen, moet hy die bepalings van artikel *vier* behoorlik in ag neem.

Personeel van toevlugte, reabilitasiesentrums en tehuise.

(b) Die werksaamhede, bevoegdhede en pligte van aldus aangestelde persone word voorgeskryf.

14. (1) Wanneer iemand (met inbegrip van 'n volkswelsyn-beamppte) 'n skriftelike beëdigde verklaring by 'n Staatsaanklaer indien of voor hom aflê, en daar in daardie verklaring beweer word dat 'n ander persoon wat hom binne die regsgebied bevind van die landdroshof waaraan daardie aanklaer verbonde is, iemand is wat—

Prosedure waarvolgens persone wat in 'n toevlug, ens., opgeneem kan word, voor 'n landdros gebring kan word.

(a) weens sy eie wangedrag of versuim (waaronder ook verstaan word die verkwisting van sy vermoë deur weddenskappe, dobbelary of andersins), 'n gewoonte daarvan maak om in gebreke te bly om vir sy eie onderhoud of vir dié van 'n afhanklike vir wie se onderhoud hy regtens verantwoordelik is, te sorg; of

(b) aan drank of verdowingsmiddels verslaaf is en as gevolg daarvan sy vermoë verkwis of sy gesondheid benadeel of die vrede in gevaar bring of op enige ander manier sy eie welsyn of die welsyn van sy gesin benadeel; of

(c) 'n gewoonte daarvan maak om geld of goedere te bedel of andere beweeg om namens hom geld of goedere te bedel; of

(d) geen voldoende middele het om 'n eerlike bestaan te voer nie; of

(e) 'n ledige, losbandige of wanordelike bestaan voer, dan moet die klerk van die hof, op versoek van die Staatsaanklaer, 'n dagvaarding wat op so iemand gediën moet word en waarby hy aangesê word om op 'n daarin bepaalde tyd en plek voor 'n landdros binne sodanige gebied te verskyn, uitreik en aan 'n lid van die Suid-Afrikaanse Polisie afgee, of as die aanklaer nie die uitreiking van so 'n dagvaarding aanvra nie, kan 'n landdros van die betrokke hof, op aansoek van die Staatsaanklaer, 'n lasbrief uitreik waarin beveel word dat so iemand in hegtenis geneem en so spoedig doenlik daarna voor 'n landdros binne sodanige gebied gebring word.

(2) (a) 'n Staatsaanklaer mag nie, ingevolge sub-artikel (1), 'n klerk van die hof versoek om 'n dagvaarding ten

respect of any person unless he has obtained from a social welfare officer a report as to the antecedents, way of life and general character of the person concerned and any other relevant matter affecting him.

(b) A public prosecutor shall not, except in such cases as in his opinion are very urgent, in terms of sub-section (1) apply to a magistrate for the issue of a warrant for the arrest of any person unless he has obtained in respect of such person such a report as is referred to in paragraph (a).

(c) Where such a report was not obtained before the issue of a warrant, the public prosecutor shall obtain it as soon as possible after the issue of the warrant.

(3) All the provisions of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), relating to the form and manner of execution of warrants of arrest, the service of summonses in criminal cases in inferior courts, the arrest, detention, searching and other treatment necessary for the control of persons named in warrants of arrest, the time to be allowed for appearance in the case of any person summoned and the manner in which persons summoned to appear may be dealt with on failure to appear or to remain in attendance as required shall *mutatis mutandis* apply in respect of warrants of arrest and summonses issued under this section.

(4) For the purposes of paragraph (e) of sub-section (1), a person who does not possess sufficient means to provide for his own needs, or for those of any dependant whom he is legally liable to maintain, shall be deemed to be idle if he is not regularly engaged in remunerated work unless he is prevented from working by illness or mental disorder or by any other circumstance beyond his control.

Committal of persons to retreat, rehabilitation centre or certified retreat after enquiry.

15. (1) (a) Subject to the provisions of this section, a magistrate before whom any person is brought in terms of sub-section (1) of section *fourteen* shall, in the presence of that person, enquire whether he is such a person as is described in that sub-section.

(b) A public prosecutor, or some other fit and proper person designated by the magistrate concerned, shall appear at the enquiry and such prosecutor or other person may call witnesses and cross-examine witnesses who give evidence at the enquiry.

(c) The person in respect of whom the enquiry is held, or his legal representative, shall be afforded an opportunity of cross-examining any witness, calling his own witnesses and of giving evidence himself and of showing cause why an order should not be made under sub-section (6).

(2) Save as is otherwise provided in this Act, the laws governing criminal trials in magistrates' courts shall *mutatis mutandis* apply in respect of securing the attendance of witnesses at such enquiry, the examination of witnesses, the recording of evidence, the payment of allowances to witnesses and the production of documents and things.

(3) (a) The proceedings at such an enquiry shall be in open court or *in camera* as the magistrate holding the enquiry may determine.

(b) The provisions of sub-section (1) of section *one hundred and fifty-six* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), so far as they relate to the holding of a criminal trial in the absence of an accused person, shall *mutatis mutandis* apply in respect of an enquiry held in terms of this section.

(c) The provisions of section *one hundred and eight* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), shall *mutatis mutandis* apply in respect of proceedings in connection with an enquiry held in terms of this section as if those proceedings were proceedings in a court contemplated in the said section *one hundred and eight*.

(d) Any person who at such an enquiry gives false evidence knowing it to be false, or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

opsigte van enigiemand uit te reik nie tensy hy van 'n volkswelsynbeampte 'n verslag betreffende die verlede, leefwyse en algemene karakter van die betrokke persoon en enige ander tersaaklike aangeleentheid met betrekking tot hom, verkry het.

(b) 'n Staatsaanklaer mag nie, behalwe in gevalle wat na sy mening baie dringend is, ingevolge sub-artikel (1) aansoek doen by 'n landdros om die uitreiking van 'n lasbrief vir die inhegtenisneming van enigiemand nie tensy hy ten opsigte van so iemand 'n verslag soos dié in paragraaf (a) bedoel, verkry het.

(c) Waar so 'n verslag nie voor die uitreiking van 'n lasbrief verkry is nie, moet die Staatsaanklaer dit so spoedig moontlik na die uitreiking van die lasbrief verkry.

(3) Al die bepalings van die Strafproseswet, 1955 (Wet No. 56 van 1955), met betrekking tot die vorm en manier van uitvoering van lasbriewe vir inhegtenisneming, die betekening van dagvaardings in strafsake in laer howe, die inhegtenisneming, aanhouding, deursoeking en ander behandeling wat nodig is om persone genoem in lasbriewe vir inhegtenisneming in bedwang te hou, die tydperk wat aan 'n gedagvaarde persoon toegestaan moet word om te verskyn en die manier waarop met persone wat gedagvaar is om te verskyn, gehandel kan word as hulle versuim om te verskyn of om teenwoordig te bly soos vereis, is *mutatis mutandis* van toepassing ten opsigte van lasbriewe vir inhegtenisneming en dagvaardings kragtens hierdie artikel uitgereik.

(4) By die toepassing van paragraaf (e) van sub-artikel (1) word 'n persoon wat nie voldoende middele besit om in sy eie behoeftes of in dié van 'n afhanklike vir wie se onderhoud hy regtens verantwoordelik is, te voorsien nie, geag ledig te wees as hy nie gereeld betaalde werk verrig nie, tensy hy deur siekte of geestesgebrek of deur enige ander omstandigheid buite sy beheer verhinder word om te werk.

15. (1) (a) Behoudens die bepalings van hierdie artikel, moet 'n landdros voor wie iemand ingevolge sub-artikel (1) van artikel veertien gebring word, in die aanwesigheid van daardie persoon, ondersoek instel na die vraag of hy so iemand is as wat in daardie sub-artikel bedoel word.

Verwysing van persone na toevlug, rehabilitasiesentrum of gesertifiseerde toevlug na ondersoek.

(b) 'n Staatsaanklaer, of 'n ander geskikte en bevoegde persoon deur die betrokke landdros aangewys, verskyn by die ondersoek en sodanige aanklaer of ander persoon kan getuies oproep en getuies wat by die ondersoek getuie is af lê, onder kruisverhoor neem.

(c) Die persoon ten opsigte van wie die ondersoek gehou word, of sy regsvertegenwoordiger, moet 'n geleentheid gegun word om enige getuie onder kruisverhoor te neem, sy eie getuies op te roep en self getuie af te lê en om redes aan te voer waarom 'n bevel nie kragtens sub-artikel (6) uitgereik moet word nie.

(2) Behoudens andersluidende bepalings van hierdie Wet, is die wetsbepalings aangaande strafverhoor in landdroshoue *mutatis mutandis* van toepassing ten opsigte van die oproeping van getuies by bedoelde ondersoek, die ondervraging van getuies, die afneem van getuie, die betaling van toelaes aan getuies en die oorlegging van dokumente en sake.

(3) (a) Die verrigtings by so 'n ondersoek geskied in die ope geregsaal of *in camera*, na gelang die landdros wat die ondersoek hou, bepaal.

(b) Die bepalings van sub-artikel (1) van artikel honderd ses-en-veertig van die Strafproseswet, 1955 (Wet No. 56 van 1955), vir sover as wat hulle betrekking het op die hou van 'n strafverhoor in die afwesigheid van 'n beskuldigde persoon, is *mutatis mutandis* van toepassing ten opsigte van 'n ondersoek wat ingevolge hierdie artikel gehou word.

(c) Die bepalings van artikel honderd-en-agt van die Wet op Landdroshoue, 1944 (Wet No. 32 van 1944), is *mutatis mutandis* van toepassing ten opsigte van verrigtings in verband met 'n ondersoek wat ingevolge hierdie artikel gehou word asof daardie verrigtings die verrigtings was van 'n hof in bedoelde artikel honderd-en-agt beoog.

(d) Iemand wat by so 'n ondersoek vals getuie is af lê, met die wete dat dit vals is of terwyl hy nie weet of glo dat dit juis is nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens vir meened voorgeskryf is.

(4) The magistrate holding the enquiry—

- (a) shall, before he makes any order under sub-section (6), direct the public prosecutor or other person appearing at the enquiry in terms of paragraph (b) of sub-section (1) to submit to him the report obtained from a social welfare officer in terms of sub-section (2) of section *fourteen*; and
- (b) may direct that the person in respect of whom the enquiry is being held be examined by a district surgeon or by a psychiatrist designated by the magistrate and cause all steps (including the use of force) which may be necessary for the carrying out of such examination to be taken and may call upon the district surgeon or the psychiatrist to furnish him with a report showing the results of the examination.

(5) The contents of any report submitted or furnished in terms of sub-section (4) shall be disclosed to the person concerned and he or his legal representative, shall be given an opportunity, if he so desires, of cross-examining the person by whom it was made in relation to any matter arising out of the report and of refuting any allegation contained therein.

(6) If it appears to the magistrate, on consideration of the evidence and of any report submitted or furnished to him in terms of sub-section (4)—

- (a) that the person concerned is such a person as is described in sub-section (1) of section *fourteen*; and
- (b) that he is a type of person who requires and would probably benefit by the training and treatment provided in a retreat, rehabilitation centre or certified retreat; and
- (c) that it would be in his own interest or in the interest of his dependants, if any, or in the interest of the community, that he be detained in a retreat, rehabilitation centre or certified retreat,

he may, subject to the provisions of section *sixteen*, if such person is a person described in paragraph (b) of sub-section (1) of section *fourteen*, order that he be detained in a retreat or certified retreat, or, if such person is a person described in paragraph (a), (c), (d) or (e) of sub-section (1) of section *fourteen*, order that he be detained in a rehabilitation centre.

(7) The magistrate may, pending the removal of such person to a retreat, rehabilitation centre or certified retreat, as the case may be, order that such person be detained in custody or released on bail as provided in sub-section (1) of section *seventeen*.

Postponement
of order.

16. (1) If it appears to a magistrate at an enquiry under section *fifteen* that the person in respect of whom the enquiry is being held is such a person as is referred to in sub-section (6) of that section, the magistrate may in his discretion, make an order postponing for a period not exceeding three years, the making of an order in terms of that sub-section and release the person concerned on condition—

- (a) that he shall submit himself to supervision by a social welfare officer;
- (b) that he shall undergo any prescribed treatment; and
- (c) that he shall comply with such prescribed requirements as the magistrate may determine.

(2) A magistrate of the area in question may, after consideration of a report by a social welfare officer, at any time unconditionally discharge any person in respect of whom the making of an order has been postponed in terms of this section.

(3) Where the making of an order has been postponed for a period of less than three years, a magistrate of the area in question may, after consideration of a report by a social welfare officer, at any time before the expiration of such period make an order extending the period of postponement for such further period, not exceeding the difference between three years and the period for which the making of the order has been postponed, as he may deem fit.

(4) If at the end of the period for which the making of an order has been postponed in terms of this section a magistrate of the area in question is satisfied that the person concerned has observed all the conditions subject to which he was released, the magistrate shall unconditionally discharge him.

(5) (a) If a person in respect of whom the making of an order has been postponed in terms of this section fails to comply with any of the conditions subject

(4) Die landdros wat die ondersoek hou—

- (a) moet, voordat hy 'n bevel kragtens sub-artikel (6) uitreik, die Staatsaanklaer of ander persoon wat ingevolge paragraaf (b) van sub-artikel (1) by die ondersoek verskyn, gelas om aan hom die verslag, wat van 'n volkswelsynbeampte ingevolge sub-artikel (2) van artikel *veertien* verkry is, voor te lê; en
- (b) kan gelas dat die persoon ten opsigte van wie die ondersoek gehou word deur 'n distriksgeneesheer of deur 'n deur die landdros aangewese psigiater ondersoek word en alle stappe laat doen (met inbegrip van die gebruik van dwang) wat nodig is om sodanige ondersoek uit te voer en kan die distriksgeneesheer of die psigiater aansê om aan hom 'n verslag te verstrek aangaande die uitslag van die ondersoek.

(5) Die inhoud van 'n verslag ingevolge sub-artikel (4) voorgelê of verstrek, moet aan die betrokke persoon meegedeel word en, as hy dit verlang, moet hy of sy regsvertegenwoordiger in die geleentheid gestel word om die persoon wat verslag gedoen het onder kruisverhoor te neem met betrekking tot enige aangeleentheid wat uit die verslag voortspruit, en om enige verklaring wat daarin voorkom, te weerlê.

(6) As dit, na oorweging van die getuienis en van enige verslag wat ingevolge sub-artikel (4) aan hom voorgelê of verstrek is, aan die landdros blyk—

- (a) dat die betrokke persoon so iemand is as wat in sub-artikel (1) van artikel *veertien* bedoel word; en
- (b) dat hy 'n soort persoon is wat die opleiding en behandeling wat in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug voorsien word, nodig het en waarskynlik daarby sal baat; en
- (c) dat dit in sy eie belang of in belang van sy afhanklikes (as daar is) of in belang van die gemeenskap sou wees om hom in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug aan te hou,

kan hy, behoudens die bepalinge van artikel *sestien*, as so iemand 'n in paragraaf (b) van sub-artikel (1) van artikel *veertien* bedoelde persoon is, beveel dat hy in 'n toevlug of gesertifiseerde toevlug aangehou word, of, as so iemand 'n in paragraaf (a), (c), (d) of (e) van sub-artikel (1) van artikel *veertien* bedoelde persoon is, beveel dat hy in 'n rehabilitasiesentrum aangehou word.

(7) Die landdros kan, in afwagting van die verwydering van so iemand na 'n toevlug, rehabilitasiesentrum, of gesertifiseerde toevlug, na gelang van die geval, beveel dat bedoelde persoon in bewaring aangehou of onder borgtog vrygelaat word soos in sub-artikel (1) van artikel *sewentien* bepaal word.

16. (1) As dit by 'n ondersoek kragtens artikel *vyftien* aan 'n landdros blyk dat die persoon ten opsigte van wie die ondersoek gehou word so 'n persoon is soos in sub-artikel (6) van daardie artikel bedoel word, kan die landdros, na goeddunke, 'n bevel uitreik waarby hy die uitreiking van 'n bevel ingevolge daardie sub-artikel vir 'n tydperk van hoogstens drie jaar uitstel, en die betrokke persoon vrystel op voorwaarde—

- (a) dat hy homself aan toesig deur 'n volkswelsynbeampte moet onderwerp;
- (b) dat hy enige voorgeskrewe behandeling moet ondergaan; en
- (c) dat hy aan sodanige voorgeskrewe vereistes as wat die landdros bepaal, moet voldoen.

(2) 'n Landdros van die betrokke gebied kan, na oorweging van 'n verslag van 'n volkswelsynbeampte, te eniger tyd enige persoon ten opsigte van wie die uitreiking van 'n bevel ingevolge hierdie artikel uitgestel is, onvoorwaardelik ontslaan.

(3) Waar die uitreiking van 'n bevel vir 'n tydperk van minder as drie jaar uitgestel is, kan 'n landdros van die betrokke gebied, na oorweging van 'n verslag deur 'n volkswelsynbeampte, te eniger tyd voor die verstryking van bedoelde tydperk 'n bevel uitreik waarby die tydperk van uitstel verleng word vir so 'n verdere tydperk, wat nie die verskil tussen drie jaar en die tydperk waarvoor die uitreiking van die bevel uitgestel is, te bowe gaan nie, as wat hy goedvind.

(4) Indien 'n landdros van die betrokke gebied, na afloop van die tydperk waarvoor die uitreiking van 'n bevel ingevolge hierdie artikel uitgestel is, oortuig is dat die betrokke persoon al die voorwaardes onderworpe waaraan hy vrygestel is, nagekom het, moet die landdros hom onvoorwaardelik ontslaan.

(5) (a) Indien 'n persoon ten opsigte van wie die uitreiking van 'n bevel ingevolge hierdie artikel uitgestel is, versuim om te voldoen aan enige van die voorwaardes

Uitstel van bevel.

to which he was released, he may, upon the order of a magistrate of the area in question be arrested without warrant by any policeman or social welfare officer and any magistrate of the said area may then make an order in terms of sub-section (6) of section *fifteen* as if the making of such an order had never been postponed.

- (b) Any person arrested in terms of paragraph (a) may be detained in custody in any place referred to in paragraph (a) of sub-section (1) of section *seventeen* until he can be brought before the magistrate.
- (c) The provisions of sub-section (2) of section *seventeen* shall *mutatis mutandis* apply in respect of any person detained in custody in a place referred to in the said sub-section in terms of paragraph (b).

Temporary custody of persons pending enquiry or removal to retreat, rehabilitation centre or certified retreat.

- 17. (1) (a) A magistrate holding an enquiry under section *fifteen* may, if he deems it necessary or expedient, postpone or adjourn the enquiry from time to time for periods not exceeding fourteen days at any one time and may, in his discretion, order that, during the postponement or adjournment, the person concerned be detained in custody in a retreat, rehabilitation centre, certified retreat, hostel, approved hostel, prison, police cell or lock-up or other place regarded by the magistrate as suitable, or be released on bail *mutatis mutandis* as if he were a person whose trial on a criminal charge in a magistrate's court has been postponed or adjourned.
- (b) Pending the removal to a retreat, rehabilitation centre or certified retreat of any person against whom an order has been made under sub-section (6) of section *fifteen* he may be detained in custody or released on bail as provided in paragraph (a) as if he were such a person as is referred to therein.
- (c) No person shall in terms of this sub-section be detained in custody in a police cell or lock-up for a continuous period of longer than twenty-eight days.

(2) The Minister may, in consultation with the Minister of Finance, out of moneys appropriated by Parliament for the purpose, contribute towards the maintenance of any person who is, in terms of sub-section (1), detained in a certified retreat, approved hostel or any other place which is not maintained by the State.

Appeals against and review of certain orders.

18. The law relating to appeals and to any form of review in criminal cases shall *mutatis mutandis* apply in respect of any order made under section *fifteen*, *sixteen* or *seventeen* as if such order were a sentence passed by a magistrate's court in a criminal case.

Period of detention in retreat, rehabilitation centre or certified retreat.

19. (1) Any person who has been ordered to be detained in a retreat, rehabilitation centre or certified retreat under section *fifteen* shall be so detained for a period of three years as from the date of the order unless he has, prior to the expiration of that period, been discharged or released on licence in terms of any provision of this Act.

(2) The Minister may, after consultation with the management of the retreat, rehabilitation centre or certified retreat in question, discharge an inmate from the provisions of this Act at any time prior to the expiration of his period of detention.

Transfer of inmates from and to retreats, rehabilitation centres and certified retreats.

20. (1) The Secretary may at any time, in his discretion—

- (a) after consultation with the managements concerned, transfer an inmate other than a voluntary inmate, from one retreat to another retreat, or from one rehabilitation centre to another rehabilitation centre; or
- (b) with the approval of the management of the certified retreat concerned, transfer an inmate other than a voluntary inmate, from a retreat to a certified retreat and *vice versa*.

(2) The Minister may, notwithstanding anything to the contrary in this Act contained—

onderworpe waaraan hy vrygestel is, kan hy, op bevel van 'n landdros van die betrokke gebied sonder lasbrief in hegtenis geneem word deur enige polisie-beampte of volkswelsynbeampte, en enige landdros van bedoelde gebied kan dan 'n bevel ingevolge sub-artikel (6) van artikel *vyftien* uitreik asof die uitreiking van so 'n bevel nooit uitgestel was nie.

- (b) Enige persoon wat ingevolge paragraaf (a) in hegtenis geneem is, kan in bewaring aangehou word in enige in paragraaf (a) van sub-artikel (1) van artikel *sewentien* bedoelde plek totdat hy voor die landdros gebring kan word.
- (c) Die bepalings van sub-artikel (2) van artikel *sewentien* is *mutatis mutandis* van toepassing ten opsigte van iemand wat ingevolge paragraaf (b) in 'n in genoemde sub-artikel bedoelde plek in bewaring aangehou word.

17. (1) (a) 'n Landdros wat 'n ondersoek kragtens artikel *vyftien* hou, kan, indien hy dit nodig of dienstig ag, die ondersoek van tyd tot tyd uitstel of verdaag vir tydperke van hoogstens veertien dae op enige een keer, en kan, na goeëdunke, beveel dat die betrokke persoon, gedurende die uitstel of verdaging, in bewaring aangehou word in 'n toevlug, rehabilitasiesentrum, gesertifiseerde toevlug, tehuis, goedgekeurde tehuis, gevangenis, polisie- of -opsluitplek of 'n ander plek wat die landdros geskik ag, of dat hy onder borgtog vrygelaat word *mutatis mutandis* asof hy iemand was wie se verhoor op 'n strafregtelike aanklag in 'n landdroshof uitgestel of verdaag is.

Tydlike bewaring van persone hangende ondersoek of verwydering na toevlug, rehabilitasiesentrum of gesertifiseerde toevlug.

(b) In afwagting van die verwydering na 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug van enige persoon teen wie 'n bevel kragtens sub-artikel (6) van artikel *vyftien* uitgereik is, kan hy in bewaring aangehou word of onder borgtog vrygelaat word soos in paragraaf (a) bepaal asof hy so 'n persoon was soos daarin bedoel word.

(c) Niemand mag kragtens hierdie sub-artikel vir 'n ononderbroke tydperk van langer as agt-en-twintig dae in 'n polisie- of -opsluitplek in bewaring aangehou word nie.

(2) Die Minister kan, in oorleg met die Minister van Finansies, uit gelde wat deur die Parlement vir die doel bewillig is, bydra tot die onderhoud van enigiemand wat ingevolge sub-artikel (1) in 'n gesertifiseerde toevlug, goedgekeurde tehuis of enige ander plek wat nie deur die Staat in stand gehou word nie, aangehou word.

18. Die wetsbepalings met betrekking tot appèlle en enige vorm van hersiening in strafsake is *mutatis mutandis* van toepassing ten opsigte van enige kragtens artikel *vyftien*, *sestien* of *sewentien* uitgereikte bevel, asof so 'n bevel 'n vonnis was deur 'n landdroshof in 'n strafsak gevel.

Appèlle teen en hersiening van sekere bevele.

19. (1) Iemand wie se aanhouding in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug kragtens artikel *vyftien* beveel is, word aldus aangehou vir 'n tydperk van drie jaar vanaf die datum van die bevel, tensy hy voor die verstryking van daardie tydperk ingevolge die een of ander bepaling van hierdie Wet ontslaan of met vergunning vrygelaat is.

Aanhoudings-tydperk in toevlug, rehabilitasiesentrum of gesertifiseerde toevlug.

(2) Die Minister kan, na oorlegpleging met die bestuur van die betrokke toevlug, rehabilitasiesentrum of gesertifiseerde toevlug, 'n inwoner te eniger tyd voor die verstryking van sy aanhoudingstydperk van die bepalings van hierdie Wet onthef.

20. (1) Die Sekretaris kan te eniger tyd, na goeëdunke—
(a) na oorlegpleging met die betrokke besture, 'n ander inwoner dan 'n vrywillige inwoner van een toevlug na 'n ander toevlug, of van een rehabilitasiesentrum na 'n ander rehabilitasiesentrum, oorplaas; of

Oorplasing van inwoners van en na toevlugte, rehabilitasiesentrums en gesertifiseerde toevlugte.

(b) met die goedkeuring van die bestuur van die betrokke gesertifiseerde toevlug, 'n ander inwoner dan 'n vrywillige inwoner van 'n toevlug na 'n gesertifiseerde toevlug en andersom, oorplaas.

(2) Die Minister kan, ondanks andersluidende bepalings in hierdie Wet—

(a) after consultation with the managements concerned, by order in writing transfer an inmate other than a voluntary inmate, from a rehabilitation centre to a retreat and *vice versa*; or

(b) with the approval of the management of the certified retreat concerned, by order in writing transfer an inmate other than a voluntary inmate, from a rehabilitation centre to a certified retreat and *vice versa*,

if in his opinion the person concerned is a type of person who will or will probably benefit by the particular kind of training and treatment provided at the retreat, rehabilitation centre or certified retreat to which he is so transferred.

(3) Any period for which an inmate is detained in an institution to which he has been transferred in terms of sub-section (1) or (2), shall count as part of the period for which he is liable to be detained under this Act by virtue of the order authorizing such detention.

(4) Nothing in this section contained shall be deemed to authorize the transfer from a rehabilitation centre to a retreat or certified retreat of any person who has been transferred to a rehabilitation centre from a prison in terms of section *twenty-one*.

Transfer of persons from prison to rehabilitation centre.

21. (1) Notwithstanding anything to the contrary contained in the Prisons Act, 1959 (Act No. 8 of 1959), or in any other law, the Minister of Justice may, in consultation with the Minister, by order in writing transfer to a rehabilitation centre designated by the Minister any person who is undergoing a term of imprisonment in any prison governed by that Act, if, in his opinion—

(a) it is desirable that such person should, before he is returned to the community, receive further training or treatment in an institution other than a prison; and

(b) such person is a type of person who will or will probably benefit by the particular kind of training and treatment provided in a rehabilitation centre.

(2) No person shall be transferred to a rehabilitation centre in terms of sub-section (1) if the period between the date contemplated for his transfer and the latest date until which he could, but for the transfer, have been detained in prison is less than six months.

(3) A person transferred to a rehabilitation centre in terms of sub-section (1) shall be deemed to be discharged from the provisions of the Prisons Act, 1959, and shall become subject, *mutatis mutandis*, to all the provisions of this Act as if he had in the first instance been committed to a rehabilitation centre under this Act: Provided that he shall not under this section be detained in a rehabilitation centre after the expiration of the period for which he could have been detained in a prison if he had not been so transferred.

Retransfer from rehabilitation centre to prison.

22. (1) The Minister may, in consultation with the Minister of Justice, retransfer to the prison from which he was originally transferred, or to any other prison designated by the Commissioner of Prisons, any person transferred to a rehabilitation centre under section *twenty-one*, if in the opinion of the Minister, on representations made to him by the management concerned, that person has proved to be unsuited to or is not likely to benefit by the kind of training and treatment provided in a rehabilitation centre.

(2) An inmate retransferred to a prison in terms of sub-section (1) shall be deemed to be discharged from the provisions of this Act, and shall thereafter again become subject to the provisions of the Prisons Act, 1959 (Act No. 8 of 1959), and the regulations made thereunder.

(3) For the purpose of calculating the period for which a person retransferred to a prison in terms of sub-section (1) shall be detained therein under the sentence passed upon him, the period between the date of his transfer to a rehabilitation centre and the date of his retransfer to that prison shall count as part of his sentence.

Transfer of persons from reform school to retreat, rehabilitation centre or certified retreat.

23. (1) Notwithstanding anything to the contrary contained in the Children's Act, 1960 (Act No. 33 of 1960), or in any other law, a Minister entrusted with the administration of a reform school may, in consultation with the Minister, by order in writing transfer to a retreat, rehabilitation centre or certified

- (a) na oorlegpleging met die betrokke besture, by skriftelike bevel 'n ander inwoner dan 'n vrywillige inwoner van 'n rehabilitasiesentrum na 'n toevlug en andersom, oorplaas; of
- (b) met die goedkeuring van die bestuur van die betrokke gesertifiseerde toevlug, by skriftelike bevel, 'n ander inwoner dan 'n vrywillige inwoner van 'n rehabilitasiesentrum na 'n gesertifiseerde toevlug en andersom, oorplaas,

indien die betrokke persoon na sy mening, 'n soort persoon is wat by die besondere soort opleiding en behandeling wat verskaf word by die toevlug, rehabilitasiesentrum of gesertifiseerde toevlug waarheen hy aldus oorgeplaas word, sal baat of waarskynlik sal baat.

(3) 'n Tydperk waarvoor 'n inwoner aangehou word in 'n inrigting waarheen hy ingevolge sub-artikel (1) of (2) oorgeplaas is, tel as deel van die tydperk waarvoor hy kragtens hierdie Wet aangehou kan word uit kragte van die bevel waardeur sodanige aanhouding gemagtig is.

(4) Die bepalings van hierdie artikel word nie geag magtiging te verleen vir die oorplasing van 'n rehabilitasiesentrum na 'n toevlug of gesertifiseerde toevlug, van iemand wat ingevolge artikel een-en-twintig van 'n gevangenis na 'n rehabilitasiesentrum oorgeplaas is nie.

21. (1) Ondanks andersluidende bepalings van die Wet op Oorplasing van Gevangenis, 1959 (Wet No. 8 van 1959), of van enige ander persone van wet, kan die Minister van Justisie, in oorleg met die Minister, by skriftelike bevel, iemand wat 'n tydperk van gevangenisstraf in 'n gevangenis na deur daardie Wet beheerste gevangenis uitdien, na 'n deur die Minister aangewese rehabilitasiesentrum oorplaas indien, na sy mening—

- (a) dit wenslik is dat so iemand verdere opleiding of behandeling in 'n ander inrigting as 'n gevangenis moet ontvang voordat hy weer op vrye voet gestel word; en
- (b) so iemand 'n persoon is wat by die besondere soort opleiding en behandeling wat in 'n rehabilitasiesentrum voorsien word, baat sal vind of waarskynlik sal vind.

(2) Niemand word ingevolge sub-artikel (1) na 'n rehabilitasiesentrum oorgeplaas nie as die tydperk tussen die datum wat vir sy oorplasing beoog word en die laatste datum tot wanneer hy in die gevangenis aangehou sou kon gewees het, as die oorplasing nie plaasgevind het nie, minder as ses maande is.

(3) Iemand wat ingevolge sub-artikel (1) na 'n rehabilitasiesentrum oorgeplaas is, word geag van die bepalings van die Wet op Gevangenis, 1959, onthef te wees, en word *mutatis mutandis* aan al die bepalings van hierdie Wet onderworpe gestel asof hy in die eerste instansie kragtens hierdie Wet na 'n rehabilitasiesentrum verwys was: Met dien verstande dat hy nie kragtens hierdie artikel in 'n rehabilitasiesentrum aangehou mag word na die verstryking van die tydperk waarvoor hy in 'n gevangenis aangehou kon geword het as hy nie aldus oorgeplaas was nie.

22. (1) Die Minister kan, in oorleg met die Minister van Justisie, iemand wat kragtens artikel een-en-twintig na 'n Heroorplasing van rehabilitasiesentrum oorgeplaas is, heroerplaas na die gevangenis vanwaar hy oorspronklik oorgeplaas is, of na enige ander deur die Kommissaris van Gevangenis aangewese gevangenis, indien die Minister van mening is, op grond van vertoë deur die betrokke bestuur tot hom gerig, dat so iemand geblyk het ongeskik te wees vir die soort opleiding en behandeling wat in 'n rehabilitasiesentrum voorsien word of dat hy waarskynlik nie daarby sal baat nie.

(2) 'n Inwoner wat ingevolge sub-artikel (1) na 'n gevangenis heroorgeplaas is, word geag van die bepalings van hierdie Wet onthef te wees, en word daarna weer onderworpe gestel aan die bepalings van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), en die daarkragtens uitgevaardigde regulasies.

(3) By die berekening van die tydperk waarvoor iemand wat ingevolge sub-artikel (1) na 'n gevangenis heroorgeplaas is, kragtens die oor hom gevelde vonnis daarin aangehou moet word, word die tydperk tussen die datum van sy oorplasing na 'n rehabilitasiesentrum en die datum van sy heroorplasing na daardie gevangenis geag deel van sy vonnis uit te maak.

23. (1) Ondanks andersluidende bepalings van die Kinderwet, Oorplasing van 1960 (Wet No. 33 van 1960), of van enige ander wet, kan 'n persone van Minister wat belas is met die administrasie van 'n verbeteringskool na toevlug, rehabilitasiesentrum of gesertifiseerde toevlug, aanhouding in daardie verbeteringskool uitdien, by skriftelike

retreat designated by the Minister, any person who is undergoing a period of detention in that reform school if, in his opinion—

- (a) it is desirable that such person should, before he is returned to the community, receive further training or treatment in a retreat, rehabilitation centre or certified retreat; and
- (b) such person is a type of person who will or will probably benefit by the particular kind of training and treatment provided in the retreat, rehabilitation centre or certified retreat in question.

(2) No person shall be transferred to a retreat, rehabilitation centre or certified retreat in terms of sub-section (1) if the period between the date contemplated for his transfer and the date of expiration of the period for which he is liable to be detained in the reform school, is less than six months.

(3) A person transferred to a retreat, rehabilitation centre or certified retreat in terms of sub-section (1), shall be deemed to be discharged from the provisions of the Children's Act, 1960, and shall become subject, *mutatis mutandis*, to all the provisions of this Act as if he had in the first instance been committed to such retreat, rehabilitation centre or certified retreat, as the case may be, under this Act: Provided that he shall not under this section be detained in a retreat, rehabilitation centre or certified retreat after the expiration of the period for which he could have been detained in a reform school if he had not been so transferred.

Retransfer from
retreat,
rehabilitation
centre or
certified retreat
to reform school.

24. (1) The Minister may, in consultation with the other Minister concerned, retransfer to the reform school from which he was originally transferred, or to any other reform school designated by the Secretary of the department of State in question, any person transferred to a retreat, rehabilitation centre or certified retreat under section *twenty-three*, if in the opinion of the Minister, on representations made to him by the management concerned, that person has proved to be unsuited to or is not likely to benefit by the kind of training and treatment provided in the retreat, rehabilitation centre or certified retreat, as the case may be.

(2) An inmate retransferred to a reform school in terms of sub-section (1), shall be deemed to be discharged from the provisions of this Act, and shall thereafter again become subject to the law governing the reform school to which he has been retransferred.

(3) Any person retransferred to a reform school in terms of sub-section (1), shall not be detained in a reform school beyond the expiration of the period for which he could, under the order of the court which authorized his detention, have been detained in a reform school had he not been transferred.

Leave of
absence from
retreat,
rehabilitation
centre or
certified retreat.

25. The management of a retreat, rehabilitation centre or certified retreat may grant to any inmate leave of absence therefrom for such periods and on such conditions as may be prescribed, and may at any time revoke such leave and direct the inmate to return to the retreat, rehabilitation centre or certified retreat, as the case may be.

Inmate of retreat,
rehabilitation
centre or
certified retreat
may be released
on licence.

26. (1) The management of a retreat, rehabilitation centre or certified retreat may with the approval of the Minister release an inmate on licence therefrom, subject to the provisions of sub-section (2) and to any conditions which it may stipulate, and may at any time vary the conditions of such licence.

(2) An inmate who has been released on licence shall, in accordance with the regulations, remain under the supervision of a social welfare officer or of a society or person approved by the Minister, for the unexpired portion of the period for which he could have been detained in the retreat, rehabilitation centre or certified retreat: Provided that the Minister may, after consultation with the management concerned, discharge an inmate from the provisions of this Act at any time prior to the expiration of the period for which he was released on licence.

Revocation
of licence.

27. (1) (a) If an inmate who has been released on licence fails to comply with any condition of his release on licence, or if, in the opinion of the management concerned, he has not proved capable of adjusting himself properly to the normal life of the community,

bevel na 'n deur die Minister aangewese toevlug, rehabilitasiesentrum of gesertifiseerde toevlug oorplaas, indien na sy mening—

- (a) dit wenslik is dat so iemand verdere opleiding of behandeling in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug moet ontvang voordat hy weer op vrye voet gestel word; en
 - (b) so iemand 'n soort persoon is wat by die besondere soort opleiding en behandeling wat in die betrokke toevlug, rehabilitasiesentrum of gesertifiseerde toevlug voorsien word, baat sal vind of waarskynlik sal vind.
- (2) Niemand mag ingevolge sub-artikel (1) na 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug oorgeplaas word nie as die tydperk tussen die datum wat vir sy oorplasing beoog word, en die verstrykingsdatum van die tydperk waarvoor hy in die verbeteringskool aangehou kan word, minder as ses maande is.
- (3) Iemand wat ingevolge sub-artikel (1) na 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug oorgeplaas is, word geag van die bepalings van die Kinderwet, 1960, onthef te wees, en word *mutatis mutandis* aan al die bepalings van hierdie Wet onderworpe gestel asof hy in die eerste instansie kragtens hierdie Wet na die toevlug, rehabilitasiesentrum of gesertifiseerde toevlug, na gelang van die geval, verwys was: Met dien verstande dat hy nie kragtens hierdie artikel in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug aangehou mag word na die verstryking van die tydperk waarvoor hy in 'n verbeteringskool aangehou kon geword het as hy nie aldus oorgeplaas was nie.

24. (1) Die Minister kan, in oorleg met die ander betrokke Minister, iemand wat kragtens artikel *drie-en-twintig* na 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug oorgeplaas is, heroerplaas na die verbeteringskool vanwaar hy oorspronklik oorgeplaas is, of na enige ander deur die Sekretaris van die betrokke Staatsdepartement aangewese verbeteringskool, indien die Minister van mening is, op grond van vertoë deur die betrokke bestuur tot hom gerig, dat so iemand geblyk het ongeskik te wees vir die soort opleiding en behandeling wat in die toevlug, rehabilitasiesentrum of gesertifiseerde toevlug, na gelang van die geval, voorsien word of dat hy waarskynlik nie daarby sal baat nie.

Heroerplasing van toevlug, rehabilitasiesentrum of gesertifiseerde toevlug na verbeteringskool.

(2) 'n Inwoner wat ingevolge sub-artikel (1) na 'n verbeteringskool heroerplaas is, word geag van die bepalings van hierdie Wet onthef te wees, en word daarna weer onderworpe gestel aan die wetsbepalings wat op die verbeteringskool waarna hy heroerplaas is, van toepassing is.

(3) Iemand wat ingevolge sub-artikel (1) na 'n verbeteringskool heroerplaas is, mag nie in 'n verbeteringskool aangehou word nie na die verstryking van die tydperk waarvoor hy, uit kragte van die bevel van die hof waardeur sy aanhouding gemagtig is, in 'n verbeteringskool aangehou kon geword het as hy nie oorgeplaas was nie.

25. Die bestuur van 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug kan aan 'n inwoner afwesigheidsverlof daaruit toestaan vir sulke tydperke en op sulke voorwaardes as wat voorgeskryf word, en kan sodanige verlof te eniger tyd intrek en die inwoner gelas om na die toevlug, rehabilitasiesentrum of gesertifiseerde toevlug, na gelang van die geval, terug te keer.

Afwesigheidsverlof uit toevlug, rehabilitasiesentrum of gesertifiseerde toevlug.

26. (1) Die bestuur van 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug kan, met die goedkeuring van die Minister, 'n inwoner met vergunning daaruit vrylaat, onderworpe aan die bepalings van sub-artikel (2) en aan die voorwaardes wat die bestuur stel, en kan te eniger tyd die voorwaardes van sodanige vergunning wysig.

Inwoner van toevlug, rehabilitasiesentrum of gesertifiseerde toevlug kan met vergunning vrygelaat word.

(2) 'n Inwoner wat met vergunning vrygelaat is, bly, ooreenkomstig die regulasies, onder toesig van 'n volkswelsynbeampte of van 'n deur die Minister goedgekeurde vereniging of persoon vir die onverstreke gedeelte van die tydperk waarvoor hy in die toevlug, rehabilitasiesentrum of gesertifiseerde toevlug aangehou kon geword het: Met dien verstande dat die Minister, na oorlegpleging met die betrokke bestuur, 'n inwoner van die bepalings van hierdie Wet kan onthef te eniger tyd voor die verstryking van die tydperk waarvoor hy met vergunning vrygelaat is.

27. (1) (a) As 'n inwoner wat met vergunning vrygelaat is, versuim om enige voorwaarde van sy vrylating met vergunning na te kom, of as hy, volgens oordeel van die betrokke bestuur, nie geblyk het in staat te wees om hom behoorlik by die normale gemeenskapslewe aan te

Intrekking van vergunning.

the inmate's licence may be revoked by the management and he may be recalled to the retreat, rehabilitation centre or certified retreat in question: Provided that where the need for recalling an inmate is so urgent that it ought not to be deferred until the management has dealt with the matter the chairman of the management may, after consultation with the head of the retreat, rehabilitation centre or certified retreat in question, exercise all the powers of the management under this sub-section.

- (b) An inmate who has in terms of paragraph (a) been recalled to a retreat, rehabilitation centre or certified retreat and who does not return thereto without delay may be arrested without warrant by any policeman, social welfare officer or member of the staff of any retreat, rehabilitation centre or certified retreat authorized thereto by the Minister and be taken back or returned to the retreat, rehabilitation centre or certified retreat from which he was released on licence.
- (c) Any person arrested in terms of paragraph (b) may be detained in custody in any place referred to in paragraph (a) of sub-section (1) of section *seventeen* until he can be taken back or returned to the retreat, rehabilitation centre or certified retreat in question.
- (d) The provisions of sub-section (2) of section *seventeen* shall *mutatis mutandis* apply in respect of any person detained in custody in a place referred to in the said sub-section in terms of paragraph (c).

(2) Any person recalled to a retreat, rehabilitation centre or certified retreat in terms of sub-section (1) who has returned thereto or has been taken back or returned thereto shall be detained therein until the management considers that he is fit once more to be released on licence: Provided that he shall not be detained under this section for a period in excess of the unexpired portion of the period for which he was originally released on licence.

Method of dealing with absconders from retreat, rehabilitation centre or certified retreat.

28. (1) For the purposes of this section an inmate who has been granted leave of absence from a retreat, rehabilitation centre or certified retreat and who on the revocation or expiration of his leave of absence fails to return to the retreat, rehabilitation centre or certified retreat from which he was granted such leave and an inmate who without permission absents himself from any hospital to which he may have been admitted at the instance of the management of a retreat, rehabilitation centre or certified retreat, shall be deemed to have absconded from the retreat, rehabilitation centre or certified retreat from which he was granted leave of absence or from which he was admitted to such hospital.

(2) (a) An inmate who has absconded from a retreat, rehabilitation centre or certified retreat may be arrested without warrant by any policeman, social welfare officer or member of the staff of any retreat, rehabilitation centre or certified retreat authorized thereto by the Minister, and shall be brought as soon as may be before a magistrate of the district in which he was arrested.

(b) Any person arrested in terms of paragraph (a) may be detained in custody in any place referred to in paragraph (a) of sub-section (1) of section *seventeen* until he can be brought before the said magistrate.

(3) A magistrate before whom any such inmate is brought shall, after having enquired into the reasons why the inmate absconded, order that he—

(a) be returned to the retreat, rehabilitation centre, certified retreat or hospital from which he absconded; or

(b) be detained in custody pending the decision of the Minister, in any place referred to in paragraph (a) of sub-section (1) of section *seventeen* designated by the magistrate,

and shall in either case forthwith report to the Minister the result of his enquiry, and any order which he made under this sub-section.

(4) On consideration of the magistrate's report and after any further enquiry which he may deem necessary, the Minister shall, if the magistrate has ordered that the inmate be detained in custody pending his decision,—

pas nie, kan die inwoner se vergunning deur die bestuur ingetrek word en kan hy na die betrokke toevlug, rehabilitasiesentrum of gesertifiseerde toevlug teruggeroep word: Met dien verstande dat waar die noodsaaklikheid om 'n inwoner terug te roep so dringend is dat dit nie uitgestel behoort te word totdat die bestuur met die aangeleentheid handel het nie die voor-sitter van die bestuur, na oorlegpleging met die hoof van die betrokke toevlug, rehabilitasiesentrum of gesertifiseerde toevlug, al die bevoegdhede van die bestuur kragtens hierdie sub-artikel, kan uitoefen.

- (b) 'n Inwoner wat ingevolge paragraaf (a) na 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug teruggeroep is en wat nie onverwyld daarheen terugkeer nie, kan deur enige polisiebeampte, volkswelsynbeampte of deur die Minister daartoe gemagtigde lid van die personeel van enige toevlug, rehabilitasiesentrum of gesertifiseerde toevlug sonder lasbrief in hegtenis geneem en na die toevlug, rehabilitasiesentrum of gesertifiseerde toevlug waaruit hy met vergunning vrygelaat is, teruggeneem of teruggestuur word.

- (c) Enige persoon wat ingevolge paragraaf (b) in hegtenis geneem is, kan in bewaring aangehou word in enige in paragraaf (a) van sub-artikel (1) van artikel *sewentien* bedoelde plek totdat hy na die betrokke toevlug, rehabilitasiesentrum of gesertifiseerde toevlug teruggeneem of teruggestuur kan word.

- (d) Die bepalings van sub-artikel (2) van artikel *sewentien* is *mutatis mutandis* van toepassing ten opsigte van iemand wat ingevolge paragraaf (c) in 'n in genoemde sub-artikel bedoelde plek in bewaring aangehou word.

(2) Iemand wat ingevolge sub-artikel (1) na 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug teruggeroep is en daarheen teruggekeer het of daarheen teruggeneem of teruggestuur is, word daarin aangehou totdat hy, volgens oordeel van die bestuur, geskik is om weer eens met vergunning vrygelaat te word: Met dien verstande dat hy nie ingevolge hierdie artikel vir 'n langer tydperk as die onverstreke gedeelte van die tydperk waarvoor hy oorspronklik met vergunning vrygelaat is, aangehou mag word nie.

28. (1) By die toepassing van hierdie artikel word 'n inwoner aan wie afwesigheidsverlof uit 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug toegestaan is en wat by die intrekking of verstryking van sy afwesigheidsverlof versuim om terug te keer na die toevlug, rehabilitasiesentrum of gesertifiseerde toevlug waaruit sodanige verlof aan hom toegestaan is en 'n inwoner wat hom sonder verlof afwesig hou uit 'n hospitaal waarin hy deur bemiddeling van die bestuur van 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug opgeneem is, geag weg te geloop het uit die toevlug, rehabilitasiesentrum of gesertifiseerde toevlug waaruit afwesigheidsverlof aan hom toegestaan is of waaruit hy in bedoelde hospitaal opgeneem is.

Hoe met weglopers uit toevlug, rehabilitasiesentrum of gesertifiseerde toevlug gehandel word.

- (2) (a) 'n Inwoner wat uit 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug weggeloopt het, kan deur enige polisiebeampte, volkswelsynbeampte of deur die Minister daartoe gemagtigde lid van die personeel van enige toevlug, rehabilitasiesentrum of gesertifiseerde toevlug sonder lasbrief in hegtenis geneem word, en moet so spoedig doenlik voor 'n landdros van die distrik waarin hy in hegtenis geneem is, gebring word.

- (b) Enige persoon wat ingevolge paragraaf (a) in hegtenis geneem is, kan in bewaring aangehou word in enige in paragraaf (a) van sub-artikel (1) van artikel *sewentien* bedoelde plek totdat hy voor bedoelde landdros gebring kan word.

- (3) 'n Landdros voor wie so 'n inwoner gebring word, moet, nadat hy ondersoek ingestel het na die redes waarom die inwoner weggeloopt het, beveel dat die inwoner—

- (a) teruggestuur word na die toevlug, rehabilitasiesentrum, gesertifiseerde toevlug of hospitaal waaruit hy weggeloopt het; of

- (b) in bewaring aangehou word in enige in paragraaf (a) van sub-artikel (1) van artikel *sewentien* bedoelde plek deur die landdros aangewys, hangende die beslissing van die Minister,

en moet in elke geval die Minister onverwyld in kennis stel van die uitslag van sy ondersoek, en van enige bevel wat hy kragtens hierdie sub-artikel uitgereik het.

- (4) Na oorweging van die landdros se verslag en na enige verdere ondersoek wat hy nodig ag, moet die Minister, as die landdros beveel het dat die inwoner in bewaring aangehou word hangende die Minister se beslissing—

- (a) direct that the inmate be returned to the retreat, rehabilitation centre, certified retreat or hospital from which he absconded; or
- (b) direct that the Secretary deal with him under sub-section (1) of section *twenty* or deal with him himself under sub-section (2) of that section; or
- (c) direct that he be discharged from the provisions of this Act.

(5) The provisions of sub-section (2) of section *seventeen* shall *mutatis mutandis* apply in respect of any person detained in custody in a place referred to in the said sub-section in terms of paragraph (b) of sub-section (2) or in pursuance of an order made under paragraph (b) of sub-section (3).

Admission of voluntary inmate to retreat, rehabilitation centre or certified retreat.

29. (1) Any person may, either himself or through any other person acting on his behalf, apply in writing to a magistrate of the district in which he resides, for permission to be admitted to a retreat, rehabilitation centre or certified retreat as a voluntary inmate.

(2) (a) The application shall be accompanied by a report by a medical practitioner regarding the applicant's general state of health and physical condition: Provided that the magistrate may, if he deems it necessary to do so, require the applicant to furnish him with any other medical or psychiatric report, or may in lieu thereof require him to submit himself to examination by a district surgeon.

(b) If in the opinion of the magistrate it would cause undue hardship if the applicant were to be required to pay the expenses incurred in obtaining any report referred to in the proviso to paragraph (a) he may direct that such expenses be met from public funds.

(3) On receipt of an application in terms of sub-section (1) and after any requirement under sub-section (2) has been complied with the magistrate shall—

(a) obtain from a social welfare officer a report as to the antecedents, way of living and general character of the person concerned and any other relevant matter affecting him;

(b) request the applicant to appear before him personally to declare verbally, under oath, why it is necessary that he should be admitted to a retreat, rehabilitation centre or certified retreat as a voluntary inmate; and

(c) if requested thereto by any person having an interest in the welfare of the applicant, and may, without having been so requested, call upon any such person to appear before him to show cause why the applicant should not be so admitted to a retreat, rehabilitation centre or certified retreat.

(4) If, after the provisions of sub-sections (1), (2) and (3) have been complied with, the magistrate is satisfied that the applicant is such a person as is described in sub-section (1) of section *fourteen* and that he is a type of person who, having regard to all the circumstances, would probably benefit by the training and treatment provided in a retreat, rehabilitation centre or certified retreat, the magistrate may, in the prescribed form and subject to such conditions as may be prescribed—

(a) if the applicant is a person described in paragraph (b) of sub-section (1) of section *fourteen*, authorize his admission to a retreat or certified retreat; or

(b) if he is a person described in paragraph (a), (c), (d) or (e) of sub-section (1) of section *fourteen* authorize his admission to a rehabilitation centre.

(5) A person who has been admitted to a retreat, rehabilitation centre or certified retreat in terms of sub-section (4), shall be detained as an inmate for such period, not exceeding six months, as the management concerned may at any time determine.

(6) Any such person shall, while he remains an inmate, be subject to all the applicable provisions of this Act.

Payment of allowances to inmates of retreats or rehabilitation centres.

30. (1) Subject to the provisions of sub-section (2), allowances may be paid to inmates of retreats and rehabilitation centres in respect of any work performed by them while they are being detained therein or in respect of any period during which they are absent therefrom on leave granted under section *twenty-five*.

- (a) gelas dat die inwoner teruggestuur word na die toevlug, rehabilitasiesentrum, gesertifiseerde toevlug of hospitaal waaruit hy weggeloop het; of
 - (b) gelas dat die Sekretaris met hom handel kragtens sub-artikel (1) van artikel *twintig* of self met hom handel kragtens sub-artikel (2) van daardie artikel; of
 - (c) gelas dat hy van die bepalings van hierdie Wet onthef word.
- (5) Die bepalings van sub-artikel (2) van artikel *sewentien* is *mutatis mutandis* van toepassing ten opsigte van iemand wat in 'n in genoemde sub-artikel bedoelde plek in bewaring aangehou word ingevolge paragraaf (b) van sub-artikel (2) of uit hoofde van 'n bevel kragtens paragraaf (b) van sub-artikel (3) uitgereik.

29. (1) Enigiemand kan of self of deur bemiddeling van iemand anders wat namens hom optree, skriftelik aansoek doen by 'n landdros van die distrik waarin hy woonagtig is, om verlof om as 'n vrywillige inwoner in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug opgeneem te word.

Opname van vrywillige inwoner in toevlug, rehabilitasiesentrum of gesertifiseerde toevlug.

- (2) (a) Die aansoek moet vergesel gaan van 'n verslag deur 'n geneesheer met betrekking tot die applikant se algemene gesondheids- en liggaamlike toestand: Met dien verstande dat as die landdros dit nodig vind, hy van die applikant kan verlang om enige ander geneeskundige of psigiatrisie verslag aan hom te verstrek, of in plaas daarvan kan vereis dat die applikant hom deur 'n distriksgeneesheer moet laat ondersoek.
- (b) Indien dit volgens die oordeel van die landdros onredelike ontbering sou veroorsaak as daar van die applikant vereis sou word dat hy moet betaal vir die onkoste aangegaan by die verkryging van 'n in die voorbehoudsbepaling by paragraaf (a) bedoelde verslag, kan hy gelas dat sodanige onkoste uit Staatsfondse betaal moet word.

(3) By ontvangs van 'n aansoek ingevolge sub-artikel (1), en nadat aan enige vereiste ingevolge sub-artikel (2) voldoen is, moet die landdros—

- (a) 'n verslag betreffende die verlede, leefwyse en algemene karakter van die betrokke persoon en enige ander tersaaklike aangeleentheid met betrekking tot hom van 'n volkswelsynbeampte verkry;
 - (b) die applikant versoek om persoonlik voor hom te verskyn om mondelings, onder eed, te verklaar waarom dit nodig is dat hy as 'n vrywillige inwoner in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug opgeneem moet word; en
 - (c) indien daartoe versoek deur enigiemand wat by die welsyn van die applikant belang het, en kan hy, sonder dat hy aldus daartoe versoek is, so iemand oproep om voor hom te verskyn om redes aan te voer waarom die applikant nie aldus in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug opgeneem moet word nie.
- (4) Indien die landdros, nadat aan die bepalings van sub-artikels (1), (2) en (3) voldoen is, oortuig is dat die applikant so iemand is as wat in sub-artikel (1) van artikel *veertien* bedoel word, en dat hy 'n soort persoon is wat, al die omstandighede in ag geneem, waarskynlik sal baat by die opleiding en behandeling wat in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug voorsien word, kan die landdros, in die voorgeskrewe vorm en onderworpe aan die voorgeskrewe voorwaardes—

- (a) indien die applikant 'n in paragraaf (b) van sub-artikel (1) van artikel *veertien* bedoelde persoon is, magtiging verleen vir sy opname in 'n toevlug of gesertifiseerde toevlug; of
- (b) indien hy 'n in paragraaf (a), (c), (d) of (e) van sub-artikel (1) van artikel *veertien* bedoelde persoon is, magtiging verleen vir sy opname in 'n rehabilitasiesentrum.

(5) Iemand wat ingevolge sub-artikel (4) in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug opgeneem is, word as 'n inwoner aangehou vir so 'n tydperk wat ses maande nie te bowe gaan nie, as wat die betrokke bestuur te eniger tyd bepaal.

(6) Terwyl so iemand 'n inwoner bly, is hy aan al die toepaslike bepalings van hierdie Wet onderworpe.

30. (1) Behoudens die bepalings van sub-artikel (2), kan toelae aan inwoners in toevlugte en rehabilitasiesentrums betaal word ten opsigte van werk deur hulle verrig terwyl hulle daarin aangehou word of ten opsigte van enige tydperk waarin hulle met verlof kragtens artikel *vyf-en-twintig* toegestaan, daaruit afwesig is.

Betaling van toelae aan inwoners van toevlugte of rehabilitasiesentrums.

(2) The rates of such allowances, the classes of inmates to whom the allowances are payable, the apportionment of part of such allowances to the dependants of the inmate concerned and any other conditions attaching to the payment of such allowances, shall be provided for by regulation.

(3) Any regulation under sub-section (2) may provide for the apportionment to the dependants of any inmate who has become too ill to perform any work, of part of the allowance which would but for his illness have been payable to such inmate.

Inmates to have access to management and *vice versa*.

31. The inmates of a retreat, rehabilitation centre or certified retreat shall, subject to the prescribed conditions, have the right of personal access to the management, and the management shall likewise have a similar right of access to the inmates.

Maintenance of discipline in retreats, rehabilitation centres and certified retreats.

32. (1) If an inmate of a retreat, rehabilitation centre or certified retreat contravenes any regulation or any rule prescribed by the management of such retreat, rehabilitation centre or certified retreat under the powers conferred upon it by regulation, the head thereof may—

(a) take disciplinary steps against that inmate in accordance with the powers conferred upon him and the procedure prescribed by regulation and may impose upon him any punishment prescribed by the regulations for a contravention thereof or of such rules; or

(b) cause the inmate to be brought before the magistrate's court of the district in which the retreat, rehabilitation centre or certified retreat is situated, which court shall have jurisdiction to try the inmate for the alleged offence and to sentence him, in lieu of or in addition to any penalty provided for in the regulations for the offence in question—

(i) to imprisonment for a period not exceeding six months; or

(ii) to be kept in confinement apart from the other inmates in a place set aside for the purpose at the retreat, rehabilitation centre or certified retreat for a period not exceeding thirty days, provided the medical practitioner responsible for the medical care of the inmates concerned has certified that such punishment will in his opinion not be harmful to the health of the inmate.

(2) (a) Whenever the head of a retreat, rehabilitation centre or certified retreat has imposed upon an inmate any sentence under paragraph (a) of sub-section (1), the record of the trial shall forthwith be transmitted, together with such remarks as the head of the retreat, rehabilitation centre or certified retreat in question may desire to append to the record, and with any written statements or arguments which the inmate sentenced may desire to have so appended, to the clerk of the magistrate's court of the district in which the retreat, rehabilitation centre or certified retreat in question is situated.

(b) The said clerk shall forthwith lay the record, together with such remarks, statements or arguments (if any) before the magistrate of the district for his consideration.

(3) The magistrate shall thereupon, if the conviction and sentence appear to be in accordance with justice, endorse his certificate to that effect upon the record and forthwith return the record to the head of the retreat, rehabilitation centre or certified retreat in question.

(4) If it appears to the magistrate, on consideration of the papers submitted to him, that the conviction or sentence is not in accordance with justice, he shall set aside or correct the proceedings, and may reduce or vary the sentence, and shall return the record with his instructions thereon to the head of the retreat, rehabilitation centre or certified retreat in question.

(5) If an inmate is sentenced under paragraph (b) of sub-section (1) to a term of imprisonment he shall, after the completion of that term, be returned to the retreat, rehabilitation centre or certified retreat of which he was an inmate or to any other retreat, rehabilitation centre or certified retreat, designated by the Secretary, and such term of imprisonment shall not

(2) Die skale van sodanige toelaes, die kategorieë van inwoners aan wie die toelaes betaalbaar is, die toedeling van 'n gedeelte van sodanige toelaes aan die afhanklikes van die betrokke inwoner en enige ander voorwaardes verbonde aan die betaling van sodanige toelaes, word by regulasie bepaal.

(3) 'n Regulasie ingevolge sub-artikel (2) kan voorsiening maak vir die toedeling aan die afhanklikes van 'n inwoner wat te siek geword het om enige werk te verrig, van 'n gedeelte van die toelae wat, as dit nie vir sy siekte was nie, aan bedoelde inwoner betaalbaar sou gewees het.

31. Onderworpe aan die voorgeskrewe voorwaardes, het die inwoners in 'n toevlug, rehabilitasiesentrum of 'n gesertifiseerde toevlug, die reg van persoonlike toegang tot die bestuur, en die bestuur het op sy beurt 'n dergelike reg van toegang tot die inwoners.

Inwoners moet toegang hê tot bestuur en andersom.

32. (1) As 'n inwoner in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug 'n oortreding begaan van enige regulasie of van enige reël deur die bestuur van so 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug kragtens die by regulasie aan hom verleende bevoegdheide voorgeskryf, kan die hoof daarvan—

Handhawing van tug in toevlugte, rehabilitasiesentrums en gesertifiseerde toevlugte.

- (a) dissiplinêre stappe teen daardie inwoner doen ooreenkomstig die by regulasie aan hom verleende bevoegdheide en die by regulasie voorgeskrewe prosedure, en kan hy die inwoner enige straf wat deur die regulasies vir 'n oortreding daarvan of van bedoelde reëls voorgeskryf word, opleë; of
- (b) die inwoner laat bring voor die landdroshof van die distrik waarin die toevlug, rehabilitasiesentrum of gesertifiseerde toevlug geleë is, welke hof regs mag het om die inwoner weens die beweerde misdryf te verhoor en om hom te vonnis, in plaas van of benewens enige straf wat deur die regulasies vir die betrokke misdryf bepaal word—
 - (i) tot gevangenisstraf vir 'n tydperk van hoogstens ses maande; of
 - (ii) om apart van die ander inwoners, in 'n plek vir die doel afgesonder by die toevlug, rehabilitasiesentrum of gesertifiseerde toevlug, opgesluit te word vir 'n tydperk van hoogstens dertig dae, mits die geneeskundige beamppte wat vir die geneeskundige versorging van die betrokke inwoners verantwoordelik is, gesertifiseer het dat bedoelde straf volgens sy mening nie vir die gesondheid van die inwoner skadelik sal wees nie.

- (2) (a) Wanneer die hoof van 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug kragtens paragraaf (a) van sub-artikel (1) 'n inwoner die een of ander straf opgelê het, moet die notule van die verhoor, tesame met sodanige opmerkings as wat die hoof van die betrokke toevlug, rehabilitasiesentrum of gesertifiseerde toevlug verlang om aan die notule toe te voeg, en met die skriftelike verklarings of argumente wat die veroordeelde inwoner verlang om aldus daaraan te laat toevoeg, onverwyld deurgestuurd word aan die klerk van die landdroshof van die distrik waarin die betrokke toevlug, rehabilitasiesentrum of gesertifiseerde toevlug geleë is.
- (b) Genoemde klerk lê die notule tesame met sodanige opmerkings, verklarings of argumente (indien daar is) onverwyld aan die landdros van die distrik ter oorweging voor.

(3) As dit vir die landdros blyk dat daar met die skuldige bevinding en vonnis behoorlik reg geskied het, teken hy sy sertifikaat te dien effekte op die notule aan, en stuur hy die notule onverwyld aan die hoof van die betrokke toevlug, rehabilitasiesentrum of gesertifiseerde toevlug terug.

(4) Indien dit, by oorweging van die aan hom voorgelegde stukke, vir die landdros blyk dat daar nie met die skuldige bevinding of vonnis reg geskied het nie, moet hy die verrigtings te niet doen of verbeter, en kan hy die vonnis versag of wysig, en stuur hy die notule met sy opdragte in verband daarmee aan die hoof van die betrokke toevlug, rehabilitasiesentrum of gesertifiseerde toevlug terug.

(5) As 'n inwoner kragtens paragraaf (b) van sub-artikel (1) tot 'n tydperk van gevangenisstraf veroordeel word, word hy na die verstryking van daardie tydperk teruggestuur na die toevlug, rehabilitasiesentrum of gesertifiseerde toevlug waarin hy 'n inwoner was of na enige ander deur die Sekretaris aangewese toevlug, rehabilitasiesentrum of gesertifiseerde toevlug, en bedoelde

count as part of his period of detention in the retreat, rehabilitation centre or certified retreat.

Estimating of
age of person.

33. (1) (a) Whenever in connection with any proceedings in terms of this Act the age of any person is a relevant fact of which no or insufficient evidence is available, the officer presiding at those proceedings may estimate the age of that person by his appearance or from any information which is available, and the age so estimated shall for the purposes of this Act, be deemed to be the true age of that person.
- (b) If it is proved after the conclusion of those proceedings that the age so estimated is not the true age of that person, the error shall not, if it was made in good faith, affect any decision given or order made in those proceedings.
- (2) The age of a person estimated as provided in sub-section (1) shall be deemed to have been attained on the day when the estimate is made.

Witnesses
from retreat,
rehabilitation
centre or
certified retreat.

34. The provisions of section *two hundred and sixteen* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), relating to prisoners shall *mutatis mutandis* apply with reference to an inmate of any retreat, rehabilitation centre or certified retreat.

Reception
in retreat,
rehabilitation
centre or
certified retreat
of persons from
territories
outside the
Republic.

35. (1) (a) The Government of the Republic, represented by the Minister, may enter into an agreement with the Government of any territory in Africa for the admission to and the detention in any retreat, rehabilitation centre or certified retreat in the Republic, of any person who has reached the age of eighteen years whose detention in any retreat for alcoholics, rehabilitation centre or similar institution for a period of not less than one year has been ordered by a competent court or officer of the said territory according to the law in force therein.
- (b) Whenever such an agreement has been entered into, the Minister shall cause to be published in the *Gazette* a notice of that fact and a summary of the terms of the agreement.
- (2) The Minister may, with due regard to the provisions of sub-section (6) of section *fifteen*, order the admission to and detention in a retreat, rehabilitation centre or certified retreat of any person who has reached the age of eighteen years whose detention in a retreat for alcoholics, rehabilitation centre or similar institution for a period of not less than one year has been ordered by a competent court or officer of a territory with the Government of which the Government of the Republic has entered into an agreement mentioned in sub-section (1).
- (3) Any person admitted to a retreat, rehabilitation centre or certified retreat by order of the Minister under sub-section (2) may be detained therein until the expiration of the period fixed by the court which or officer who ordered the said person's detention in a retreat for alcoholics, rehabilitation centre or similar institution, but not exceeding a period of three years.
- (4) Subject to the provisions of sub-section (3), the provisions of this Act and of any rule shall apply in respect of a person admitted to or detained in a retreat, rehabilitation centre or certified retreat under this section as if his detention in that retreat, rehabilitation centre or certified retreat had been ordered under any other provision of this Act: Provided that—
- (a) the management concerned shall not grant to such person leave of absence under section *twenty-five* or release him on licence under sub-section (1) of section *twenty-six*;
- (b) subject to the provisions of the agreement (if any) by virtue of which such person was admitted to the retreat, rehabilitation centre or certified retreat in question, the Minister need not consult the management of the retreat, rehabilitation centre or certified retreat in terms of sub-section (2) of section *nineteen*, before discharging such person therefrom.

tydperk van gevangenisstraf word nie geag deel van sy aanhoudingstydperk in die toevlug, rehabilitasiesentrum of gesertifiseerde toevlug uit te maak nie.

33. (1) (a) Wanneer die ouderdom van die een of ander persoon in verband met enige verrigtings ingevolge hierdie Wet 'n tersaaklike feit is waaromtrent geen of onvoldoende bewys beskikbaar is, kan die beamppte wat by daardie verrigtings voorsit, die ouderdom van daardie persoon volgens sy voorkoms of op grond van enige beskikbare gegewens skat, en die aldus geskatte ouderdom word, by die toepassing van hierdie Wet, geag daardie persoon se ware ouderdom te wees.
- (b) Indien daar na afloop van daardie verrigtings bewys word dat die aldus geskatte ouderdom nie daardie persoon se ware ouderdom is nie, beïnvloed die dwaling, mits dit te goeder trou begaan is, geen beslissing of bevel wat in die loop van daardie verrigtings gegee of verleen is nie.
- (2) Daar word beskou dat 'n persoon wie se ouderdom volgens voorskrif van sub-artikel (1) geskat is, daardie ouderdom bereik het op die dag waarop die skatting plaasvind.

Skatting van ouderdom van persoon.

34. Die bepalings van artikel *tweehonderd-en-sestien* van die Strafproseswet, 1955 (Wet No. 56 van 1955), betreffende gevangenes is *mutatis mutandis* van toepassing met betrekking tot 'n inwoner in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug.

Getuies uit toevlug, rehabilitasiesentrum of gesertifiseerde toevlug.

35. (1) (a) Die Regering van die Republiek, deur die Minister verteenwoordig, kan 'n ooreenkoms aangaan met die Regering van enige gebied in Afrika vir die opname en die aanhouding in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug in die Republiek, van enigiemand wat die leeftyd van agtien jaar bereik het en wie se aanhouding in 'n toevlug vir alkoholiste, rehabilitasiesentrum of soortgelyke inrigting vir 'n tydperk van minstens een jaar deur 'n bevoegde hof of beamppte van bedoelde gebied volgens die daarin geldende wetsbepalings gelas is.
- (b) Wanneer so 'n ooreenkoms gesluit is, laat die Minister 'n kennisgewing van daardie feit en 'n opsomming van die bepalings van die ooreenkoms in die *Staatskoerant* publiseer.
- (2) Die Minister kan, met behoorlike inagneming van die bepalings van sub-artikel (6) van artikel *vyftien*, opdrag gee vir die opname en aanhouding in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug van iemand wat die leeftyd van agtien jaar bereik het en wie se aanhouding in 'n toevlug vir alkoholiste, rehabilitasiesentrum of soortgelyke inrigting vir 'n tydperk van minstens een jaar gelas is deur 'n bevoegde hof of beamppte van 'n gebied met die Regering waarvan die Regering van die Republiek 'n in sub-artikel (1) vermelde ooreenkoms aangegaan het.
- (3) Iemand wat op las van die Minister kragtens sub-artikel (2) in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug opgeneem is, kan daarin aangehou word tot die verstryking van die tydperk wat bepaal is deur die hof waardeur of beamppte deur wie so iemand se aanhouding in 'n toevlug vir alkoholiste, rehabilitasiesentrum of soortgelyke inrigting gelas is, maar nie vir langer as drie jaar nie.
- (4) Behoudens die bepalings van sub-artikel (3), is die bepalings van hierdie Wet en van enige reël van toepassing ten opsigte van iemand wat kragtens hierdie artikel in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug opgeneem is of aangehou word, asof sy aanhouding in daardie toevlug, rehabilitasiesentrum of gesertifiseerde toevlug kragtens enige ander bepaling van hierdie Wet gelas is: Met dien verstande dat—
- (a) die betrokke bestuur nie aan so iemand kragtens artikel *vyf-en-twintig* afwesigheidsverlof mag toestaan of hom kragtens sub-artikel (1) van artikel *ses-en-twintig* met vergunning mag vrylaat nie;
- (b) onderworpe aan die bepalings van die ooreenkoms (as daar is) uit hoofde waarvan so iemand in die betrokke toevlug, rehabilitasiesentrum of gesertifiseerde toevlug opgeneem is, dit nie vir die Minister nodig is om die bestuur van die toevlug, rehabilitasiesentrum of gesertifiseerde toevlug ingevolge sub-artikel (2) van artikel *negentien* te raadpleeg voordat hy so iemand daaruit ontslaan nie.

Opname in toevlug, rehabilitasiesentrum of gesertifiseerde toevlug van persone uit gebiede buite die Republiek.

Delegation of
Minister's and
Secretary's
powers.

36. (1) The Minister may delegate to the Secretary or to any other senior officer any of the powers conferred upon him by this Act, save the powers referred to in section *three, six, seven or ten*, sub-section (1) of section *thirty-five* or section *thirty-seven*.

(2) The Secretary may delegate to any other senior officer any of the powers conferred upon him by this Act.

Regulations.

37. (1) The Minister may make regulations regarding any or all of the following matters—

- (a) the establishment, maintenance, management and control of retreats, rehabilitation centres and hostels, and the abolition of retreats, rehabilitation centres and hostels;
- (b) the constitution, procedure, functions, powers and duties of boards of management of retreats, rehabilitation centres and hostels; the appointment, resignation and discharge of members of such boards and the payment to them of allowances and of reasonable out-of-pocket expenses;
- (c) the functions, powers and duties of the members of the staff of retreats, rehabilitation centres, hostels and certified retreats;
- (d) the certification of retreats and hostels, the constitution, procedure, functions, powers and duties of boards of management of certified retreats and approved hostels; the books, accounts and records to be kept and the returns and reports to be rendered by such boards of management, and the withdrawal or surrender of certificates granted in respect of such retreats or hostels;
- (e) the conditions subject to which grants may be made to approved associations of persons under section *twelve*, the books, accounts and records to be kept by such associations and the returns and reports to be rendered by them;
- (f) the classification of retreats and rehabilitation centres and the classification and separation of inmates within a retreat or rehabilitation centre;
- (g) the committal and admission of persons to retreats, rehabilitation centres or certified retreats;
- (h) the conditions whereon and the periods for which leave of absence may be granted to inmates of retreats, rehabilitation centres or certified retreats, and the revocation of such leave of absence;
- (i) the terms and conditions subject to which inmates may be released on licence, the method of supervision of such inmates and the revocation of such licences;
- (j) the transfer and retransfer of inmates under section *twenty, twenty-one, twenty-two, twenty-three or twenty-four*;
- (k) the matters with regard to which the management of a retreat, rehabilitation centre, hostel or certified retreat may from time to time prescribe rules for the proper domestic administration and control thereof;
- (l) the maintenance of good order and discipline in retreats, rehabilitation centres, hostels and certified retreats, and the treatment, training, care and control of the inmates of retreats, rehabilitation centres, hostels and certified retreats or of persons who are detained therein temporarily in terms of any provision of this Act;
- (m) enabling inmates to practice their religion and the ministers of their respective denominations to have access to them;
- (n) the conditions subject to which inmates shall have the right of access to the management, and *vice versa*;
- (o) the discharge of inmates of a retreat, rehabilitation centre or certified retreat from the provisions of this Act;
- (p) the work to be performed by the inmates of a retreat, rehabilitation centre or certified retreat during their detention therein, and the hours and conditions of such work;
- (q) the conditions subject to which voluntary inmates may be admitted to any retreat, rehabilitation centre or certified retreat, their transport thereto and their

36. (1) Die Minister kan enige van die bevoegdhede wat hierdie Wet aan hom verleen, behalwe die in artikel *drie, ses, sewe of tien*, sub-artikel (1) van artikel *vyf-en-dertig* of artikel *sewe-en-dertig* bedoelde bevoegdhede, aan die Sekretaris of aan enige ander senior beamppte delegeer.

Delegering van Minister en Sekretaris se bevoegdhede.

(2) Die Sekretaris kan enige van die bevoegdhede wat hierdie Wet aan hom verleen aan enige ander senior beamppte delegeer.

37. (1) Die Minister kan regulasies met betrekking tot een of meer van die ondervermelde aangeleenthede uitvaardig—

Regulasies.

- (a) die stigting, instandhouding, bestuur en beheer van toevlugte, rehabilitasiesentrums en tehuise, en die afskaffing van toevlugte, rehabilitasiesentrums en tehuise;
- (b) die samestelling, prosedure, werksaamhede, bevoegdhede en pligte van bestuursrade van toevlugte, rehabilitasiesentrums en tehuise; die aanstelling, bedanking en ontslag van lede van sodanige rade en die betaling aan hulle van toelaes en van redelike klein uitgawes;
- (c) die werksaamhede, bevoegdhede en pligte van die lede van die personeel van toevlugte, rehabilitasiesentrums, tehuise en gesertifiseerde toevlugte;
- (d) die sertifisering van toevlugte en tehuise, die samestelling, prosedure, werksaamhede, bevoegdhede en pligte van bestuursrade van gesertifiseerde toevlugte en goedgekeurde tehuise; die boeke, rekenings en registers wat deur sodanige bestuursrade gehou, en die opgawes en verslae wat deur hulle verstrekk moet word, en die intrekking of teruggawe van sertifikate wat ten opsigte van sodanige toevlugte of tehuise verleen is;
- (e) die voorwaardes waarop toekennings aan goedgekeurde verenigings van persone gemaak kan word kragtens artikel *twaalf*, die boeke, rekenings en registers wat deur sodanige verenigings gehou moet word en die opgawes en verslae wat deur hulle verstrekk moet word;
- (f) die klassifisering van toevlugte en rehabilitasiesentrums en die klassifisering en skeiding van inwoners binne 'n toevlug of rehabilitasiesentrum;
- (g) die verwysing van persone na en hul opname in toevlugte, rehabilitasiesentrums of gesertifiseerde toevlugte;
- (h) die voorwaardes waarop en die tydperke waarvoor afwesigheidsverlof aan inwoners in toevlugte, rehabilitasiesentrums of gesertifiseerde toevlugte toegestaan kan word, en die intrekking van sodanige afwesigheidsverlof;
- (i) die voorskrifte en voorwaardes onderworpe waaraan inwoners met vergunning vrygelaat kan word, die manier waarop oor sodanige inwoners toesig gehou word, en die intrekking van sodanige vergunnings;
- (j) die oorpasing en heroorpasing van inwoners kragtens artikel *twintig, een-en-twintig, twee-en-twintig, drie-en-twintig* of *vier-en-twintig*;
- (k) die aangeleenthede met betrekking waartoe die bestuur van 'n toevlug, rehabilitasiesentrum, tehuis of gesertifiseerde toevlug van tyd tot tyd reëls kan voorskryf vir die behoorlike huishoudelike administrasie en beheer daarvan;
- (l) die handhawing van goeie orde en tug in toevlugte, rehabilitasiesentrums, tehuise en gesertifiseerde toevlugte, en die behandeling, opleiding, versorging en in bedwang hou van die inwoners van toevlugte, rehabilitasiesentrums, tehuise en gesertifiseerde toevlugte of van persone wat tydelik ingevolge enige bepaling van hierdie Wet daarin aangehou word;
- (m) om inwoners in staat te stel om hul godsdiens te beoefen en die leraars van hul onderskeie gelowe in staat te stel om toegang tot hulle te hê;
- (n) die voorwaardes waarop inwoners die reg van toegang tot die bestuur het, en andersom;
- (o) die ontheffing van inwoners van 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug van die bepalings van hierdie Wet;
- (p) die werk wat verrig moet word deur die inwoners van 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug tydens hul aanhouding daarin, en die ure en voorwaardes van sodanige werk;
- (q) die voorwaardes waarop vrywillige inwoners in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug opgeneem kan word, hulle vervoer daarheen en hulle

transport therefrom to their homes, the fees payable in respect of their transport, maintenance or other services rendered to them and the circumstances in which such inmates may be exempted from the obligation to pay any such fees;

- (r) the form of any application, authority, certificate, consent, licence, notice or order to be made, given, issued or kept in terms of this Act and any other form required in connection with the administration of this Act;
- (s) the disposal by sale or otherwise of any property in the possession of the management of any retreat, rehabilitation centre or certified retreat belonging to any inmate who has absconded or is in terms of sub-section (1) of section *twenty-eight* deemed to have absconded, or has died or has failed to claim or receive such property and, where the property has been sold, the disposal of the proceeds of the sale;
- (t) the requirements referred to in paragraph (c) of sub-section (1) of section *sixteen*;
- (u) any matter which, in terms of any provision of this Act, is to be or may be prescribed by regulation;
- (v) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved:

Provided that any regulation under paragraph (b) prescribing the allowances and out-of-pocket expenses referred to therein; any regulation under paragraph (d) prescribing the books, accounts and records referred to therein; any regulation under paragraph (e), (h) or (q) and any regulation under paragraph (u) relating to the matters mentioned in sub-section (2) of section *thirty*, shall be made in consultation with the Minister of Finance.

- (2) (a) Any regulations made under sub-section (1) may prescribe penalties for any contravention thereof or of any rules prescribed by the management of a retreat, rehabilitation centre or certified retreat under powers conferred upon it by regulation.
- (b) Such penalties shall, in so far as they relate to persons who are not inmates, not exceed a fine of one hundred rand, and in so far as they relate to inmates, may take any one or more of the following forms—
 - (i) forfeiture of one or more specified privileges for a specified period;
 - (ii) forfeiture of allowances, wholly or in part, for a specified period;
 - (iii) forfeiture of not more than one meal per day for a period not exceeding three days;
 - (iv) increase of normal hours of labour by not more than three hours per day for a period not exceeding three days;
 - (v) separation from the other inmates in a place set aside for the purpose at the retreat, rehabilitation centre or certified retreat for a period not exceeding five days.
- (c) If any form of punishment mentioned in sub-paragraph (iii), (iv) or (v) of paragraph (b) is prescribed, the regulations shall specifically provide that no such form of punishment may be imposed unless the medical officer responsible for the medical care of the inmate concerned has certified that such punishment will, in his opinion, not be harmful to the health of that inmate.

(3) Different regulations may be made under sub-section (1) in respect of persons of different classes or races, or in respect of different retreats, rehabilitation centres, hostels or certified retreats or different categories of retreats, rehabilitation centres, hostels or certified retreats, and the Minister may also in such regulations differentiate in any manner he may deem fit between different groups of inmates in retreats, rehabilitation centres, hostels or certified retreats generally or in any particular retreat, rehabilitation centre, hostel or certified retreat.

Administration
of Act.

38. (1) The State President may by proclamation in the *Gazette* assign the administration of the provisions of this Act either generally or in respect of persons belonging to any specified class or race defined in the proclamation, to any

vervoer daarvandaan na hulle tuistes, die gelde wat ten opsigte van hulle vervoer, onderhoud of ander dienste aan hulle gelewer, betaalbaar is en die omstandighede waaronder sodanige inwoners van die verpligting om enige sodanige gelde te betaal, onthef kan word;

- (r) die vorm van enige aansoek, magtiging, sertifikaat, toestemming, vergunning, kennisgewing of bevel wat ingevolge hierdie Wet gedoen, verleen, gegee, uitgereik of gehou moet word, en enige ander vorm wat in verband met die uitvoering van hierdie Wet nodig is;
- (s) die beskikking, deur verkoping of andersins, oor enige eiendom wat in besit is van die bestuur van 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug en wat behoort aan 'n inwoner wat weggeloop het of ingevolge sub-artikel (1) van artikel *agt-en-twintig* geag word weg te geloop het, of wat gesterf het of versuim het om sodanige eiendom op te eis of in ontvangs te neem en, in die geval van die verkoping van die eiendom, die beskikking oor die opbrengs daarvan;
- (t) die in paragraaf (c) van sub-artikel (1) van artikel *sestien* bedoelde vereistes;
- (u) enige aangeleentheid wat ingevolge een of ander bepaling van hierdie Wet by regulasie voorgeskryf moet of kan word;
- (v) oor die algemeen, alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik:

Met dien verstande dat 'n regulasie kragtens paragraaf (b) wat die daarin bedoelde toelaes en klein uitgawes voorskryf; 'n regulasie kragtens paragraaf (d) wat die daarin bedoelde boeke, rekenings en registers voorskryf; 'n regulasie kragtens paragraaf (e), (h) of (q) en 'n regulasie kragtens paragraaf (u) betreffende die in sub-artikel (2) van artikel *dertig* vermelde aangeleenthede, in oorleg met die Minister van Finansies uitgevaardig moet word.

- (2) (a) Regulasies kragtens sub-artikel (1) uitgevaardig, kan strawwe voorskryf vir 'n oortreding daarvan of van enige reëls deur die bestuur van 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug kragtens die by regulasie aan hom verleende bevoegdhede voorgeskryf.
- (b) Vir sover hulle betrekking het op persone wat nie inwoners is nie, mag sodanige strawwe 'n boete van honderd rand nie te bowe gaan nie, en vir sover hulle op inwoners betrekking het, kan hulle een of meer van die ondervermelde vorms aanneem—
 - (i) verbeuring van een of meer bepaalde voorregte vir 'n bepaalde tydperk;
 - (ii) verbeuring van toelaes, geheel of ten dele, vir 'n bepaalde tydperk;
 - (iii) verbeuring van hoogstens een maaltyd per dag vir 'n tydperk van hoogstens drie dae;
 - (iv) verlenging van gewone arbeidsure met hoogstens drie uur per dag vir 'n tydperk van hoogstens drie dae;
 - (v) afsondering van ander inwoners, in 'n plek vir die doel afgesonder by die toevlug, rehabilitasiesentrum of gesertifiseerde toevlug, vir 'n tydperk van hoogstens vyf dae.
- (c) As 'n in sub-paragraaf (iii), (iv) of (v) van paragraaf (b) vermelde vorm van straf voorgeskryf word, moet die regulasies uitdruklik bepaal dat geen sodanige vorm van straf opgelê mag word nie tensy die geneeskundige beampte wat vir die geneeskundige versorging van die betrokke inwoner verantwoordelik is, gesertifiseer het dat bedoelde straf volgens sy mening nie vir die gesondheid van daardie inwoner skadelik sal wees nie.

(3) Verskillende regulasies kan kragtens sub-artikel (1) uitgevaardig word ten opsigte van persone van verskillende klasse of rasse, of ten opsigte van verskillende toevlugte, rehabilitasiesentrums, tehuise of gesertifiseerde toevlugte of verskillende kategorieë van toevlugte, rehabilitasiesentrums, tehuise of gesertifiseerde toevlugte, en die Minister kan ook in sodanige regulasies op enige wyse wat hy goetvind, onderskei tussen verskillende groepe inwoners in toevlugte, rehabilitasiesentrums, tehuise of gesertifiseerde toevlugte in die algemeen of in 'n bepaalde toevlug, rehabilitasiesentrum, tehuis of gesertifiseerde toevlug.

38. (1) Die Staatspresident kan by proklamasie in die *Uitvoering Staatskoerant* die uitvoering van die bepalings van hierdie *Wet*, of in die algemeen of ten opsigte van persone wat behoort tot 'n bepaalde klas of ras in die proklamasie omskryf, opdra van *Wet*.

Minister or partly to one Minister and partly to another Minister or other Ministers, and may in such proclamation specify the powers or functions which shall be exercised or performed by the several Ministers, and may further specify that any power conferred or duty imposed upon a Minister by this Act, shall be exercised or performed by one Minister acting in consultation with another Minister.

(2) The State President may from time to time by like proclamation vary or amend any such proclamation.

Amendment of section 329 of Act 56 of 1955, as substituted by section 24 of Act 16 of 1959.

39. Section *three hundred and twenty-nine* of the Criminal Procedure Act, 1955, is hereby amended by the deletion in sub-section (1) of paragraphs (h) and (i).

Substitution of heading to sections 340, 341, 342 and 343 of Act 56 of 1955.

40. The following heading is hereby substituted for the heading to sections *three hundred and forty to three hundred and forty-three* of the Criminal Procedure Act, 1955:

"Provisions relating to Juveniles, Alcoholics and Certain Other Persons."

Repeal of section 340 of Act 56 of 1955.

41. (1) Section *three hundred and forty* of the Criminal Procedure Act, 1955, is hereby repealed.

(2) Any person who at the commencement of this Act is, in pursuance of a sentence passed under the said section, an inmate of a retreat, rehabilitation centre or certified retreat, shall be deemed to be detained therein in pursuance of an order made under section *fifteen* of this Act: Provided that such person shall not be detained beyond the expiration of the period for which he could have been detained if this Act had not been passed.

Substitution of section 341 of Act 56 of 1955.

42. (1) The following section is hereby substituted for section *three hundred and forty-one* of the Criminal Procedure Act, 1955:

"Court may order enquiry under Retreats and Rehabilitation Centres Act, 1963.

341. (1) (a) If during the trial in any court of a person who is charged with an offence other than an offence in respect of which sentence of death may be passed, it appears to the judge or judicial officer presiding at that trial that the said person is probably such a person as is described in sub-section (1) of section *fourteen* of the Retreats and Rehabilitation Centres Act, 1963, the said judge or judicial officer may, with the consent of the prosecutor given after consultation with a social welfare officer, stop the trial and order that an enquiry be held in terms of section *fifteen* of the said Act in respect of the person concerned by a magistrate, as defined in that Act, indicated in the order.

(b) The prosecutor shall not give his consent in terms of paragraph (a) if the person concerned is a person in respect of whom the imposition of punishment of imprisonment would be compulsory if he were convicted at such trial.

(2) (a) If the person concerned is in custody he shall for all purposes be deemed to have been arrested in terms of a warrant issued under sub-section (1) of section *fourteen* of the said Act and shall as soon as practicable be brought before the said magistrate.

(b) If the person concerned is not in custody the said judge or judicial officer shall determine the time when and the place where the person concerned shall appear before the said magistrate and he shall thereafter for all purposes be deemed to have been summoned in terms of the said sub-section (1) to appear before the said magistrate at the time and place so determined.

(3) As soon as possible after an order has been made under sub-section (1) of this section a prosecutor attached to the court of the said magistrate shall obtain such a report as is mentioned in sub-section (2) of section *fourteen* of the Retreats and Rehabilitation Centres Act, 1963.

(4) The provisions of the Retreats and Rehabilitation Centres Act, 1963, shall *mutatis mutandis* apply in respect of a person who appears before a magistrate, as defined in that Act, in pursuance

aan enige Minister of ten dele aan een Minister en ten dele aan 'n ander Minister of ander Ministers, en kan in so 'n proklamasie die bevoegdheid of werksaamhede bepaal wat deur die onderskeie Ministers uitgeoefen of verrig moet word, en kan verder bepaal dat 'n bevoegdheid of plig wat by hierdie Wet aan 'n Minister verleen of opgelê word, deur een Minister handelende in oorleg met 'n ander Minister uitgeoefen of verrig moet word.

(2) Die Staatspresident kan so 'n proklamasie van tyd tot tyd by dergelike proklamasie verander of wysig.

39. Artikel *driehonderd nege-en-twintig* van die Strafproseswet, 1955, word hierby gewysig deur in sub-artikel (1) paragrawe (h) en (i) te skrap.

Wysiging van artikel 329 van Wet 56 van 1955, soos vervang deur artikel 24 van Wet 16 van 1959.

40. Die opskrif van artikels *driehonderd-en-veertig* tot *driehonderd drie-en-veertig* van die Strafproseswet, 1955, word hierby deur die volgende opskrif vervang:

„Bepalings Betreffende Jeugdige Persone, Alkoholiste en Sekere Ander Persone.”.

Vervanging van opskrif van artikels 340, 341, 342 en 343 van Wet 56 van 1955.

41. (1) Artikel *driehonderd-en-veertig* van die Strafproseswet, 1955, word hierby herroep.

Herroeping van artikel 340 van Wet 56 van 1955.

(2) Enigiemand wat by die inwerkingtrekking van hierdie Wet, uit hoofde van 'n vonnis opgelê kragtens genoemde artikel, 'n inwoner in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug is, word geag daarin aangehou te word uit hoofde van 'n bevel uitgereik kragtens artikel *vyftien* van hierdie Wet: Met dien verstande dat so iemand nie aangehou mag word na die verstryking van die tydperk waarvoor hy aangehou sou kon geword het as hierdie Wet nie aangeneem was nie.

42. (1) Artikel *driehonderd een-en-veertig* van die Strafproseswet, 1955, word hierby deur die volgende artikel vervang:

Vervanging van artikel 341 van Wet 56 van 1955.

„Hof kan ondersoek kragtens die Wet op Toevlugte en Rehabilitasiesentrums, 1963, gelas.

341. (1) (a) Indien dit gedurende die verhoor, in enige hof, van 'n persoon wat aangekla word van enige misdryf, behalwe 'n misdryf ten opsigte waarvan die doodvonnis opgelê kan word, na die mening van die regter of regterlike amptenaar wat by daardie verhoor voorsit, blyk dat bedoelde persoon waarskynlik so 'n persoon is as wat in sub-artikel (1) van artikel *veertien* van die Wet op Toevlugte en Rehabilitasiesentrums, 1963, beskryf word, kan bedoelde regter of regterlike amptenaar, met instemming van die aanklaer na oorlegpleging met 'n volkswelsynbeampte, die verhoor staak en gelas dat 'n ondersoek ingevolge artikel *vyftien* van genoemde Wet ten opsigte van die betrokke persoon gehou word deur 'n landdros soos in daardie Wet omskryf, in die lasgewing aangedui.
- (b) Die aanklaer verleen nie sy instemming ingevolge paragraaf (a) nie as die betrokke persoon 'n persoon is ten opsigte van wie die oplegging van gevangenisstraf verpligtend sou wees indien hy by sodanige verhoor skuldig bevind sou word.
- (2) (a) Indien die betrokke persoon in hegtenis is, word hy vir alle doeleindes geag in hegtenis geneem te gewees het ingevolge 'n lasbrief kragtens sub-artikel (1) van artikel *veertien* van genoemde Wet uitgereik en word hy so spoedig doenlik voor bedoelde landdros gebring.
- (b) Indien die betrokke persoon nie in hegtenis is nie moet bedoelde regter of regterlike amptenaar die tyd wanneer en die plek waar die betrokke persoon voor bedoelde landdros moet verskyn, bepaal, en hy word dan vir alle doeleindes geag ingevolge genoemde sub-artikel (1) gedagvaar te gewees het om voor bedoelde landdros op die tyd en plek aldus bepaal, te verskyn.
- (3) So spoedig moontlik nadat 'n lasgewing kragtens sub-artikel (1) van hierdie artikel uitgereik is, moet 'n aanklaer verbonde aan die hof van bedoelde landdros so 'n verslag soos die wat in sub-artikel (2) van artikel *veertien* van die Wet op Toevlugte en Rehabilitasiesentrums, 1963, vermeld word, verkry.
- (4) Die bepalinge van die Wet op Toevlugte en Rehabilitasiesentrums, 1963, is *mutatis mutandis* van toepassing ten opsigte van iemand wat voor 'n landdros, soos in daardie Wet omskryf, verskyn uit hoofde

of an order made under sub-section (1) as if he were a person brought before the said magistrate in terms of sub-section (1) of section *fourteen* of the said Act and as if the report obtained in terms of sub-section (3) of this section were a report obtained in terms of sub-section (2) of the said section *fourteen*.

(5) If an order under sub-section (1) is made in the course of a trial after the return of a verdict of guilty, that verdict shall become null and void in so far as it relates to the person to whom the said order relates, and shall be deemed not to have been returned."

(2) Any person who at the commencement of this Act is, in pursuance of an order made under section *three hundred and forty-one* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), an inmate of a retreat, rehabilitation centre or certified retreat, shall be deemed to be detained therein in pursuance of an order made under section *fifteen* of this Act: Provided that such person shall not be detained beyond the expiration of the period for which he could have been detained if this Act had not been passed.

Repeal of laws.

43. (1) Subject to the provisions of sub-sections (2) and (3), the Work Colonies Act, 1949 (Act No. 25 of 1949), section *eleven* of the Finance Act, 1951 (Act No. 56 of 1951), section *ninety-seven* of the Children's Act, 1960 (Act No. 33 of 1960), and section *seventeen* of the Commonwealth Relations Act, 1962 (Act No. 69 of 1962), are hereby repealed.

(2) Any person who at the commencement of this Act is, in pursuance of an order made under section *sixteen* of the Work Colonies Act, 1949, an inmate of a retreat, rehabilitation centre or certified retreat, shall be deemed to be detained therein in pursuance of an order made under section *fifteen* of this Act.

(3) Any proclamation, regulation, rule, order, appointment, authorization, leave or licence issued, made, prescribed, given or granted and any other action taken under any provision of a law repealed by sub-section (1), shall be deemed to have been issued, made, prescribed, given, granted or taken under the corresponding provision of this Act: Provided that nothing in this sub-section contained shall be construed as authorizing the detention of any person for a period in excess of the period for which he could have been detained had this Act not been passed.

Short title and commencement.

44. This Act shall be called the Retreats and Rehabilitation Centres Act, 1963, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

van 'n lasgewing kragtens sub-artikel (1) uitgereik asof hy 'n persoon was wat voor bedoelde landdros gebring is ingevolge sub-artikel (1) van artikel *veertien* van genoemde Wet en asof die verslag wat ingevolge sub-artikel (3) van hierdie artikel verkry is 'n verslag was wat ingevolge sub-artikel (2) van genoemde artikel *veertien* verkry is.

(5) Indien 'n lasgewing kragtens sub-artikel (1) gedurende die loop van 'n verhoor na skuldigbevinding uitgereik word, word daardie bevinding van nul en gener waarde vir sover dit betrekking het op die persoon op wie bedoelde lasgewing betrekking het, en word dit geag nie gedoen te gewees het nie."

(2) Enigiemand wat by die inwerkingtreding van hierdie Wet, uit hoofde van 'n bevel uitgereik kragtens artikel *driehonderd een-en-veertig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), 'n inwoner in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug is, word geag daarin aangehou te word uit hoofde van 'n bevel uitgereik kragtens artikel *vyftien* van hierdie Wet: Met dien verstande dat so iemand nie aangehou mag word na die verstryking van die tydperk waarvoor hy aangehou sou kon geword het as hierdie Wet nie aangeneem was nie.

43. (1) Behoudens die bepalinge van sub-artikels (2) en (3), word die Wet op Werkkolonies, 1949 (Wet No. 25 van 1949), artikel *elf* van die Finansiewet, 1951 (Wet No. 56 van 1951), artikel *sewe-en-negentig* van die Kinderwet, 1960 (Wet No. 33 van 1960), en artikel *sewentien* van die Wet op Statebonds-betrekkinge, 1962 (Wet No. 69 van 1962), hierby herroep.

Herroeping van wette.

(2) Enigiemand wat by die inwerkingtreding van hierdie Wet, uit hoofde van 'n bevel kragtens artikel *sestien* van die Wet op Werkkolonies, 1949, uitgereik, 'n inwoner in 'n toevlug, rehabilitasiesentrum of gesertifiseerde toevlug is, word geag daarin aangehou te word uit hoofde van 'n bevel uitgereik kragtens artikel *vyftien* van hierdie Wet.

(3) Enige proklamasie, regulasie, reël, bevel, aanstelling, magtiging, verlof of vergunning uitgereik, uitgevaardig, voorgeskryf, gemaak, verleen of toegestaan en enige ander stappe wat gedoen is kragtens 'n bepaling van 'n by sub-artikel (1) herroepe Wet, word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgereik, uitgevaardig, voorgeskryf, gemaak, verleen, toegestaan of gedoen te gewees het: Met dien verstande dat niks in hierdie sub-artikel vervat, uitgelê word as sou dit magtiging verleen vir die aanhouding van enige persoon vir 'n tydperk wat langer is as die tydperk waarvoor hy aangehou sou kon geword het as hierdie Wet nie aangeneem was nie.

44. Hierdie Wet heet die Wet op Toevlugte en Rehabilitasie-sentrums, 1963, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* vasstel.

Kort titel en inwerkingtreding.

No. 89, 1963.]

ACT

To apply a sum not exceeding one thousand one hundred and fifty-five million six hundred and sixteen thousand rand towards the service of the Republic, for the financial year ending on the thirty-first day of March, 1964.

*(Afrikaans text signed by the State President.)
(Assented to 4th July, 1963.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Consolidated
Revenue Fund
charged with sum
not exceeding
R831,717,000 on
Revenue Account.

1. The Consolidated Revenue Fund of the Republic is hereby charged with such sums of money as may be required for the service of the Republic for the financial year ending on the thirty-first day of March, 1964, not exceeding in the aggregate eight hundred and thirty-one million seven hundred and seventeen thousand rand on the Revenue Account as shown in column 1 of the First Schedule.

Consolidated
Revenue Fund
charged with sum
not exceeding
R24,913,000 on
Bantu Education
Account.

2. The Consolidated Revenue Fund of the Republic is further charged with such sums of money as may be required for the service of the Republic for the financial year ending on the thirty-first day of March, 1964, not exceeding in the aggregate twenty-four million nine hundred and thirteen thousand rand on the Bantu Education Account as shown in column 1 of the Second Schedule.

Consolidated
Revenue Fund
charged with sum
not exceeding
R298,986,000 on
Loan Account.

3. The Consolidated Revenue Fund of the Republic is further charged with such sums of money as may be required for the service of the Republic for the financial year ending on the thirty-first day of March, 1964, not exceeding in the aggregate two hundred and ninety-eight million nine hundred and eighty-six thousand rand on the Loan Account as shown in column 1 of the Third Schedule.

How money to
be applied.

4. The money appropriated by this Act shall be applied to the services detailed in the Schedules, and more particularly specified in the Estimates of Expenditure from Revenue Account [R.P. 1—1963 and R.P. 50—1963], the Estimates of Expenditure from Bantu Education Account [R.P. 9—1963 and R.P. 50—1963] and the Estimates of Expenditure from Loan Account [R.P. 8—1963 and R.P. 50—1963], as approved by Parliament, and to no other purpose: Provided that in the case of the sum of seventy million rand for capital expenditure on railways and harbours, shown under Loan Vote "A" in the Third Schedule, the authority granted by this Act shall be deemed to apply only to the transfer of that sum from the Consolidated Revenue Fund to the Railway and Harbour Fund, and the expenditure of the said sum shall be in accordance with any appropriation made by Parliament in that behalf.

The Minister may
approve variation.

5. With the approval of the Minister of Finance, a saving on any sub-head of a vote may be made available to meet excess expenditure on any other sub-head, or expenditure on a new sub-head of the same vote: Provided that the sums appearing in column 2 of the Schedules shall not be exceeded, nor shall savings thereon be available for any purpose other than that for which the money is hereby granted as indicated in the said Schedules.

Short title.

6. This Act shall be called the Appropriation Act, 1963.

No. 89, 1963.]

WET

Tot aanwending van 'n som van hoogstens eenduisend eenhonderd vyf-en-vyftigmiljoen seshonderd-en-sestienduisend rand vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1964 eindig.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 4 Julie 1963.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Die Gekonsolideerde Inkomstefonds van die Republiek word hierby belas met die somme geld wat nodig is vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1964 eindig, maar gesamentlik hoogstens agthonderd een-en-dertigmiljoen sewehonderd-en-seventienduisend rand op die Inkomsterekening, soos uiteengesit in kolom 1 van die Eerste Bylae.

Gekonsolideerde Inkomstefonds belas met som van hoogstens R831,717,000 op Inkomsterekening.

2. Die Gekonsolideerde Inkomstefonds van die Republiek word verder belas met die somme geld wat nodig is vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1964 eindig, maar gesamentlik hoogstens vier-en-twintigmiljoen nege-honderd-en-dertienduisend rand op die Bantoe-onderwysrekening, soos uiteengesit in kolom 1 van die Tweede Bylae.

Gekonsolideerde Inkomstefonds belas met som van hoogstens R24,913,000 op Bantoe-onderwysrekening.

3. Die Gekonsolideerde Inkomstefonds van die Republiek word verder belas met die somme geld wat nodig is vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1964 eindig, maar gesamentlik hoogstens tweehonderd agt-en-negentigmiljoen nege-honderd ses-en-tagtigduisend rand op die Leningsrekening, soos uiteengesit in kolom 1 van die Derde Bylae.

Gekonsolideerde Inkomstefonds belas met som van hoogstens R298,986,000 op Leningsrekening.

4. Die geld wat deur hierdie Wet beskikbaar gestel word, moet aangewend word vir die dienste in besonderhede in die Bylaes vermeld en meer omstandig uiteengesit in die Begroting van Uitgawes uit Inkomsterekening [R.P. 1—1963 en R.P. 50—1963], die Begroting van Uitgawes uit Bantoe-onderwysrekening [R.P. 9—1963 en R.P. 50—1963], en die Begroting van Uitgawes uit Leningsrekening [R.P. 8—1963 en R.P. 50—1963], soos deur die Parlement goedgekeur, en vir geen ander doel nie: Met dien verstande dat, in die geval van die som van sewentigmiljoen rand aan kapitaaluitgawe aan spoorweë en hawens, wat voorkom onder Leningsbegrotingspos „A” in die Derde Bylae, die magtiging by hierdie Wet verleen, geag word van toepassing te wees slegs op die oordrag van daardie som van die Gekonsolideerde Inkomstefonds na die Spoorweg- en Hawefonds, en die besteding van gemelde som moet plaasvind ooreenkomstig 'n beskikbaarstelling van die Parlement wat daarop betrekking het.

Hoe die geld bestee moet word.

5. Met goedkeuring van die Minister van Finansies kan 'n besparing onder die een sub-hoof van 'n begrotingspos aangewend word tot dekking van uitgawes bo die gemagtigde bedrag onder 'n ander sub-hoof, of van uitgawes onder 'n nuwe sub-hoof van dieselfde begrotingspos: Met dien verstande dat die somme wat in kolom 2 van die Bylaes voorkom, nie oorskry mag word nie, en besparings daarop ewemin aangewend mag word vir enige ander doel as dié waarvoor die geld hierby toegestaan word soos in gemelde Bylaes aangedui.

Die Minister kan afwyking goedkeur.

6. Hierdie Wet heet die Begrotingswet, 1963.

Kort titel.

First Schedule.

(CHARGEABLE TO REVENUE ACCOUNT.)

No.	Vote. Designation.	Column 1.	Column 2.
		R	R
1.	State President	88,000	
2.	Senate	282,000	
	Including—		
	Expense and entertainment allow- ance		1,000
	Official entertainment		200
3.	House of Assembly	792,000	
	Including—		
	Expense and entertainment allow- ance		1,000
	Official entertainment		200
4.	Prime Minister	206,000	
	Including—		
	Official entertainment		600
5.	Lands	1,655,000	
	Including—		
	Official entertainment		200
	Grant-in-aid to National Parks Board		100,000
6.	Deeds Offices	825,000	
7.	Surveys	1,745,000	
8.	Forestry	1,300,000	
	Including—		
	Official entertainment		200
	Grants-in-aid:		
	Wattle Research Institute, Uni- versity of Natal		20,000
	University of Stellenbosch for research		40,000
	Timber and Allied Materials Development Association		5,000
	South African Wood Promotion Council		1,000
9.	Public Works	22,068,000	
	Including—		
	Official entertainment		200
	Financial assistance:		
	Simonstown Municipality		90,000
	Board of Control, Huguenot Monument		2,230
	Grant-in-aid to Control Board: Voortrekker Monument		30,200
10.	Foreign Affairs	3,890,000	
11.	Treasury	1,038,000	
	Including—		
	Official entertainment		670
12.	Public Debt	49,487,000	
13.	Provincial Administrations	156,377,000	
14.	South Africa House, London (Adminis- trative Services)	690,000	
15.	South African Mint	1,991,000	
	Including—		
	Official entertainment		120
16.	Inland Revenue	4,689,000	
	Including—		
	Official entertainment		200
17.	Customs and Excise	6,581,000	
	Including—		
	Official entertainment		200
18.	Audit	984,000	
	Including—		
	Official entertainment		200
19.	Transport	17,265,000	
	Including—		
	Official entertainment		540
	Purchase of motor vehicles		3,650,000
	Navigational aid equipment		292,500
	Grants-in-aid:		
	S.A. Tourist Corporation		536,300
	S.A. Road Safety Council		150,000
	Scott Polar Research Institute		600
	Contribution towards Level Cross- ing Elimination Fund		500,000
20.	Social Welfare and Pensions	80,030,000	
	Including—		
	Official entertainment		200
	Child Welfare:		
	Special grants-in-aid		16,000
	Rescue Home, Bloemfontein		400
	Subsidies to social centres		38,000
	Grant-in-aid to Salvation Army		2,200
21.	Interior	2,236,000	
	Including—		
	Official entertainment		200
22.	Public Service Commission	1,180,000	
	Including—		
	Official entertainment		800
23.	Printing and Stationery	4,790,000	
	Including—		
	Official entertainment		100

Eerste Bylae.

(TEN LASTE VAN INKOMSTEREKENING.)

No.	Begrotingspos. Benaming.	Kolom 1.	Kolom 2.
		R	R
1.	Staatspresident	88,000	
2.	Senaat	282,000	
	Met inbegrip van—		
	Uitgawe- en onthaaltoelae ..		1,000
	Amptelike onthaal		200
3.	Volksraad	792,000	
	Met inbegrip van—		
	Uitgawe- en onthaaltoelae ..		1,000
	Amptelike onthaal		200
4.	Eerste Minister	206,000	
	Met inbegrip van—		
	Amptelike onthaal		600
5.	Lande	1,655,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Hulptoelae aan Nasionale Parke- raad		100,000
6.	Aktekantore	825,000	
7.	Opmetings	1,745,000	
8.	Bosbou	1,300,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Hulptoelae:		
	Wattelnavoringsinstituut, Uni- versiteit van Natal		20,000
	Universiteit van Stellenbosch vir navorsing		40,000
	Timber and Allied Materials Development Association ..		5,000
	Suid-Afrikaanse Raad vir Hout- bevordering		1,000
9.	Publieke Werke	22,068,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Finansiële hulp:		
	Munisipaliteit van Simonstad ..		90,000
	Raad van Beheer, Hugenote- monument		2,230
	Hulptoelae aan Beheerraad van die Voortrekkermonument		30,200
10.	Buitelandse Sake	3,890,000	
11.	Tesourie	1,038,000	
	Met inbegrip van—		
	Amptelike onthaal		670
12.	Staatskuld	49,487,000	
13.	Provinsiale Administrasies ..	156,377,000	
14.	Suid-Afrika-huis, Londen (Admini- stratiewe Dienste)	690,000	
15.	Suid-Afrikaanse Munt	1,991,000	
	Met inbegrip van—		
	Amptelike onthaal		120
16.	Binnelandse Inkomste	4,689,000	
	Met inbegrip van—		
	Amptelike onthaal		200
17.	Doane en Aksyns	6,581,000	
	Met inbegrip van—		
	Amptelike onthaal		200
18.	Ouditeursdepartement	984,000	
	Met inbegrip van—		
	Amptelike onthaal		200
19.	Vervoer	17,265,000	
	Met inbegrip van—		
	Amptelike onthaal		540
	Aankoop van motorvoertuie ..		3,650,000
	Lugnavigasiehulpuitrusting ..		292,500
	Hulptoelae:		
	S.A. Toeristekorporasie		536,300
	S.A. Padveiligheidsraad		150,000
	Scott Poolnavorsingsinstituut ..		600
	Bydrae tot Fonds ter Uitskake- ling van Spoorroorgange		500,000
20.	Volkswelsyn en Pensioene	80,030,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Kindersorg:		
	Spesiale hulptoelae		16,000
	Reddingshuis, Bloemfontein ..		400
	Subsidies aan maatskaplike sen- trums		38,000
	Hulptoelae aan Heilsleër		2,200
21.	Binnelandse Sake	2,236,000	
	Met inbegrip van—		
	Amptelike onthaal		200
22.	Staatsdienskommissie	1,180,000	
	Met inbegrip van—		
	Amptelike onthaal		800
23.	Drukwerk en Skryfbehoeftes ..	4,790,000	
	Met inbegrip van—		
	Amptelike onthaal		100

No.	Vote.	Column 1.	Column 2.
	Designation.		
		R	R
24.	Education, Arts and Science	27,813,000	
	Including—		
	Official entertainment		300
	Grants-in-aid:		
	School funds		40
	National Council for Social Research		170,000
	International Africa Institute		800
	School broadcasting service		1,500
	Overseas study		2,000
	Natural and Historical Monuments Commission		14,000
	Simon van der Stel Foundation		4,000
	Abbé Breuil Trust		1,000
	Africa Institute		30,000
	Huguenot College, Wellington		10,000
	South African War Graves Board		50,000
	South African Institute, Amsterdam		1,500
	State-aided Institutions		624,910
	Physical education, Adult education, Advancement of art, etc.		416,090
25.	Schools of Industries and Reform Schools	2,061,000	
	Including—		
	Grants-in-aid to school funds:		
	Schools of Industries		2,000
	Reform Schools		200
26.	Bantu Administration and Development	20,190,000	
	Including—		
	Official entertainment		300
	Secret services		500
	Subsidies to social centres		3,200
	Grant-in-aid to the South African Native Trust Fund		1,150,000
27.	Agricultural Technical Services: Administration and National Services	10,058,000	
	Including—		
	Official entertainment		200
	Grants-in-aid to Agricultural Societies		8,000
	Subsidy to the National Veld Trust		10,000
28.	Agricultural Technical Services: Regional Services and Education	9,792,000	
	Including—		
	Grant-in-aid to Central Land Service Fund		400
	Agricultural scholarships and bursaries		8,000
29.	Water Affairs	8,725,000	
	Including—		
	Official entertainment		300
	Welfare and recreational grants		10,000
30.	Bantu Education: Ministry and Special Schools	229,000	
31.	Indian Affairs	2,977,000	
	Including—		
	Official entertainment		200
	Donations to community centres, societies and institutions and grants-in-aid to educational and sports organisations		10,000
	Child Welfare: Special grants-in-aid		1,000
32.	Commerce and Industries	11,715,000	
	Including—		
	Official entertainment		1,120
	Grant-in-aid to the National Development and Management Foundation of S.A.		4,000
	Contributions:		
	S.A. Council for Scientific and Industrial Research		6,335,000
	S.A. Bureau of Standards		1,758,000
33.	Bureau of Census and Statistics	1,180,000	
	Including—		
	Official entertainment		150
34.	Mines	7,525,000	
	Including—		
	Official entertainment		700
	Miscellaneous disbursements by General Manager, State Alluvial Diggings		300
	Grants-in-aid:		
	Chamber of Mines (Springkell) Sanatorium		10,000
	Recreation Association—State Alluvial Diggings		1,800

Begrotingspos.		Kolom 1.	Kolom 2.
No.	Benaming.		
		R	R
24.	Onderwys, Kuns en Wetenskap ..	27,813,000	
	Met inbegrip van—		
	Amptelike onthaal		300
	Hulptoelaes:		
	Skoolfondse		40
	Nasionale Raad vir Sosiale Navorsing		170,000
	Internasionale Afrika-instituut		800
	Uitsaaidiens vir skole		1,500
	Buitelandse studie		2,000
	Kommissie vir Natuurlike en Historiese Monumente		14,000
	Stigting Simon van der Stel		4,000
	Abbé Breuil-trust		1,000
	Afrika-instituut		30,000
	Hugenote Kollege, Wellington		10,000
	Raad vir Suid-Afrikaanse Oorlogsgrafte		50,000
	Suid-Afrikaanse Instituut, Amsterdam		1,500
	Staatsondersteunde Inrigtings		624,910
	Liggaamlike opvoeding, Volwassene-opvoeding, Kunsbevordering, ens.		416,090
25.	Nywerheid- en Verbeteringskole ..	2,061,000	
	Met inbegrip van—		
	Hulptoelaes aan skoolfondse:		
	Nywerheidskole		2,000
	Verbeteringskole		200
26.	Bantoe-administrasie en -ontwikkeling ..	20,190,000	
	Met inbegrip van—		
	Amptelike onthaal		300
	Geheime dienste		500
	Subsidies aan maatskaplike sentrums		3,200
	Hulptoelae aan die Suid-Afrikaanse Naturelletrustfonds		1,150,000
27.	Landbou-tegniese Dienste: Administrasie en Nasionale Dienste	10,058,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Hulptoelaes aan Landbouverenigings		8,000
	Subsidie aan die Nasionale Veldtrust		10,000
28.	Landbou-tegniese Dienste: Streekdiens- te en Onderwys	9,792,000	
	Met inbegrip van—		
	Hulptoelae aan Sentrale Landsdiensfonds		400
	Landboustudiebeurse		8,000
29.	Waterwese	8,725,000	
	Met inbegrip van—		
	Amptelike onthaal		300
	Welsyns- en ontspanningstoekenings		10,000
30.	Bantoe-onderwys: Ministerie en Spesiale skole	229,000	
31.	Indiërsake	2,977,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Skenkings aan gemeenskapsentrums, verenigings en inrigtings, en hulptoelaes aan opvoedkundige en sportorganisasies		10,000
	Kindersorg: Spesiale hulptoelaes		1,000
32.	Handel en Nywerheid	11,715,000	
	Met inbegrip van—		
	Amptelike onthaal		1,120
	Hulptoelae aan die Nasionale Ontwikkelings- en Bestuursgenootskap van S.A.		4,000
	Bydraes:		
	S.A. Wetenskaplike en Nywerheidsnavorsingsraad		6,335,000
	S.A. Buro vir Standaarde		1,758,000
33.	Buro vir Sensus en Statistiek	1,180,000	
	Met inbegrip van—		
	Amptelike onthaal		150
34.	Mynwese	7,525,000	
	Met inbegrip van—		
	Amptelike onthaal		700
	Diverse uitbetalings deur die Algemene Bestuurder, Alluwiale Staatsdelwerye		300
	Hulptoelaes:		
	Kamer van Mynwese (Springkell) Sanatorium		10,000
	Ontspanningsklub — Alluwiale Staatsdelwerye		1,800

Vote.		Column 1.	Column 2.
No.	Designation.	R	R
35.	Posts, Telegraphs and Telephones ..	69,904,000	
	Including—		
	Purchase of motor vehicles ..		905,000
	Official entertainment ..		400
	Departmental entertainment ..		400
	Grants-in-aid:		
	S.A. Institute of Electrical Engineers ..		50
	Postal Services Sports Association ..		4,000
36.	Health ..	21,368,000	
	Including—		
	Official entertainment ..		360
	Grant-in-aid to the National Council for Mental Health ..		35,000
	Lovedale Institute ..		5,400
	Cape Province Tuberculosis Council ..		600
	Council for combating Venereal Diseases (Cape Town) ..		200
	Grants-in-aid in terms of Section 135 of Act No. 36 of 1919:		
	Bureau of Hygiene and Tropical Diseases ..		1,500
	S.A. Institute for Medical Research ..		15,000
	Poliomyelitis Research Foundation ..		20,000
	University of Pretoria for leprosy research ..		3,000
	Lady Buxton Home, Cape Town ..		9,000
	S.A. National Council for Maternal and Family Welfare ..		10,000
	Training of sanitary inspectors ..		5,800
	S.A. Noodhulpliga, S.A. Red Cross Society and St. John Ambulance Brigade ..		3,900
	S.A. Nursing Association ..		1,200
	Dental clinics and voluntary out-patient services ..		80,000
	National Cancer Association of S.A. ..		200
	Transvaal Society for the Care of Non-White Blind ..		800
	Financial assistance in terms of Section 50 (1) (f) of Act No. 36 of 1919: Capital expenditure ..		150,000
37.	Health: Hospitals and Institutions ..	12,455,000	
38.	Agricultural Economics and Marketing: Administration ..	1,830,000	
	Including—		
	Official entertainment ..		200
39.	Agricultural Economics and Marketing: General ..	37,812,000	
40.	State Advances Recoveries Office ..	350,000	
41.	Defence ..	121,654,000	
	Including—		
	Official entertainment ..		200
	Military intelligence service ..		159,000
	Grants-in-aid:		
	S.A.D.F. recreation fund ..		5,000
	S.A. Red Cross Society, St. John Ambulance Brigade and S.A. Noodhulpliga ..		9,000
	International Committee of the Red Cross ..		6,000
42.	Labour ..	6,741,000	
	Including—		
	Official entertainment ..		740
43.	Immigration ..	3,444,000	
	Including—		
	Official entertainment ..		200
	Grants-in-aid to approved organisations for after-care of immigrants:		
	Maatskappy vir Europese Immigrasie ..		24,000
	1820 Memorial Settlers' Association of Southern Africa ..		24,000
	Miscellaneous ..		12,000
44.	Coloured Affairs ..	18,650,000	
	Including—		
	Official entertainment ..		200
	Child Welfare:		
	Special grants-in-aid ..		20,000
	Subsidies to social centres ..		16,500
	Grants-in-aid to school funds:		
	School of Industries ..		480
	Reform Schools ..		740
	Grants-in-aid to educational and sports organisations ..		20,000

No.	Begrotingspos.	Kolom 1.	Kolom 2.
	Benaming.		
		R	R
35.	Pos-, Telegraaf- en Telefoonwese ..	69,904,000	
	Met inbegrip van—		
	Aankoop van motorvoertuie ..		905,000
	Amptelike onthaal		400
	Departementele onthaal		400
	Hulptoelaes:		
	S.A. Instituut van Elektrotegniese Ingenieurs		50
	Posdienstesportvereniging ..		4,000
36.	Gesondheid	21,368,000	
	Met inbegrip van—		
	Amptelike onthaal		360
	Hulptoelaes aan die Nasionale Raad vir Geestesgesondheid ..		35,000
	Lovedale-instituut		5,400
	Teringraad van die Kaapprovinsie Raad vir die bestryding van Veneriese Siektes (Kaapstad) ..		600
	Hulptoelaes kragtens Artikel 135 van Wet No. 36 van 1919:		200
	Buro van Higiëne en Tropiese Siektes		1,500
	S.A. Instituut vir Mediese navorsing		15,000
	Poliomiëlitis-navorsingstigting		20,000
	Universiteit van Pretoria vir leprose-navorsing		3,000
	Lady Buxton Home, Kaapstad		9,000
	S.A. Nasionale Raad vir Moeder- en Gesinswelsyn		10,000
	Opleiding van Gesondheidsinspekteurs		5,800
	S.A. Noodhulpiga, S.A. Rooikruisvereniging en St. John-ambulansbrigade		3,900
	S.A. Verpleegstersvereniging ..		1,200
	Tandheelkundige klinieke en vrywillige buite-pasiëntdienste		80,000
	Nasionale Kankervereniging van S.A.		200
	Transvaalse Vereniging vir die versorging van nie-blanke blindes		800
	Finansiële hulp kragtens artikel 50 (1) (f) van Wet No. 36 van 1919:		
	Kapitaaluitgawes		150,000
37.	Gesondheid: Hospitale en Inrigtings ..	12,455,000	
38.	Landbou-ekonomie en -bemarking: Administrasie	1,830,000	
	Met inbegrip van—		
	Amptelike onthaal		200
39.	Landbou-ekonomie en -bemarking: Algemeen	37,812,000	
40.	Kantoor tot Invordering van Staatsvoorskotte	350,000	
41.	Verdediging	121,654,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Militêre inligtingsdiens		159,000
	Hulptoelaes:		
	S.A.W.-ontspanningsfonds		5,000
	S.A. Rooikruisvereniging, St. John-ambulansbrigade en S.A. Noodhulpiga		9,000
	Internasionale Komitee van die Rooikruis		6,000
42.	Arbeid	6,741,000	
	Met inbegrip van—		
	Amptelike onthaal		740
43.	Immigrasie	3,444,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Hulptoelaes aan goedgekeurde organisasies vir nasorg van immigrante:		
	Maatskappy vir Europese Immigrasie		24,000
	1820 Memorial Settlers' Association of Southern Africa		24,000
	Diverse		12,000
44.	Kleurlingsake	18,650,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Kindersorg:		
	Spesiale hulptoelaes		20,000
	Subsidies aan maatskaplike sentrums		16,500
	Hulptoelaes aan skoolfondse:		
	Nywerheidskool		480
	Verbeteringskole		740
	Hulptoelaes aan opvoedkundige en sportorganisasies		20,000

Vote.		Column 1.	Column 2.
No.	Designation.		
		R	R
45.	Community Development Including—	1,310,000	
	Official entertainment		200
46.	Housing Including—	4,156,000	
	Official entertainment		300
47.	Justice Including—	9,848,000	
	Official entertainment		650
48.	Prisons Including—	11,062,000	
	Official entertainment		200
49.	Police Including—	45,870,000	
	Purchase of motor vehicles		1,942,000
	Grant-in-aid to Recreation and Benevolent Fund		5,000
	Official entertainment		200
	Secret services		25,000
	Purchase of material		30,000
50.	Information Including—	2,780,000	
	Secret services		500
51.	Tourism Including—	29,000	
	Official entertainment		200
	Total	R 831,717,000	

Second Schedule.

(CHARGEABLE TO BANTU EDUCATION ACCOUNT.)

Vote.		Column 1.	Column 2.
No.	Designation.		
	Bantu Education	R 24,913,000	R
	Including— Official entertainment		200

Third Schedule.

(CHARGEABLE TO LOAN ACCOUNT.)

Vote.		Column 1.	Column 2.
No.	Designation.		
		R	R
A.	Miscellaneous Loans and Services ..	103,445,000	
	Including—		
	Transfer of moneys to the Railway and Harbour Fund		70,000,000
B.	Public Works	19,861,000	
C.	Telegraphs, Telephones and Radio Services	23,038,000	
D.	Lands and Settlements	10,410,000	
E.	Water Affairs	20,297,000	
F.	Forestry	9,600,000	
G.	Agricultural Technical Services	1,100,000	
H.	State Advances Recoveries Office	5,400,000	
J.	Commerce and Industries	21,839,000	
K.	Housing	22,000,000	
L.	Transport	400,000	
M.	Education, Arts and Science	2,359,000	
N.	Bantu Administration and Develop- ment	25,596,000	
	Including—		
	Grant-in-aid to the South African Native Trust Fund		25,000,000
O.	Community Development	5,500,000	
P.	Coloured Affairs	642,000	
Q.	Bantu Education	1,188,000	
R.	Agricultural Economics and Marketing	200,000	
S.	Defence	26,111,000	
	Total	R 298,986,000	

SUMMARY.

Amount chargeable to Revenue Account	R831,717,000
Amount chargeable to Bantu Education Account	24,913,000
Amount chargeable to Loan Account	298,986,000
Total	<u>R1,155,616,000</u>

Begrotingspos.		Kolom 1.	Kolom 2.
No.	Benaming.		
		R	R
45.	Gemeenskapsbou	1,310,000	
	Met inbegrip van—		
	Amptelike onthaal		200
46.	Behuising	4,156,000	
	Met inbegrip van—		
	Amptelike onthaal		300
47.	Justisie	9,848,000	
	Met inbegrip van—		
	Amptelike onthaal		650
48.	Gevangenisne	11,062,000	
	Met inbegrip van—		
	Amptelike onthaal		200
49.	Polisie	45,870,000	
	Met inbegrip van—		
	Aankoop van motorvoertuie ..		1,942,000
	Hulptoelae aan Ontspannings- en		
	Weldadigheidsfonds		5,000
	Amptelike onthaal		200
	Geheime dienste		25,000
	Aankoop van materiaal		30,000
50.	Inligting	2,780,000	
	Met inbegrip van—		
	Geheime dienste		500
51.	Toerisme	29,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Totaal	R 831,717,000	

Tweede Bylae.

(TEN LASTE VAN BANTOE-ONDERWYSREKENING.)

Begrotingspos.		Kolom 1.	Kolom 2.
No.	Benaming.		
		R	R
	Bantoe-onderwys	24,913,000	
	Met inbegrip van—		
	Amptelike onthaal		200

Derde Bylae.

(TEN LASTE VAN LENINGSREKENING.)

Begrotingspos.		Kolom 1.	Kolom 2.
No.	Benaming.		
		R	R
A.	Diverse Lenings en Dienste	103,445,000	
	Met inbegrip van—		
	Oordrag van gelde na die Spoor- weg- en Hawefonds		70,000,000
B.	Publieke Werke	19,861,000	
C.	Telegraaf-, Telefoon- en Radiodienste	23,038,000	
D.	Lande en Nedersettings	10,410,000	
E.	Waterwese	20,297,000	
F.	Bosbou	9,600,000	
G.	Landbou-tegniese Dienste	1,100,000	
H.	Kantoor tot Invordering van Staats- voorskotte	5,400,000	
J.	Handel en Nywerheid	21,839,000	
K.	Behuising	22,000,000	
L.	Vervoer	400,000	
M.	Onderwys, Kuns en Wetenskap ..	2,359,000	
N.	Bantoe-administrasie en -ontwikkeling	25,596,000	
	Met inbegrip van—		
	Hulptoelae aan die Suid-Afrikaan- se Natureltrustfonds		25,000,000
O.	Gemeenskapsbou	5,500,000	
P.	Kleurlingsake	642,000	
Q.	Bantoe-onderwys	1,188,000	
R.	Landbou-ekonomie en -bemarking ..	200,000	
S.	Verdediging	26,111,000	
	Totaal	R 298,986,000	

SAMEVATTING.

Bedrag ten laste van Inkomsterekening ..	..	R831,717,000
Bedrag ten laste van Bantoe-onderwysrekening	..	24,913,000
Bedrag ten laste van Leningsrekening ..	..	298,986,000
Totaal	..	R1,155,616,000