

BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1045.] [12 Julie 1963.

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

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DEPARTMENT OF THE PRIME MINISTER.

No. 1045.] [12th 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. 87, 1963.]

ACT

To determine and define the territorial waters and the fishing zone of the Republic of South Africa and the territory of South-West Africa and to provide for the exploitation of certain natural resources of the continental shelf of the Republic and of the said territory and for other incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 29th June, 1963.)

WHEREAS the rules which in the past applied in connection with the extent of the territorial waters of a State are no longer generally acceptable;

AND WHEREAS it is in the circumstances expedient to determine and define the territorial waters and the fishing zone of the Republic of South Africa and of the territory of South-West Africa;

AND WHEREAS it is expedient to provide for the exploitation of certain natural resources of the continental shelf of the Republic and of the territory of South-West Africa:

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

Definition
of terms.

1. In this Act, unless the context otherwise indicates—
 - (i) "fish" means the living resources of the sea; (iv)
 - (ii) "low-water mark" means the lowest line to which the water of the sea recedes during periods of ordinary spring tides; (i)
 - (iii) "Republic" includes the territory of South-West Africa; (ii)
 - (iv) "sea" means the water and the bed of the sea. (iii)

Territorial
waters of
Republic.

2. The sea within a distance of six nautical miles from low-water mark shall be territorial waters of the Republic.

Fishing zone.

3. The sea outside the territorial waters of the Republic, but within a distance of twelve nautical miles from low-water mark, shall constitute a fishing zone in respect of which the Republic shall in relation to fish and the catching of fish have and exercise the same rights and powers as in respect of its territorial waters as defined in section *two*.

Application of
certain laws in
fishing zone.

4. The Republic shall have the right to exercise in the fishing zone as defined in section *three* any powers which may be considered necessary to prevent contravention of any fiscal law or any customs, emigration, immigration or sanitary law.

Application of
laws relating to
territorial
waters, etc.

5. Any law relating to the territorial waters of the Republic or to the sea within a distance of three miles or three nautical miles from low-water mark, shall apply—

- (a) in respect of the territorial waters of the Republic as defined in section *two*; or
- (b) in so far as such law relates to fish or fishing, in respect of the fishing zone as defined in section *three*.

Determination
of territorial
waters and
fishing zone
in special cases.

6. (1) In the determination of the extent of the territorial waters of the Republic referred to in section *two*, the rules contained in the Convention on the Territorial Sea and the Contiguous Zone signed at Geneva on the twenty-ninth day of April, 1958, shall apply.

(2) The rules referred to in sub-section (1) shall *mutatis mutandis* be applied also in the determination of the extent of the fishing zone referred to in section *three*.

Exploitation of
natural resources
of, and application
of laws relating to
mining, precious
stones, etc., to
continental shelf.

7. The continental shelf as defined in the Convention on the Continental Shelf signed at Geneva on the twenty-ninth day of April, 1958, or as it may from time to time be defined by international convention accepted by the Republic, shall be deemed to be part of the Republic for the purposes of the exploitation of natural resources as defined in such con-

No. 87, 1963.]

WET

Om die territoriale waters en die visserysone van die Republiek van Suid-Afrika en van die gebied Suidwes-Afrika te bepaal en te omskryf, en om vir die ontginning van sekere natuurlike hulpbronne van die vastelandsplat van die Republiek en van bedoelde gebied en vir ander bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 29 Junie 1963.)

NADEMAAL die reëls wat in die verlede in verband met die omvang van die territoriale waters van 'n Staat gegeld het, nie meer algemeen aanvaarbaar is nie;

EN NADEMAAL dit onder die omstandighede raadsaam is om die territoriale waters en die visserysone van die Republiek van Suid-Afrika asook van die gebied Suidwes-Afrika te bepaal en te omskryf;

EN NADEMAAL dit raadsaam is om voorsiening te maak vir die ontginning van sekere natuurlike hulpbronne van die vastelandsplat van die Republiek en van die gebied Suidwes-Afrika:

WORD DAAR DERHALWE 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) „laagwatermerk” die laagste lyn tot waar die water van die see gedurende tydperke van gewone springgetye sak; (ii)
- (ii) „Republiek” ook die gebied Suidwes-Afrika; (iii)
- (iii) „see” die water en die bedding van die see; (iv)
- (iv) „vis” die lewende hulpbronne van die see. (i)

2. Die see binne 'n afstand van ses seemyle vanaf laagwatermerk is territoriale waters van die Republiek. Territoriale waters van Republiek.

3. Die see buite die territoriale waters van die Republiek, maar binne 'n afstand van twaalf seemyle vanaf laagwatermerk, maak 'n visserysone uit ten opsigte waarvan die Republiek met betrekking tot vis en die vang van vis dieselfde regte en bevoegdhede besit en uitoefen as ten opsigte van sy territoriale waters soos in artikel twee omskryf. Visserysone.

4. Die Republiek het die reg om in die visserysone soos in artikel drie omskryf enige bevoegdhede uit te oefen wat nodig geag word om oortreding van enige fiskale wet of enige wetsbepaling op doeane, emigrasie, immigrasie of sanitasie te verhoed. Toepassing van sekere wette in visserysone.

5. Enige wetsbepaling wat op die territoriale waters van die Republiek of op die see binne 'n afstand van drie myl of drie seemyle vanaf laagwatermerk betrekking het, is van toepassing— Toepassing van wette oor territoriale waters, ens.

- (a) ten opsigte van die territoriale waters van die Republiek soos in artikel twee omskryf; of
- (b) vir sover so 'n wetsbepaling op vis of visvang betrekking het, ten opsigte van die visserysone soos in artikel drie omskryf.

6. (1) By die bepaling van die omvang van die in artikel twee bedoelde territoriale waters van die Republiek, geld die reëls vervat in die Konvensie oor die Territoriale See en die Aangrensende Sone geteken te Genève op die nege-en-twintigste dag van April 1958. Bepaling van omvang van territoriale waters en visserysone in besondere omstandighede.

(2) Dié in sub-artikel (1) bedoelde reëls word ook *mutatis mutandis* by die bepaling van die omvang van dié in artikel drie bedoelde visserysone toegepas.

7. Die vastelandsplat soos omskryf in die Konvensie oor die Vastelandsplat geteken te Genève op die nege-en-twintigste dag van April 1958, of soos dit van tyd tot tyd by internasionale konvensie, deur die Republiek aanvaar, omskryf mag word, word deel van die Republiek geag vir die doeleindes van die ontginning van natuurlike hulpbronne soos in bedoelde konvensie omskryf, Ontginning van natuurlike hulpbronne van, en toepassing van wette op mynbou, edelgesteentes, ens., op vastelandsplat

vention, and of any law relating to mining, precious stones, metals or minerals, including natural oil, which applies in that part of the Republic which adjoins such continental shelf, and for the purposes of any such law the said continental shelf shall be deemed to be unalienated State land.

Application to South-West Africa. 8. This Act shall apply also in respect of the territory of South-West Africa.

Short Title. 9. This Act shall be called the Territorial Waters Act, 1963.

en van enige wetsbepaling op mynbou, edelgesteentes, metale of minerale, met inbegrip van aardolie, wat geld in dié deel van die Republiek wat aan bedoelde vastelandsplat grens, en by die toepassing van so 'n wetsbepaling word bedoelde vastelandsplat geag onvervreemde Staatsgrond te wees.

8. Hierdie Wet is ook van toepassing ten opsigte van die gebied Suidwes-Afrika. Toepassing op Suidwes-Afrika.

9. Hierdie Wet heet die Wet op Territoriale Waters, 1963. Kort titel.

No. 88, 1963.]

ACT

To amend the Liquor Act, 1928.

(English text signed by the State President.)

(Assented to 29th 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 5 of Act 30 of 1928, as amended by section 2 of Act 41 of 1934.

1. Section five of the Liquor Act, 1928 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the addition at the end of paragraph (b) of sub-section (1) of the words “or any chemist and druggist selling not more than eight fluid ounces of rectified spirits or absolute alcohol for *bona fide* medicinal use;”;
- (b) by the substitution for paragraph (c) of sub-section (1) of the following paragraph:

“(c) any person selling *bona fide* for medicinal purposes and in reasonable quantities for consumption as medicine, under any general dealer’s licence or other licence permitting such sale, any patent, proprietary or Dutch medicine which contains liquor and which has been declared under section *one hundred and thirty-one* to be an intoxicating medicine: Provided that any such intoxicating medicine shall be kept, sold or supplied only in accordance with the provisions of the said section and the regulations framed thereunder;”;
- (c) by the substitution in sub-section (2) for the words “Railways and Harbours Regulation, Control and Management Act, 1916 (Act No. 22 of 1916)” of the words “Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957).”.

Amendment of section 6 of Act 30 of 1928, as amended by section 3 of Act 41 of 1934, section 1 of Act 39 of 1937, section 2 of Act 72 of 1961 and section 1 of Act 89 of 1962.

2. Section six of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) of sub-section (1) for the words “canteen referred to in section *eleven* of the South Africa Defence Act Amendment Act, 1922 (Act No. 22 of 1922)” of the words “certified institution referred to in section *one hundred and forty-nine* of the Defence Act, 1957 (Act No. 44 of 1957);”;
- (b) by the substitution in paragraph (c) of the said sub-section for the word “Director” of the word “Commissioner”;
- (c) by the substitution in sub-paragraph (i) of paragraph (d) of the said sub-section for the words “Act No. 22 of 1916” of the words “the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957);”;
- (d) by the substitution in sub-section (2) for the words “Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913)” of the words “Wine, Spirits and Vinegar Act, 1957 (Act No. 25 of 1957),” and by the substitution in the said sub-section for the words “wine or brandy as defined in section *six*” of the words “wine as defined in section *two* or brandy as defined in section *eight*”;
- (e) by the deletion in sub-paragraph (a) of paragraph (iv) of the proviso to the said sub-section of the words “and the price at which it has been sold”; and
- (f) by the deletion of sub-paragraphs (b) and (c) of the said paragraph.

Amendment of section 8 of Act 30 of 1928.

3. Section eight of the principal Act is hereby amended—

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

“(vi) grocers’ wine licences;”;
- (b) by the addition to paragraph (b) of the said sub-section of the following sub-paragraph:

“(ix) meal time wine and malt licences.”.

WET

Tot wysiging van die Drankwet, 1928.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 29 Junie 1963.)

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

1. Artikel vyf van die Drankwet, 1928 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur aan die end van paragraaf (b) van sub-artikel (1) die woorde „of ’n apteker wat hoogstens agt vloeistofonse gerektifiseerde spieritus of suiwer alkohol vir *bona fide* gebruik as geneesmiddel verkoop;” by te voeg;
 - (b) deur paragraaf (c) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(c) iemand wat gepatenteerde, private of Hollandse medisyne wat drank bevat en wat kragtens artikel honderd-een-en-dertig tot bedwelmende medisyne verklaar is, te goeder trou as geneesmiddel en in redelike hoeveelhede om as medisyne gebruik te word, verkoop kragtens ’n algemene handelaars-lisensie of ’n ander lisensie wat die verkoop veroor-loof: Met die verstande dat sodanige bedwelmende medisyne alleen volgens die bepalinge van ge-noemde artikel en die regulasies daarkragtens uit-gevaardig, aangehou, verkoop of verstrekk mag word;” en
 - (c) deur in sub-artikel (2) die woorde „Spoorwegin Havens Reglement, Bestuur en Beheer Wet, 1916 (Wet No. 22 van 1916)” deur die woorde „Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957).” te vervang.
2. Artikel ses van die Hoofwet word hierby gewysig—
 - (a) deur in paragraaf (a) van sub-artikel (1) die woorde „winkel vermeld in artikel elf van die „Zuid-Afrika Verdedigings Wet Wijzigings Wet, 1922” (Wet No. 22 van 1922)” deur die woorde „gesertifiseerde inrigting in artikel honderd-nege-en-veertig van die Verde-digingswet, 1957 (Wet No. 44 van 1957), bedoel;” te vervang;
 - (b) deur in paragraaf (c) van gemelde sub-artikel die woord „Direkteur” deur die woord „Kommissaris” te vervang;
 - (c) deur in sub-paragraaf (i) van paragraaf (d) van gemelde sub-artikel die woorde „Wet No. 22 van 1916” deur die woorde „die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957);” te vervang;
 - (d) deur in sub-artikel (2) die woorde „Wijn, Spiritualiën en Azijn Wet, 1913 (Wet No. 15 van 1913)” deur die woorde „Wet op Wyn, Spiritueel en Asyn, 1957 (Wet No. 25 van 1957),” te vervang en deur in gemelde sub-artikel die woorde „wyn of brandewyn soas omskrywe in artikel ses” deur die woorde „wyn soos omskrywe in artikel twee of brandewyn soos om-skrywe in artikel agt” te vervang;
 - (e) deur in sub-paragraaf (a) van paragraaf (iv) van die voorbehoudsbepaling by gemelde sub-artikel die woor-de „en die prys waarteen dit verkoop is” te skrap; en
 - (f) deur sub-paragraawe (b) en (c) van gemelde paragraaf te skrap.
3. Artikel agt van die Hoofwet word hierby gewysig—
 - (a) deur by paragraaf (a) van sub-artikel (1) die volgende sub-paragraaf te voeg:

„(vi) kruideniers-wynlisensies;” en
 - (b) deur by paragraaf (b) van gemelde sub-artikel die volgende sub-paragraaf te voeg:

„(ix) maaltyd-wyn- en -bier-lisensies.”

Wysiging van artikel 5 van Wet 30 van 1928, soos gewysig deur artikel 2 van Wet 41 van 1934.

Wysiging van artikel 6 van Wet 30 van 1928, soos gewysig deur artikel 3 van Wet 41 van 1934, artikel 1 van Wet 39 van 1937, artikel 2 van Wet 72 van 1961 en artikel 1 van Wet 89 van 1962.

Wysiging van artikel 8 van Wet 30 van 1928.

Amendment of section 10 of Act 30 of 1928, as amended by section 1 of Act 35 of 1956.

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

- (a) by the substitution in paragraph (b) of sub-section (2) for the words "licensing board" of the words "Minister or the licensing board, as the case may be,";
- (b) by the substitution in paragraph (c) of the said sub-section for the words "sub-section (2) of section *seventy-nine bis* not authorized" of the words "sub-section (1) or (4) of section *seventy-nine bis* not authorized or authorized not"; and
- (c) by the substitution in sub-section (3) for the word "board" of the words "Minister or the licensing board, as the case may be,".

Substitution of section 11 of Act 30 of 1928, as amended by section 1 of Act 61 of 1956.

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

"Issue of licences.

11. (1) No licence shall be issued under this Act except on payment of the fee prescribed and except upon production to the issuing authority of a certificate signed by—

- (a) the Minister or any person acting under his directions, in the case of a licence granted by the Minister; or
- (b) the chairman or the secretary of the licensing board, in the case of a licence renewed by that board; or
- (c) the magistrate, additional magistrate or assistant magistrate, in the case of a licence granted or renewed by him,

and setting forth that the issue of such licence has been authorized under this Act and the particulars required to be contained in the licence in terms of sub-section (2) of section *ten*.

(2) Any certificate referred to in sub-section (1) shall lapse and become null and void if no licence is issued in terms thereof within a period of sixty days after the date of issue of such certificate.

(3) Any licence authorized to be granted or renewed under this Act, shall be issued by the receiver of revenue of the district in which the licensed premises are situate.

(4) Every licence issued under this Act shall be made out in quintuplicate, of which one copy shall be retained by the issuing officer, one transmitted by him to the licensing board, one to the commissioned officer of police designated in terms of section *one hundred and thirty-six*, one to the Director of Census and Statistics, respectively, and one handed by him to the licensee.

(5) The issuer of any licence under this Act shall, as to the form thereof and as to endorsements thereon, conform to the relative provisions of this Act."

Amendment of section 12 of Act 30 of 1928, as amended by section 4 of Act 41 of 1934, section 32 of Act 38 of 1945 and section 2 of Act 35 of 1956.

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

- (a) by the substitution in paragraph (a) of sub-section (2) for the words "one thousand five hundred" of the words "three thousand";
- (b) by the deletion of sub-section (5); and
- (c) by the substitution for sub-section (6) of the following sub-section:

"(6) Whenever a licensee has been authorized under sub-section (1) or (4) of section *seventy-nine bis* to do business only during specified periods during the year, or not to do business during a specified period during the year, the amount payable in terms of the Third Schedule to this Act in respect of the licence in question, shall be reduced by one twelfth in respect of each completed calendar month of any period during which he is not authorized or authorized not to do business during the year: Provided that the said reduction shall not apply in respect of any such period during which the licensee sells liquor for consumption off the licensed premises in terms of the provisions of sub-section (5) of section *seventy-nine bis*."

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

- (a) deur in paragraaf (b) van sub-artikel (2) die woord „lisensieraad” deur die woorde „Minister of die lisensieraad, na gelang van die geval,” te vervang;
- (b) deur in paragraaf (c) van gemelde sub-artikel die woorde „sub-artikel (2) van artikel *nege-en-sewentig bis* nie gemagtig is om” deur die woorde „sub-artikel (1) of (4) van artikel *nege-en-sewentig bis* nie gemagtig is om, of gemagtig is om nie,” te vervang; en
- (c) deur in sub-artikel (3) die woord „raad” deur die woorde „Minister of die lisensieraad, na gelang van die geval,” te vervang.

Wysiging van artikel 10 van Wet 30 van 1928, soos gewysig deur artikel 1 van Wet 35 van 1956.

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

„Uitreiking van lisensies.

11. (1) Geen lisensie mag ingevolge hierdie Wet uitgereik word nie tensy die voorgeskrewe fooi betaal word en tensy aan die uitreikende gesag ’n sertifikaat voorgelê word wat onderteken is deur—

- (a) die Minister of iemand wat op sy gesag handel, in die geval van ’n lisensie wat deur die Minister verleen is; of
- (b) die voorsitter of die sekretaris van die lisensieraad, in die geval van ’n lisensie wat deur daardie raad vernuwe is; of
- (c) die magistraat, addisionele magistraat of assistent-magistraat, in die geval van ’n lisensie wat deur hom verleen of vernuwe is,

en waarin vermeld word dat die uitreiking van daardie lisensie ingevolge hierdie Wet gemagtig is en die besonderhede wat die lisensie ingevolge sub-artikel (2) van artikel *tien* moet bevat.

(2) ’n In sub-artikel (1) bedoelde sertifikaat verval en word nietig indien geen lisensie ingevolge daarvan binne ’n tydperk van sestig dae na die datum van uitreiking van daardie sertifikaat uitgereik word nie.

(3) ’n Lisensie waarvan die verlening of vernuwing ingevolge hierdie Wet gemagtig is, word uitgereik deur die ontvanger van staatsinkomste van die distrik waarin die gelisensieerde gebou geleë is.

(4) Elke ingevolge hierdie Wet uitgereikte lisensie word in vyfvoud opgestel en een kopie daarvan word deur die uitreikende beampte behou, een word deur hom aan die lisensieraad, een aan die ingevolge artikel *honderd-ses-en-dertig* aangewese polisie-offisier, en een aan die Direkteur van Sensus en Statistiek onderskeidelik gestuur, en een kopie word deur hom aan die lisensiehouer oorhandig.

(5) Die uitreiker van ’n lisensie ingevolge hierdie Wet moet wat betref die vorm daarvan en wat betref die aantekeninge daarop, aan die toepaslike bepalings van hierdie Wet voldoen.”

Vervanging van artikel 11 van Wet 30 van 1928, soos gewysig deur artikel 1 van Wet 61 van 1956.

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

- (a) deur in paragraaf (a) van sub-artikel (2) die woord „eenduise-vyfhonderd” deur die woord „drieduise” te vervang;
- (b) deur sub-artikel (5) te skrap; en
- (c) deur sub-artikel (6) deur die volgende sub-artikel te vervang:

„(6) Wanneer ’n lisensiehouer ingevolge sub-artikel (1) of (4) van artikel *nege-en-sewentig bis* gemagtig is om slegs gedurende vermelde tydperke gedurende die jaar besigheid te doen, of om nie gedurende ’n vermelde tydperk gedurende die jaar besigheid te doen nie, word die bedrag wat ingevolge die Derde Bylae by hierdie Wet ten opsigte van die betrokke lisensie betaalbaar is, verminder met een-twaalfde vir elke voltooide kalendermaand van enige tydperk waartydens hy nie gemagtig is om, of gemagtig is om nie, gedurende die jaar besigheid te doen nie: Met die verstande dat genoemde vermindering nie ten opsigte van so ’n tydperk waartydens die lisensiehouer ingevolge die bepalings van sub-artikel (5) van artikel *nege-en-sewentig bis* drank vir gebruik buite die gelisensieerde gebou verkoop, van toepassing is nie.”

Wysiging van artikel 12 van Wet 30 van 1928, soos gewysig deur artikel 4 van Wet 41 van 1934, artikel 32 van Wet 38 van 1945 en artikel 2 van Wet 35 van 1956.

Amendment of section 14 of Act 30 of 1928, as substituted by section 1 of Act 58 of 1957.

7. Section *fourteen* of the principal Act is hereby amended—
- (a) by the substitution in sub-section (3) for the words "Secretary or Under-Secretary for Justice" of the word "Minister"; and
 - (b) by the deletion of sub-section (4).

Insertion of sections 15*bis* and 15*ter* in Act 30 of 1928.

8. The following sections are hereby inserted in the principal Act after section *fifteen*:

"Recusal of members. 15*bis*. Whenever before or during the sitting of a liquor licensing board a member thereof recuses himself from taking part in the hearing or decision of any application under this Act on any of the grounds specified in section *fifteen* or for any other good and sufficient reason, the Minister shall appoint a person of the rank of magistrate, additional magistrate or assistant magistrate to act in the place of such member, and, if such member is the chairman of the board, designate one of the three members of the board so constituted, to act as chairman.

Delegation of Minister's powers. 15*ter*. The Minister may delegate any of the powers vested in him by sections *fourteen* and *fifteen bis* to an officer in the Department of Justice."

Substitution of section 17 of Act 30 of 1928, as substituted by section 2 of Act 61 of 1956.

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

"Powers and duties of licensing board. 17. The powers and duties of a licensing board shall be—

- (a) to consider applications under section *thirty-one* and sub-section (2) of section *seventy-eight* and to submit its report and recommendation on each such application to the Minister; and
- (b) to consider and determine applications for or relating to the renewal, transfer or temporary removal of licences (other than a foreign liquor licence, a wine farmer's licence, a temporary liquor licence and a late hours occasional licence) for the sale of liquor."

Amendment of section 20 of Act 30 of 1928, as amended by section 4 of Act 61 of 1956.

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

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

"(a) applications for the grant or renewal of licences;" and

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

"(b) applications under sub-section (2) of section *seventy-eight*;"

Amendment of section 21 of Act 30 of 1928, as amended by section 5 of Act 41 of 1934, and section 5 of Act 61 of 1956.

11. Section *twenty-one* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (1) of the words "or December";

- (b) by the deletion of paragraph (a) of the said sub-section;

- (c) by the substitution for paragraph (b) of the said sub-section of the following paragraph:

"(b) any application referred to it in terms of section *forty-five* or *one hundred and sixteen*; or";

- (d) by the substitution in paragraph (d) of the said sub-section for the word "board" of the words "Minister or the licensing board, as the case may be.";

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

"(2) In respect of any licence which is the subject of an application under paragraph (c) of sub-section (1) or of a report under paragraph (d) of the said sub-section, the board shall at any such interim meeting have power forthwith to cancel such licence or to impose such prohibition, restriction or condition as it may have imposed at an annual meeting."; and

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

"(3) If the matter to be considered at any such meeting is an application referred to in paragraph (c) of sub-section (1) or a report referred to in paragraph (d) of the said sub-section, notice of such meeting shall be given in the prescribed manner."

7. Artikel *veertien* van die Hoofwet word hierby gewysig—
 (a) deur in sub-artikel (3) die woorde „Sekretaris of Ondersekretaris van Justisie” deur die woord „Minister” te vervang; en
 (b) deur sub-artikel (4) te skrap. Wysiging van artikel 14 van Wet 30 van 1928, soos vervang deur artikel 1 van Wet 58 van 1957.
8. Die volgende artikels word hierby in die Hoofwet na artikel *vyftien* ingevoeg:
 „Rekusering van lede. **15bis.** Wanneer ’n lid van ’n dranklisensieraad op enige van die gronde in artikel *vyftien* vermeld of om enige ander goeie en voldoende rede, homself voor of gedurende die sitting van die lisensieraad aan deelname aan die verhoor van of beslissing oor ’n aansoek kragtens hierdie Wet onttrek, stel die Minister ’n persoon van die rang van magistraat, addisionele magistraat of assistent-magistraat aan om in die plek van daardie lid op te tree, en, indien daardie lid die voorsitter van die raad is, wys die Minister een van die drie lede van die aldus saamgestelde raad aan om as voorsitter op te tree.
 Delegasie van Minister se bevoegdhede. **15ter.** Die Minister kan enige van die bevoegdhede by artikels *veertien* en *vyftien bis* aan hom verleen aan ’n beamppte in die Departement van Justisie delegeer.” Invoeging van artikels *15bis* en *15ter* in Wet 30 van 1928.
9. Artikel *sewentien* van die Hoofwet word hierby deur die volgende artikel vervang:
 „Bevoegdhede en pligte van lisensieraad. **17.** Die bevoegdhede en pligte van ’n lisensieraad is—
 (a) om aanvrae kragtens artikel *een-en-dertig* en sub-artikel (2) van artikel *agt-en-sewentig* te oorweeg en sy verslag en aanbeveling in verband met elke sodanige aanvraag aan die Minister voor te lê; en
 (b) om aanvrae om, of in verband met, die vernuwing, oordrag of tydelike verplasing van lisensies vir die verkoop van drank (behalwe ’n buitelandse dranklisensie, ’n wynboer-lisensie, ’n tydelike dranklisensie en ’n nagtelike geleentheids-lisensie), te oorweeg en daaroor te beslis.” Vervanging van artikel 17 van Wet 30 van 1928, soos vervang deur artikel 2 van Wet 61 van 1956.
10. Artikel *twintig* van die Hoofwet word hierby gewysig—
 (a) deur paragraaf (a) van sub-artikel (1) deur die volgende paragraaf te vervang:
 „(a) aanvrae om die verlening of vernuwing van lisensies;”; en
 (b) deur paragraaf (b) van gemelde sub-artikel deur die volgende paragraaf te vervang:
 „(b) aanvrae kragtens sub-artikel (2) van artikel *agt-en-sewentig*;”. Wysiging van artikel 20 van Wet 30 van 1928, soos gewysig deur artikel 4 van Wet 61 van 1956.
11. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig—
 (a) deur in sub-artikel (1) die woorde „of Desember” te skrap;
 (b) deur paragraaf (a) van gemelde sub-artikel te skrap;
 (c) deur paragraaf (b) van gemelde sub-artikel deur die volgende paragraaf te vervang:
 „(b) ’n aanvraag wat ingevolge artikel *vyf-en-veertig* of *honderd-en-sestien* na die raad verwys is; of”;
 (d) deur in paragraaf (d) van gemelde sub-artikel die woord „raad” deur die woorde „Minister of die lisensieraad, na gelang van die geval,” te vervang;
 (e) deur sub-artikel (2) deur die volgende sub-artikel te vervang:
 „(2) Ten opsigte van ’n lisensie wat die onderwerp van ’n versoek ingevolge paragraaf (c) van sub-artikel (1) of van ’n rapport ingevolge paragraaf (d) van gemelde sub-artikel uitmaak, is die raad bevoeg om op so ’n tussentydse vergadering so ’n lisensie dadelik in te trek of om so ’n verbod, beperking of voorwaarde op te lê wat hy op ’n jaarlikse vergadering kon opgelê het.”; en
 (f) deur sub-artikel (3) deur die volgende sub-artikel te vervang:
 „(3) Indien die aangeleentheid wat op so ’n vergadering oorweeg moet word, ’n in paragraaf (c) van sub-artikel (1) bedoelde versoek of ’n in paragraaf (d) van gemelde sub-artikel bedoelde rapport is, word kennis van daardie vergadering op die voorgeskrewe wyse gegee.” Wysiging van artikel 21 van Wet 30 van 1928, soos gewysig deur artikel 5 van Wet 41 van 1934 en artikel 5 van Wet 61 van 1956.

Amendment of section 22 of Act 30 of 1928, as amended by section 4 of Act 12 of 1954 and section 6 of Act 61 of 1956.

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

(a) by the substitution for sub-sections (1), (2) and (3) of the following sub-sections:

“(1) (a) The chairman of a licensing board shall, if the Minister so directs, at any time other than in the month of November, convene a special meeting of the board for the consideration of any application lodged with the chairman of the board for the grant of a licence by the Minister.

(b) The chairman of a licensing board may at any time other than in the month of November but not oftener than once in any calendar month, and shall, if the Minister on appeal to him so directs, convene a special meeting of the board for the consideration of any application made to him for a renewal of a licence which should have been made at the last previous annual meeting if, in the opinion of the chairman, the circumstances connected with the failure to make such application at that meeting and the hardship which would be occasioned by postponing the application to the next annual meeting of the board are such as to render it just that relief should be granted.

(c) An appeal under paragraph (b) shall be lodged in writing with such chairman, who shall forthwith transmit it to the Minister.

(2) The board shall, at any such special meeting, have power to deal with any application under paragraph (a) or (b) of sub-section (1) as if it were an application being dealt with at an annual meeting and the Minister shall have power to deal with any application under paragraph (a) of the said sub-section transmitted to him after the conclusion of a special meeting as if it were an application transmitted to him after the conclusion of an annual meeting.

(3) Notice of any such meeting stating the date, time and place thereof and the matter to be dealt with shall be given in the prescribed manner.”; and

(b) by the substitution in sub-section (4) for the words “At such meeting the board shall have power to deal with any matter in terms of any order made by the said division” of the words “Subject to any order made by the said division, the provisions of sub-section (2) of this section shall apply *mutatis mutandis* in relation to any matter dealt with at such meeting in terms of any order made by the said division.”; and by the substitution in the said sub-section for the words “in terms of sub-section (3)” of the words “in the prescribed manner.”.

Amendment of section 25 of Act 30 of 1928.

13. Section *twenty-five* of the principal Act is hereby amended—

(a) by the insertion in sub-section (1) after the word “be” where it occurs for the first time of the words “considered or” and after the word “oath” of the words “or affirmation”; and

(b) by the insertion in sub-section (2) after the words “to it” of the words “or to the Minister through it”; and by the substitution in the said sub-section for the words “or removal” of the words “or temporary removal” and for the words “to determine” of the words “to consider or determine;”.

Amendment of section 28 of Act 30 of 1928, as amended by section 11 of Act 61 of 1956.

14. Section *twenty-eight* of the principal Act is hereby amended by the insertion in sub-section (2) after the word “Minister” of the words “or an officer in the Department of Justice designated by him, and in the case of an application for the grant of a licence, the members of the National Liquor Board,”.

Substitution of section 31 of Act 30 of 1928, as amended by section 6 of Act 41 of 1934, section 3 of Act 35 of 1956 and section 13 of Act 61 of 1956.

15. (1) The following section is hereby substituted for section *thirty-one* of the principal Act:

“Application for grant of licence other than temporary, late hours
31. (1) Any person desiring the grant of a licence under this Act (other than a temporary liquor licence, a late hours occasional licence, a foreign liquor licence or a wine farmer's licence) may make application therefor to the Minister through the licensing board having jurisdiction in the district

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

(a) deur sub-artikels (1), (2) en (3) deur die volgende sub-artikels te vervang:

„(1) (a) Die voorsitter van 'n lisensieraad moet, indien die Minister aldus gelas, te eniger tyd, behalwe in die maand November, 'n spesiale vergadering van die raad belê ter oorweging van 'n aanvraag by die voorsitter van die raad ingedien om die verlening van 'n lisensie deur die Minister.

(b) Die voorsitter van 'n lisensieraad kan te eniger tyd, behalwe in die maand November maar nie meer dikwels nie as eenmaal in 'n kalendermaand, en moet, indien die Minister na 'n appèl na hom aldus gelas, 'n spesiale vergadering van die raad belê ter oorweging van 'n aanvraag by hom ingedien om 'n vernuwing van 'n lisensie wat op die voorafgaande jaarlikse vergadering gemaak moes gewees het, indien, volgens die oordeel van die voorsitter, die omstandighede in verband met die versuim om die aanvraag op daardie vergadering te maak en die ontbering wat veroorsaak sou word deur die aanvraag na die eersvolgende jaarlikse vergadering van die raad uit te stel, sodanig is dat dit billik is dat verligting verleen moet word.

(c) 'n Appèl ingevolge paragraaf (b) word skriftelik by bedoelde voorsitter ingedien en hy stuur dit onverwyld aan die Minister.

(2) Die raad is bevoeg om op so 'n spesiale vergadering met 'n aanvraag ingevolge paragraaf (a) of (b) van sub-artikel (1) te handel asof dit 'n aanvraag was waarmee op 'n jaarlikse vergadering gehandel word, en die Minister is bevoeg om met 'n aanvraag ingevolge paragraaf (a) van gemelde sub-artikel wat na afsluiting van 'n spesiale vergadering aan hom gestuur is, te handel asof dit 'n aanvraag was wat na afsluiting van 'n jaarlikse vergadering aan hom gestuur is.

(3) Kennis van so 'n vergadering, met vermelding van die dag, tyd en plek daarvan, en die onderwerp wat behandel sal word, moet op die voorgeskrewe wyse gegee word.”; en

(b) deur in sub-artikel (4) die woorde „Op sodanige vergadering is die raad bevoeg om enige saak ooreenkomstig enige order deur genoemde afdeling verleen te behandel” deur die woorde „Behoudens enige order deur genoemde afdeling verleen, is die bepalings van sub-artikel (2) van hierdie artikel *mutatis mutandis* van toepassing met betrekking tot enige saak waarmee op so 'n vergadering ooreenkomstig 'n order deur genoemde afdeling verleen, gehandel word.” te vervang; en deur in gemelde sub-artikel die woorde „ooreenkomstig sub-artikel (3)” deur die woorde „op die voorgeskrewe wyse” te vervang.

Wysiging van artikel 22 van Wet 30 van 1928, soos gewysig deur artikel 4 van Wet 12 van 1954 en artikel 6 van Wet 61 van 1956.

13. Artikel vyf-en-twintig van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (1) na die woord „moet” waar dit die eerste maal voorkom die woorde „oorweeg of” en na die woord „eed” die woorde „of bevestiging” in te voeg; en

(b) deur in sub-artikel (2) na die woorde „by die raad” die woorde „of by die Minister deur die raad” in te voeg; en deur in genoemde sub-artikel die woorde „of verplasing” deur die woorde „of tydelike verplasing” en die woorde „moet beslis” deur die woorde „moet oorweeg of beslis,” te vervang.

Wysiging van artikel 25 van Wet 30 van 1928.

14. Artikel agt-en-twintig van die Hoofwet word hierby gewysig deur in sub-artikel (2) na die woord „Minister” die woorde „of 'n beampte van die Departement van Justisie deur hom aangewys, en, in die geval van 'n aanvraag om die verlening van 'n lisensie, die lede van die Nasionale Drankraad,” in te voeg.

Wysiging van artikel 28 van Wet 30 van 1928, soos gewysig deur artikel 11 van Wet 61 van 1956.

15. (1) Artikel een-en-dertig van die Hoofwet word hierby deur die volgende artikel vervang:

„Aanvraag om verlening van lisensie behalwe tydelike,

31. (1) Iemand wat die verlening van 'n lisensie ingevolge hierdie Wet verlang (behalwe 'n tydelike dranklisensie, 'n nagtelike geleentheids-lisensie, 'n buitelandse dranklisensie of 'n wynboer-lisensie), mag by die Minister, deur die lisensieraad met

Vervanging van artikel 31 van Wet 30 van 1928, soos gewysig deur artikel 6 van Wet 41 van 1934, artikel 3 van Wet 35 van 1956 en artikel 13 van Wet 61 van 1956.

occasional,
foreign
or wine
farmer's
licence.

in which the premises concerned are or will be situate.

(2) Every such application shall be in the prescribed form, shall be accompanied by the prescribed documents and information and shall be lodged with the magistrate of the district concerned on or before the thirty-first day of August of any year.

(3) The chairman of the licensing board shall as soon as possible after the conclusion of the annual meeting transmit every application for the grant of a licence considered at that meeting, to the Minister, together with a report and recommendation by the board, a copy of the record of the board's proceedings referred to in section *twenty-eight*, and all relevant documents, information, written objections, police reports and representations submitted to it under this Act.

(4) (a) The Minister may in his discretion, after having obtained the recommendation of the National Liquor Board made after consideration of the application, all relevant documents, information, written objections, police reports, representations, the report by the board and the record of the board's proceedings referred to in section *twenty-eight* transmitted to the Minister in terms of sub-section (3), and with due regard to the total number of liquor licences and authorities under sections *one hundred bis* and *one hundred sex* existing in the district in which the premises are or will be situate and the number of persons served by such licences and authorities, grant an application for a licence, subject to such conditions and restrictions as he may deem fit to impose, but no such application shall be granted unless the National Liquor Board has so recommended.

(b) The decision of the Minister on any application under this Act for the grant of a licence shall be final.

(5) If the Minister grants an application for a licence in respect of premises which are not erected, or which, if already erected, require additions or alterations to make them suitable for the purposes of the proposed business, the Minister or any person acting under his directions shall issue to the applicant a conditional authority in the prescribed form and endorse thereon such conditions as the Minister may deem fit to impose and the period within which the premises concerned shall be erected or altered: Provided that such period shall not be longer than twelve months or such longer period not exceeding a further twelve months as the Minister may, on application, determine.

(6) If the Minister or any person acting under his directions is satisfied that the premises in respect of which a conditional authority under sub-section (5) has been issued, have been completed in accordance with the plans thereof and any condition which may have been imposed by the Minister, and are suitable for occupation in relation to the nature of the business to be conducted therein, the Minister or any person acting under his directions shall issue a certificate as contemplated in sub-section (1) of section *eleven*."

(2) Any conditional authority for a licence issued under the principal Act prior to the date of coming into operation of section *sixteen* of this Act, shall remain in force for a period not exceeding twelve months from such date or for such longer period not exceeding a further twelve months as the Minister may, on application, determine, in all respects as if the said section had not come into operation.

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

"Applica-
tion for
renewal of
licence
other than
foreign
liquor

32. (1) Any person desiring the renewal of any licence granted or renewed under this Act (other than a foreign liquor licence or a wine farmer's licence) may make application therefor to the licensing board through the magistrate of the district in which the premises concerned are situate.

Substitution of
section 32 of
Act 30 of 1928,
as amended by
section 7 of
Act 41 of 1934,
section 4 of
Act 35 of 1956
and section 14 of
Act 61 of 1956.

nagtelijke
geleentheds-
buitelandse
of wynboer-
lisensie.

regsbevoegdheid in die distrik waarin die betrokke ge-
bou geleë is of geleë sal wees, daarom aanvraag maak.

(2) Elke sodanige aanvraag moet in die voorge-
skrewe vorm wees, moet vergesel wees van die
voorgeskrewe dokumente en inligting en moet op
of voor die een-en-dertigste dag van Augustus van
enige jaar by die magistraat van die betrokke
distrik ingedien word.

(3) So spoedig moontlik na die afsluiting van die
jaarlikse vergadering stuur die voorsitter van die
lisensieraad aan die Minister elke aanvraag om die
verlening van 'n lisensie wat op daardie vergadering
oorweeg is, tesame met 'n verslag en aanbeveling deur
die raad, 'n afskrif van die in artikel *agt-en-twintig*
bedoelde notule van die raad se verrichtings, en alle
relevante dokumente, inligting, skriftelike besware,
poliesierapporte en vertoë wat kragtens hierdie Wet
aan die raad voorgelê is.

(4) (a) Die Minister mag na goeë dunde, nadat
hy die aanbeveling van die Nasionale Drank-
raad, gedoen na oorweging van die aanvraag,
alle relevante dokumente, inligting, skriftelike
besware, poliesierapporte, vertoë, die verslag
van die raad, en die in artikel *agt-en-twintig*
bedoelde notule van die raad se verrichtings wat
ingevolge sub-artikel (3) aan die Minister
gestuur is, en met behoorlike inagneming van
die totale getal dranklisensies en magtigings
kragtens artikels *honderd bis* en *honderd sex*
wat in die distrik bestaan waarin die gebou
geleë is of geleë sal wees en die getal persone
wat deur daardie lisensies en magtigings bedien
word, verkry het, 'n aanvraag om 'n lisensie
toestaan, onderworpe aan die voorwaardes
en beperkings wat hy goeë vind om op te lê,
maar geen sodanige aanvraag word toegestaan
nie tensy die Nasionale Drankraad aldus
aanbeveel het.

(b) Die besluit van die Minister oor 'n aanvraag
om die verlening van 'n lisensie kragtens hierdie
Wet is afdoende.

(5) Indien die Minister 'n aanvraag om 'n lisensie
toestaan met betrekking tot 'n gebou wat nie opgerig
is nie, of waaraan, as dit reeds opgerig is, aangebou
of verander moet word om dit vir die doeleindes van
die beoogde besigheid geskik te maak, reik die
Minister of iemand wat op sy gesag handel 'n
voorwaardelike magtiging in die voorgeskrewe
vorm aan die aanvrager uit en teken daarop aan die
voorwaardes wat die Minister goeë vind om op te
lê en die tydperk waarin die gebou opgerig of
verander moet word: Met die verstande dat sodanige
tydperk nie langer as twaalf maande of sodanige
langer tydperk van hoogstens 'n verdere twaalf
maande wat die Minister op aanvraag bepaal, mag
wees nie.

(6) Indien die Minister of iemand wat op sy gesag
handel, oortuig is dat die gebou met betrekking
waartoe 'n voorwaardelike magtiging ingevolge sub-
artikel (5) uitgereik is, ooreenkomstig die planne
daarvan en enige voorwaarde wat deur die Minister
opgelê is, voltooi is en geskik is vir okkupasie met
betrekking tot die soort besigheid wat daarin
gedryf gaan word, reik die Minister of iemand wat
op sy gesag handel 'n in sub-artikel (1) van artikel
elf bedoelde sertifikaat uit."

(2) 'n Voorwaardelike magtiging vir 'n lisensie wat voor die
datum van inwerkingtreding van artikel *sestien* van hierdie Wet
ingevolge die Hoofwet verleen is, bly van krag vir 'n tydperk van
hoogstens twaalf maande vanaf daardie datum of vir die langer
tydperk van hoogstens 'n verdere twaalf maande wat die Minister
op aanvraag bepaal, in alle opsigte asof genoemde artikel nie
in werking getree het nie.

16. Artikel *twee-en-dertig* van die Hoofwet word hierby deur
die volgende artikel vervang:

„Aanvraag
om vernu-
wing van
lisensie
behalwe
buitelandse
drank-

32. (1) Iemand wat die vernuwing verlang van 'n
lisensie wat ingevolge hierdie Wet verleen of vernuwe
is (behalwe 'n buitelandse dranklisensie of 'n wyn-
boer-lisensie), mag aanvraag daarom maak by die
lisensieraad deur die magistraat van die distrik waar-
in die betrokke gebou geleë is.

Vervanging van
artikel 32 van
Wet 30 van 1928,
soos gewysig deur
artikel 7 van
Wet 41 van 1934,
artikel 4 van
Wet 35 van 1956
en artikel 14 van
Wet 61 van 1956.

licence
or wine
farmer's
licence.

(2) Every such application shall be in the prescribed form, shall be accompanied by the prescribed documents and information and shall be lodged with the magistrate on or before the thirty-first day of August of any year, but subject to the provisions of section *twenty-two* and section *thirty-four*.

(3) The licensing board may, after considering all relevant documents, information, objections, police reports and representations submitted to it under this Act, grant such application subject to such conditions and restrictions as it may deem fit to impose: Provided that no condition or restriction imposed by the Minister in granting a licence, shall be amended or deleted by a licensing board without his consent."

Insertion of
sections 32*bis*
and 32*ter* in
Act 30 of 1928.

17. The following sections are hereby inserted in the principal Act after section *thirty-two*:

"Applica-
tion for
grant or
renewal of
a foreign
liquor
licence
or a wine
farmer's
licence.

32*bis*. (1) Any person desiring the grant or renewal of a foreign liquor licence or a wine farmer's licence may make application therefor to the magistrate of the district in which the premises concerned are situate.

(2) Every such application shall be in the prescribed form, shall be accompanied by the prescribed documents and information and shall be lodged with the magistrate concerned not less than thirty and not more than sixty days before the first day of the month during which it is to be considered by such magistrate.

(3) The magistrate shall during the month of December of each year on such date as may be determined by him, consider and determine applications made to him in terms of sub-section (1).

(4) The magistrate considering an application made to him in terms of sub-section (1) may, after considering all relevant documents, information, objections, police reports and representations submitted to him under this Act, in his discretion, grant such application subject to such conditions and restrictions as he may deem fit to impose.

Applica-
tion for
grant of a
temporary
liquor or
late hours
occasional
licence.

32*ter*. Any person desiring the grant of a temporary liquor licence or a late hours occasional licence, shall make application therefor in the prescribed manner to the magistrate, additional magistrate or assistant magistrate of the district in which the premises concerned are situate, who may, subject to the provisions of this Act, in his discretion, grant such application."

Amendment of
section 33 of
Act 30 of 1928,
as substituted by
section 3 of
Act 58 of 1957.

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

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

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

"(b) twenty-five pounds, if it is made to the Minister for the grant of a licence;"

(c) by the substitution for paragraph (d) of the said sub-section of the following paragraph:

"(d) ten pounds, if it is made to the chairman of a licensing board for the transfer or temporary removal of a licence, or to the chairman of the National Liquor Board for the permanent removal of a licence;" and

(d) by the deletion of paragraphs (e) and (f) of the said sub-section.

Substitution of
section 34 of
Act 30 of 1928,
as substituted by
section 6 of
Act 12 of 1954
and amended by
section 16 of
Act 61 of 1956.

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

"Accept-
ance of
late
application
for renewal
of liquor
licence.

34. In case any application for the renewal of a licence to be considered at an annual meeting of a licensing board in terms of section *thirty-two* or by a magistrate in terms of section *thirty-two bis* is not lodged in due time, but is lodged within seven days after the last date on which it should have been lodged, the magistrate shall accept the same for the consideration thereof by the licensing board at the annual meeting or by himself during

lisensie of
wynboer-
lisensie.

(2) Elke sodanige aanvraag moet in die voorgeskrewe vorm wees, moet vergesel wees van die voorgeskrewe dokumente en inligting en moet by die magistraat ingedien word op of voor die een-en-dertigste dag van Augustus van enige jaar, maar behoudens die bepalings van artikels *twee-en-twintig* en *vier-en-dertig*.

(3) Die lisensieraad mag, na oorweging van alle relevante dokumente, inligting, besware, poliesierapporte en verhoë wat kragtens hierdie Wet aan hom voorgelê is, die aanvraag toestaan onderworpe aan die voorwaardes en beperkings wat hy goedvind om op te lê: Met die verstande dat geen voorwaarde of beperking wat by die verlening van 'n lisensie deur die Minister opgelê is, sonder sy toestemming deur 'n lisensieraad gewysig of geskrap mag word nie."

17. Die volgende artikels word hierby in die Hoofwet na artikel *twee-en-dertig* gevoeg:

Invoeging van
artikels 32*bis*
en 32*ter* in
Wet 30 van 1928.

„Aanvraag
om verlening
of vernuwing
van 'n
buitelandse
dranklisensie
of 'n
wynboer-
lisensie.

32*bis*. (1) Iemand wat die verlening of vernuwing van 'n buitelandse dranklisensie of 'n wynboer-lisensie verlang, mag aanvraag daarom maak by die magistraat van die distrik waarin die betrokke gebou geleë is.

(2) Elke sodanige aanvraag moet in die voorgeskrewe vorm wees, moet vergesel wees van die voorgeskrewe dokumente en inligting en moet by die betrokke magistraat ingedien word minstens dertig en hoogstens sestig dae voor die eerste dag van die maand waarin dit deur die magistraat oorweeg moet word.

(3) Die magistraat moet gedurende die maand Desember van elke jaar en op die datum deur hom bepaal, aanvrae wat ingevolge sub-artikel (1) by hom gemaak is, oorweeg en beslis.

(4) Die magistraat wat 'n aanvraag wat ingevolge sub-artikel (1) by hom gemaak is, oorweeg, mag, na oorweging van alle relevante dokumente, inligting, besware, poliesierapporte en verhoë wat kragtens hierdie Wet aan hom voorgelê is, na goeddunke die aanvraag toestaan onderworpe aan die voorwaardes en beperkings wat hy goedvind om op te lê.

Aanvraag
om
verlening
van 'n
tydelike
drank- of
nagtelijke
geleentheids-
lisensie.

32*ter*. Iemand wat die verlening van 'n tydelike dranklisensie of 'n nagtelike geleentheids-lisensie verlang, moet op die voorgeskrewe wyse daarom aanvraag maak by die magistraat, addisionele magistraat of assistent-magistraat van die distrik waarin die betrokke gebou geleë is, wat, behoudens die bepalings van hierdie Wet, na goeddunke die aanvraag mag toestaan."

18. Artikel *drie-en-dertig* van die Hoofwet word hierby gewysig—

Wysiging van
artikel 33 van
Wet 30 van 1928,
soos vervang deur
artikel 3 van
Wet 58 van 1957.

(a) deur in paragraaf (a) van sub-artikel (1) die woorde „verlening of" te skrap;

(b) deur paragraaf (b) van genoemde sub-artikel deur die volgende paragraaf te vervang:

„(b) vyf-en-twintig pond, as daarmee by die Minister die verlening van 'n lisensie aangevra word;"

(c) deur paragraaf (d) van genoemde sub-artikel deur die volgende paragraaf te vervang:

„(d) tien pond, as daarmee by die voorsitter van 'n lisensieraad die oordrag of tydelike verplasing van 'n lisensie, of by die voorsitter van die Nasionale Drankraad die permanente verplasing van 'n lisensie aangevra word;" en

(d) deur paragrawe (e) en (f) van die genoemde sub-artikel te skrap.

19. Artikel *vier-en-dertig* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 34 van
Wet 30 van 1928,
soos vervang deur
artikel 6 van
Wet 12 van 1954
en gewysig deur
artikel 16 van
Wet 61 van 1956.

„Aanname
van laat
aanvraag om
vernuwing
van drank-
lisensie.

34. Ingeval 'n aanvraag om die vernuwing van 'n lisensie wat ingevolge artikel *twee-en-dertig* op 'n jaarlikse vergadering van 'n lisensieraad of ingevolge artikel *twee-en-dertig bis* deur 'n magistraat oorweeg moet word, nie betyds ingedien word nie, maar ingedien word binne sewe dae na die laaste dag waarop dit ingedien moes gewees het, moet die magistraat die aanvraag aanneem ter oorweging daarvan deur die lisensieraad op die jaarlikse vergadering, of deur homself gedurende die maand by

the month prescribed by sub-section (3) of section *thirty-two bis* upon payment of the sum of ten pounds in addition to the sum ordinarily payable under section *thirty-three* and upon such terms as to notice being given as the magistrate may prescribe.”.

Substitution of section 35 of Act 30 of 1928, as amended by section 7 of Act 12 of 1954 and section 17 of Act 61 of 1956.

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

“Notice of application for a licence.

35. (1) Notice of any application for the grant, renewal, transfer or removal of a licence and information concerning such application shall be given in the prescribed manner.

(2) The validity of a licence granted, renewed, transferred or removed shall not be affected merely by reason of the fact that any notice required to be published in terms of sub-section (1) was not duly published.”.

Repeal of sections 36 and 37 of Act 30 of 1928.

21. Sections *thirty-six* and *thirty-seven* of the principal Act are hereby repealed.

Amendment of section 38 of Act 30 of 1928, as amended by section 18 of Act 61 of 1956.

22. Section *thirty-eight* of the principal Act is hereby amended—

(a) by the substitution in sub-section (2) for the words “under section *thirty-six*” of the words “in the prescribed manner”; and

(b) by the substitution in sub-section (3) for the words “in terms of section *thirty-six*” of the words “in the prescribed manner.”.

Amendment of section 39 of Act 30 of 1928*

23. Section *thirty-nine* of the principal Act is hereby amended—

(a) by the substitution in sub-section (1) for the words “or removal” of the words “or temporary removal”; and

(b) by the substitution in sub-section (2) for the words “Where the application is for the renewal, transfer or removal of a licence, the” of the word “The”.

Amendment of section 40 of Act 30 of 1928, as amended by section 19 of Act 61 of 1956.

24. Section *forty* of the principal Act is hereby amended—

(a) by the substitution in paragraph (a) of sub-section (1) for the words “such board” of the words “the Minister”;

(b) by the substitution in paragraph (c) of the said sub-section for the word “board” wherever it occurs of the words “Minister or the board, as the case may be,”;

(c) by the substitution in paragraph (d) of the said sub-section for the word “board” of the words “Minister or the board, as the case may be,”; and by the insertion in the said paragraph after the word “to” of the words “him or”; and

(d) by the insertion in the proviso to the said sub-section after the word “writing” of the words “and in quintuplicate”.

Amendment of section 41 of Act 30 of 1928, as amended by section 20 of Act 61 of 1956.

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

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

“(1) If any person applies for the grant, renewal, transfer or removal of a licence and on or before the day appointed for considering such application, dies or becomes insolvent, or is declared incapable of managing his own affairs, then, subject to any law relating to deceased estates, insolvency or mental disorders, as the case may be—

(a) his executor, trustee, or curator, and in the event of there being no executor, trustee, or curator, or of the holder of any such office being unable or unwilling to act, any member of his family authorized thereto by the Minister or any person acting under his directions or the chairman of the National Liquor Board or of the licensing board or such a board or the magistrate, as the case may be, shall have, and may exercise, all such rights as the applicant would have had, and would have been entitled to exercise, but for his death, insolvency or disability; and

(b) the Minister or the chairman of the National Liquor Board or of the licensing board or such

sub-artikel (3) van artikel *twee-en-dertig* bis voorgeskryf, teen betaling van die bedrag van tien pond benewens die bedrag wat in die gewone loop kragtens artikel *drie-en-dertig* betaalbaar is en op die voorwaardes wat betref kennisgewing wat die magistraat voorskryf.”.

20. Artikel *vyf-en-dertig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Kennisgewing van aanvraag om 'n lisensie.

35. (1) Kennisgewing van 'n aanvraag om die verlening, vernuwing, oordrag of verplasing van 'n lisensie en inligting met betrekking tot so 'n aanvraag word op die voorgeskrewe wyse gegee. (2) Die geldigheid van 'n lisensie verleen, vernuwe, oorgedra of verplaas, word nie geraak bloot omdat 'n kennisgewing wat ingevolge sub-artikel (1) gepubliseer moet word, nie behoorlik gepubliseer is nie.”.

Vervanging van artikel 35 van Wet 30 van 1928, soos gewysig deur artikel 7 van Wet 12 van 1954 en artikel 17 van Wet 61 van 1956.

21. Artikels *ses-en-dertig* en *sewe-en-dertig* van die Hoofwet word hierby herroep.

Herroeping van artikels 36 en 37 van Wet 30 van 1928.

22. Artikel *agt-en-dertig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (2) die woorde „ingevolge artikel *ses-en-dertig*” deur die woorde „op die voorgeskrewe wyse” te vervang; en
- (b) deur in sub-artikel (3) die woorde „ingevolge artikel *ses-en-dertig*” deur die woorde „op die voorgeskrewe wyse nie,” te vervang.

Wysiging van artikel 38 van Wet 30 van 1928, soos gewysig deur artikel 18 van Wet 61 van 1956.

23. Artikel *nege-en-dertig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „of verplasing” deur die woorde „of tydelike verplasing” te vervang; en
- (b) deur in sub-artikel (2) die woorde „Wanneer die vernuwing, oordrag, of verplasing van 'n lisensie aangevra word, moet die raad” deur die woorde „Die raad moet” te vervang.

Wysiging van artikel 39 van Wet 30 van 1928.

24. Artikel *veertig* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (1) die woord „raad” deur die woord „Minister” te vervang;
- (b) deur in paragraaf (c) van genoemde sub-artikel die woord „raad”, oral waar dit voorkom, deur die woorde „Minister of die raad, na gelang van die geval,” te vervang;
- (c) deur in paragraaf (d) van genoemde sub-artikel die woord „raad” deur die woorde „Minister of die raad, na gelang van die geval,” te vervang; en
- (d) deur in die voorbehoudsbepaling by genoemde sub-artikel na die woord „kennisgewing” waar dit die eerste maal voorkom die woorde „in vyfvoud” in te voeg.

Wysiging van artikel 40 van Wet 30 van 1928, soos gewysig deur artikel 19 van Wet 61 van 1956.

25. Artikel *een-en-veertig* van die Hoofwet word hierby gewysig—

- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:
 - „(1) As iemand die verlening, vernuwing, oordrag of verplasing van 'n lisensie aanvra en op of voor die dag bepaal vir die oorweging van die aanvraag, sterf of insolvent raak of onbekwaam verklaar word om sy eie sake te beheer, dan, met inagneming van die regs-bepalings op boedels van oorlede persone, insolvensie of geestesgebreke, na gelang van die geval—
 - (a) het sy eksekuteur of kurator en by ontstentenis van 'n eksekuteur of kurator of as die bekleër van so 'n amp nie kan of wil optree nie, enige lid van sy famielie wat die Minister of iemand wat op sy gesag handel of die voorsitter van die Nasionale Drankraad of van die lisensieraad of so 'n raad of die magistraat, na gelang van die geval, daartoe magtig, al die regte, en mag hy al die regte uitoefen, wat die aanvraer sou gehad het en sou kon uitgeoefen het as hy nie gesterf het, insolvent geraak het of onbekwaam verklaar was nie; en
 - (b) mag die Minister of die voorsitter van die Nasionale Drankraad of van die lisensieraad of so 'n raad

Wysiging van artikel 41 van Wet 30 van 1928, soos gewysig deur artikel 20 van Wet 61 van 1956.

a board or the magistrate, as the case may be, may, if he or it thinks fit and subject to the provisions of this Act, grant the application in favour of the executor, trustee, or curator or any member of the family of such applicant.”; and

- (b) by the substitution in sub-section (2) for the words “removal, transfer or ratification of temporary transfer or removal” of the words “transfer or removal”.

Substitution of section 42 of Act 30 of 1928, as amended by section 9 of Act 41 of 1934 and section 21 of Act 61 of 1956.

26. The following section is hereby substituted for section *forty-two* of the principal Act:

“Transfer of licence.

42. (1) Any person being the holder of a licence (other than a foreign liquor licence or a wine farmer’s licence) who during the currency thereof sells or disposes of his business or the premises in respect of which the licence was issued, may apply in the prescribed manner to the chairman of the licensing board through the magistrate of the district for the transfer of the licence to the purchaser of such business or the purchaser or lessee of such premises, and the chairman of the licensing board may, subject to the provisions of section *forty-five*, after considering all relevant documents, information, police reports and representations submitted to him under this Act and after consultation with the other members of the licensing board, grant the application for such transfer.

(2) The applicant shall adduce proof to the satisfaction of the chairman of the board that he has given written notice of the application to every person who has a financial interest in the business which is the subject of the application.

(3) If an application under this section for the transfer of a licence is granted by the chairman, or by the licensing board at an interim meeting held in pursuance of section *twenty-one*, on or after the first day of September in any year and before the date of the annual meetings of licensing boards to be held in that year, the licensing board shall at the next then ensuing annual meeting substitute for the name of the transferor the name of the transferee, wherever necessary, in any application for the renewal of such licence made in due form by the transferor.

(4) The transfer under this section or under section *twenty-one* of a licence may include the transfer for its unexpired period of any billiard table licence or bagatelle table licence held in respect of any table upon the same premises as the premises in respect whereof such first-mentioned licence is held, and in such a case the provisions of the Licences Act, 1962 (Act No. 44 of 1962), shall not apply to or in respect of any such transfer of the billiard table licence or bagatelle table licence.

(5) Any person being the holder of a foreign liquor licence or a wine farmer’s licence who during the currency thereof sells or disposes of his business or the premises in respect of which the licence was issued, may apply in the prescribed manner to the magistrate of the district for the transfer of the licence to the purchaser of such business or the purchaser or lessee of the premises, and the magistrate may, after considering all relevant documents, information, objections, police reports and representations submitted to him under this Act, grant the application for such transfer.

(6) The provisions of sub-sections (2) and (3) shall *mutatis mutandis* apply in respect of any application made under sub-section (5).”.

Substitution of section 43 of Act 30 of 1928, as amended by section 10 of Act 41 of 1934, section 22 of Act 61 of 1956 and section 4 of Act 58 of 1957.

27. The following section is hereby substituted for section *forty-three* of the principal Act:

“Removal of licensed business to other premises.

43. (1) The holder of a licence (other than a foreign liquor licence or a wine farmer’s licence) who may desire to remove his licence permanently from the licensed premises to any other premises in the same district, may apply in the prescribed manner

- of die magistraat, na gelang van die geval, as hy of die raad dit goedvind, en met inagneming van die bepalings van hierdie Wet, die aanvraag toestaan ten gunste van die aanvrager se eksekuteur of kurator, of 'n lid van die aanvrager se familie.”; en
- (b) deur in sub-artikel (2) die woorde „verplasing, oordrag of bekragtiging van 'n tydelike oordrag of verplasing” deur die woorde „oordrag of verplasing” te vervang.

26. Artikel twee-en-veertig van die Hoofwet word hierby deur die volgende artikel vervang:

„Oordrag van lisensie.

42. (1) Iemand wat die houer van 'n lisensie (behalwe 'n buitelandse dranklisensie of 'n wynboer-lisensie) is en wat, terwyl die lisensie van krag is, sy besigheid of die gebou in verband waarmee die lisensie uitgereik is, verkoop of van die hand sit, mag op die voorgeskrewe wyse by die voorsitter van die lisensieraad, deur die magistraat van die distrik, aanvraag maak om die oordrag van die lisensie aan die koper van die besigheid of die koper of huurder van die gebou, en die voorsitter van die lisensieraad mag, behoudens die bepalings van artikel vyf-en-veertig, na oorweging van alle relevante dokumente, inligting, poliesierapporte en vertoë wat ingevolge hierdie Wet aan hom voorgelê is, en na oorlegpleging met die ander lede van die lisensieraad, die aanvraag om die oordrag toestaan.

(2) Die aanvrager moet die voorsitter van die raad met bewyse oortuig dat hy van die aanvraag skriftelik kennis gegee het aan elkeen wat 'n geldelike belang het in die besigheid waarop die aanvraag betrekking het.

(3) Indien 'n aanvraag ingevolge hierdie artikel om die oordrag van 'n lisensie deur die voorsitter, of deur die lisensieraad op 'n tussentydse vergadering gehou ingevolge artieke een-en-twintig, op of na die eerste dag van September in enige jaar en voor die datum waarop die jaarlikse vergaderings van lisensierade in daardie jaar gehou sal word, toegestaan word, moet die lisensieraad op die eersvolgende jaarlikse vergadering in 'n aanvraag om die vernuwing van die lisensie, in behoorlike vorm deur die oordraer gemaak, oral waar nodig, die naam van die oordraer deur die naam van die oordragontvanger vervang.

(4) Die oordrag van 'n lisensie kragtens hierdie artikel of kragtens artikel een-en-twintig mag ook die oordrag insluit vir die onverstreke tydperk van 'n biljarttafel-lisensie of 'n bagateltafel-lisensie gehou in verband met 'n tafel in dieselfde gebou as die gebou in verband waarmee eersbedoelde lisensie gehou word, en in so 'n geval is die bepalings van die Wet op Lisensies, 1962 (Wet No. 44 van 1962), nie op of ten opsigte van so 'n oordrag van die biljarttafel-lisensie of bagateltafel-lisensie van toepassing nie.

(5) Iemand wat die houer van 'n buitelandse dranklisensie of 'n wynboer-lisensie is en wat, terwyl die lisensie van krag is, sy besigheid of die gebou in verband waarmee die lisensie uitgereik is, verkoop of van die hand sit, mag op die voorgeskrewe wyse by die magistraat van die distrik aanvraag maak om die oordrag van die lisensie aan die koper van die besigheid of die koper of huurder van die gebou, en die magistraat mag, na oorweging van alle relevante dokumente, inligting, besware, poliesierapporte en vertoë wat ingevolge hierdie Wet aan hom voorgelê is, die aanvraag om die oordrag toestaan.

(6) Die bepalings van sub-artiekels (2) en (3) is *mutatis mutandis* van toepassing ten opsigte van 'n aanvraag ingevolge sub-artikel (5) gemaak.”.

27. Artikel drie-en-veertig van die Hoofwet word hierby deur die volgende artikel vervang:

„Verplasing van gelisensieerde besigheid na ander gebou.

43. (1) Die houer van 'n lisensie (behalwe 'n buitelandse dranklisensie of 'n wynboer-lisensie) wat verlang om sy lisensie permanent te verplaas van die gelisensieerde gebou na 'n ander gebou in dieselfde distrik, mag op die voorgeskrewe wyse

Vervanging van artikel 42 van Wet 30 van 1928, soos gewysig deur artikel 9 van Wet 41 van 1934 en artikel 21 van Wet 61 van 1956.

Vervanging van artikel 43 van Wet 30 van 1928, soos gewysig deur artikel 10 van Wet 41 van 1934, artikel 22 van Wet 61 van 1956 en artikel 4 van Wet 58 van 1957.

to the chairman of the National Liquor Board, through the magistrate of the district, for such removal, and such chairman may, after considering all relevant documents, information, objections, police reports and representations submitted to him under this Act and after consultation with the other members of the National Liquor Board, grant the application for such permanent removal, subject to such conditions as he may deem fit to impose.

(2) If the chairman of the National Liquor Board grants an application under sub-section (1) in respect of premises which are not erected, or which, if already erected, require additions or alterations to make them suitable for the purposes of the proposed business, the provisions of sub-sections (5) and (6) of section *thirty-one* shall *mutatis mutandis* apply.

(3) If an application under this section for the permanent removal of a licence is granted by the chairman of the National Liquor Board on or after the first day of September in any year and before the date of the annual meetings of licensing boards to be held in that year, the licensing board shall at the next then ensuing annual meeting substitute a description of the new premises, wherever necessary, for the description of the premises referred to in any application for the renewal of such licence made in due form by the licensee.

(4) The holder of a licence (other than a foreign liquor licence or a wine farmer's licence) who may desire to remove his licence temporarily from the licensed premises to any other premises in the same district, may apply in the prescribed manner to the chairman of the licensing board, through the magistrate of the district, for such removal, and such chairman may, subject to the provisions of section *forty-five*, after considering all relevant documents, information, objections, police reports and representations submitted to him under this Act and after consultation with the other members of the licensing board, grant the application for such temporary removal subject to such conditions as he may deem fit to impose.

(5) The holder of a foreign liquor licence or a wine farmer's licence who may desire to remove his licence, whether permanently or temporarily, from the licensed premises to any other premises in the same district, may apply in the prescribed manner to the magistrate of the district for such removal, and such magistrate may, after considering all relevant documents, information, objections, police reports and representations submitted to him under this Act, grant the application for such removal subject to such conditions as he may deem fit to impose.

(6) The provisions of sub-section (3) shall *mutatis mutandis* apply to any application under sub-section (4) or (5)."

Repeal of
section 44 of
Act 30 of 1928.

28. Section *forty-four* of the principal Act is hereby repealed.

Substitution of
section 45 of
Act 30 of 1928,
as amended by
section 11 of
Act 41 of 1934
and section 23 of
Act 61 of 1956.

29. (1) The following section is hereby substituted for section *forty-five* of the principal Act:

"Reference
to interim
meeting of
application
for transfer
or tempo-
rary
removal of
licence.

45. (1) A chairman of a licensing board considering any application for the transfer or temporary removal of a licence, made under section *forty-two* or *forty-three*, shall refer such application for decision by the board at an interim meeting held in pursuance of section *twenty-one*—

- (a) if any objection is made by the police or any other person to the transfer or temporary removal;
- (b) if, in the case of an application for the transfer of a licence—
 - (i) any complaint against the applicant, his agent or his servant of having committed any offence against any law relating to

aanvraag om so 'n verplasing maak by die voorsitter van die Nasionale Drankraad, deur die magistraat van die distrik, en die voorsitter mag, na oorweging van alle relevante dokumente, inligting, besware, poliesierapporte en vertoë wat ingevolge hierdie Wet aan hom voorgelê is, en na oorlegpleging met die ander lede van die Nasionale Drankraad, die aanvraag om sodanige permanente verplasing toestaan, onderworpe aan die voorwaardes wat hy goedvind om op te lê.

(2) Indien die voorsitter van die Nasionale Drankraad 'n aanvraag ingevolge sub-artikel (1) toestaan in verband met 'n gebou wat nie opgerig is nie, of waaraan, as dit reeds opgerig is, aangebou of verander moet word om dit vir die doeleindes van die beoogde besigheid geskik te maak, is die bepalings van sub-artikels (5) en (6) van artikel een-en-dertig *mutatis mutandis* van toepassing.

(3) Indien 'n aanvraag ingevolge hierdie artikel om die permanente verplasing van 'n lisensie deur die voorsitter van die Nasionale Drankraad op of na die eerste dag van September in enige jaar en voor die datum waarop die jaarlikse vergaderings van lisensierade in daardie jaar gehou sal word, toegestaan word, moet die lisensieraad op die eersvolgende jaarlikse vergadering die beskrywing van die gebou vermeld in 'n aanvraag om die vernuwing van die lisensie, in behoorlike vorm deur die aanvrager maak, oral waar nodig, deur 'n beskrywing van die nuwe gebou vervang.

(4) Die houder van 'n lisensie (behalwe 'n buitelandse dranklisensie of 'n wynboer-lisensie) wat verlang om sy lisensie tydelik te verplaas van die gelisensieerde gebou na 'n ander gebou in dieselfde distrik, mag op die voorgeskrewe wyse aanvraag om so 'n verplasing maak by die voorsitter van die lisensieraad, deur die magistraat van die distrik, en die voorsitter mag, behoudens die bepalings van artikel vyf-en-veertig, na oorweging van alle relevante dokumente, inligting, besware, poliesierapporte en vertoë wat ingevolge hierdie Wet aan hom voorgelê is en na oorlegpleging met die ander lede van die lisensieraad, die aanvraag om so 'n tydelike verplasing toestaan, onderworpe aan die voorwaardes wat hy goedvind om op te lê.

(5) Die houder van 'n buitelandse dranklisensie of 'n wynboer-lisensie wat verlang om sy lisensie, hetsy permanent of tydelik, te verplaas van die gelisensieerde gebou na 'n ander gebou in dieselfde distrik, mag op die voorgeskrewe wyse aanvraag om so 'n verplasing maak by die magistraat van die distrik, en die magistraat mag, na oorweging van alle relevante dokumente, inligting, besware, poliesierapporte en vertoë wat ingevolge hierdie Wet aan hom voorgelê is, die aanvraag om so 'n verplasing toestaan onderworpe aan die voorwaardes wat hy goedvind om op te lê.

(6) Die bepalings van sub-artikel (3) is *mutatis mutandis* van toepassing ten opsigte van 'n aanvraag ingevolge sub-artikel (4) of (5)."

28. Artikel vier-en-veertig van die Hoofwet word hierby herroep.

Herroeping van artikel 44 van Wet 30 van 1928.

29. (1) Artikel vyf-en-veertig van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 45 van Wet 30 van 1928, soos gewysig deur artikel 11 van Wet 41 van 1934 en artikel 23 van Wet 61 van 1956.

„Verwysing van aanvraag om oordrag of tydelike verplasing van lisensie na tussen-tydse vergadering.

45. (1) 'n Voorsitter van 'n lisensieraad wat 'n aanvraag om die oordrag of tydelike verplasing van 'n lisensie wat ingevolge artikel twee-en-veertig of drie-en-veertig gemaak is, oorweeg, verwys die aanvraag ter beslissing deur die raad op 'n tussen-tydse vergadering gehou ingevolge artikel een-en-twintig—

(a) as die polisie of iemand anders beswaar maak teen die oordrag of tydelike verplasing;

(b) as, in die geval van 'n aanvraag om die oordrag van 'n lisensie—

(i) 'n klagte teen die aanvrager, sy agent of sy bediende dat hy 'n wetsbepaling op die verstrekking van sterke drank of die Wet

the supply of intoxicating liquor or the Wine, Spirits and Vinegar Act, 1957 (Act No. 25 of 1957), has been lodged with and is under the consideration of the police, or any proceedings against the applicant, his agent or servant, on any such charge are pending in any court; or

- (ii) the applicant or his agent or servant has since the last annual meeting of the licensing board been convicted of any offence against any law relating to the supply of intoxicating liquor or the Wine, Spirits and Vinegar Act, 1957, for which he has been sentenced to pay a fine of twenty pounds or more, or of any other offence for which he has been sentenced to imprisonment without the option of a fine.

(2) Notice of any application for the transfer or temporary removal of a licence referred to an interim meeting of a board under sub-section (1) need not be published, but the chairman of the board shall in writing notify the applicant, the police and any other person who has lodged an objection to such transfer or temporary removal of the date and the time when and the place where the application will be considered by the board.

(3) The provisions of sections *thirty-nine* to *forty-one*, inclusive, shall *mutatis mutandis* apply in respect of any application referred to in sub-section (1)."

(2) If after the date of the annual meetings of licensing boards for 1962 and before the date of coming into operation of sections *twenty-six* and *twenty-seven*, an application for the transfer or for the temporary removal of a licence, as the case may be, has been granted by the chairman of a licensing board, the provisions of section *forty-four* of the principal Act shall apply in respect of such transfer or such temporary removal as if that section had not been repealed by section *twenty-eight* of this Act.

Repeal of
section 46 of
Act 30 of 1928.

30. Section *forty-six* of the principal Act is hereby repealed.

Amendment of
section 47 of
Act 30 of 1928,
as amended by
section 12 of
Act 41 of 1934
and section 24 of
Act 61 of 1956.

31. Section *forty-seven* of the principal Act is hereby amended—

(a) by the deletion in sub-section (1) of the words "or assigned under the law relating to insolvency"; by the substitution in the said sub-section for the words "trustee or assignee" of the words "or trustee"; and by the substitution in the said sub-section for all the words after the word "chairman" of the words "of the licensing board or, in the case of a licence which may be granted or renewed by a magistrate, the magistrate of the district, until the date upon which an application for the renewal of such licence is considered by the licensing board or the magistrate, as the case may be, and thereafter for such period not exceeding twelve months for which the licensing board or the magistrate, as the case may be, may deem it fit to grant, on application, a renewal of the licence."; and

(b) by the substitution in sub-section (1)*bis* for the words "chairman of the board" of the words "chairman of the licensing board, or in the case of a licence which may be granted or renewed by a magistrate, the magistrate of the district,".

Amendment of
section 48 of
Act 30 of 1928.

32. Section *forty-eight* of the principal Act is hereby amended by the deletion of the word "temporarily".

Amendment of
section 50 of
Act 30 of 1928.

33. Section *fifty* of the principal Act is hereby amended—

(a) by the insertion in sub-section (1) after the word "board" where it occurs for the first time of the words "or the magistrate of the district, as the case may be,";

(b) by the insertion in the said sub-section after the word "board" where it occurs for the second time, of the words "or magistrate"; and

(c) by the insertion in sub-section (2) after the word "board" of the words "or the magistrate, as the case may be,".

op Wyn, Spiritualieë en Asyn, 1957 (Wet No. 25 van 1957), oortree het, by die polisie ingedien is en deur hulle oorweeg word, of 'n geding teen die aanvrager, sy agent of bediende op so 'n klagte in 'n hof aanhangig is; of

- (ii) die aanvrager of sy agent of bediende sedert die laaste jaarlikse vergadering van die lisensieraad skuldig bevind is weens 'n oortreding van 'n wetsbepaling op die verstrekking van sterke drank of die Wet op Wyn, Spiritualieë en Asyn, 1957, waarvoor hy tot 'n boete van twintig pond of meer gevonnissen is, of weens enige ander misdryf waarvoor hy tot gevangenisstraf sonder die keuse van 'n boete gevonnissen is.

(2) 'n Aanvraag om die oordrag of tydelike verplasing van 'n lisensie wat ingevolge sub-artikel (1) na 'n tussentydse vergadering van 'n raad verwys is, hoef nie bekend gemaak te word nie, maar die voorsitter van die raad moet die aanvrager, die polisie en enige ander persoon wat 'n beswaar teen die oordrag of tydelike verplasing ingedien het, skriftelik in kennis stel van die datum en die tyd wanneer en die plek waar die aanvraag deur die raad oorweeg sal word.

(3) Die bepalings van artikels *nege-en-dertig* tot en met *een-en-veertig* is *mutatis mutandis* van toepassing ten opsigte van 'n in sub-artikel (1) bedoelde aanvraag."

(2) Indien 'n aanvraag om die oordrag of om die tydelike verplasing van 'n lisensie, na gelang van die geval, deur die voorsitter van 'n lisensieraad toegestaan is na die datum van die jaarlikse vergadering van lisensierade vir 1962 en voor die datum van die inwerkingtreding van artikels *ses-en-twintig* en *sewe-en-twintig*, is die bepalings van artikel *vier-en-veertig* van die Hoofwet van toepassing met betrekking tot daardie oordrag of daardie tydelike verplasing asof daardie artikel nie deur artikel *agt-en-twintig* van hierdie Wet herroep was nie.

30. Artikel *ses-en-veertig* van die Hoofwet word hierby herroep.

Herroeping van artikel 46 van Wet 30 van 1928.

31. Artikel *sewe-en-veertig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 47 van Wet 30 van 1928, soos gewysig deur artikel 12 van Wet 41 van 1934 en artikel 24 van Wet 61 van 1956.

- (a) deur in sub-artikel (1) die woorde „of afgestaan word kragtens die wet op insolvensie” te skrap; deur in genoemde sub-artikel die woorde „kurator, of boedelredder” deur die woorde „of kurator” te vervang; en deur in genoemde sub-artikel al die woorde na die woord „voorsitter” deur die woorde „van die lisensieraad of, in die geval van 'n lisensie wat deur 'n magistraat verleen of vernuwe mag word, die magistraat van die distrik, skriftelik goedgekeur is, mag voortset tot die datum waarop 'n aanvraag om die vernuwing van die lisensie deur die lisensieraad of die magistraat, na gelang van die geval, oorweeg word en daarna gedurende die tydperk van nie langer nie as twaalf maande waarvoor die lisensieraad of die magistraat, na gelang van die geval, op aanvraag, dit goedvind om 'n vernuwing van die lisensie toe te staan.” te vervang; en

- (b) deur in sub-artikel (1) *bis* die woorde „voorsitter van die raad” deur die woorde „voorsitter van die lisensieraad of, in die geval van 'n lisensie wat deur 'n magistraat verleen of vernuwe mag word, die magistraat van die distrik,” te vervang.

32. Artikel *agt-en-veertig* van die Hoofwet word hierby gewysig deur die woord „tydelik” te skrap.

Wysiging van artikel 48 van Wet 30 van 1928.

33. Artikel *vyftig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 50 van Wet 30 van 1928.

- (a) deur in sub-artikel (1) na die woord „lisensieraad” die woorde „of die magistraat van die distrik, na gelang van die geval,” in te voeg;
- (b) deur in genoemde sub-artikel die woord „hy” deur die woorde „die raad of magistraat” te vervang; en
- (c) deur in sub-artikel (2) na die woord „raad” die woorde „of die magistraat, na gelang van die geval,” in te voeg.

Amendment of
section 52 of
Act 30 of 1928.

34. Section *fifty-two* of the principal Act is hereby amended—
- by the substitution in paragraph (a) for the word "it" where it occurs for the first time, of the words "the Minister through it";
 - by the deletion in paragraph (c) of the words "and, notwithstanding the provisions of section *sixty-three*, grant authority for the licence so applied for."; and
 - by the addition of the following sub-section, the existing section becoming sub-section (1):

"(2) An application made in terms of sub-section (1) shall for all purposes be deemed to be, and shall be dealt with as if it were, an application made under sub-section (1) of section *thirty-one*, and the Minister may, notwithstanding the provisions of section *sixty-three*, grant the application."

Substitution of
section 53 of
Act 30 of 1928,
as amended by
section 2 of
Act 39 of 1937,
section 25 of
Act 61 of 1956
and section 3 of
Act 72 of 1961.

35. The following section is hereby substituted for section *fifty-three* of the principal Act:

"Prohi-
bited areas.

53. (1) No licence for the sale of liquor (other than a foreign liquor licence or a wine farmer's licence) granted or renewed under this Act, shall be removed, whether permanently or temporarily, to premises situate in a prohibited area unless the chairman of the National Liquor Board or of a licensing board or a licensing board, as the case may be, recommends the application for such removal to the Minister and the Minister authorizes such chairman or licensing board to approve of such removal.

(2) No licence for the sale of liquor (other than a foreign liquor licence or a wine farmer's licence) granted or renewed under this Act in respect of premises situate in a prohibited area shall be transferred to any person unless the chairman of a licensing board or a licensing board, as the case may be, recommends the application for such transfer to the Minister and the Minister authorizes such chairman or board to approve of such transfer: Provided that no such authority shall be required in the case of a transfer of a licence from an employee of a company, society, partnership or other association of persons to another employee of the same company, society, partnership or other association of persons.

(3) The Minister may attach to any authority granted under sub-section (1) or (2) such conditions and restrictions as he may deem fit.

(4) Every condition and restriction attached by the Minister to any authority under sub-section (3) shall be endorsed upon or attached to any licence removed or transferred pursuant to such authority.

(5) For the purposes of this section "prohibited area" means any place—

- in or within half a mile of the boundary of any native location or native village established under the provisions of any law;
- in or within three miles of the boundary of any area set apart under the provisions of the Natives Land Act, 1913 (Act No. 27 of 1913), or of any other law for the occupation of natives; or
- in or within half a mile of the boundary of any area set apart under the provisions of any law for the occupation of coloured or Asiatic persons."

Insertion of
section 53bis in
Act 30 of 1928.

36. The following section is hereby inserted in the principal Act after section *fifty-three*:

"Restriction
of grocer's
wine
licences.

53bis. (1) No grocer's wine licence shall be granted to, or be renewed in the name of or be transferred to, a person who is a disqualified person, or to or in the name of a company which is a disqualified company, in relation to the premises in respect of which the licence is sought.

(2) For the purposes of this section—

- (a) 'disqualified person' means—

- in relation to premises situated in an area declared by proclamation in terms of paragraph (a) of sub-section (1) of section

34. Artikel twee-en-veertig van die Hoofwet word hierby gewysig—

Wysiging van artikel 52 van Wet 30 van 1928.

- (a) deur in paragraaf (a) na die woord „dag” die woorde „by die Minister deur die raad” in te voeg;
- (b) deur in paragraaf (c) die woorde „en niesteenstaande die bepalings van artikel drie-en-sestig, magtiging verleen vir die aldus aangevraagde lisensie.” te skrap; en
- (c) deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) ’n Aanvraag kragtens sub-artikel (1) gemaak, word vir alle doeleindes geag ’n aanvraag te wees wat, en word behandel asof dit ’n aanvraag was wat, ingevolge sub-artikel (1) van artikel een-en-dertig gemaak is en die Minister mag, niesteenstaande die bepalings van artikel drie-en-sestig, die aanvraag toestaan.”.

35. Artikel drie-en-veertig van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 53 van Wet 30 van 1928, soos gewysig deur artikel 2 van Wet 39 van 1937, artikel 25 van Wet 61 van 1956 en artikel 3 van Wet 72 van 1961.

„Verbode streke.

53. (1) Geen lisensie vir die verkoop van drank (behalwe ’n buitelandse dranklisensie of ’n wynboer-lisensie) ingevolge hierdie Wet verleen of vernuwe, mag na ’n gebou geleë in ’n verbode streek hetsy permanent of tydelik verplaas word nie, tensy die voorsitter van die Nasionale Drankraad of van ’n lisensieraad, of ’n lisensieraad, na gelang van die geval, die aanvraag om die verplasing by die Minister aanbeveel en die Minister daardie voorsitter of lisensieraad magtig om die verplasing toe te staan.

(2) Geen lisensie vir die verkoop van drank (behalwe ’n buitelandse dranklisensie of ’n wynboer-lisensie) ingevolge hierdie Wet verleen of vernuwe in verband met ’n gebou geleë in ’n verbode streek mag aan iemand oorgedra word nie tensy die voorsitter van ’n lisensieraad, of ’n lisensieraad, na gelang van die geval, die aanvraag om die oordrag by die Minister aanbeveel en die Minister daardie voorsitter of raad magtig om die oordrag toe te staan: Met die verstande dat so ’n magtiging nie nodig is nie in die geval van ’n oordrag van ’n lisensie van ’n dienaar van ’n maatskappy, vereniging, vennootskap of ander assosiasie van persone aan ’n ander dienaar van dieselfde maatskappy, vereniging, vennootskap of ander assosiasie van persone.

(3) Die Minister mag aan enige magtiging ingevolge sub-artikel (1) of (2) verleen die voorwaardes en beperkings heg wat hy goedvind.

(4) Elke voorwaarde en beperking wat deur die Minister ingevolge sub-artikel (3) aan ’n magtiging geheg word, moet op ’n lisensie wat ooreenkomstig daardie magtiging verplaas of oorgedra word, aangeteken of daaraan geheg word.

(5) By die toepassing van hierdie artikel beteken „verbode streek” enige plek—

- (a) in of binne ’n halfmyl van die grens van ’n natuurlelokasie of naturelledorp, gestig ingevolge die bepalings van ’n wet;
- (b) in of binne drie myl van die grens van ’n gebied wat kragtens die bepalings van die „Naturellen Grond Wet, 1913” (Wet No. 27 van 1913), of van enige ander wet opsy gesit is vir okkupasie deur naturelle; of
- (c) in of binne ’n halfmyl van die grens van ’n gebied wat kragtens die bepalings van ’n wet opsy gesit is vir okkupasie deur Kleurlinge of Asiëte.”.

36. Die volgende artikel word hierby in die Hoofwet na artikel drie-en-veertig ingevoeg:

Invoeging van artikel 53bis in Wet 30 van 1928.

„Beperking op kruideniers-wyn-lisensies.

53bis. (1) Geen kruideniers-wynlisensie mag verleen word aan, of vernuwe word op naam van of oorgedra word aan iemand wat ’n onbevoegde persoon is, of aan of op naam van ’n maatskappy wat ’n onbevoegde maatskappy is, met betrekking tot ’n gebou in verband waarmee die lisensie verlang word nie.

(2) By die toepassing van hierdie artikel beteken—

(a) „onbevoegde persoon”—

- (i) met betrekking tot ’n gebou geleë in ’n gebied wat by proklamasie ingevolge paragraaf (a) van sub-artikel (1) van artikel

twenty of the Group Areas Act, 1957 (Act No. 77 of 1957), to be an area for occupation by members of the group specified in such proclamation, or in an area declared by proclamation in terms of paragraph (a) of sub-section (1) of section *twenty-one* of that Act, to be an area for future occupation by members of the group specified in such proclamation, a person who is not a member of the group specified in the relevant proclamation;

(ii) in relation to premises situated in an area set apart under the provisions of the Natives Land Act, 1913 (Act No. 27 of 1913), or of any other law, for the occupation of natives, a person who is not a native;

(b) 'disqualified company' means a company in which a controlling interest as defined in the Group Areas Act, 1957 (Act No. 77 of 1957), is held or deemed to be held by or on behalf or in the interest of a person who in relation to the premises in respect of which the licence is sought, is a disqualified person.

(3) No application for a grocer's wine licence shall be granted by the Minister in respect of any premises in any district if any objector to such application adduces satisfactory proof upon oath that during the twelve calendar months immediately preceding the date of the application, the total number of gallons of table wine referred to in section *eighty-seven bis*, sold from licensed and authorized premises within such district for off-consumption by the holders of—

(a) bottle liquor licences;

(b) wholesale liquor licences who deal directly with the public;

(c) licences who have in terms of section *sixty-four* or *seventy-one bis* been authorized to sell liquor for consumption off the licensed premises; and

(d) authorities under section *one hundred bis* or *one hundred sex*,

exceeds thirty per cent. of the total number of gallons of all liquor (including such wine) sold for consumption off the said licensed and authorized premises during the said twelve calendar months by the said holders."

Substitution of section 54 of Act 30 of 1928, as amended by section 14 of Act 41 of 1934, section 3 of Act 39 of 1937, section 8 of Act 12 of 1954 and section 26 of Act 61 of 1956.

37. (1) The following section is hereby substituted for section *fifty-four* of the principal Act:

"Restriction of licences within rural areas.

54. No licence under this Act other than a wholesale liquor licence, a foreign liquor licence, a wine farmer's licence, a grocer's wine licence, a wine and malt liquor licence, a restaurant liquor licence, a hotel liquor licence, a meal time wine and malt licence, a club liquor licence, a temporary liquor licence or a late hours occasional licence, shall be granted or renewed for the sale of liquor at any place within a rural area, and no such licence shall be removed from an urban area to a rural area."

(2) Nothing in sub-section (1) contained shall be deemed to prevent the renewal, otherwise permitted by the principal Act, of any licence existing at the commencement of the said sub-section.

Insertion of section 55bis in Act 30 of 1928.

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

"Conversion of certain wholesale liquor licences.

55bis. (1) Subject to the provisions of sub-sections (1) and (2) of section *forty-seven*, the holder of a wholesale liquor licence granted before the first day of January, 1961, in respect of premises situate in an urban area, and renewed in his name at the annual meeting for 1962, may, if that licence

twintig van die Wet op Groepsgebiede, 1957 (Wet No. 77 van 1957), verklaar is 'n gebied te wees vir okkupasie deur lede van die in daardie proklamasie vermelde groep, of in 'n gebied wat by proklamasie ingevolge paragraaf (a) van sub-artikel (1) van artikel *een-en-twintig* van daardie Wet verklaar is 'n gebied te wees vir toekomstige okkupasie deur lede van die in daardie proklamasie vermelde groep, iemand wat nie 'n lid van die in die toepaslike proklamasie vermelde groep is nie;

(ii) met betrekking tot 'n gebou geleë in 'n gebied wat kragtens die bepalings van die „Naturellen Grond Wet, 1913” (Wet No. 27 van 1913), of van enige ander wet opsy gesit is vir okkupasie deur naturelle, iemand wat nie 'n naturel is nie;

(b) „onbevoegde maatskappy” 'n maatskappy waarin 'n beheersende belang soos in die Wet op Groepsgebiede, 1957 (Wet No. 77 van 1957), omskryf, besit word of geag word besit te word deur of ten behoewe of ten voordele van 'n persoon wat met betrekking tot die gebou in verband waarmee die lisensie verlang word, 'n onbevoegde persoon is.

(3) Geen aanvraag om 'n kruideniers-wynlisensie word deur die Minister in verband met 'n gebou in 'n distrik toegestaan nie indien 'n beswaarmaker teen die aanvraag bevredigende bewys onder eed lewer dat gedurende die twaalf kalendermaande wat die datum van die aanvraag onmiddellik voorafgaan, die totale getal gallon tafelwyn in artikel *sewe-en-tagtig bis* bedoel, wat vir buiteverbruik vanuit gelisensieerde en gemagtigde geboue in daardie distrik verkoop is deur die houters van—

(a) bottel-dranklisensies;

(b) groothandelaars-dranklisensies wat regstreeks met die publiek handel dryf;

(c) lisensies wat kragtens artikel *vier-en-sestig* of *een-en-sewentig bis* gemagtig is om drank vir gebruik buite die gelisensieerde gebou te verkoop; en

(d) magtigings kragtens artikel *honderd bis* of *honderd sex*,

meer is as dertig persent van die totale getal gallon drank (met inbegrip van sodanige wyn) wat gedurende bedoelde twaalf kalendermaande deur bedoelde houters vir gebruik buite bedoelde gelisensieerde en gemagtigde geboue verkoop is.”

37. (1) Artikel *vier-en-vyftig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Beperking van lisensies in plattelandse gebiede.

54. Geen lisensie kragtens hierdie Wet behalwe 'n groothandelaars-dranklisensie, 'n buitelandse dranklisensie, 'n wynboer-lisensie, 'n kruideniers-wynlisensie, 'n wyn- en bier-lisensie, 'n restaurant-dranklisensie, 'n hotel-dranklisensie, 'n maaltyd-wyn- en -bier-lisensie, 'n klub-dranklisensie, 'n tydelike drank-lisensie of 'n nagtelike geleentheids-lisensie, mag vir die verkoop van drank op 'n plek binne 'n plattelandse gebied verleen of vernuwe word nie, en geen sodanige lisensie mag van 'n stadsgebied na 'n plattelandse gebied verplaas word nie.”

(2) Geen bepaling in sub-artikel (1) vervat word geag die andersins deur die Hoofwet veroorloofde vernuwing van 'n lisensie wat by die inwerkingtreding van genoemde sub-artikel bestaan, te belet nie.

38. Die volgende artikel word hierby in die Hoofwet na artikel *vyf-en-vyftig* ingevoeg:

„Omsetting van sekere groothandelaars-dranklisensies.

55*bis*. (1) Behoudens die bepalings van sub-artikels (1) en (2) van artikel *sewe-en-veertig*, mag die houer van 'n groothandelaars-dranklisensie wat voor die eerste dag van Januarie 1961 in verband met 'n gebou geleë in 'n stadsgebied verleen is en wat by die jaarlikse vergadering van 1962 op sy naam vernuwe is, indien daardie lisensie weer op sy naam

Vervanging van artikel 54 van Wet 30 van 1928, soos gewysig deur artikel 14 van Wet 41 van 1934, artikel 3 van Wet 39 van 1937, artikel 8 van Wet 12 van 1954 en artikel 26 van Wet 61 van 1956.

Invoeging van artikel 55*bis* in Wet 30 van 1928.

is again renewed in his name at the annual meeting for 1963, within a period of four months thereafter apply to the Minister for the conversion of the licence concerned into a bottle liquor licence.

(2) The Minister may upon a recommendation made by the National Liquor Board and notwithstanding the provisions of section *sixty-three*, in his discretion, authorize the conversion of such wholesale liquor licence into a bottle liquor licence, subject to such conditions and restrictions as he may deem fit to impose: Provided that—

- (a) the Minister may only grant one such authority in any one district in respect of a business conducted under a wholesale liquor licence if the applicant or any other person or agent or nominee or company having any financial interest in such business, has any financial interest whatsoever in any other business conducted under a liquor licence or had any such interest on the first day of March, 1963;
- (b) no authority under this section shall be granted in respect of a business conducted under a wholesale liquor licence in which a producer or manufacturer or brewer or agent or nominee or person or company referred to in section *one hundred and fourteen ter* has any financial interest whatsoever or had any such interest on the first day of March, 1963;
- (c) no authority under this section shall be granted in respect of a business conducted under a wholesale liquor licence on the same premises as or together with a business conducted on the first day of March, 1963, under an hotel liquor licence to which a right of off-sale is attached, a bottle liquor licence or a wine and malt licence.

(3) The receiver of revenue shall, upon production to him of a certificate signed by the Minister or any person acting under his directions setting forth the particulars required to be contained in the licence in terms of sub-section (2) of section *ten* and upon payment of the sum specified in any relevant proclamation referred to in sub-section (4) of section *twelve*, in addition to the fees payable in terms of the Third Schedule to this Act on the issue of a new bottle liquor licence, issue a bottle liquor licence to such holder or in the case of a company, society, partnership or other association of persons, to a person in the employ of such company, society, partnership or other association of persons.”.

Amendment of section 56 of Act 30 of 1928, as amended by section 27 of Act 61 of 1956.

39. Section *fifty-six* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (1) of the words “not being an area to which section *fifty-three* applies”;
- (b) by the substitution in sub-section (2) for the words “licensing board” of the words “competent authority under this Act”; and
- (c) by the substitution in the said sub-section for the words “in terms of the licensing board’s authority or under other conditions stated in such intimation” of the words “subject to such conditions or restrictions imposed by such competent authority or under other conditions or restrictions stated in such intimation.”.

Repeal of section 57 of Act 30 of 1928.

40. Section *fifty-seven* of the principal Act is hereby repealed.

Amendment of section 58 of Act 30 of 1928.

41. Section *fifty-eight* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words “the commissioner or any deputy commissioner of police” of the words “a police officer of or above the rank of warrant officer”; and

by die jaarlikse vergadering van 1963 vernuwe word, binne 'n tydperk van vier maande daarna by die Minister aanvraag maak om die omsetting van die betrokke lisensie in 'n bottel-dranklisensie.

(2) Die Minister mag op 'n aanbeveling gedoen deur die Nasionale Drankraad, en niesteenstaande die bepalings van artikel *drie-en-sestig*, na goeddunke die omsetting van daardie groothandelaars-dranklisensie in 'n bottel-dranklisensie magtig, onderworpe aan die voorwaardes en beperkings wat hy goedvind om op te lê: Met die verstande dat—

- (a) die Minister slegs een sodanige magtiging in een distrik kan verleen ten opsigte van 'n besigheid ingevolge 'n groothandelaars-dranklisensie gedryf indien die aanvrager of enige ander persoon of agent of genomineerde of maatskappy wat 'n geldelike belang in bedoelde besigheid het, enige geldelike belang hoegenaamd het in enige ander besigheid wat kragtens 'n dranklisensie gedryf word of so 'n belang op die eerste dag van Maart 1963 gehad het;
- (b) geen magtiging ingevolge hierdie artikel verleen mag word nie ten opsigte van 'n besigheid ingevolge 'n groothandelaars-dranklisensie gedryf waarin 'n in artikel *honderd-en-veertien* ter bedoelde produsent of vervaardiger of bierbrouer of agent of genomineerde of persoon of maatskappy enige geldelike belang hoegenaamd het of so 'n belang op die eerste dag van Maart 1963 gehad het;
- (c) geen magtiging ingevolge hierdie artikel verleen mag word nie ten opsigte van 'n besigheid ingevolge 'n groothandelaars-dranklisensie gedryf op dieselfde perseel as of tesame met 'n besigheid wat op die eerste dag van Maart 1963 ingevolge 'n hotel-dranklisensie waaraan 'n reg van buiteverbruik-verkoop verbonde is, 'n bottel-dranklisensie of 'n wyn- en bier-lisensie gedryf is.

(3) Die ontvanger van staatsinkomste moet, by voorlegging aan hom van 'n sertifikaat onderteken deur die Minister of iemand wat op sy gesag handel en waarin die besonderhede uiteengesit word wat die lisensie ingevolge sub-artikel (2) van artikel *tien* moet bevat en by betaling van die som vasgestel in 'n in sub-artikel (4) van artikel *twaalf* bedoelde toepaslike proklamasie, benewens die fooie wat volgens die Derde Bylae tot hierdie Wet verskuldig is by uitreiking van 'n nuwe bottel-dranklisensie, 'n bottel-dranklisensie uitreik aan bedoelde houder of, in die geval van 'n maatskappy, vereniging, vennootskap of ander assosiasie van persone, aan iemand in diens van daardie maatskappy, vereniging, vennootskap of ander assosiasie van persone."

39. Artikel *ses-en-vyftig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 56 van Wet 30 van 1928, soos gewysig deur artikel 27 van Wet 61 van 1956.

- (a) deur in sub-artikel (1) die woorde „(behalwe 'n streek waarop artikel *drie-en-vyftig* van toepassing is)” te skrap;
- (b) deur in sub-artikel (2) die woord „lisensieraad” waar dit die eerste maal voorkom, deur die woorde „bevoegde gesag ingevolge hierdie Wet” te vervang; en
- (c) deur in genoemde artikel die woorde „soas die lisensieraad dit toegestaan het of op ander voorwaardes in die kennisgewing vermeld” deur die woorde „onderworpe aan die voorwaardes en beperkings wat daardie bevoegde gesag opgelê het of op ander voorwaardes en beperkings in die kennisgewing vermeld.” te vervang.

40. Artikel *sewe-en-vyftig* van die Hoofwet word hierby herroep.

Herroeping van artikel 57 van Wet 30 van 1928.

41. Artikel *agt-en-vyftig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 58 van Wet 30 van 1928.

- (a) deur in sub-artikel (1) die woorde „die kommissaris of enige onder-kommissaris van polisie” deur die woorde „'n polisie-offisier van die rang van adjudant-offisier of hoër” te vervang; en

- (b) by the substitution in the said sub-section for the words "commissioner, or deputy commissioner" of the words "or police officer".

Repeal of sections 59, 60, 61 and 62 of Act 30 of 1928.

42. Sections *fifty-nine, sixty, sixty-one* and *sixty-two* of the principal Act are hereby repealed.

Substitution of section 63 of Act 30 of 1928, as amended by section 16 of Act 41 of 1934, section 5 of Act 39 of 1937, section 11 of Act 20 of 1943, section 71 of Act 40 of 1945, section 1 of Act 38 of 1954, section 28 of Act 61 of 1956, and section 5 of Act 58 of 1957.

43. The following section is hereby substituted for section *sixty-three* of the principal Act:

"Limitation in urban areas of number of bottle liquor licences.

63. (1) Subject to the provisions of sub-section (2) of this section, no application for a new bottle liquor licence in respect of premises situate within any urban area shall be granted, if by such grant the total number of bottle liquor licences and licences referred to in section *sixty-four* and sub-section (7) of section *seventy-one bis* with a special right of off-sale, within the urban area concerned would be more than one for every two thousand parliamentary voters registered within such area.

(2) The Minister may, subject to the provisions of section *thirty-one*, grant an application for one or more new bottle liquor licences within any urban area where the number of parliamentary voters registered within such area is less than six thousand, if by such grant the total number of bottle liquor licences in such area would not be more than three.

(3) (a) As soon as may be after the last day of June in each year, the chief electoral officer shall cause to be ascertained, in respect of every urban area, the number of parliamentary voters registered therein on the said date, and notify in the *Gazette* the number so ascertained.

(b) The number so notified in respect of any urban area shall, until the next notification in respect of that area, for all purposes of this Act be conclusive evidence as to the number of parliamentary voters registered in that area.

(4) For the purposes of this section a proclaimed township within the area under the control of any local area committee established under the provisions of the Peri-Urban Areas Health Board Ordinance, 1943 (Ordinance No. 20 of 1943), of Transvaal, shall be deemed to be a separate urban area, and the number of registered parliamentary voters to be ascertained and notified in terms of sub-section (3) in respect of the area under the control of any such local area committee, shall exclude the number of such voters registered in such proclaimed township."

Amendment of section 64 of Act 30 of 1928.

44. Section *sixty-four* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (2) after the word "may" of the words "subject to the provisions of sub-section (3) of section *fifty-three* of the Liquor Amendment Act, 1963,"; and
- (b) by the deletion of sub-section (3).

Insertion of section 64*bis* in Act 30 of 1928.

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

"Privileges, obligations and disabilities under special right of off-sale.

64*bis*. (1) All the provisions of this Act relating to sales under a bottle liquor licence, including the hours and days of sale and the quantity of liquor which may be sold, and all the obligations and disabilities of and penalties upon the holders of bottle liquor licences, shall apply in respect of sales of liquor for consumption off the licensed premises authorized under section *sixty-four* or *seventy-one bis* and in respect of the licensee of such premises, and the Minister or the licensing board, as the case may be, may, in respect of such sales and such licensee, exercise all such powers as he or it may exercise in respect of a bottle liquor licence.

- (b) deur in genoemde sub-artikel die woorde „kommissaris of onder-kommissaris” deur die woorde „of polisie-offisier” te vervang.

42. Artikels *nege-en-vyftig*, *sestig*, *een-en-sestig* en *twee-en-sestig* van die Hoofwet word hierby herroep.

Herroeping van artikels 59, 60, 61 en 62 van Wet 30 van 1928.

43. Artikel *drie-en-sestig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Beperking in stads-gebiede van getal bottel-drank-lisensies.

63. (1) Behoudens die bepalings van sub-artikel (2) van hierdie artikel, mag geen aanvraag om 'n nuwe bottel-dranklisensie in verband met 'n gebou geleë in 'n stadsgebied toegestaan word nie as deur die toestaan van daardie aanvraag die totale getal bottel-dranklisensies en die in artikel *vier-en-sestig* en sub-artikel (7) van artikel *een-en-sewentig bis* bedoelde lisensies met 'n spesiale reg van buiteverbruik-verkoop, binne die betrokke stadsgebied meer sou wees as een vir elke tweeduisend parlementêre kiesers in daardie gebied geregistreer.

(2) Die Minister mag, behoudens die bepalings van artikel *een-en-dertig*, 'n aanvraag om een of meer nuwe bottel-dranklisensies binne 'n stadsgebied toestaan wanneer die getal parlementêre kiesers in daardie gebied geregistreer minder as ses duisend is, as deur die toestaan van daardie aanvraag die totale getal bottel-dranklisensies in daardie gebied nie meer as drie sal wees nie.

(3) (a) Die hoofverkiesingsbeampte moet so spoedig doenlik na die laaste dag van Junie in elke jaar, ten opsigte van elke stadsgebied die getal parlementêre kiesers laat vasstel wat op genoemde datum daarin geregistreer is, en die aldus vasgestelde getal in die *Staatskoerant* bekend maak.

(b) Die getal wat aldus ten opsigte van 'n stadsgebied bekend gemaak is, is tot die volgende bekendmaking ten opsigte van daardie gebied, vir alle doeleindes van hierdie Wet afdoende bewys van die getal parlementêre kiesers wat in daardie gebied geregistreer is.

(4) By die toepassing van hierdie artikel word 'n geproklameerde dorp binne die gebied onder die beheer van 'n plaaslike gebiedskomitee ingestel kragtens die bepalings van die Ordonnansie tot Instelling van 'n Gesondheidsraad vir Buitestedelike Gebiede, 1943 (Ordonnansie No. 20 van 1943), van Transvaal, geag 'n aparte stadsgebied te wees, en die getal geregistreerde parlementêre kiesers wat ingevolge sub-artikel (3) vasgestel en bekend gemaak moet word ten opsigte van die gebied onder die beheer van so 'n plaaslike gebiedskomitee, moet die getal sodanige kiesers wat in daardie geproklameerde dorp geregistreer is, uitsluit.”.

Vervanging van artikel 63 van Wet 30 van 1928, soos gewysig deur artikel 16 van Wet 41 van 1934, artikel 5 van Wet 39 van 1937, artikel 11 van Wet 20 van 1943, artikel 71 van Wet 40 van 1945, artikel 1 van Wet 38 van 1954, artikel 28 van Wet 61 van 1956 en artikel 5 van Wet 58 van 1957.

44. Artikel *vier-en-sestig* van die Hoofwet word hierby gewysig—

- (a) deur aan die end van sub-artikel (2) die woorde „dog behoudens die bepalings van sub-artikel (3) van artikel *drie-en-vyftig* van die Drankwysigingswet, 1963.” in te voeg; en

- (b) deur sub-artikel (3) te skrap.

Wysiging van artikel 64 van Wet 30 van 1928.

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

„Voorregte, verpligtings en onbevoegdhede ingevolge spesiale reg van buiteverbruik-verkoop.

64bis. (1) Al die bepalings van hierdie Wet wat betrekking het op verkope kragtens 'n bottel-dranklisensie, met inbegrip van die ure en dae van verkoop en die hoeveelheid drank wat verkoop mag word, en al die verpligtings en onbevoegdhede van die houters van bottel-dranklisensies en al die strawwe waaraan hulle onderhewig is, is van toepassing met betrekking tot die kragtens artikel *vier-en-sestig* of *een-en-sewentig bis* gemagtigde verkoop van drank vir gebruik buite die gelisensieerde gebou en met betrekking tot die lisensiehouer van daardie gebou, en die Minister of die lisensieraad, na gelang van die geval, mag, met betrekking tot bedoelde verkope en daardie lisensiehouer, al die bevoegdhede uitoefen wat hy met betrekking tot 'n bottel-dranklisensie mag uitoefen.

Invoeging van artikel 64bis in Wet 30 van 1928.

(2) The provisions of sub-section (1) shall not be deemed to prohibit a licensee of any licensed premises referred to therein from permitting a lodger at such premises, or to prohibit a lodger at such premises, from consuming in the private apartment occupied by such lodger upon such premises, any liquor which such lodger has purchased from such licensee for consumption off the licensed premises."

Amendment of section 65 of Act 30 of 1928, as amended by section 17 of Act 41 of 1934.

46. Section *sixty-five* of the principal Act is hereby amended by the insertion in sub-section (1) after the words "hotel liquor licence", of the words "or a restaurant liquor licence".

Amendment of section 67 of Act 30 of 1928, as amended by section 19 of Act 41 of 1934.

47. Section *sixty-seven* of the principal Act is hereby amended—

- (a) by the insertion after the words "wholesale liquor licence" of the words "a grocer's wine licence,"; and
- (b) by the substitution for the proviso of the following proviso:

"Provided that nothing in this section contained shall be deemed to prevent the issue of any licence to a person in the employment of a company, society, partnership or other association of persons, and if such employee to whom any such licence was issued, ceases to be employed in a position in which he is required to hold such licence, his employer shall forthwith take such steps for the transfer of the licence to some other employee, as a licensee may take under section *forty-two* for the transfer of his licence to some other person, and thereupon the provisions of that section shall *mutatis mutandis* apply in connection with the transfer of the licence."

Substitution of section 68 of Act 30 of 1928.

48. The following section is hereby substituted for section *sixty-eight* of the principal Act:

"General suitability of premises.

68. Before granting any application for the renewal of a licence or the temporary or permanent removal of a licence to other premises, the competent authority under this Act shall satisfy itself or himself that the premises in respect of which the application is made or to which the licence is to be removed, afford or when completed will afford suitable and satisfactory accommodation for all purposes to which they may lawfully, in terms of the licence, be put and if the premises are situated in the vicinity of a place of worship, or a school, or a native compound, that the business will be conducted in such a manner as not to prejudice the conduct of such place of worship or school, or prejudice the occupants, or affect the control of such native compound."

Amendment of section 69 of Act 30 of 1928.

49. Section *sixty-nine* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "licensing board" wherever they occur of the words "Minister or the licensing board, as the case may be";
- (b) by the insertion in the said sub-section after the word "granted" wherever it occurs of the words "or renewed";
- (c) by the substitution in paragraph (a) of the Afrikaans text of the said sub-section for the words "die lisensiehouer" of the words "enige persoon";
- (d) by the insertion in paragraph (a) of the said sub-section after the word "selling" of the word "news-papers,";
- (e) by the substitution in paragraph (b) of the said sub-section for the words "Wine, Spirits and Vinegar Act, 1913" of the words "Wine, Spirits and Vinegar Act, 1957 (Act No. 25 of 1957)" and for the words "receptacles; and" of the words "receptacles, and Bantu beer under the provisions of section *eleven* of the Bantu Beer Act, 1962 (Act No. 63 of 1962), packed or bottled in the manner prescribed by regulation made under the provisions of section *fifteen* of that Act;";
- (f) by the insertion after paragraph (c) of the said sub-section of the following paragraph:

(2) Die bepalings van sub-artikel (1) word nie geag 'n lisensiehouer van 'n daarin bedoelde gelisensieerde gebou te verbied om 'n loseerder in daardie gebou toe te laat, of 'n loseerder in daardie gelisensieerde gebou te verbied, om in die private kamer wat deur daardie loseerder in daardie gebou geokkupeer word, drank wat daardie loseerder van daardie lisensiehouer vir gebruik buite die gelisensieerde gebou gekoop het, te gebruik nie."

46. Artikel vyf-en-sestig van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woorde „hotel-dranklisensie" die woorde „of 'n restaurant-dranklisensie" in te voeg.

Wysiging van artikel 65 van Wet 30 van 1928, soos gewysig deur artikel 17 van Wet 41 van 1934.

47. Artikel sewe-en-sestig van die Hoofwet word hierby gewysig—

- (a) deur na die woorde „groothandelaars-dranklisensie" die woorde „'n kruideniers-wynlisensie," in te voeg; en
- (b) deur die voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

„Met die verstande dat die bepalings in hierdie artikel vervat, nie geag word die uitreiking van 'n lisensie aan iemand in diens van 'n maatskappy, vereniging, vennootskap of ander assosiasie van persone te belet nie, en as so 'n dienaar aan wie so 'n lisensie uitgereik is, ophou om in diens te wees in 'n betrekking waarin daar van hom vereis word om so 'n lisensie te hou, moet sy werkgewer onverwyld die stappe doen om die lisensie aan 'n ander dienaar oor te dra wat 'n lisensiehouer kragtens artikel twee-en-veertig kan doen om sy lisensie aan 'n ander persoon oor te dra, en daarop is die bepalings van daardie artikel *mutatis mutandis* van toepassing in verband met die oordrag van die lisensie."

Wysiging van artikel 67 van Wet 30 van 1928, soos gewysig deur artikel 19 van Wet 41 van 1934.

48. Artikel agt-en-sestig van die Hoofwet word hierby deur die volgende artikel vervang:

„Algemene geskiktheid van gebou.

68. Alvorens 'n aanvraag om die vernuwing van 'n lisensie of om die tydelike of permanente verplasing van 'n lisensie na 'n ander gebou toe te staan, moet die ingevolge hierdie Wet bevoegde gesag homself oortuig dat die gebou in verband waarmee die aanvraag gemaak word of waarheen die lisensie verplaas gaan word, geskikte en bevredigende akkomodasie vir alle doeleindes waarvoor dit, kragtens die lisensie, wettiglik gebruik mag word, bevat of sal bevat wanneer dit voltooi is en as die gebou in die nabyheid van 'n plek van openbare erediens, 'n skool of naturellekwartiere staan, dat die besigheid sodanig gedryf sal word dat die verrigtings op daardie plek van erediens of in daardie skool nie gesteur sal word of die bewoners van daardie naturellekwartiere nie benadeel, en aan die beheer daarvan geen afbreuk gedoen sal word nie."

Vervanging van artikel 68 van Wet 30 van 1928.

49. Artikel nege-en-sestig van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woord „lisensieraad" oral waar dit voorkom deur die woorde „Minister of die lisensieraad, na gelang van die geval," te vervang;
- (b) deur in genoemde sub-artikel na die woord „verleen" oral waar dit voorkom die woorde „of vernuwe" in te voeg;
- (c) deur in paragraaf (a) van genoemde sub-artikel die woorde „die lisensiehouer" deur die woorde „enige persoon" te vervang;
- (d) deur in paragraaf (a) van genoemde sub-artikel na die woord „besigheid" die woord „koerante," in te voeg;
- (e) deur in paragraaf (b) van genoemde sub-artikel die woorde „Wijn-, Spiritualiën- en Azijn Wet, 1913" deur die woorde „Wet op Wyn, Spirituallieë en Asyn, 1957 (Wet No. 25 van 1957)" en die woorde „verkoop; en" deur die woorde „en Bantoebier kragtens die bepalings van artikel elf van die Wet op Bantoebier, 1962 (Wet No. 63 van 1962), gepak of gebottel op die wyse voorgeskryf by regulasie uitgevaardig kragtens artikel vyftien van daardie Wet, verkoop;" te vervang;
- (f) deur na paragraaf (c) van genoemde sub-artikel die volgende paragraaf in te voeg:

Wysiging van artikel 69 van Wet 30 van 1928.

“(d) a grocer’s wine licence may be granted or renewed in respect of premises in which the licensee lawfully carries on the business of a general dealer and any other lawful business specially authorized by the Minister or the licensing board, as the case may be.”; and

(g) by the insertion in sub-section (2) after the word “granted” wherever it occurs of the words “or renewed”.

Amendment of section 70 of Act 30 of 1928.

50. Section *seventy* of the principal Act is hereby amended by the substitution for the words “the licensing board” of the words “the Minister or the licensing board, as the case may be,”.

Insertion of section 70bis in Act 30 of 1928.

51. The following section is hereby inserted in the principal Act after section *seventy*:

“Premises in respect of which wine and malt liquor licence and bar licence may be granted. 70bis. No wine and malt liquor licence shall be granted, and after a period of thirty-six months from the commencement of this section no wine and malt liquor licence or bar licence shall be renewed, unless the Minister to whom or the licensing board to which application for such grant or renewal is made, is satisfied that ordinary meals will regularly be provided for guests and that the premises afford or when completed will afford reasonable facilities or accommodation for persons taking meals therein: Provided that the Minister may in any particular case upon written application and upon good and sufficient reasons shown, exempt, subject to such conditions as he may deem fit, the holder of a wine and malt liquor licence which is in existence at the commencement of this section, or of a bar licence, from the obligation to comply with this section to such extent or for such period as he may determine: Provided further that the Minister may in his discretion at any time alter the terms of any such exemption.”.

Amendment of section 71 of Act 30 of 1928.

52. Section *seventy-one* of the principal Act is hereby amended—

(a) by the deletion in sub-section (1) of the words “granted, and after a period of twelve months from the commencement of this Act no hotel liquor licence shall be” and of the words “grant or”;

(b) by the deletion in paragraph (c) of the said sub-section of the words “or will be”; and

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

“(1)*bis* No hotel liquor licence and no application for the permanent removal of an hotel liquor licence shall be granted unless the competent authority is satisfied—

(a) that the premises in respect of which application is made, afford or when completed will afford residential accommodation of a high standard for guests;

(b) that adequate and proper sanitary and bathroom arrangements are or will be provided on the premises;

(c) that a *bona fide* hotel providing such accommodation is or will be conducted upon the premises; and

(d) that the premises, apart from the land on which they are built or are to be built, are or will be, where the premises are situate in an urban area, of a value of not less than twenty thousand pounds, or where the premises are situate in a rural area, of a value of not less than ten thousand pounds.”.

Insertion of section 71bis in Act 30 of 1928.

53. (1) The following section is hereby inserted in the principal Act after section *seventy-one*:

“Classification of accommodation establishments. 71bis. (1) The Minister may, upon application made by the proprietor or lessee of any premises providing residential accommodation for guests (hereinafter referred to as an accommodation establishment) in respect of which an on-consumption licence (other than a club liquor licence) has been issued under this Act, and upon a recommendation made by the National Liquor Board after such enquiry and investigation as the

- „(d) mag 'n kruideniers-wynlisensie verleen of vernuwe word in verband met 'n gebou waarin die lisensiehouer wettiglik die besigheid van 'n algemene handelaar en enige ander spesiaal deur die Minister of die lisensieraad, na gelang van die geval, gemagtigde wettige besigheid dryf.”; en
- (g) deur in sub-artikel (2) na die woord „verleen” oral waar dit voorkom die woorde „of vernuwe” in te voeg.

50. Artikel *sewentig* van die Hoofwet word hierby gewysig deur die woorde „die lisensieraad” deur die woorde „die Minister of die lisensieraad, na gelang van die geval,” te vervang. Wysiging van artikel 70 van Wet 30 van 1928.

51. Die volgende artikel word hierby in die Hoofwet na artikel *sewentig* ingevoeg: Invoeging van artikel 70bis in Wet 30 van 1928.

„Vir watter gebou wyn- en bier-lisensie en kantien-lisensie verleen mag word. 70bis. Geen wyn- en bier-lisensie mag verleen word, en na verloop van ses-en-dertig maande vanaf die inwerkingtreding van hierdie artikel mag geen wyn- en bier-lisensie of kantien-lisensie vernuwe word nie, tensy die Minister of die lisensieraad by wie die verlening of vernuwing aangevra word, oortuig is dat gewone maaltye gereeld aan gaste verstreksal word, en dat die gebou redelike geriewe of akkomodasie vir persone wat maaltye daarin neem, bevat of sal bevat wanneer dit voltooi is: Met die verstande dat die Minister in enige besondere geval, op 'n skriftelike aanvraag en om gegronde en voldoende redes aangevoer, die houer van 'n wyn- en bier-lisensie wat by die inwerkingtreding van hierdie artikel bestaan, of van 'n kantien-lisensie, van die verpligting om aan hierdie artikel te voldoen, mag vrystel, onderworpe aan die voorwaardes wat hy goedvind en in so 'n mate of vir so 'n tydperk as wat hy bepaal: Met die verstande voorts dat die Minister te eniger tyd die bepalings van so 'n vrystelling na goeddunke mag wysig.”.

52. Artikel *een-en-sewentig* van die Hoofwet word hierby gewysig— Wysiging van artikel 71 van Wet 30 van 1928.

- (a) deur in sub-artikel (1) die woorde „verleen word en na verloop van twaalf maande vanaf die inwerkingtreding van hierdie Wet mag geen hotel-dranklisensie” en die woorde „verlening of” te skrap;
- (b) deur in paragraaf (c) van genoemde sub-artikel die woorde „of sal hou” te skrap; en
- (c) deur na genoemde sub-artikel die volgende sub-artikel in te voeg:
- „(1)bis Geen hotel-dranklisensie en geen aanvraag om die permanente verplasing van 'n hotel-dranklisensie mag verleen of toegestaan word nie tensy die bevoegde gesag oortuig is—
- (a) dat die gebou in verband waarmee die aanvraag gemaak word, woonakkomodasie van 'n hoë standaard vir gaste bevat of sal bevat wanneer dit voltooi is;
- (b) dat toereikende en behoorlike sanitêre en bad-kamerinrigtings in die gebou voorsien word of sal word;
- (c) dat 'n *bona fide*-hotel wat sodanige akkomodasie voorsien, in daardie gebou gehou word of gehou sal word; en
- (d) dat die gebou, afgesien van die grond waarop dit gebou is of gebou gaan word, in die geval van 'n gebou geleë in 'n stadsgebied, 'n waarde van nie minder nie as twintig duisend pond, of in die geval van 'n gebou geleë in 'n plattelandse gebied, 'n waarde van nie minder nie as tien duisend pond, het of sal hê.”.

53. (1) Die volgende artikel word hierby in die Hoofwet na artikel *een-en-sewentig* ingevoeg: Invoeging van artikel 71bis in Wet 30 van 1928.

„Klassifikasie van akkomodasie-inrigtings. 71bis. (1) Die Minister mag op aanvraag van die eienaar of huurder van 'n gebou wat woonakkomodasie vir gaste voorsien (hieronder 'n akkomodasie-inrigting genoem) in verband waarmee 'n binneverbruik-lisensie (behalwe 'n klub-dranklisensie) kragtens hierdie Wet uitgereik is, en op 'n aanbeveling gedoen deur die Nasionale Drankraad na sodanige navraag en ondersoek as wat die Minister nodig ag, met inbegrip van oorlegpleging met 'n raad of

Minister may deem necessary including consultation with any board or body which may be established by any Minister in connection with hotel affairs, classify and grade such establishment in such manner as he may deem fit, according to the nature of the accommodation and service provided therein and its situation.

(2) An application under sub-section (1) shall be in the prescribed form and shall be accompanied by the prescribed fee.

(3) The Minister shall from time to time make known in the *Gazette* the classes and grades into which accommodation establishments may be classified and graded and may in similar manner prescribe the minimum requirements with which such an establishment shall comply before an application may be made under sub-section (1).

(4) The Minister or any person acting under his authority shall issue to the proprietor or lessee of an accommodation establishment which has been classified and graded in terms of sub-section (1), a certificate of classification in the prescribed form.

(5) The Minister may at any time, upon a recommendation made by the National Liquor Board after such enquiry and investigation as the Minister may deem necessary, change the classification and grading of an accommodation establishment which has been classified and graded in terms of sub-section (1) or withdraw the certificate issued under sub-section (4): Provided that no such change shall be effected and no such certificate shall be withdrawn, except at the instance of the proprietor or lessee of the establishment concerned, unless such proprietor or lessee has been given a reasonable opportunity to submit representations to the Minister in regard to the proposed change or withdrawal.

(6) Every certificate of classification issued under sub-section (4) shall remain in force for a period of three years, unless—

- (a) it is previously withdrawn by the Minister under sub-section (5); or
- (b) the licence issued in respect of the accommodation establishment concerned is transferred to another person more than twelve months before the expiration of the said period, in which event the certificate of classification shall lapse earlier on a date twelve months after such transfer if the certificate of classification is not endorsed by the Minister or any person acting under his authority, before such date with the name of the new licensee.

(7) The Minister may attach to any certificate issued under sub-section (4) such conditions as he may deem fit and may, notwithstanding anything in any law contained, authorize the holder of the licence issued in respect of the accommodation establishment concerned—

- (a) to sell liquor under that licence for consumption off the licensed premises, in any place approved of by the Minister and situated, if such accommodation establishment is situate within an urban area, at any place within such urban area approved of by the Minister, or, if such accommodation establishment is situate in a rural area, at any place within such rural area and within the district within which such accommodation establishment is situate, approved of by the Minister: Provided that if such first-mentioned place does not form part of the premises in respect of which such licence is held, such place shall for all purposes be deemed to form part of the licensed premises;

liggaam wat deur 'n Minister in verband met hotel-aangeleenthede ingestel word, daardie inrigting op die wyse wat hy goetvind, klassifiseer en gradeer volgens die aard van die akkomodasie en diens wat daarin voorsien word en sy ligging.

(2) 'n Aanvraag ingevolge sub-artikel (1) moet in die voorgeskrewe vorm wees en moet vergesel gaan van die voorgeskrewe fooi.

(3) Die Minister maak van tyd tot tyd die klasse en grade waarin akkomodasie-inrigtings geklassifiseer en gegradeer kan word, in die *Staatstkoerant* bekend en mag op soortgelyke wyse die minimum vereistes voorskryf waaraan so 'n inrigting moet voldoen alvorens aanvraag ingevolge sub-artikel (1) gedoen kan word.

(4) Die Minister of iemand wat op sy gesag handel, reik aan die eienaar of huurder van 'n akkomodasie-inrigting wat ingevolge sub-artikel (1) geklassifiseer en gegradeer is, 'n klassifikasiesertifikaat in die voorgeskrewe vorm uit.

(5) Die Minister mag te eniger tyd op 'n aanbeveling gedoen deur die Nasionale Drankraad na sodanige navraag en ondersoek wat die Minister nodig ag, die klassifikasie en gradering van 'n akkomodasie-inrigting wat ingevolge sub-artikel (1) geklassifiseer en gegradeer is, verander of die sertifikaat wat kragtens sub-artikel (4) uitgereik is, intrek: Met die verstande dat geen sodanige verandering aangebring mag word en geen sodanige sertifikaat ingetrek mag word nie behalwe op versoek van die eienaar of huurder van die betrokke inrigting, tensy aan die eienaar of huurder 'n redelike geleentheid gegee is om verhoë tot die Minister te rig in verband met die voorgenome verandering of intrekking.

(6) Elke klassifikasiesertifikaat wat kragtens sub-artikel (4) uitgereik is, bly van krag vir 'n tydperk van drie jaar, tensy—

(a) dit vroeër deur die Minister kragtens sub-artikel (5) ingetrek word; of

(b) die lisensie wat in verband met die betrokke akkomodasie-inrigting uitgereik is, meer dan twaalf maande voor die verstryking van bedoelde tydperk aan 'n ander persoon oorgedra word, in watter geval die klassifikasiesertifikaat vroeër verval op 'n dag twaalf maande na bedoelde oordrag as die naam van die nuwe lisensiehouer nie voor daardie dag op die klassifikasiesertifikaat deur die Minister of iemand wat op sy gesag handel, aangeteken word nie.

(7) Die Minister mag aan 'n sertifikaat uitgereik kragtens sub-artikel (4) die voorwaardes heg wat hy goetvind, en mag, ondanks andersluidende wetsbepalings, die houer van die lisensie uitgereik in verband met die betrokke akkomodasie-inrigting magtig—

(a) om kragtens daardie lisensie drank vir gebruik buite die gelisensieerde gebou te verkoop in enige plek wat die Minister goedkeur en wat geleë is, indien daardie akkomodasie-inrigting binne 'n stadsgebied geleë is, op enige plek binne daardie stadsgebied wat die Minister goedkeur, of, indien daardie akkomodasie-inrigting binne 'n plattelandse gebied geleë is, op enige plek binne daardie plattelandse gebied en binne die distrik waarbinne daardie akkomodasie-inrigting geleë is, wat die Minister goedkeur: Met die verstande dat indien eersbedoelde plek nie deel uitmaak van die gebou in verband waarmee daardie lisensie gehou word nie, bedoelde plek vir alle doeleindes geag word deel uit te maak van die gelisensieerde gebou;

(b) to permit any female of the age of eighteen years or more to be in any specified restricted portion of his premises.

(8) Any condition attached and any authority granted under sub-section (7) shall be endorsed by the chairman of the licensing board concerned on the licence held by the person concerned."

(2) No hotel liquor licence granted after the coming into operation of sub-section (1) of this section, shall be renewed after the lapse of a period of two years from the date of such grant, unless a certificate of classification has been issued in respect of the establishment conducted thereunder.

(3) If no certificate of classification has been issued on or before the thirty-first day of December, 1968, in respect of an accommodation establishment conducted under an hotel liquor licence granted before the coming into operation of sub-section (1) of this section, and such licence is renewed for the year 1969, such renewal shall be deemed to have been granted in respect of a wine and malt liquor licence in respect of the premises concerned, and if a special right of off-sale under the hotel liquor licence has been authorized in terms of section *sixty-four*, such right shall as from the first day of January, 1969, be deemed to be confined to the sale of such liquor only as may, in terms of section *eighty-six*, be sold by the holder of a wine and malt liquor licence: Provided that the Minister may in any particular case upon written application and upon good and sufficient reasons shown, extend the last-mentioned date for such period as he may determine.

Amendment of section 72 of Act 30 of 1928 as amended by section 20 of Act 41 of 1934.

54. Section *seventy-two* of the principal Act is hereby amended by the addition of the following proviso thereto:

Provided that in the case of a sports meeting held at one and the same time within, or within the grounds of, more than one place of public recreation within the same district, one such licence may be issued in respect of one or more bars, as specified in the licence, to be conducted within, or within the grounds of, any one or more or all of such places of public recreation.

Amendment of section 73 of Act 30 of 1928.

55. Section *seventy-three* of the principal Act is hereby amended—

(a) by the substitution in sub-section (1) for the word "restaurant" of the words "wine and malt"; and

(b) by the substitution in sub-section (2) for the word "twice" of the words "three times".

Insertion of sections 73bis and 73ter in Act 30 of 1928.

56. The following sections are hereby inserted in the principal Act after section *seventy-three*:

"Premises in respect of which grocer's wine licence may be granted.

73bis. No grocer's wine licence shall be granted or renewed unless the Minister or the licensing board, as the case may be, is satisfied that a general dealer's licence to deal in groceries and foodstuffs has been issued to the applicant under the provisions of the Licences Act, 1962 (Act No. 44 of 1962), in respect of the premises in respect of which the application is made and that the applicant is in fact carrying on a *bona fide* business of selling groceries and foodstuffs on such premises.

Premises in respect of which meal time wine and malt licence may be granted.

73ter. No meal time wine and malt licence shall be granted or renewed unless the Minister or the licensing board, as the case may be, is satisfied that a *bona fide* lodging-house is or will be conducted by the applicant upon the premises in respect of which the application is made and that the premises afford or on completion will afford reasonable residential accommodation for guests."

Amendment of section 74 of Act 30 of 1928, as amended by section 21 of Act 41 of 1934 and section 29 of Act 61 of 1956.

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

(a) by the substitution in sub-section (1) for the words "licensing board concerned" of the words "Minister or the licensing board, as the case may be,";

(b) by the substitution in sub-section (2) for all the words preceding paragraph (a) of the words "Subject to the provisions of sub-section (3), a copy of the rules of

(b) om enige vrouspersoon van die ouderdom van agtien jaar of ouer toe te laat om in enige bepaalde beperkte gedeelte van sy gebou te wees.

(8) Enige voorwaarde en enige magtiging ingevolge sub-artikel (7) aangeheg of verleen, word deur die voorsitter van die betrokke lisensieraad op die lisensie wat die betrokke persoon hou, aangeteken."

(2) Geen hotel-dranklisensie wat na die inwerkingtreding van sub-artikel (1) van hierdie artikel verleen word, word na verloop van 'n tydperk van twee jaar vanaf die datum van die verlening, vernuwe nie tensy 'n klassifikasiesertifikaat ten opsigte van die inrigting wat daarkragtens bestuur word, uitgereik is.

(3) Indien geen klassifikasiesertifikaat op of voor die een-en-dertigste dag van Desember 1968 uitgereik word nie ten opsigte van 'n akkomodasie-inrigting wat bestuur word kragtens 'n hotel-dranklisensie wat voor die inwerkingtreding van sub-artikel (1) van hierdie artikel verleen is, en daardie lisensie vir die jaar 1969 vernuwe word, word die vernuwing geag verleen te gewees het ten opsigte van 'n wyn- en bier-lisensie in verband met die betrokke gebou, en indien 'n spesiale reg van buiteverbruik-verkoop kragtens daardie hotel-dranklisensie ingevolge artikel vier-en-sestig gemagtig is, word daardie reg vanaf die eerste dag van Januarie 1969 geag beperk te wees tot die verkoop van alleen die drank wat ingevolge artikel ses-en-tagtig deur die houer van 'n wyn- en bier-lisensie verkoop mag word: Met die verstande dat die Minister in enige besondere geval, op 'n skriftelike aanvraag en om gegronde en voldoende redes aangevoer, laasgenoemde datum mag verleng vir die tydperk wat hy bepaal.

54. Artikel twee-en-sewentig van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling daarby te voeg:

Wysiging van artikel 72 van Wet 30 van 1928, soos gewysig deur artikel 20 van Wet 41 van 1934.

Met die verstande dat in die geval van 'n sportbyeenkoms wat op een en dieselfde tyd by, of in die gronde van, meer as een plek van publieke ontspanning in dieselfde distrik gehou word, een sodanige lisensie uitgereik kan word ten opsigte van een of meer kantene, soos in die lisensie bepaal, wat by, of in die gronde van, een of meer of al sodanige plekke van publieke ontspanning gehou gaan word.

55. Artikel drie-en-sewentig van die Hoofwet word hierby gewysig—

Wysiging van artikel 73 van Wet 30 van 1928.

(a) deur in sub-artikel (1) die woord „restourant-dranklisensie” deur die woorde „wyn- en bier-lisensie” te vervang; en

(b) deur in sub-artikel (2) die woord „tweemaal” deur die woord „driemaal” te vervang.

56. Die volgende artikels word hierby in die Hoofwet na artikel drie-en-sewentig ingevoeg:

Invoeging van artikels 73bis en 73ter in Wet 30 van 1928.

„Vir watter gebou kruideniers-wynlisensie verleen mag word.

73bis. Geen kruideniers-wynlisensie mag verleen of vernuwe word nie, tensy die Minister of die lisensieraad, na gelang van die geval, oortuig is dat 'n algemene handelaarslisensie om met kruideniers-eetware handel te dryf ingevolge die bepalings van die Wet op Lisensies, 1962 (Wet No. 44 van 1962), aan die aanvrager in verband met die gebou in verband waarmee die aanvraag gemaak word, uitgereik is en dat die aanvrager inderdaad 'n bona fide handelaarsak vir die verkoop van kruideniers- en eetware in die gebou voortsit.

Vir watter gebou maaltyd-wyn- en -bier-lisensie verleen mag word.

73ter. Geen maaltyd-wyn- en -bier-lisensie mag verleen of vernuwe word nie, tensy die Minister of die lisensieraad, na gelang van die geval, oortuig is dat 'n bona fide losieshuis deur die aanvrager bestuur word in die gebou in verband waarmee die aanvraag gemaak word en dat die gebou redelike woonakkomodasie vir gaste bevat of sal bevat wanneer dit voltooi is."

57. Artikel vier-en-sewentig van die Hoofwet word hierby gewysig—

Wysiging van artikel 74 van Wet 30 van 1928, soos gewysig deur artikel 21 van Wet 41 van 1934 en artikel 29 van Wet 61 van 1956.

(a) deur in sub-artikel (1) die woorde „betrokke lisensieraad” deur die woorde „Minister of die lisensieraad, na gelang van die geval,” te vervang;

(b) deur in sub-artikel (2) al die woorde wat paragraaf (a) voorafgaan, deur die woorde „Met inagneming van die bepalings van sub-artikel (3), moet 'n eksemplaar

the club certified by the chairman thereof shall be lodged with the application for the grant or renewal of a club liquor licence and no such licence shall be granted or renewed unless the Minister or the licensing board, as the case may be, is satisfied by reference to the rules or by the police report or otherwise—"; and

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

"(3) In the case of an application for the renewal of a club liquor licence a copy of the rules of the club need not be lodged as required by sub-section (2) if the applicant with his application lodges an affidavit that since the last application for a licence the rules have not been altered, or have only been altered in minor respects of which full particulars shall be given in such affidavit."

Substitution of section 75 of Act 30 of 1928, as amended by section 22 of Act 41 of 1934.

58. (1) The following section is hereby substituted for section *seventy-five* of the principal Act:

"Days and hours of sale and delivery.

75. (1) Unless specially otherwise provided in this section—

- (a) no liquor shall be sold or delivered on any closed day by any person holding a licence under this Act; and
- (b) the holder of a wholesale liquor licence who deals directly with the public and the holder of a bottle liquor licence or a grocer's wine licence shall not sell or deliver liquor on any day fixed for the time being by or under any law operative in the district or area in which the licensed premises concerned are situate, for the closing of shops, or of those parts of shops in which is carried on the business of a general dealer under a licence issued in terms of the Licences Act, 1962 (Act No. 44 of 1962)

(2) Subject to the provisions of this Act—

- (a) the holder of a wholesale liquor licence who does not deal directly with the public and the holder of a brewer's licence shall not sell or deliver liquor earlier than seven o'clock in the morning or later than six o'clock in the evening and may, on any closed day other than Sunday, Christmas Day, Good Friday, Ascension Day and the Day of the Covenant, convey liquor for delivery to any licensee in any rural area, or for delivery at any place on the railway system controlled by the Railway Administration for transport by rail to any licensee;
- (b) the holder of a wholesale liquor licence who deals directly with the public and the holder of a bottle liquor licence shall not sell liquor from his licensed premises earlier than nine o'clock in the morning or later than half-past six o'clock in the evening and shall not deliver liquor before nine o'clock in the morning or after seven o'clock at night: Provided that—
 - (i) on the day fixed for the time being by or under any law operative in the district or area in which the licensed premises concerned are situate, as a half holiday for the closing of shops, or of those parts of shops, in which is carried on the business of a general dealer under a licence issued in terms of the Licences Act, 1962, no liquor shall be sold from the licensed premises earlier than nine o'clock in the morning or later than one o'clock in the afternoon and no liquor shall be delivered from the premises before nine o'clock in the morning or after three o'clock in the afternoon; and
 - (ii) subject to the provisions of sub-section (1) of this section and of sub-paragraph (i) of this proviso, liquor may be sold or delivered on the licensed premises up to eight o'clock in the evening or delivered

van die reglement van die klub, gesertifiseer deur sy voorsitter, saam met die aanvraag om die verlening of vernuwing van 'n klub-dranklisensie ingedien word en so 'n lisensie word nie verleen of vernuwe nie tensy die Minister of die lisensieraad, na gelang van die geval, deur insae in die reglement of deur die polisie-rapport of andersins oortuig is—" te vervang; en

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

„(3) In die geval van 'n aanvraag om die vernuwing van 'n klub-dranklisensie is dit nie nodig om 'n eksemplaar van die reglement van die klub soos vereis deur sub-artikel (2) in te dien nie as die aanvrager met sy aanvraag 'n beëdigde verklaring indien dat sedert die laaste aanvraag om 'n lisensie die reglement nie verander is nie, of slegs geringe veranderings waarvan volle besonderhede in die beëdigde verklaring verstrekk moet word, ondergaan het.”.

58. (1) Artikel vyf-en-sewentig van die Hoofwet word hierby deur die volgende artikel vervang:

„Dae en ure van verkoop en aflewering.

75. (1) Behalwe vir sover hierdie artikel uitdruklik anders bepaal—

- (a) word geen drank deur iemand wat die houer is van 'n lisensie kragtens hierdie Wet, op 'n geslote dag verkoop of afgelewer nie; en
- (b) word drank nie deur die houer van 'n groothandelaars-dranklisensie wat regstreeks met die publiek handel dryf en die houer van 'n bottel-dranklisensie of 'n kruideniers-wynlisensie verkoop of afgelewer nie op 'n dag wat op 'n gegewe tydstop by of ingevolge 'n wet wat van krag is in die distrik of gebied waarin die betrokke gelisensieerde gebou geleë is, vasgestel is vir die sluiting van winkels, of van daardie gedeeltes van winkels, waarin die besigheid van 'n algemene handelaar gedryf word kragtens 'n lisensie uitgereik ingevolge die Wet op Lisensies, 1962 (Wet No. 44 van 1962).
- (2) Behoudens die bepalings van hierdie Wet—
- (a) mag die houer van 'n groothandelaars-dranklisensie wat nie regstreeks met die publiek handel dryf nie en die houer van 'n bierbrouerslisensie nie drank voor sewenuur in die môre of na sesuur in die aand verkoop of aflewer nie, en mag hy op enige geslote dag behalwe Sondag, Kersdag, Goeie Vrydag, Hemelvaartdag en Geloftedag drank vervoer vir aflewering aan 'n lisensiehouer in 'n plattelandse gebied of vir aflewering op enige plek aan die spoorwegnetwerk beheer deur die Spoorwegadministrasie, vir vervoer per spoor na 'n lisensiehouer;
- (b) mag die houer van 'n groothandelaars-dranklisensie wat regstreeks met die publiek handel dryf en die houer van 'n bottel-dranklisensie nie drank vanuit sy gelisensieerde gebou voor negenuur in die môre of na half-sewenuur in die aand verkoop of voor negenuur in die môre of na sewenuur in die aand aflewer nie: Met die verstande dat—

- (i) op die dag wat op 'n gegewe tydstop by of ingevolge 'n wet wat van krag is in die distrik of gebied waarin die betrokke gelisensieerde gebou geleë is, vasgestel is as 'n halwe vakansiedag vir die sluiting van winkels, of van daardie gedeeltes van winkels, waarin die besigheid van 'n algemene handelaar gedryf word kragtens 'n lisensie uitgereik ingevolge die Wet op Lisensies, 1962, geen drank vanuit die gelisensieerde gebou voor negenuur in die môre of na eenuur in die namiddag verkoop mag word nie en geen drank vanuit die gelisensieerde gebou voor negenuur in die môre of na drie-uur in die namiddag afgelewer mag word nie; en
- (ii) behoudens die bepalings van sub-artikel (1) van hierdie artikel en van sub-paragraaf (i) van hierdie voorbehoudsbepaling, drank in die gelisensieerde gebou tot agtuur in die aand verkoop of afgelewer mag word

Vervanging van artikel 75 van Wet 30 van 1928, soos gewysig deur artikel 22 van Wet 41 van 1934.

from the licensed premises up to nine o'clock in the evening upon the twenty-third, twenty-fourth, thirtieth and thirty-first days of December;

- (c) the holder of a grocer's wine licence shall not sell liquor from his licensed premises earlier than nine o'clock in the morning or later than the hour fixed for the time being by or under any law operative in the district or area in which the licensed premises concerned are situate, for the closing of shops, or of those parts of shops, in which is carried on the business of a general dealer under a licence issued in terms of the Licences Act, 1962, but in no case later than half-past six o'clock in the evening, and shall not deliver liquor from his licensed premises earlier than nine o'clock in the morning or two hours later than the hour so fixed for the closing of such shops or parts of shops, but in no case later than seven o'clock in the evening;
- (d) no liquor shall be sold, disposed of or delivered under a wine farmer's licence before seven o'clock in the morning or after six o'clock in the evening;
- (e) the holder of a restaurant liquor licence may, notwithstanding anything in any other law contained, sell liquor on all days, including closed days, to any person *bona fide* taking or about to take an ordinary meal in the restaurant, which has been purchased thereat and for consumption with or immediately before such meal, but not at any other time than between twelve o'clock midday and half-past two o'clock in the afternoon and between six o'clock in the evening and such hour as may be determined by the authority granting or renewing such licence, being not later than half-past eleven o'clock at night: Provided that no liquor shall be sold after nine o'clock in the evening on any Sunday, Christmas Day, Good Friday, Ascension Day or the Day of the Covenant;
- (f) the hours during which liquor may be sold and delivered by the holder of a bar licence, a wine and malt liquor licence or an hotel liquor licence shall be such as may be determined by the authority granting or renewing the licence: Provided that—
 - (i) subject to the provisions of sub-paragraph (ii), such hours shall not be earlier than ten o'clock in the morning or later than half-past eleven o'clock at night;
 - (ii) if a certificate of classification has been issued under section *seventy-one bis*, in respect of the licensed premises, the holder of the hotel liquor licence concerned may sell and deliver liquor until such hour, including such hour in the morning of the following day, not being a closed day, as the Minister may determine;
- (g) the holder of a meal time wine and malt licence may, notwithstanding anything in any other law contained, sell liquor on all days, including closed days, to any lodger or other person *bona fide* taking an ordinary meal on the licensed premises, for which such lodger or person has paid or has agreed to pay such holder, and for consumption with such meal, but not at any other time than between twelve o'clock midday and two o'clock in the afternoon and between six o'clock and eight o'clock in the evening;
- (h) the hours during which liquor may be supplied by the holder of a club liquor licence shall be such as may be determined by the authority granting or renewing the licence but shall not

of vanuit die gelisensieerde gebou tot negenuur in die aand afgelewer mag word op die drie-en-twintigste, vier-en-twintigste, dertigste en een-en-dertigste dag van Desember;

- (c) mag die houer van 'n kruideniers-wynlisensie nie drank vanuit sy gelisensieerde gebou verkoop nie voor negenuur in die môre of na die uur wat op 'n gegewe tydstop by of ingevolge 'n wet wat van krag is in die distrik of gebied waarin die betrokke gelisensieerde gebou geleë is, vasgestel is vir die sluiting van winkels, of van daardie gedeeltes van winkels, waarin die besigheid van 'n algemene handelaar gedryf word kragtens 'n lisensie uitgereik ingevolge die Wet op Lisensies, 1962, maar in geen geval later as half-sewenuur in die aand nie, en mag hy nie drank voor negenuur in die môre of twee uur na die uur aldus vasgestel vir die sluiting van bedoelde winkels of gedeeltes van winkels, aflewer nie, maar in geen geval later as sewenuur in die aand nie;
- (d) word geen drank kragtens 'n wynboer-lisensie voor sewenuur in die môre of na sesuur in die aand verkoop, van die hand gesit of afgelewer nie;
- (e) mag die houer van 'n restourant-dranklisensie, ondanks andersluidende wetsbepalings, drank op alle dae, ook geslote dae, verkoop aan iemand wat *bona fide* in die restourant 'n gewone, daarin gekoopte maaltyd neem, of op die punt staan om dit te neem, en wel om by of onmiddellik voor die maaltyd gebruik te word, maar op geen ander tyd nie dan tussen twaalfuur middag en halfdrie-uur in die namiddag en tussen sesuur in die aand en sodanige uur as wat vasgestel word deur die gesag wat daardie lisensie verleen of vernuwe en wat nie later is nie dan half-twaalfuur in die nag: Met die verstande dat geen drank na negenuur in die aand op enige Sondag, Kersdag, Goeie Vrydag, Hemelvaartdag of Geloftedag verkoop mag word nie;
- (f) is die ure waartydens drank deur die houer van 'n kantien-lisensie, 'n wyn- en bier-lisensie of 'n hotel-dranklisensie verkoop en afgelewer mag word, dié wat die gesag wat die lisensie verleen of vernuwe, bepaal: Met die verstande dat—
 - (i) behoudens die bepalinge van paragraaf (ii), daardie ure nie vroeër as tienuur in die môre of later as half-twaalfuur in die aand mag wees nie;
 - (ii) indien 'n klassifikasiesertifikaat ingevolge artikel *een-en-sewentig bis* ten opsigte van die gelisensieerde gebou uitgereik is, die houer van die betrokke hotel-dranklisensie drank mag verkoop en aflewer tot die uur, ook die uur in die môre van die volgende dag, wat nie 'n geslote dag is nie, wat die Minister bepaal;
- (g) mag die houer van 'n maaltyd-wyn- en -bier-lisensie, ondanks andersluidende wetsbepalings, drank op alle dae, ook geslote dae, verkoop aan 'n loseerder of ander persoon wat *bona fide* in die gelisensieerde gebou 'n gewone maaltyd neem waarvoor daardie loseerder of persoon daardie houer betaal het of onderneem het om daardie houer te betaal, en wel om by die maaltyd gebruik te word, maar op geen ander tyd nie dan tussen twaalfuur middag en twee-uur in die namiddag en tussen sesuur en agtuur in die aand;
- (h) is die ure waartydens drank deur die houer van 'n klub-dranklisensie verstrekkend mag word, dié wat die gesag wat die lisensie verleen of vernuwe, bepaal, maar dit mag nie vroeër as tienuur in

- be earlier than ten o'clock in the morning or later than half-past eleven o'clock at night;
- (i) liquor may be sold by the holder of a theatre or sports ground liquor licence only on those days upon which any public entertainment or public sports meeting takes place upon the theatre premises or sports ground respectively and then only during such hours as may be determined by the authority granting or renewing the licence, which hours shall only be from the time of commencement of such entertainment or public sports meeting, being not earlier than ten o'clock in the morning, until thirty minutes after the time when any such entertainment or function, as the case may be, ends, being not later than half-past eleven o'clock at night;
 - (j) a temporary liquor licence shall not authorize the sale or supply of liquor for any longer period than six days or upon any day other than one on which the place of the public function, recreation or public amusement in respect of which it is granted, is open to the public and then only during such hours as may be determined by the authority granting the licence, which hours shall only be between the hours at which such place is opened and closed to the public, being not earlier than ten o'clock in the morning or later than twelve o'clock midnight; and
 - (k) a late hours occasional licence shall not authorize the sale or supply of liquor save upon the one day mentioned in such licence or at any other times than between the hour of the closing of the licensed premises in respect of which such late hours occasional licence is granted and such hour, not being later than two o'clock in the morning of the following day, not being a closed day, as the authority granting the licence may determine.

(3) The authority granting or renewing a licence may, notwithstanding anything in any other law contained, authorize—

- (a) the holder of an hotel liquor licence; and
- (b) the holder of a bar licence or a wine and malt liquor licence where such authority is satisfied that *bona fide* meals are or will be served in a room or place other than the place commonly known as the bar, specially set apart for the purpose,

to serve liquor on closed days between the hours of twelve midday and half-past two in the afternoon, and between six and nine o'clock in the evening, to persons *bona fide* taking or about to take ordinary meals on the licensed premises which have been purchased thereat and for consumption with or immediately before such meals.

(4) Notwithstanding anything in any other law contained, including section *one hundred and eighty-one* of the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), the authority granting or renewing a licence may, on application by the holder of an hotel liquor licence and subject to such conditions or restrictions as he or it may deem fit to impose, authorize such licence holder on any day, including a closed day, and at any time, to sell and deliver liquor in the licensed premises in question to any lodger at the hotel for consumption on such premises elsewhere than in the restricted portion thereof by such lodger or his guest: Provided that no liquor shall be supplied under the provisions of this subsection to such a lodger for consumption by his guest, unless the name and address of such guest and the name of such lodger have been clearly and indelibly recorded by such lodger in a special register to be kept by the licensee for the purpose;

(5) Notwithstanding anything in any other law contained, including section *one hundred and eighty-one* of the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), the authority granting or renewing

die môre of later dan half-twaalfuur in die nag wees nie;

- (i) mag drank deur die houer van 'n teater- of sportgronde-dranklisensie verkoop word slegs op daardie dae waarop 'n publieke vermaaklikheid of publieke sportbyeenkoms onderskeidelik in die teatergebou of op die sportgronde plaasvind en dan slegs gedurende die ure wat die gesag wat die lisensie verleen of vernuwe, bepaal, welke ure slegs vanaf die tyd waarop daardie vermaaklikheid of publieke sportbyeenkoms begin, synde nie vroeër dan tienuur in die môre nie, tot dertig minute na die tyd waarop daardie vermaaklikheid of byeenkoms, na gelang van die geval, eindig, synde nie later nie dan half-twaalfuur in die nag, mag wees;
- (j) mag 'n tydelike dranklisensie nie die verkoop of verstrekking van drank vir 'n langer tydperk veroorloof nie dan ses dae of op 'n ander dag dan 'n dag waarop die plek van die publieke funksie, ontspanning of publieke vermaak in verband waarmee dit verleen is, aan die publiek toeganklik is en dan slegs gedurende die ure wat die gesag wat die lisensie verleen, bepaal, welke ure slegs tussen die uur van opening en die uur van sluiting van daardie plek vir die publiek, synde nie vroeër nie dan tienuur in die môre of later nie dan twaalfuur middernag, mag wees; en
- (k) mag 'n nagtelike geleentheidslisensie nie die verkoop of verstrekking van drank veroorloof nie, behalwe op die een dag wat in die lisensie genoem word, of op enige ander tye dan tussen die sluitingsuur van die gelisensieerde gebou in verband waarmee die nagtelike geleentheidslisensie verleen is en die uur, synde nie later nie dan twee-uur in die môre van die volgende dag, wat nie 'n geslote dag is nie, wat die gesag wat die lisensie verleen, bepaal.

(3) Die gesag wat 'n lisensie verleen of vernuwe mag, ondanks andersluidende wetsbepalings, magting verleen aan—

- (a) die houer van 'n hotel-dranklisensie; en
- (b) die houer van 'n kantien-lisensie of 'n wyn- en bier-lisensie wanneer daardie gesag oortuig is dat *bona fide* maaltye bedien word of gaan word in 'n spesiaal daarvoor afgesonderde vertrek of plek buite die plek wat gewoonlik as die kantien bekend staan,

om op geslote dae tussen twaalfuur middag en half-drie-uur in die namiddag en tussen sesuur en negenuur in die aand, aan persone wat *bona fide* in die gelisensieerde gebou gewone daarin gekoopte maaltye neem of op die punt staan om dit te neem, drank te verstrek om by of onmiddellik voor daardie maaltye gebruik te word.

(4) Ondanks andersluidende wetsbepalings, met inbegrip van artikel *honderd een-en-tagtig* van die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), mag die gesag wat 'n lisensie verleen of vernuwe, op aanvraag deur die houer van 'n hotel-dranklisensie en onderworpe aan die voorwaardes of beperkings wat hy goedvind om op te lê, bedoelde lisensiehouer magtig om op enige dag, ook 'n geslote dag, en te eniger tyd, in die betrokke gelisensieerde gebou drank te verkoop en af te lewer aan enige loseerder by die hotel om in daardie gebou elders dan in die beperkte gedeelte daarvan gebruik te word deur daardie loseerder of sy gas: Met die verstande dat geen drank kragtens die bepalinge van hierdie sub-artikel aan daardie loseerder vir gebruik deur sy gas verstrek mag word nie, tensy die naam en adres van die gas en die naam van daardie loseerder duidelik en onuitwisbaar aangeteken is deur daardie loseerder in 'n spesiale register wat die lisensiehouer vir die doel moet hou.

(5) Ondanks andersluidende wetsbepalings, met inbegrip van artikel *honderd een-en-tagtig* van die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), mag die gesag wat 'n lisensie

a licence may, on application by the holder of a club liquor licence, and subject to such conditions or restrictions as he or it may deem fit to impose, authorize such licence holder on any day, including a closed day, and at any time, to sell and deliver liquor in the licensed premises in question to any member of the club for consumption by such member or his guest: Provided that where such sale and delivery takes place outside the hours of sale defined in paragraph (h) of sub-section (2), such liquor shall be consumed elsewhere than in the restricted portion of the premises: Provided further that no liquor shall be supplied under the provisions of this sub-section to a member for consumption by his guest, unless the name and address of such guest and the name of such member have been clearly and indelibly recorded by such member in a special register to be kept by the licensee, and as prescribed by regulation."

(2) If a licensing board has before the date of coming into operation of sub-section (1) of this section lawfully authorized the extension of the hours of sale in respect of a bar licence, an hotel liquor licence or a wine and malt liquor licence, it may after such date continue to do so until the thirty-first day of December, 1968, in all respects as if the said sub-section had not come into operation.

Amendment of
section 76 of
Act 30 of 1928.

59. Section *seventy-six* of the principal Act is hereby amended—

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

"(2) The quantity of liquor to be sold or delivered by the holder of a wholesale liquor licence to any one customer other than a licensee or holder of an authority under section *one hundred bis* or *one hundred sex* at any one time, shall not be less than two gallons (of which not less than one gallon shall be of the same kind, description and brand of liquor other than malt liquor), or to any one licensee or holder of an authority under section *one hundred bis* or *one hundred sex* at any one time, shall not be less than one quart, in receptacle or receptacles properly and securely corked or stoppered: Provided that if the quantity of liquor so sold or delivered to any one customer includes not less than one gallon of table wine which is the product solely of the alcoholic fermentation of the juice of fresh grapes and containing no more than 14 per cent. of alcohol by volume, such table wine need not be of the same description or brand.

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

"(2)*bis* The quantity of liquor to be sold or delivered by the holder of a foreign liquor licence to any one customer at any one time shall not be less than two gallons in receptacle or receptacles properly and securely corked or stoppered.";

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

"(4) The quantity of liquor to be sold or delivered by the holder of a bottle liquor licence or a grocer's wine licence to any one customer at any one time shall be not less than one half pint in bottle or receptacle properly and securely corked or stoppered."; and

(d) by the addition to sub-section (5) of the following proviso:

"Provided that the provisions of this sub-section shall not apply to a co-operative society as defined in section *one* of the Wine and Spirits Control Act, 1956 (Act No. 38 of 1956), in respect of liquor sold by it to its members."

Substitution of
section 78 of
Act 30 of 1928.

60. The following section is hereby substituted for section *seventy-eight* of the principal Act:

"Restricted use of licensed premises. 78. (1) In authorizing the grant or renewal of a licence for the sale of liquor under this Act, the Minister or the licensing board, as the case may be, may—

verleen of vernuwe, op aanvraag deur die houer van 'n klub-dranklisensie en onderworpe aan die voorwaardes of beperkings wat hy goedvind om op te lê, bedoelde lisensiehouer magtig om op enige dag, ook 'n geslote dag, en te eniger tyd, in die betrokke gelisensieerde gebou drank te verkoop en af te lewer aan 'n lid van die klub vir gebruik deur daardie lid of sy gas: Met die verstande dat waar bedoelde verkoop en aflewering plaasvind buite die ure van verkoop in paragraaf (h) van sub-artikel (2) omskryf, daardie drank elders dan in die beperkte gedeelte van die gebou gebruik moet word: Met die verstande voorts dat geen drank kragtens die bepalings van hierdie sub-artikel aan 'n lid vir gebruik deur sy gas verstrekk mag word nie, tensy die naam en adres van die gas en die naam van daardie lid duidelik en onuitwisbaar aangeteken is deur daardie lid in 'n spesiale register wat die lisensiehouer moet hou, en soos by regulasie voorgeskryf."

(2) Indien 'n lisensieraad voor die datum van inwerking-treding van sub-artikel (1) van hierdie artikel wettiglik die verlenging van die ure van verkoop ten opsigte van 'n kantien-lisensie, 'n hotel-dranklisensie of 'n wyn- en bier-lisensie gemagtig het, kan hy na daardie datum voortgaan om dit te doen tot die een-en-dertigste dag van Desember 1968, in alle opsigte asof genoemde sub-artikel nie in werking getree het nie.

59. Artikel ses-en-sewentig van die Hoofwet word hierby gewysig— Wysiging van artikel 76 van Wet 30 van 1928.

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

„(2) Die hoeveelheid drank wat die houer van 'n groothandelaars-dranklisensie ineens aan een klant, behalwe 'n lisensiehouer of houer van 'n magtiging kragtens artikel honderd bis of honderd sex, mag verkoop of aflewer, mag nie minder bedra nie dan twee gallon (waarvan minstens een gallon van dieselfde soort, beskrywing en merk drank, behalwe bier, moet wees), of ineens aan een lisensiehouer of houer van 'n magtiging kragtens artikel honderd bis of honderd sex mag verkoop of aflewer, mag nie minder bedra nie dan een kwart, in 'n houer of houters wat behoorlik en dig gekurk of geprop moet wees: Met die verstande dat indien die hoeveelheid drank wat aldus aan een klant verkoop of afgelewer word nie minder nie dan een gallon tafelwyn insluit wat uitsluitend die produk is van die alkoholiese gisting van vars druiwe en wat nie meer alkohol bevat nie dan 14 persent van sy volume, daardie tafelwyn nie van dieselfde beskrywing of merk moet wees nie.”;

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

„(2)bis Die hoeveelheid drank wat die houer van 'n buitelandse dranklisensie ineens aan een klant mag verkoop of aflewer, mag nie minder bedra nie dan twee gallon in 'n houer of houters wat behoorlik en dig gekurk of geprop moet wees.”;

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

„(4) Die hoeveelheid drank wat die houer van 'n bottel-dranklisensie of 'n kruideniers-wynlisensie ineens aan 'n klant mag verkoop of aflewer, mag nie minder bedra nie dan een halfpint in 'n bottel of houer wat behoorlik en dig gekurk of geprop moet wees.”; en

(d) deur die volgende voorbehoudsbepaling by sub-artikel (5) te voeg:

„Met die verstande dat die bepalings van hierdie sub-artikel nie van toepassing is nie op 'n koöperatiewe vereniging soos omskryf in artikel een van die Wet op Beheer oor Wyn en Spirituallieë, 1956 (Wet No. 38 van 1956), ten opsigte van drank deur hom aan sy lede verkoop.”.

60. Artikel agt-en-sewentig van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 78 van Wet 30 van 1928.

„Beperkte gebruik van gelisensieerde gebou. 78. (1) By die magtiging tot verlening of vernuwning van 'n lisensie vir die verkoop van drank ingevolge hierdie Wet, mag die Minister of die lisensieraad, na gelang van die geval—

(a) determine that any particular portion of the premises, other than the dining room, on which the business is to be conducted, shall be included in the restricted portion; and

(b) impose a condition that—

(i) liquor shall be supplied to any particular class of persons only in a place upon the licensed premises specially set apart for such particular class of persons;

(ii) in the case of an on-consumption licence, no liquor shall be sold or supplied to a particular class of persons.

(2) If the Minister or a licensing board has imposed a condition under sub-paragraph (i) of paragraph (b) of sub-section (1) that liquor shall be supplied to a particular class of persons only in a place upon the licensed premises specially set apart for such class of persons, the Minister may, on application made to him through the licensing board, authorize the licensee, in lieu of supplying liquor to such class of persons in a place upon the licensed premises, to supply liquor to such class of persons in any other place approved of by the Minister, and thereupon such other place shall for all purposes be deemed to form part of the licensed premises.

(3) The provisions of sections *thirty-one* and *thirty-five* and of the regulations relating to applications for the grant of a licence shall *mutatis mutandis* apply in respect of an application under sub-section (2)."

(4) If the Minister or a licensing board imposes or has imposed a condition under sub-paragraph (i) of paragraph (b) of sub-section (1) that liquor shall be supplied to a particular class of persons only in a place upon the licensed premises specially set apart for such class of persons, the Minister, when authorizing the grant of the licence, or the licensing board, at any time when authorizing the renewal of the licence, may impose a further condition that the holder of the licence concerned shall make application to the Minister under sub-section (2) within a period specified in such further condition, for authority, in lieu of supplying liquor to such class of persons in a place upon the licensed premises, to supply liquor to such class of persons in any other place approved of by the Minister."

Amendment of section 79 of Act 30 of 1928, as amended by section 30 of Act 61 of 1956.

61. Section *seventy-nine* of the principal Act is hereby amended—

(a) by the substitution for the words "A licensing board in" of the words "The competent authority";

(b) by the substitution in paragraph (c) for the words "the board" of the words "such authority"; and

(c) by the addition of the following sub-section, the existing section becoming sub-section (1):

"(2) Subject to the provisions of sub-section (1), no major structural alteration or addition to any licensed premises shall be carried out without the written authority of the chairman of the licensing board who shall only act in consultation with the other members thereof."

Amendment of section 79bis of Act 30 of 1928, as inserted by section 5 of Act 35 of 1956.

62. Section *seventy-nine bis* of the principal Act is hereby amended—

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

"(1) If an applicant in respect of an hotel liquor licence or the renewal of such a licence does not intend to do business throughout the whole of any particular year and has given adequate reasons therefor, and the Minister or the licensing board, as the case may be, is satisfied that the public will not be unduly inconvenienced thereby, he or it may, in authorizing the grant or renewal of such licence, authorize the licensee to do business only during specified periods during the year."

(b) by the substitution in sub-section (2) for the word "The" of the words "Subject to the provisions of sub-section (5), the";

(a) bepaal dat 'n bepaalde gedeelte van die gebou, behalwe die eetsaal, waarin die besigheid gedryf gaan word, by die beperkte gedeelte gereken moet word; en

(b) 'n voorwaarde oplê dat—

(i) drank aan 'n bepaalde klas van persone alleen verstrekk mag word in 'n plek in die gelisensieerde gebou wat spesiaal vir daardie bepaalde klas van persone afgesonder is;

(ii) in die geval van 'n binneverbruik-lisensie, geen drank aan 'n bepaalde klas van persone verkoop of verstrekk mag word nie.

(2) Indien die Minister of 'n lisensieraad kragtens sub-paragraaf (i) van paragraaf (b) van sub-artikel (1) 'n voorwaarde opgelê het dat drank aan 'n bepaalde klas van persone alleen verstrekk mag word in 'n plek in die gelisensieerde gebou wat spesiaal vir daardie bepaalde klas afgesonder is, mag die Minister, op aanvraag by hom deur die lisensieraad gemaak, die lisensiehouer magtig om, in plaas van drank aan daardie klas van persone in 'n plek in die gelisensieerde gebou te verstrekk, drank aan daardie klas van persone te verstrekk in 'n ander deur die Minister goedgekeurde plek, en daarop word daardie ander plek vir alle doeleindes geag deel uit te maak van die gelisensieerde gebou.

(3) Die bepalings van artikels *een-en-dertig* en *vyf-en-dertig* en van die regulasies wat betrekking het op aanvrae om die verlening van 'n lisensie is *mutatis mutandis* van toepassing ten opsigte van 'n aanvraag ingevolge sub-artikel (2)."

(4) Indien die Minister of 'n lisensieraad kragtens sub-paragraaf (i) van paragraaf (b) van sub-artikel (1) 'n voorwaarde oplê of opgelê het dat drank aan 'n bepaalde klas van persone alleen verstrekk mag word in 'n plek in die gelisensieerde gebou wat spesiaal vir daardie bepaalde klas afgesonder is, mag die Minister, wanneer hy die verlening van die lisensie magtig, of die lisensieraad, te eniger tyd wanneer hy die vernuwing van die lisensie magtig, 'n verdere voorwaarde oplê dat die houer van die betrokke lisensie binne 'n tydperk in daardie verdere voorwaarde vermeld by die Minister ingevolge sub-artikel (2) aanvraag moet maak om magtiging om, in plaas van drank aan daardie klas van persone in 'n plek in die gelisensieerde gebou te verstrekk, drank aan daardie klas van persone te verstrekk in 'n ander plek wat die Minister goedkeur."

61. Artikel *nege-en-sewentig* van die Hoofwet word hierby gewysig—

(a) deur die woorde „'n lisensieraad" deur die woorde „die bevoegde gesag" te vervang;

(b) deur in paragraaf (c) die woord „raad" deur die woorde „daardie gesag" te vervang; en

(c) deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Behoudens die bepalings van sub-artikel (1) word geen groot verbouing van of aanbouing aan 'n gelisensieerde gebou uitgevoer nie sonder die skriftelike magtiging van die voorsitter van die lisensieraad, wat slegs mag handel in oorleg met die ander lede daarvan."

Wysiging van artikel 79 van Wet 30 van 1928, soos gewysig deur artikel 30 van Wet 61 van 1956.

62. Artikel *nege-en-sewentig bis* van die Hoofwet word hierby gewysig—

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

„(1) Indien 'n aanvrager ten opsigte van 'n hotel-dranklisensie of die vernuwing van so 'n lisensie nie voornemens is om in 'n bepaalde jaar dwarsdeur die hele jaar besigheid te doen nie en voldoende redes daarvoor aangevoer het, en die Minister of die lisensieraad, na gelang van die geval, oortuig is dat die publiek nie daardeur oormatige ongerief veroorsaak sal word nie, kan die Minister of die raad, by die magtiging tot verlening of vernuwing van bedoelde lisensie, die lisensiehouer magtig om slegs gedurende vermeldde tydperke gedurende die jaar besigheid te doen."

(b) deur in sub-artikel (2) na die woord „verbied" die woorde „dog behoudens die bepalings van sub-artikel (5)" in te voeg;

Wysiging van artikel 79bis van Wet 30 van 1928, soos ingevoeg deur artikel 5 van Wet 35 van 1956.

(c) by the substitution in the said sub-section for the words "sub-section (1) not authorized to do business" of the words "sub-section (1) or (4) not authorized to do business or authorized not to do business,"; and

(d) by the addition of the following sub-sections:

"(4) If the Minister or a licensing board has imposed a condition under paragraph (a) of sub-section (1) of section *seventy-nine* or the chairman of the licensing board has granted an authority under sub-section (2) of the said section and the Minister or such board or chairman, as the case may be, is satisfied that the licensed business cannot properly be conducted upon the licensed premises without undue inconvenience or disruption, he or it may authorize the licensee not to do business during such period as may reasonably be required to comply with such condition or the terms of such authority.

(5) If the holder of an hotel liquor licence who has been authorized under section *sixty-four* or *seventy-one bis* to sell liquor for consumption off the licensed premises, has been authorized under this section to do business only during specified periods during the year or not to do business during any period during the year, such licensee may, notwithstanding anything in this section contained, sell liquor for consumption off the licensed premises during any period during which he is not authorized or authorized not to do business under his licence."

Amendment of section 79*ter* of Act 30 of 1928, as inserted by section 5 of Act 35 of 1956.

63. Section *seventy-nine ter* of the principal Act is hereby amended—

(a) by the substitution in sub-section (1) for the words "hotel or club liquor licence the licensing board and in the case of removal, any authority acting under section *forty-three*" of the words "licence, or when granting authority under sub-section (2) of section *seventy-nine*, the competent authority"; and

(b) by the addition to sub-section (2) of the following further provisos:

"Provided further that the holder of a wholesale liquor licence shall not sell or deliver any liquor at or from such place to any person who does not hold a licence for the sale of liquor under this Act or an authority referred to in section *one hundred bis* or *one hundred sex*: Provided further that the holder of such licence shall keep at such place a daily record in one of the official languages of all liquor brought into that place and all liquor removed, sold or delivered therefrom, showing the place to which or the name and address of the person to whom it was so removed, delivered or sold."

Amendment of section 80 of Act 30 of 1928.

64. Section *eighty* of the principal Act is hereby amended by the insertion in sub-section (2) after the words "section *sixty-four*" of the words "or *seventy-one bis*".

Repeal of section 82 of Act 30 of 1928.

65. Section *eighty-two* of the principal Act is hereby repealed.

Amendment of section 84 of Act 30 of 1928.

66. Section *eighty-four* of the principal Act is hereby amended—

(a) by the substitution in sub-section (1) for the words "Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913)" of the words "Wine, Spirits and Vinegar Act, 1957 (Act No. 25 of 1957)"; and

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

"(4) It shall be a condition of every bottle liquor licence and of every grocer's wine licence that no bottling of liquor sold thereunder shall be undertaken by the licensee and that all stocks of liquor acquired by him for purposes of sale, shall be in sealed containers properly and securely corked or

- (c) deur in genoemde sub-artikel die woorde „sub-artikel (1) nie gemagtig is om besigheid te doen nie” deur die woorde „sub-artikel (1) of (4) nie gemagtig is om, of gemagtig is om nie, besigheid te doen nie,” te vervang;
- (d) deur die volgende sub-artikels by te voeg:

„(4) Indien die Minister of ’n lisensieraad ’n voorwaarde ingevolge paragraaf (a) van sub-artikel (1) van artikel *nege-en-sewentig* opgelê het of die voorsitter van die lisensieraad ’n magtiging ingevolge sub-artikel (2) van daardie artikel verleen het, en die Minister of daardie raad of voorsitter, na gelang van die geval, oortuig is dat die gelisensieerde besigheid nie behoorlik in die gelisensieerde gebou gedryf kan word nie sonder oormatige ongerief of ontwrigting, kan hy die lisensiehouer magtig om gedurende die tydperk wat redelikerwys nodig is om aan die voorwaarde of die bedinge van die magtiging te voldoen, geen besigheid te doen nie.

(5) Indien die houer van ’n hotel-dranklisensie wat kragtens artikel *vier-en-sestig* of *een-en-sewentig bis* gemagtig is om drank te verkoop vir gebruik buite die gelisensieerde gebou, kragtens hierdie artikel gemagtig is om slegs gedurende vermelde tydperke gedurende die jaar besigheid te doen of om gedurende ’n tydperk gedurende die jaar nie besigheid te doen nie, kan daardie lisensiehouer, nieteenstaande enigiets in hierdie artikel vervat, drank vir gebruik buite die gelisensieerde gebou verkoop gedurende enige tydperk waartydens hy nie gemagtig is om, of gemagtig is om nie, besigheid ingevolge sy lisensie te doen nie.”.

63. Artikel *nege-en-sewentig* ter van die Hoofwet word hierby gewysig—

Wysiging van artikel 79ter van Wet 30 van 1928, soos ingevoeg deur artikel 5 van Wet 35 van 1956.

- (a) deur in sub-artikel (1) die woorde „’n hotel-dranklisensie of klub-dranklisensie verleen word, moet die lisensieraad, en in die geval van verplasing, die gesag wat kragtens artikel *drie-en-veertig* handel,” deur die woorde „lisensie verleen word, of wanneer magtiging ingevolge sub-artikel (2) van artikel *nege-en-sewentig* verleen word, moet die bevoegde gesag” te vervang; en

- (b) deur by sub-artikel (2) die volgende verdere voorbehoudsbepalings te voeg:

„Met die verstande voorts dat die houer van ’n groothandelaars-dranklisensie geen drank by of vanuit daardie plek mag verkoop of aflewer aan iemand wat nie ’n lisensie vir die verkoop van drank ingevolge hierdie Wet of ’n in artikel *honderd bis* of *honderd sex* bedoelde magtiging hou nie: Met die verstande voorts dat die houer van so ’n lisensie ’n daaglikse aantekening in een van die amptelike tale in daardie plek moet hou van alle drank wat in daardie plek gebring word en alle drank wat daaruit verwyder, verkoop of afgelewer word, wat die plek aantoon waarheen of die naam en adres van die persoon na wie dit aldus verwyder is of aan wie dit aldus afgelewer of verkoop is.”.

64. Artikel *tagtig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) na die woorde „artikel *vier-en-sestig*” die woorde „of *een-en-sewentig bis*” in te voeg.

Wysiging van artikel 80 van Wet 30 van 1928.

65. Artikel *twee-en-tagtig* van die Hoofwet word hierby herroep.

Herroeping van artikel 82 van Wet 30 van 1928.

66. Artikel *vier-en-tagtig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 84 van Wet 30 van 1928

- (a) deur in sub-artikel (1) die woorde „Wijn, Spiritualiën en Azijn Wet, 1913 (Wet No. 15 van 1913)” deur die woorde „Wet op Wyn, Spiritualieën en Asyn, 1957 (Wet No. 25 van 1957),” te vervang; en

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

„(4) Dit is ’n voorwaarde van elke bottel-dranklisensie en van elke kruideniers-wynlisensie dat geen bottelering van drank wat daarkragtens verkoop word, deur die lisensiehouer onderneem mag word nie en dat alle voorrade drank wat deur hom vir verkoop verkry word, in verseëelde houers, behoorlik

stoppered: Provided that the Minister may, upon the application of any person who is entitled to bottle liquor for purposes of sale, authorize the holder of a bottle liquor licence, subject to such conditions as the Minister may deem fit to impose, to bottle on behalf of such person any liquor acquired by him from such person and thereafter to sell such liquor under his bottle liquor licence.”.

Amendment of section 86 of Act 30 of 1928.

67. Section *eighty-six* of the principal Act is hereby amended by the substitution in paragraph (a) for the words “*six* of the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913)”, of the words “*two* of the Wine, Spirits and Vinegar Act, 1957 (Act No. 25 of 1957)”,.

Amendment of section 87 of Act 30 of 1928.

68. Section *eighty-seven* of the principal Act is hereby amended by the substitution in paragraph (c) for the words “*two* of the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913)”, of the words “*three* of the Wine, Spirits and Vinegar Act, 1957 (Act No. 25 of 1957)”,.

Insertion of section 87bis in Act 30 of 1928.

69. The following section is hereby inserted in the principal Act after section *eighty-seven*:

“What liquor may be sold under a grocer’s wine licence or a meal time wine and malt licence.

87bis. (1) It shall be a condition of a grocer’s wine licence that no liquor other than table wine (except sparkling wine as defined in section *two* of the Wine, Spirits and Vinegar Act, 1957 (Act No. 25 of 1957)), which is the product solely of the alcoholic fermentation of the juice of fresh grapes and containing not more than 14 per cent. of alcohol by volume, shall be sold thereunder.

(2) It shall be a condition of a meal time wine and malt licence that no liquor other than malt liquor and table wine which is the product solely of the alcoholic fermentation of the juice of fresh grapes and containing not more than 14 per cent. of alcohol by volume, shall be sold thereunder.”.

Amendment of section 88 of Act 30 of 1928.

70. Section *eighty-eight* of the principal Act is hereby amended—

- (a) by the substitution for the words “Co-operative Societies Act, 1922 (Act No. 28 of 1922)”, of the words “Co-operative Societies Act, 1939 (Act No. 29 of 1939)”,;
- (b) by the substitution in paragraph (b) of the proviso for the words “licensing board” of the words “Minister or the licensing board, as the case may be,”; and
- (c) by the substitution in paragraph (c) of the proviso for the words “Wine and Spirit Control Act, 1924 (Act No. 5 of 1924)”, of the words “Wine and Spirits Control Act, 1956 (Act No. 38 of 1956)”,.

Amendment of section 93 of Act 30 of 1928, as amended by section 32 of Act 61 of 1956.

71. Section *ninety-three* of the principal Act is hereby amended—

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

“(4) A magistrate making an order in terms of sub-section (3) shall forthwith forward a copy thereof to the officer in charge of the police station in whose area the person in respect of whom the order was made, is resident or employed and such officer shall forthwith upon receipt thereof notify or cause to be notified the prohibition to such person: Provided that if such person is present when the magistrate makes an order in terms of sub-section (3), the magistrate shall there and then notify such person of his decision and hand or tender to him a copy of his order, in which event a further notification to that person shall not be necessary.”; and

- (b) by the deletion of sub-section (5).

Insertion of section 93bis in Act 30 of 1928.

72. The following section is hereby inserted in the principal Act after section *ninety-three*:

en dig gekurk of geprop, moet wees: Met die verstande dat die Minister, op aanvraag deur 'n persoon wat drank vir doeleindes van verkoop mag bottleleer, die houder van 'n bottel-dranklisensie mag magtig om, onderworpe aan die voorwaardes wat die Minister goedvind om op te lê, drank deur hom van daardie persoon verkry namens daardie persoon te bottleleer en om daarna daardie drank kragtens sy bottel-dranklisensie te verkoop."

67. Artikel *ses-en-tagtig* van die Hoofwet word hierby gewysig deur in paragraaf (a) die woorde „ses van die Wijn, Spiritualiën en Azijn Wet, 1913 (Wet No. 15 van 1913)” deur die woorde „twee van die Wet op Wyn, Spiritualieë en Asyn, 1957 (Wet No. 25 van 1957),” te vervang.

Wysiging van artikel 86 van Wet 30 van 1928.

68. Artikel *sewe-en-tagtig* van die Hoofwet word hierby gewysig deur in paragraaf (c) die woorde „twee van die Wijn, Spiritualiën en Azijn Wet, 1913 (Wet No. 15 van 1913)” deur die woorde „drie van die Wet op Wyn, Spiritualieë en Asyn, 1957 (Wet No. 25 van 1957),” te vervang.

Wysiging van artikel 87 van Wet 30 van 1928.

69. Die volgende artikel word hierby in die Hoofwet na artikel *sewe-en-tagtig* ingevoeg:

Invoeging van artikel 87bis in Wet 30 van 1928.

„Watter drank kragtens 'n kruideniers-wyn- en -bier-lisensie verkoop mag word. 87bis. (1) Dit is 'n voorwaarde van 'n kruideniers-wynlisensie dat geen ander drank dan tafelvyn (behalwe vonkelwyn soos in artikel *twee* van die Wet op Wyn, Spiritualieë en Asyn, 1957 (Wet No. 25 van 1957), omskryf) wat uitsluitend die produk is van die alkoholiese gisting van die sap van vars duiwe en wat nie meer alkohol bevat nie dan 14 persent van sy volume, daarkragtens verkoop mag word nie.

(2) Dit is 'n voorwaarde van 'n maaltyd-wyn- en -bier-lisensie dat geen ander drank dan bier en tafelvyn wat uitsluitend die produk is van die alkoholiese gisting van die sap van vars duiwe en wat nie meer alkohol bevat nie dan 14 persent van sy volume, daarkragtens verkoop mag word nie.”

70. Artikel *agt-en-tagtig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 88 van Wet 30 van 1928.

- (a) deur die woorde „Koöperatiewe Verenigings Wet, 1922 (Wet No. 28 van 1922)” deur die woorde „Wet op Koöperatiewe Verenigings, 1939 (Wet No. 29 van 1939),” te vervang;
- (b) deur in paragraaf (b) van die voorbehoudsbepaling die woord „lisensieraad” deur die woorde „Minister of die lisensieraad, na gelang van die geval,” te vervang; en
- (c) deur in paragraaf (c) van die voorbehoudsbepaling die woorde „Wet op de Kontrole over Wijn en Spiritualiën, 1924 (Wet No. 5 van 1924)” deur die woorde „Wet op Beheer oor Wyn en Spiritualieë, 1956 (Wet No. 38 van 1956),” te vervang.

71. Artikel *drie-en-negentig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 93 van Wet 30 van 1928, soos gewysig deur artikel 32 van Wet 61 van 1956.

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

„(4) 'n Magistraat wat ingevolge sub-artikel (3) 'n order verleen, moet onverwyld 'n kopie daarvan stuur aan die beamppte in bevel van die poliesiestasie in wie se gebied die persoon ten opsigte van wie die order verleen is, woonagtig of werksaam is en daardie beamppte moet onverwyld na ontvangs daarvan die verbod aan daardie persoon mededeel of laat mededeel: Met die verstande dat indien so 'n persoon teenwoordig is wanneer 'n magistraat 'n order ingevolge sub-artikel (3) verleen, die magistraat bedoelde persoon daar en dan van sy besluit moet verwittig en 'n kopie van sy order aan hom moet oorhandig of aanbied, in watter geval verdere bekendmaking aan daardie persoon nie nodig is nie.”; en
- (b) deur sub-artikel (5) te skrap.

72. Die volgende artikel word hierby in die Hoofwet na artikel *drie-en-negentig* ingevoeg:

Invoeging van artikel 93bis in Wet 30 van 1928.

"Supply of liquor to employee by employer. 93bis. No person shall supply any liquor to any person in his employ as or as supplementing the employee's wages or remuneration."

Substitution of section 94 of Act 30 of 1928, as amended by section 6 of Act 72 of 1961.

73. The following section is hereby substituted for section *ninety-four* of the principal Act:

"Prohibition in respect of natives.

94. Save as is otherwise specially provided by this Act or by the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957), and notwithstanding anything in any other law contained, no person shall sell, supply or deliver any liquor to any native, and no native shall obtain or be in possession of, any liquor: Provided that nothing in this section contained shall be deemed to prohibit—
(a) any employer from supplying liquor gratis to any native of the age of eighteen years or more, *bona fide* employed by him, for consumption by such native;
(b) any native from supplying liquor gratis to any other native who is a member of his household or who is his *bona fide* guest, for consumption by such member or guest;
(c) any minister of religion from administering *bona fide* and in accordance with the tenets of his faith, wine in the course of any sacrament to any native."

Repeal of sections 96, 97, 98, 99 and 100 of Act 30 of 1928.

74. Sections *ninety-six*, *ninety-seven*, *ninety-eight*, *ninety-nine* and *one hundred* of the principal Act are hereby repealed.

Amendment of section 100bis of Act 30 of 1928, as inserted by section 8 of Act 72 of 1961, and amended by section 2 of Act 89 of 1962.

75. Section *one hundred bis* of the principal Act is hereby amended—

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

"(2) Any authority granted under sub-section (1) shall remain in force for a period, not exceeding twelve months, determined by the Minister, and may from time to time on application be renewed by the Minister or any person acting under his directions for a like period and subject to such conditions or restrictions as may then be imposed."; and

(b) by the substitution in sub-section (12) for the words "restricting or prohibiting the carrying on of trade or business on proclaimed land or land held under mining title" of the words "or of any title deed, servitude or contract restricting, prohibiting or regulating in any manner whatsoever the carrying on of trade or business on proclaimed land or land held under mining title or any land on which mining operations are lawfully being carried on,".

Amendment of section 100ter of Act 30 of 1928, as inserted by section 8 of Act 72 of 1961.

76. Section *one hundred ter* of the principal Act is hereby amended by the insertion after the word "*sixty-four*" of the words "or *seventy-one bis*".

Amendment of section 100quin of Act 30 of 1928, as inserted by section 8 of Act 72 of 1961, and amended by section 4 of Act 89 of 1962.

77. Section *one hundred quin* of the principal Act is hereby amended by the insertion after the word "*sixty-four*" of the words "or *seventy-one bis*".

Repeal of section 101 of Act 30 of 1928.

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

Amendment of section 102 of Act 30 of 1928, as amended by section 24 of Act 41 of 1934 and section 10 of Act 72 of 1961.

79. Section *one hundred and two* of the principal Act is hereby amended—

(a) by the substitution in paragraph (b) of sub-section (2) for the word "five" where it occurs for the second time of the word "fifteen";

(b) by the deletion in paragraph (b) of sub-section (3) of the words "in any institution maintained or aided by the Government"; and

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

„Verstrekking van drank aan werknemer deur werkgever.

93bis. Niemand mag aan iemand in sy diens drank as die bediende se loon of besoldiging of as 'n aanvulling daarvan verstrek nie.”.

73. Artikel vier-en-negentig van die Hoofwet word hierby deur die volgende artikel vervang:

„Verbod ten opsigte van natuurle.

94. Niemand mag, behalwe vir sover hierdie Wet of die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957), uitdruklik anders bepaal en ondanks andersluidende wetsbepalings, drank aan 'n naturel verkoop, verstrek of aflewer en geen naturel mag drank verkry of in besit daarvan wees nie: Met die verstande dat die bepaling van hierdie artikel nie geag word—

- (a) 'n werkgever te verbied om drank verniet aan enige naturel van die ouderdom van agtien jaar of meer, wat te goeder trou in sy diens is, vir verbruik deur daardie naturel te verstrek nie;
- (b) 'n naturel te verbied om drank verniet aan enige ander naturel wat 'n lid van sy huishouding is of sy *bona fide*-gas is, vir verbruik deur daardie lid of gas te verstrek nie;
- (c) 'n godsdienstleraar te verbied om drank te goeder trou by die bediening van 'n sakrament volgens die leerstellings van sy geloof, aan 'n naturel toe te dien nie.”.

Vervanging van artikel 94 van Wet 30 van 1928, soos gewysig deur artikel 6 van Wet 72 van 1961.

74. Artikels ses-en-negentig, sewe-en-negentig, agt-en-negentig, nege-en-negentig en honderd van die Hoofwet word hierby herroep.

Herroeping van artikels 96, 97, 98, 99 en 100 van Wet 30 van 1928.

75. Artikel honderd bis van die Hoofwet word hierby gewysig—

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

„(2) 'n Kragtens sub-artikel (1) verleende magtiging bly van krag vir 'n tydperk, nie twaalf maande te bowe gaande nie, deur die Minister bepaal, en kan van tyd tot tyd op aanvraag vernuwe word deur die Minister of iemand wat op sy gesag handel, vir 'n dergelyke tydperk en onderworpe aan die voorwaardes of beperkings wat dan opgelê word.”; en

- (b) deur in sub-artikel (12) die woorde „wat die dryf van handel of besigheid op geproklameerde grond of grond gehou kragtens myntitel, beperk of verbied” deur die woorde „of van enige titelbewys, serwituut of kontrak wat die dryf van handel of besigheid op geproklameerde grond of grond gehou kragtens myntitel, of enige grond waarop mynwerksaamhede wettiglik voortgesit word, beperk, verbied of op enige wyse hoegenaamd reël,” te vervang.

Wysiging van artikel 100bis van Wet 30 van 1928, soos ingevoeg deur artikel 8 van Wet 72 van 1961 en gewysig deur artikel 2 van Wet 89 van 1962.

76. Artikel honderd ter van die Hoofwet word hierby gewysig deur na die woord „vier-en-sestig” die woorde „of een-en-sewentig bis” in te voeg.

Wysiging van artikel 100ter van Wet 30 van 1928, soos ingevoeg deur artikel 8 van Wet 72 van 1961.

77. Artikel honderd quin van die Hoofwet word hierby gewysig deur na die woord „vier-en-sestig” die woorde „of een-en-sewentig bis” in te voeg.

Wysiging van artikel 100quin van Wet 30 van 1928, soos ingevoeg deur artikel 8 van Wet 72 van 1961 en gewysig deur artikel 4 van Wet 89 van 1962.

78. Artikel honderd-en-een van die Hoofwet word hierby herroep.

Herroeping van artikel 101 van Wet 30 van 1928.

79. Artikel honderd-en-twee van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (b) van sub-artikel (2) die woord „vyf” waar dit die tweede maal voorkom, deur die woord „vyftien” te vervang;
- (b) deur in paragraaf (b) van sub-artikel (3) die woorde „in 'n inrigting, deur die Regering onderhou of ondersteun” te skrap; en
- (c) deur by genoemde sub-artikel die volgende paragraaf te voeg:

Wysiging van artikel 102 van Wet 30 van 1928, soos gewysig deur artikel 24 van Wet 41 van 1934 en artikel 10 van Wet 72 van 1961.

“(c) the wife or a member of the family of the licence holder or of the proprietor or manager of the licensed business or a housekeeper.”.

Amendment of section 104 of Act 30 of 1928.

80. Section *one hundred and four* of the principal Act is hereby amended—

- (a) by the insertion in paragraph (a) of sub-section (2) after the word “licensee” of the words “or of the proprietor or manager of the licensed business or a member of the family of such licensee, proprietor or manager, or a housekeeper.”; and
- (b) by the deletion in paragraph (b) of sub-section (2) of the words “in any institution maintained or aided by the Government”.

Substitution of section 105 of Act 30 of 1928, as amended by section 6 of Act 35 of 1956.

81. The following section is hereby substituted for section *one hundred and five* of the principal Act:

“Records to be kept by licensees. 105. (1) Every holder of a licence issued under this Act shall keep in one of the official languages such records of all liquor acquired and disposed of by him, as may be prescribed by regulation. (2) Any regulations prescribing such records may differ in respect of different classes of holders of licences and in respect of different areas.”.

Repeal of section 106 of Act 30 of 1928.

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

Amendment of section 109 of Act 30 of 1928.

83. Section *one hundred and nine* of the principal Act is hereby amended by the insertion after sub-paragraph (i) of the proviso to sub-section (1) of the following sub-paragraph: “(i)*bis* if the liquor is supplied for consumption during the course of a *bona fide* function held on the premises to persons present thereat; or”.

Amendment of section 110 of Act 30 of 1928.

84. Section *one hundred and ten* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (1) after the word “licence” where it occurs for the first time of the words “or of a grocer’s wine licence”;
- (b) by the addition at the end of sub-section (1) of the words “or in respect of which such holder has obtained an undertaking that they will be so paid for.”; and
- (c) by the substitution in sub-section (2) for the word “No” of the words “Subject to the provisions of the proviso to sub-section (1), no”.

Amendment of section 111 of Act 30 of 1928, as amended by section 25 of Act 41 of 1934.

85. Section *one hundred and eleven* of the principal Act is hereby amended by the insertion after the words “bottle liquor licence” of the words “or grocer’s wine licence”.

Amendment of section 114 of Act 30 of 1928, as amended by section 26 of Act 41 of 1934.

86. Section *one hundred and fourteen* of the principal Act is hereby amended by the substitution in sub-section (1) for the words “the restricted portions of the said premises” of the words “any portion of the said premises in which liquor is served, or any cloakrooms attached thereto, to depart therefrom and any non-resident, who is in any portion of the premises reserved for residents”.

Amendment of section 114*bis* of Act 30 of 1928, as inserted by section 35 of Act 61 of 1956, as amended by section 6 of Act 58 of 1957 and section 6 of Act 89 of 1962.

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

- (a) by the insertion in sub-section (1) after the word “bottle” of the words “theatre or sports ground,” and after the word “bar” of the words “grocers’ wine or meal time wine and malt”; and
- (b) by the insertion in paragraph (c) of sub-section (2) after the word “Republic” of the words “(including the territory of South-West Africa)”.

„(c) op die eggenote of 'n lid van die gesin van die lisensiehouer of van die eienaar of bestuurder van die gelisensieerde besigheid of op 'n huishoudster.”.

80. Artikel *honderd-en-vier* van die Hoofwet word hierby gewysig— Wysiging van artikel 104 van Wet 30 van 1928.

- (a) deur in paragraaf (a) van sub-artikel (2) na die woord „lisensiehouer” die woorde „of van die eienaar of bestuurder van die gelisensieerde besigheid, of 'n lid van die gesin van so 'n lisensiehouer, eienaar of bestuurder, of 'n huishoudster” in te voeg; en
- (b) deur in paragraaf (b) van sub-artikel (2) die woorde „in 'n inrigting, deur die Regering onderhou of ondersteun,” te skrap.

81. Artikel *honderd-en-vyf* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 105 van Wet 30 van 1928, soos gewysig deur artikel 6 van Wet 35 van 1956.

„Aanteke-
nings wat
lisensie-
houers moet
hou.

105. (1) Elke houer van 'n lisensie kragtens hierdie Wet uitgereik, moet in een van die amptelike tale die aantekening hou wat by regulasie voorgeskryf word, van alle drank deur hom verkry en van die hand gesit.

(2) Regulasies wat bedoelde aantekeninge voorskryf kan ten opsigte van verskillende klasse van lisensiehouers en ten opsigte van verskillende gebiede verskil.”.

82. Artikel *honderd-en-ses* van die Hoofwet word hierby herroep. Herroeping van artikel 106 van Wet 30 van 1928.

83. Artikel *honderd-en-nege* van die Hoofwet word hierby gewysig deur na sub-paragraaf (i) van die voorbehoudsbepaling by sub-artikel (1) die volgende sub-paragraaf in te voeg: Wysiging van artikel 109 van Wet 30 van 1928.

„(i)*bis* as die drank verstrek word vir gebruik tydens 'n funksie wat te goeder trou in die gebou gehou word, aan persone wat daarby teenwoordig is; of”.

84. Artikel *honderd-en-tien* van die Hoofwet word hierby gewysig— Wysiging van artikel 110 van Wet 30 van 1928.

- (a) deur in sub-artikel (1) na die woord „bottel-drank-lisensie” die woorde „of van 'n kruideniers-wyn-lisensie” in te voeg;
- (b) deur aan die end van sub-artikel (1) die woorde „of ten opsigte waarvan sodanige houer 'n onderneming verkry het dat aldus daarvoor betaal sal word.” by te voeg; en
- (c) deur in sub-artikel (2) die woorde „Geen sodanige lisensiehouer mag” deur die woorde „Behoudens die bepalinge van die voorbehoudsbepaling by sub-artikel (1), mag geen sodanige lisensiehouer,” te vervang.

85. Artikel *honderd-en-elf* van die Hoofwet word hierby gewysig deur na die woord „bottel-dranklisensie” die woorde „of kruideniers-wynlisensie” in te voeg. Wysiging van artikel 111 van Wet 30 van 1928, soos gewysig deur artikel 25 van Wet 41 van 1934.

86. Artikel *honderd-en-veertien* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „die beperkte gedeelte van bedoelde gelisensieerde gebou” deur die woorde „enige gedeelte van bedoelde gebou waarin drank bedien word, of in enige daaraan verbonde kleedkamers is, versoek om daaruit te vertrek en 'n nie-inwonende wat in 'n gedeelte van die gebou is wat vir inwoners gereserveer” te vervang. Wysiging van artikel 114 van Wet 30 van 1928, soos gewysig deur artikel 26 van Wet 41 van 1934.

87. Artikel *honderd-en-veertien bis* van die Hoofwet word hierby gewysig— Wysiging van artikel 114*bis* van Wet 30 van 1928, soos ingevoeg deur artikel 35 van Wet 61 van 1956, soos gewysig deur artikel 6 van Wet 58 van 1957 en artikel 6 van Wet 89 van 1962.

- (a) deur in sub-artikel (1) na die woord „bottel-” die woorde „teater- of sportgronde-” in te voeg; en deur in genoemde sub-artikel die woord „kantien-lisensie” deur die woorde „kantien-, kruideniers-wyn- of maaltyd-wyn- en -bier-lisensie” te vervang; en
- (b) deur in paragraaf (c) van sub-artikel (2) na die woord „Republiek” die woorde „(met inbegrip van die gebied Suidwes-Afrika)” in te voeg.

Amendment of section 114*ter* of Act 30 of 1928, as inserted by section 35 of Act 61 of 1956 and amended by section 7 of Act 58 of 1957.

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

- (a) by the substitution in paragraph (a) of sub-section (1) for the words “no liquor licensing board shall grant” of the words “the Minister or a licensing board or the chairman thereof, as the case may be, shall not grant”;
- (b) by the insertion in the proviso to the said paragraph after the word “board” of the words “or the chairman thereof”; and
- (c) by the deletion in paragraph (b) of the said sub-section of the words “by a licensing board”.

Substitution of section 116 of Act 30 of 1928, as amended by section 27 of Act 41 of 1934 and section 36 of Act 61 of 1956.

89. The following section is hereby substituted for section *one hundred and sixteen* of the principal Act:

“Delegation of management or control, or sharing of profits of business.

116. No licensee, not being a company, shall without the written authority of the chairman of the licensing board who shall only act in consultation with the other members thereof—

- (a) permit any other person to manage, superintend or conduct the licensed business for a longer period than one month; or
- (b) allow any other person in effect to control, or become a partner or a sharer in the profits of the licensed business: Provided that the chairman may refer any application for his written authority to an interim meeting held in pursuance of section *twenty-one*: Provided further that any application for such written authority made by the holder of a wine farmer's licence shall be considered and may be granted by the magistrate of the district in which the licensed premises are situate.”.

Amendment of section 118*bis* of Act 30 of 1928, as inserted by section 12 of Act 72 of 1961.

90. Section *one hundred and eighteen bis* of the principal Act is hereby amended by the addition of the following sub-section:

“(10) The Board shall as soon as possible after the first day of January in each year, submit a report to the Minister on its work during the preceding calendar year.”.

Amendment of section 121 of Act 30 of 1928, as amended by section 37 of Act 61 of 1956.

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

- (a) by the insertion in sub-section (1) after the words “on-consumption licence” of the words “or in respect of which an authority under section *one hundred bis* or *one hundred sex* has been granted or renewed for the sale of liquor for consumption on the premises—”;
- (b) by the insertion in the proviso to the said sub-section after the word “time” of the words “or of the Minister, as the case may be,”;
- (c) by the insertion in the said proviso after the words “the board” of the words “or the Minister, as the case may be”, and after the word “it” of the words “or he”; and
- (d) by the deletion in the said proviso of the words “under the hand of the chairman”.

Substitution of section 122 of Act 30 of 1928, as amended by section 20 of Act 63 of 1962.

92. The following section is hereby substituted for section *one hundred and twenty-two* of the principal Act:

“Concoctions or drinks totally prohibited.

122. No person shall make, be in possession or custody of, use, drink, give or supply to any person—

- (a) any of the concoctions or drinks made from the fermentation or distillation of treacle, sugar or other substances and known as isityimiyana, hopana, qediviki, skokiaan, uhali, gavini, maconsana or cwayicwayi;
- (b) any concoction or drink which, though called by another name, is similar or substantially similar to any of the concoctions or drinks named in paragraph (a); or
- (c) any concoction or drink (other than Bantu beer as defined in section *one* of the Bantu Beer Act, 1962 (Act No. 63 of 1962)), produced by the fermentation or distillation of any substance, the consumption of which would, in the opinion of the State President, be prejudicial to the health and well-being of the people, and which he may specify by proclamation in the *Gazette*.”.

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

- (a) deur in paragraaf (a) van sub-artikel (1) die woorde „geen dranklisensieraad” deur die woorde „die Minister of ’n lisensieraad of die voorsitter daarvan, na gelang van die geval, nie” te vervang;
- (b) deur in die voorbehoudsbepaling by genoemde paragraaf na die woord „lisensieraad” die woorde „of die voorsitter daarvan” in te voeg; en
- (c) deur in paragraaf (b) van genoemde sub-artikel die woorde „deur ’n lisensieraad” te skrap.

Wysiging van artikel 114^{ter} van Wet 30 van 1928, soos ingevoeg deur artikel 35 van Wet 61 van 1956 en gewysig deur artikel 7 van Wet 58 van 1957.

89. Artikel *honderd-en-sestien* van die Hoofwet word hierby deur die volgende artikel vervang:

„Oordrag van bestuur of beheer of deelneming in wins van besigheid.

116. Geen lisensiehouer wat nie ’n maatskappy is nie, mag sonder die skriftelike magtiging van die voorsitter van die lisensieraad, wat slegs in oorleg met die ander lede daarvan mag handel—

- (a) toelaat dat iemand anders langer dan ’n maand die gelisensieerde besigheid bestuur, onder toesig hou of dryf nie; of
- (b) toelaat dat iemand anders in werklikheid die gelisensieerde besigheid beheer, ’n vennoot daarin word, of in die winste daarvan deel nie: Met die verstande dat die voorsitter ’n aanvraag om sy skriftelike magtiging na ’n tussentydse vergadering gehou ingevolge artikel *een-en-twintig* mag verwys: Met die verstande voorts dat ’n aanvraag om so ’n skriftelike magtiging gemaak deur die houer van ’n wynboer-lisensie, oorweeg moet word en toegestaan mag word deur die magistraat van die distrik waarin die gebou geleë is.”

Vervanging van artikel 116 van Wet 30 van 1928, soos gewysig deur artikel 27 van Wet 41 van 1934 en artikel 36 van Wet 61 van 1956.

90. Artikel *honderd-en-agtien bis* van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg:

„(10) So spoedig doenlik na die eerste dag van Januarie in elke jaar lê die Raad ’n verslag van sy werksaamhede gedurende die voorafgaande kalenderjaar aan die Minister voor.”

Wysiging van artikel 118^{bis} van Wet 30 van 1928, soos ingevoeg deur artikel 12 van Wet 72 van 1961.

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

- (a) deur in sub-artikel (1) na die woorde „gedryf word” die woorde „of in verband waarmee ’n magtiging kragtens artikel *honderd bis* of *honderd sex* verleen of vernuwe is vir die verkoop van drank vir gebruik in die gebou—” in te voeg;
- (b) deur in die voorbehoudsbepaling by genoemde sub-artikel na die woord „tyd” die woorde „of die Minister, na gelang van die geval,” in te voeg;
- (c) deur in genoemde voorbehoudsbepaling na die woorde „die raad” die woorde „of die Minister, na gelang van die geval,” in te voeg; en
- (d) deur in genoemde voorbehoudsbepaling die woorde „geteken deur die voorsitter” te skrap.

Wysiging van artikel 121 van Wet 30 van 1928, soos gewysig deur artikel 37 van Wet 61 van 1956.

92. Artikel *honderd twee-en-twintig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Heeltemal verbode brourels of drankke.

122. Niemand mag die volgende vervaardig, besit, bewaar, gebruik, drink of aan iemand gee of verstrek nie—

- (a) enige van die brourels of drankke vervaardig deur die gisting of distillering van stroop, suiker of ander stowwe en wat bekend staan as isityimiyana, hopana, qediviki, skokiaan, uhali, gavini, maconsana of cwayicwayi;
- (b) enige brousel of drank wat, alhoewel anders genoem, soortgelyk is aan of wesentlik soortgelyk is aan enige van die brourels of drankke in paragraaf (a) genoem; of
- (c) enige brousel of drank (behalwe Bantobier soos omskryf in artikel *een* van die Wet op Bantobier, 1962 (Wet No. 63 van 1962)), vervaardig deur die gisting of distillering van enige stof, waarvan die gebruik, volgens oordeel van die Staatspresident, tot nadeel van die gesondheid en welsyn van die volk strek en wat hy by proklamasie in die *Staatskoerant* vermeld.”

Vervanging van artikel 122 van Wet 30 van 1928, soos gewysig deur artikel 20 van Wet 63 van 1962.

Amendment of section 123 of Act 30 of 1928, as amended by section 111 of Act 46 of 1935.

93. Section *one hundred and twenty-three* of the principal Act is hereby amended by the deletion of sub-sections (1), (2) and (4).

Amendment of section 130 of Act 30 of 1928.

94. Section *one hundred and thirty* of the principal Act is hereby amended—

- (a) by the deletion of sub-section (1);
- (b) by the substitution for sub-section (2) of the following sub-section:
(2) No person shall sell, or have in his possession for the purposes of sale, any methylated spirit unless he is the holder of a general dealer's or a chemist's and druggist's licence issued in terms of the Licences Act, 1962 (Act No. 44 of 1962).;
- (c) by the deletion in sub-section (3) of the expression "(1) or";
- (d) by the substitution in paragraph (b) of that sub-section for the words "to whom licences for the sale of methylated spirit may be issued" of the words "who, notwithstanding the provisions of sub-section (2), shall not sell methylated spirit;"; and
- (e) by the deletion of sub-section (4).

Amendment of section 131 of Act 30 of 1928, as amended by section 1 of Act 72 of 1961.

95. Section *one hundred and thirty-one* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "State President may from time to time by proclamation" of the words "Minister may from time to time, after consultation with the Minister of Health, by notice";
- (b) by the substitution in the said sub-section for the word "proclamation" where it occurs for the second time, of the word "notice"; and
- (c) by the substitution in sub-section (3) for the words "State President" of the word "Minister".

Repeal of sections 132 and 133 of Act 30 of 1928.

96. Sections *one hundred and thirty-two* and *one hundred and thirty-three* of the principal Act are hereby repealed.

Amendment of section 135 of Act 30 of 1928, as amended by section 9 of Act 35 of 1956, section 14 of Act 72 of 1961, and section 7 of Act 89 of 1962.

97. Section *one hundred and thirty-five* of the principal Act is hereby amended by the deletion of sub-section (3).

Substitution of section 136 of Act 30 of 1928, as amended by section 10 of Act 35 of 1956, section 39 of Act 61 of 1956 and section 8 of Act 89 of 1962.

98. The following section is hereby substituted for section *one hundred and thirty-six* of the principal Act:

"Police report upon application.

136. (1) In respect of every application made to the Minister or a licensing board or a magistrate of a district, for the grant or renewal of a licence (other than a temporary liquor licence or a late hours occasional licence), it shall be the duty of the commissioned officer of police designated by the Commissioner of the South African Police, to report for the information of the Minister, such board or magistrate, as the case may be, at least fourteen days before the date upon which such application is to be considered, whether—

- (a) the premises in respect of which an application for the grant or renewal of a licence is made, are in good repair and have reasonable and proper accommodation, and are in all respects adequately equipped for the proper carrying on of the business proposed;
- (b) the premises, if not yet erected or completed, would upon completion in accordance with the plans, be suitable in all respects for the proper carrying on of the business proposed;
- (c) in the case of a business previously licensed, it has been carried on in a proper and orderly manner and any records required to be kept, have been duly and properly kept, and any condition or restriction which has been imposed, has been complied with;
- (d) the applicant is of good character, and is not disqualified under any provision of section *sixty-five*;

93. Artikel *honderd drie-en-twintig* van die Hoofwet word hierby gewysig deur sub-artikels (1), (2) en (4) te skrap. Wysiging van artikel 123 van Wet 30 van 1928, soos gewysig deur artikel 111 van Wet 46 van 1935.
94. Artikel *honderd-en-dertig* van die Hoofwet word hierby gewysig— Wysiging van artikel 130 van Wet 30 van 1928.
- (a) deur sub-artikel (1) te skrap;
 - (b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:
 - (2) Niemand mag enige brandspieritus verkoop of besit om te verkoop nie, tensy hy in besit is van 'n algemene handelaars- of aptekers-lisensie uitgereik kragtens die Wet op Lisensies, 1962 (Wet No. 44 van 1962).;
 - (c) deur in sub-artikel (3) die uitdrukking „(1) of” te skrap;
 - (d) deur in paragraaf (b) van bedoelde sub-artikel die woorde „aan wie lisensies vir die verkoop van brandspieritus uitgereik mag word” deur die woorde „wat, ondanks die bepalings van sub-artikel (2), brandspieritus nie mag verkoop nie;” te vervang; en
 - (e) deur sub-artikel (4) te skrap.
95. Artikel *honderd een-en-dertig* van die Hoofwet word hierby gewysig— Wysiging van artikel 131 van Wet 30 van 1928, soos gewysig deur artikel 1 van Wet 72 van 1961.
- (a) deur in sub-artikel (1) die woorde „Staatspresident mag van tyd tot tyd by proklamasie” deur die woorde „Minister mag van tyd tot tyd, na oorlegpleging met die Minister van Gesondheid, by kennisgewing” te vervang;
 - (b) deur in genoemde sub-artikel die woord „proklamasie” waar dit die tweede maal voorkom deur die woord „kennisgewing” te vervang; en
 - (c) deur in sub-artikel (3) die woord „Staatspresident” deur die woord „Minister” te vervang.
96. Artikels *honderd twee-en-dertig* en *honderd drie-en-dertig* van die Hoofwet word hierby herroep. Herroeping van artikels 132 en 133 van Wet 30 van 1928.
97. Artikel *honderd vyf-en-dertig* van die Hoofwet word hierby gewysig deur sub-artikel (3) te skrap. Wysiging van artikel 135 van Wet 30 van 1928, soos gewysig deur artikel 9 van Wet 35 van 1956, artikel 14 van Wet 72 van 1961 en artikel 7 van Wet 89 van 1962.
98. Artikel *honderd ses-en-dertig* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 136 van Wet 30 van 1928, soos gewysig deur artikel 10 van Wet 35 van 1956, artikel 39 van Wet 61 van 1956, en artikel 8 van Wet 89 van 1962.
- „Poliesie-rapport omtrent aanvraag. 136. (1) Met betrekking tot elke aanvraag by die Minister of 'n lisensieraad of 'n magistraat van 'n distrik om die verlening of vernuwing van 'n lisensie (behalwe 'n tydelike dranklisensie of 'n nagtelike geleentheids-lisensie) gemaak, is die poliesie-offisier wat deur die Kommissaris van die Suid-Afrikaanse Poliesie aangewys is, verplig om minstens veertien dae voor die dag waarop die aanvraag oorweeg gaan word, ter inligting van die Minister, die raad of magistraat, na gelang van die geval, te rapporteer of—
- (a) die gebou in verband waarmee die verlening of vernuwing van 'n lisensie aangevra word, goed onderhou is, redelike en geskikte akkomodasie bevat en in elke opsig voldoende ingerig is vir die behoorlike dryf van die voorgestelde besigheid;
 - (b) die gebou, indien nog nie opgerig of voltooi nie, na sy voltooiing volgens die planne, in elke opsig geskik sal wees vir die behoorlike dryf van die voorgestelde besigheid;
 - (c) in die geval van 'n besigheid voorheen gelisensieer, dit op 'n behoorlike en ordelike manier gedryf is en aantekeninge wat gehou moet word, behoorlik gehou is en aan elke voorwaarde of beperking wat opgelê is, voldoen is;
 - (d) die aanvrager van goeie gedrag en wandel is en nie kragtens 'n bepaling van artikel *vyf-en-sestig* onbevoeg is nie;

- (e) the licence for which application is made is, in the opinion of such officer, reasonably required to meet the convenience of the public;
- (f) in the case of an applicant referred to in section *seventy-nine bis*, it will unduly inconvenience the public if business is not done during any particular period during the year; and generally to call the attention of the Minister or the licensing board or the magistrate of the district, as the case may be, to any matter which, in the opinion of such officer, is one proper to be taken into account in the consideration of the application.

(2) In respect of every application made under this Act for the removal or the transfer of a licence, it shall be the duty of the officer of police designated in terms of sub-section (1), to report for the information of the National Liquor Board or the chairman of the licensing board or the magistrate of the district, as the case may be, on all matters which, in the opinion of such officer, are proper to be taken into account in the consideration of the application."

Amendment of section 138 of Act 30 of 1928, as amended by section 29 of Act 41 of 1934 and section 41 of Act 61 of 1956.

99. Section *one hundred and thirty-eight* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "every person described in sub-paragraph (ii) of paragraph (a) of sub-section (3) of section *thirty-one*" of the words "every person, other than the licensee, who has any financial interest in the licensed business."

Amendment of section 153 of Act 30 of 1928, as amended by section 9 of Act 58 of 1957.

100. Section *one hundred and fifty-three* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the word "quadruplicate" of the word "quintuplicate";
- (b) by the insertion in the said sub-section after the word "licence" where it occurs for the first time, of the words "or a copy of an authority";
- (c) by the insertion in the said sub-section after the word "licence" where it occurs for the second and third times, of the words "or authority";
- (d) by the insertion in sub-section (2) after the word "licensee" where it occurs for the first time of the words "or holder of an authority granted or renewed under section *one hundred bis* or *one hundred sex*" and where it occurs for the second time of the words "or holder"; and
- (e) by the insertion in the said sub-section after the word "licensed" wherever it occurs, of the words "or authorized".

Repeal of section 154 of Act 30 of 1928.

101. Section *one hundred and fifty-four* of the principal Act is hereby repealed.

Amendment of section 162 of Act 30 of 1928, as amended by section 15 of Act 72 of 1961.

102. Section *one hundred and sixty-two* of the principal Act is hereby amended by the deletion of sub-section (2).

Amendment of section 163 of Act 30 of 1928.

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

- (a) by the substitution for the words "section *sixty-four*" of the words "sections *sixty-four* and *seventy-one bis*";
- (b) by the deletion at the end of paragraph (c) of the word "or"; and
- (c) by the deletion of paragraph (d).

Amendment of section 164 of Act 30 of 1928, as amended by section 16 of Act 72 of 1961.

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

- (a) by the deletion of paragraph (c);
- (b) by the substitution for paragraph (d) of the following paragraph:
 "(d) supplies liquor to any employee in contravention of the provisions of section *ninety-three bis* or sells, supplies or delivers liquor to any native in contravention of the provisions of section *ninety-four*";

- (e) die lisensie wat aangevra word, volgens oordeel van daardie offisier, redelikerwys nodig is vir die gerief van die publiek;
- (f) in die geval van 'n in artikel *nege-en-sewentig bis* bedoelde aanvrager, dit die publiek oormatige ongerief sal veroorsaak indien besigheid nie gedurende 'n bepaalde tydperk gedurende die jaar gedoen word nie;

en oor die algemeen om die aandag van die Minister of die lisensieraad of die magistraat van die distrik, na gelang van die geval, te vestig op enige aangeleentheid wat, volgens oordeel van daardie offisier, by die oorweging van die aanvraag in aanmerking geneem behoort te word.

(2) Met betrekking tot elke aanvraag ingevolge hierdie Wet gemaak om die verplasing of die oordrag van 'n lisensie, is die polisie-offisier wat ingevolge sub-artikel (1) aangewys is, verplig om 'n rapport voor te lê ter inligting van die Nasionale Drankraad of die voorsitter van die lisensieraad of die magistraat van die distrik, na gelang van die geval, oor alle aangeleenthede wat, volgens oordeel van daardie offisier, by die oorweging van die aanvraag behoort in aanmerking geneem te word."

99. Artikel *honderd agt-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „elkeen bedoel in sub-paragraaf (ii) van paragraaf (a) van sub-artikel (3) van artikel *een-en-dertig*” deur die woorde „elke persoon, behalwe die lisensiehouer, wat 'n geldelike belang in die gelisensieerde besigheid het,” te vervang.

Wysiging van artikel 138 van Wet 30 van 1928, soos gewysig deur artikel 29 van Wet 41 van 1934 en artikel 41 van Wet 61 van 1956.

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

- (a) deur in sub-artikel (1) die woord „vier” deur die woord „vyf” te vervang;
- (b) deur in genoemde sub-artikel na die woord „lisensie” waar dit die eerste maal voorkom, die woorde „of 'n kopie van 'n magtiging” in te voeg;
- (c) deur in genoemde sub-artikel na die woord „lisensie” waar dit die tweede en derde maal voorkom, die woorde „of magtiging” in te voeg;
- (d) deur in sub-artikel (2) na die woord „lisensiehouer” waar dit die eerste maal voorkom, die woorde „of houer van 'n magtiging kragtens artikel *honderd bis* of *honderd sex* verleen of vernuwe” en waar dit die tweede maal voorkom, die woorde „of houer” in te voeg; en
- (e) deur in genoemde sub-artikel na die woord „gelisensieerde” die woorde „of gemagtigde” en na die woord „gelisensieer” die woorde „of gemagtig” in te voeg.

Wysiging van artikel 153 van Wet 30 van 1928, soos gewysig deur artikel 9 van Wet 58 van 1957.

101. Artikel *honderd vier-en-vyftig* van die Hoofwet word hierby herroep.

Herroeping van artikel 154 van Wet 30 van 1928.

102. Artikel *honderd twee-en-sestig* van die Hoofwet word hierby gewysig deur sub-artikel (2) te skrap.

Wysiging van artikel 162 van Wet 30 van 1928, soos gewysig deur artikel 15 van Wet 72 van 1961.

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

- (a) deur die woorde „artikel *vier-en-sestig*” deur die woorde „artikels *vier-en-sestig* en *een-en-sewentig bis*” te vervang;
- (b) deur aan die end van paragraaf (c) die woord „of” te skrap; en
- (c) deur paragraaf (d) te skrap.

Wysiging van artikel 163 van Wet 30 van 1928.

104. Artikel *honderd vier-en-sestig* van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (c) te skrap;
- (b) deur paragraaf (d) deur die volgende paragraaf te vervang:
„(d) drank verstrekk aan 'n bediende in stryd met die bepalings van artikel *drie-en-negentig bis* of drank verkoop, verstrekk of aflewer aan 'n naturel in stryd met die bepalings van artikel *vier-en-negentig*.”;

Wysiging van artikel 164 van Wet 30 van 1928, soos gewysig deur artikel 16 van Wet 72 van 1961.

- (c) by the deletion of paragraph (e); and
- (d) by the insertion in paragraph (g) after the word "persons" of the words "or as being of the age of eighteen years or more".

Repeal of section 165 of Act 30 of 1928.

105. Section *one hundred and sixty-five* of the principal Act is hereby repealed.

Amendment of section 166 of Act 30 of 1928, as amended by section 33 of Act 41 of 1934, section 42 of Act 61 of 1956, section 10 of Act 58 of 1957, section 17 of Act 72 of 1961, section 20 of Act 63 of 1962 and section 10 of Act 89 of 1962.

106. (1) Section *one hundred and sixty-six* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (d) for the words "to a licensing board any written information, whether on affidavit or otherwise" of the words "any written information in connection with any application under this Act,";
- (b) by the insertion in paragraph (q) after the word "concoction" of the words "or drink";
- (c) by the deletion of paragraph (q)*bis*;
- (d) by the deletion in paragraph (s) of the words "conveys or causes to be conveyed any liquor in contravention of any provision of section *one hundred and thirty-two* or *one hundred and thirty-three* or";
- (e) by the substitution in paragraph (t) for the words "section *one hundred and five*" of the words "any regulation";
- (f) by the substitution for paragraph (u) of the following paragraph:
 "(u) leaves licensed premises without paying his account for board and lodging supplied, unless he has made arrangements with the licensee, his agent or servant that such account could be paid later;";
- (g) by the insertion in paragraph (v) after the word "brewer" where it occurs for the second time, of the words "without the consent of the Minister (which consent may be given subject to such conditions as the Minister may deem fit to impose)"; and
- (h) by the insertion in paragraph (w) after the words "bottle liquor licence" of the words "or a grocer's wine licence" and after the words "bar licence" of the words "without the consent of the Minister (which consent may be given subject to such conditions as the Minister may deem fit to impose)."

(2) The provisions of paragraph (g) of sub-section (1) shall be deemed to have come into operation on the sixteenth day of August, 1957.

Amendment of section 167 of Act 30 of 1928, as amended by section 11 of Act 35 of 1956 and section 11 of Act 89 of 1962.

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

- (a) by the deletion in paragraph (a) of sub-section (1) of the expression "(c)";
- (b) by the insertion in paragraph (b) of the said sub-section after the word "paragraphs" of the expression "(c)"; and
- (c) by the substitution in sub-section (2) for the words "*three hundred and forty-five* of the Criminal Procedure and Evidence Act, 1917" of the words "*three hundred and thirty-six* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955)."

Amendment of section 168 of Act 30 of 1928, as amended by section 34 of Act 41 of 1934, section 12 of Act 35 of 1956, section 43 of Act 61 of 1956, section 18 of Act 72 of 1961, section 20 of Act 63 of 1962 and section 12 of Act 89 of 1962.

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

- (a) by the substitution in paragraph (a) of sub-section (1) for the expression "(h) or (u)" of the expression "or (h)";
- (b) by the substitution in paragraph (b) of the said sub-section for the expression "(q)*bis*" of the expression "(u)"; and by the deletion in the said paragraph of the words "or of a provision of section *one hundred and sixty-five*"; and
- (c) by the substitution in sub-section (2) for the words "*three hundred and forty-five* of the Criminal Procedure and Evidence Act, 1917" of the words "*three hundred and thirty-six* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955)."

Amendment of section 170 of Act 30 of 1928.

109. Section *one hundred and seventy* of the principal Act is hereby amended by the substitution for the words "*eighty-nine* of the Magistrates' Courts Act, 1917 (Act No. 32 of 1917)" of the words "*ninety-two* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)."

Amendment of section 171 of Act 30 of 1928, as amended by section 115 of Act 46 of 1935.

110. Section *one hundred and seventy-one* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "and Evidence Act, 1917" of the words "Act, 1955 (Act No. 56 of 1955).";

- (c) deur paragraaf (e) te skrap; en
- (d) deur in paragraaf (g) na die woord „persone” die woorde „of agtien jaar of ouer is,” in te voeg.

105. Artikel *honderd vyf-en-sestig* van die Hoofwet word hierby herroep.

Herroeping van artikel 165 van Wet 30 van 1928.

106. (1) Artikel *honderd ses-en-sestig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 166 van Wet 30 van 1928, soos gewysig deur artikel 33 van Wet 41 van 1934, artikel 42 van Wet 61 van 1956, artikel 10 van Wet 58 van 1957, artikel 17 van Wet 72 van 1961, artikel 20 van Wet 63 van 1962 en artikel 10 van Wet 89 van 1962.

- (a) deur in paragraaf (d) die woorde „aan ’n lisensieraad voorlê skriftelike inligtings, hetsy onder eed of andersins,” deur die woorde „in verband met ’n aanvraag ingevolge hierdie Wet skriftelike inligting voorlê” te vervang;
- (b) deur in paragraaf (g) na die woord „brousel” die woorde „of drank” in te voeg;
- (c) deur paragraaf (g) *bis* te skrap;
- (d) deur in paragraaf (s) die woorde „in stryd met ’n bepaling van artikel *honderd-twee-en-dertig* of *honderd-drie-en-dertig* enige drank vervoer of laat vervoer of” te skrap;
- (e) deur in paragraaf (t) die woorde „artikel *honderd-en-vyf*” deur die woorde „’n regulasie” te vervang;
- (f) deur paragraaf (u) deur die volgende paragraaf te vervang:
„(u) ’n gelisensieerde gebou verlaat sonder om sy rekening vir losies en inwoning te betaal tensy hy ’n reëling met die lisensiehouer, sy agent of bediende getref het dat daardie rekening later betaal kan word;”;
- (g) deur in paragraaf (v) na die woorde „*honderd-veertien ter*” die woorde „sonder die toestemming van die Minister (welke toestemming gegee mag word onderworpe aan die voorwaardes wat die Minister goedvind om op te lê)” in te voeg; en
- (h) deur in paragraaf (w) na die woord „bottel-drank-lisensie” die woord „kruideniers-wynlisensie” en na die woord „word” die woorde „sonder die toestemming van die Minister (welke toestemming gegee mag word onderworpe aan die voorwaardes wat die Minister goedvind om op te lê)” in te voeg.

(2) Die bepalings van paragraaf (g) van sub-artikel (1) word geag op die sestiende dag van Augustus 1957 in werking te getree het.

107. Artikel *honderd sewe-en-sestig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 167 van Wet 30 van 1928, soos gewysig deur artikel 11 van Wet 35 van 1956 en artikel 11 van Wet 89 van 1962.

- (a) deur in paragraaf (a) van sub-artikel (1) die uitdrukking „(c)” te skrap;
- (b) deur in paragraaf (b) van genoemde sub-artikel na die woord „paragraaf” die uitdrukking „(c)” in te voeg; en
- (c) deur in sub-artikel (2) die woorde „*drie-honderd-vyf-en-veertig* van die Wet op de Kriminele Procedure en Bewijslevering, 1917” deur die woorde „*drie honderd ses-en-dertig* van die Strafproseswet, 1955 (Wet No. 56 van 1955),” te vervang.

108. Artikel *honderd agt-en-sestig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 168 van Wet 30 van 1928, soos gewysig deur artikel 34 van Wet 41 van 1934, artikel 12 van Wet 35 van 1956, artikel 43 van Wet 61 van 1956, artikel 18 van Wet 72 van 1961, artikel 20 van Wet 63 van 1962 en artikel 12 van Wet 89 van 1962.

- (a) deur in paragraaf (a) van sub-artikel (1) die uitdrukking „(h) of (u)” deur die uitdrukking „of (h)” te vervang;
- (b) deur in paragraaf (b) van genoemde sub-artikel die uitdrukking „(g) *bis*” deur die uitdrukking „(u)” te vervang; en deur in genoemde paragraaf die woorde „of van ’n bepaling in artikel *honderd-vyf-en-sestig*” te skrap; en
- (c) deur in sub-artikel (2) die woorde „*drie-honderd-vyf-en-veertig* van die Wet op de Kriminele Procedure en Bewijslevering, 1917” deur die woorde „*drie-honderd ses-en-dertig* van die Strafproseswet, 1955 (Wet No. 56 van 1955),” te vervang.

109. Artikel *honderd-en-sewentig* van die Hoofwet word hierby gewysig deur die woorde „*nege-en-tagtig* van die Magistraatshoven Wet, 1917 (Wet No. 32 van 1917)” deur die woorde „*twee-en-negentig* van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944),” te vervang.

Wysiging van artikel 170 van Wet 30 van 1928.

110. Artikel *honderd een-en-sewentig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 171 van Wet 30 van 1928, soos gewysig deur artikel 115 van Wet 46 van 1935.

- (a) deur in sub-artikel (1) die woorde „Wet op de Kriminele Procedure en Bewijslevering, 1917” deur die woorde „Strafproseswet, 1955 (Wet No. 56 van 1955),” te vervang;

- (b) by the substitution in paragraph (b) of the said sub-section for the word "unlawful" of the words "for an unlawful purpose."; and
- (c) by the substitution for the Afrikaans version of sub-section (2) of the following sub-section:
 "(2) Enige aldus verbeurde drank, voorwerp of houters mag verkoop of vernietig word of daar mag op die ander wyse daarmee gehandel word wat die Minister gelas."

111. Section *one hundred and seventy-three* of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of the following paragraph:
 "(b) applications and publication of applications for the grant, renewal, transfer and removal of licences under this Act, and the submission of documents, information, objections, police reports and representations in regard thereto;";
- (b) by the insertion after paragraph (b) *ter* of the following paragraph:
 "(b) *quat* applications and publication of applications for the classification and grading of accommodation establishments in terms of section *seventy-one bis*, the submission of documents, information, objections, reports and representations in regard thereto and, after consultation with the Minister of Finance, the fee payable in respect of an application under the said section;";
- (c) by the deletion in paragraph (c) of the words "and of registers and other records to be kept thereunder"; and
- (d) by the insertion after the said paragraph of the following paragraph:
 "(c) *bis* the keeping of records and registers by licensees or different classes of licensees, the particulars to be recorded therein, the inspection of such records and registers, and any other matter incidental thereto;".

Repeal of section 174*bis* of Act 30 of 1928, as inserted by section 1 of Act 14 of 1951.

112. Section *one hundred and seventy-four bis* of the principal Act is hereby repealed.

Amendment of section 175 of Act 30 of 1928, as amended by section 36 of Act 41 of 1934, section 2 of Act 14 of 1951, section 7 of Act 5 of 1952, section 45 of Act 61 of 1956 and section 20 of Act 63 of 1962.

113. Section *one hundred and seventy-five* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (1) in the definition of "Asiatic" of the words "any Turk and";
- (b) by the substitution in the said sub-section in the definition of "brandy" for the words "Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913)", of the words "Wine, Spirits and Vinegar Act, 1957 (Act No. 25 of 1957).";
- (c) by the substitution in the said sub-section for paragraph (e) of the definition of "closed days" of the following paragraph:
 "(e) any polling day fixed under the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), but subject to the provisions of section *one hundred and eighty-one* of that Act;";
- (d) by the deletion in the said sub-section of paragraph (f) of the definition of "closed days";
- (e) by the substitution in the said sub-section in paragraph (a) of the definition of "intoxicating liquor" for the words "other than methylated spirit" of the words "(other than methylated spirit).";
- (f) by the substitution in the said paragraph of the definition of "intoxicating liquor" for the words "hop beer and eau de cologne" of the words "and hop beer";
- (g) by the substitution in the said sub-section in the definition of "intoxicating medicine" for the word "proclaimed" of the word "declared";
- (h) by the deletion in the said sub-section at the end of paragraph (d) of the definition of "off-consumption licence" of the word "and";
- (i) by the insertion in the said sub-section after paragraph (e) of the definition of "off-consumption licence", of the following paragraph:
 "(f) a grocer's wine licence;";

- (b) deur in paragraaf (b) van genoemde sub-artikel die woord „onwettig” deur die woorde „vir ’n onwettige doel” te vervang; en
- (c) deur sub-artikel (2) deur die volgende sub-artikel te vervang:
„(2) Enige aldus verbeurde drank, voorwerp of houers mag verkoop of vernietig word of daar mag op die ander wyse daarmee gehandel word wat die Minister gelas.”.

111. Artikel honderd drie-en-sewentig van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (b) deur die volgende paragraaf te vervang:
„(b) aanvrae en bekendmaking van aanvrae om die verlening, vernuwing, oordrag en verplasing van lisensies kragtens hierdie Wet, en die voorlegging van dokumente, inligting, besware, polisie-rapporte en vertoë met betrekking daartoe;”;
- (b) deur na paragraaf (b) ter die volgende paragraaf in te voeg:
„(b)quat aanvrae en bekendmaking van aanvrae om die klassifikasie en gradering van akkomodasie-inrigtings ingevolge artikel een-en-sewentig bis, die voorlegging van dokumente, inligting, besware, rapporte en vertoë met betrekking daartoe en, na oorlegpleging met die Minister van Finansies, die fooi betaalbaar ten opsigte van ’n aanvraag kragtens genoemde artikel;”;
- (c) deur in paragraaf (c) die woorde „en van die registers en ander aantekenings wat kragtens hierdie Wet gehou moet word” te skrap; en
- (d) deur na genoemde paragraaf die volgende paragraaf in te voeg:
„(c)bis die hou van aantekenings en registers deur lisensiehouers of verskillende klasse van lisensiehouers, die besonderhede wat daarin aangeteken moet word, die ondersoek van daardie aantekenings en registers, en enige ander aangeleentheid wat daarmee in verband staan;”.

Wysiging van artikel 173 van Wet 30 van 1928, soos gewysig deur artikel 44 van Wet 61 van 1956, artikel 19 van Wet 72 van 1961 en artikel 13 van Wet 89 van 1962.

112. Artikel honderd vier-en-sewentig bis van die Hoofwet word hierby herroep.

Herroeping van artikel 174bis van Wet 30 van 1928, soos ingevoeg deur artikel 1 van Wet 14 van 1951.

113. Artikel honderd vyf-en-sewentig van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) in die omskrywing van „Asiaat” die woorde „’n Turk en” te skrap;
- (b) deur in genoemde sub-artikel in die omskrywing van „brandewyn” die woorde „Wijn, Spiritualiën en Azijn Wet, 1913 (Wet No. 15 van 1913)” deur die woorde „Wet op Wyn, Spiritualieë en Asyn, 1957 (Wet No. 25 van 1957),” te vervang;
- (c) deur in die genoemde sub-artikel paragraaf (e) van die omskrywing van „geslote dae” deur die volgende paragraaf te vervang:
„(e) stembag vasgestel ingevolge die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), dog behoudens die bepalinge van artikel honderd-een-en-tagtig van daardie Wet;”;
- (d) deur in genoemde sub-artikel paragraaf (f) van die omskrywing van „geslote dag” te skrap;
- (e) deur in die Engelse teks van die genoemde sub-artikel in paragraaf (a) van die omskrywing van „sterke drank” die woorde „other than methylated spirit” deur die woorde „(other than methylated spirit)” te vervang;
- (f) deur in genoemde paragraaf van die omskrywing van „sterke drank” die woorde „hobpier, en eau de cologne” deur die woorde „en hobpier” te vervang;
- (g) deur in genoemde sub-artikel in die omskrywing van „bedwelkende medisyne” die woord „geproklameer” deur die woord „verklaar” te vervang;
- (h) deur in genoemde sub-artikel aan die end van paragraaf (d) van die omskrywing van „buiteverbruik-lisensie” die woord „en” te skrap;
- (i) deur in genoemde sub-artikel na paragraaf (e) van die omskrywing van „buiteverbruik-lisensie” die volgende paragraaf in te voeg:
„(f) ’n kruideniers-wynlisensie;”;

Wysiging van artikel 175 van Wet 30 van 1928, soos gewysig deur artikel 36 van Wet 41 van 1934, artikel 2 van Wet 14 van 1951, artikel 7 van Wet 5 van 1952, artikel 45 van Wet 61 van 1956 en artikel 20 van Wet 63 van 1962.

- (j) by the deletion in the said sub-section at the end of paragraph (g) of the definition of "on-consumption licence" of the word "and";
- (k) by the insertion in the said sub-section after paragraph (h) of the definition of "on-consumption licence" of the following paragraph:
 "(i) a meal time wine and malt licence;"
- (l) by the substitution in the said sub-section in the definition of "ordinary meal" for the words "one shilling" of the words "three shillings in any portion of an establishment restricted to white customers, and one shilling and sixpence in any portion of an establishment for non-whites,";
- (m) by the substitution in the said sub-section for the definition of "parliamentary voter" of the following definition:
 "'parliamentary voter' means any white person who is in terms of the provisions of the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), entitled to vote at an election for members of the House of Assembly;"
- (n) by the insertion in the said sub-section in the definition of "urban local authority" after the word "committee" where it occurs for the first time, of the words "or the Local Health Commission constituted in terms of the Local Health Commission (Public Health Areas Control) Ordinance, 1941 (Ordinance No. 20 of 1941 of Natal),"; and
- (o) by the substitution in the said sub-section in the definition of "wine" for the words "Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913), of the words "Wine, Spirits and Vinegar Act, 1957 (Act No. 25 of 1957)."

Substitution of
the Third
Schedule to
Act 30 of 1928.

114. The following Schedule is hereby substituted for the Third Schedule to the principal Act:

"THIRD SCHEDULE.

FEES TO BE PAID ON ISSUE OF LICENCES SUBJECT TO REDUCTIONS PROVIDED FOR IN SECTION *twelve*.

Description of liquor licence.	Fee payable on issue of new licence.			Fee payable on renewal of licence.			Fee payable on issue of authority for transfer of licence to another person.			Fee payable on issue of authority for removal of licence to other premises.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Wholesale	500	0	0	250	0	0	125	0	0	125	0	0
Foreign	100	0	0	50	0	0	25	0	0	25	0	0
Brewer	500	0	0	250	0	0	125	0	0	125	0	0
Bottle	300	0	0	150	0	0	75	0	0	75	0	0
Grocer	25	0	0	12	10	0	7	10	0	7	10	0
Wine Farmer	1	0	0	0	10	0	0	10	0	0	10	0
Restaurant	50	0	0	25	0	0	12	10	0	12	10	0
Hotel	100	0	0	50	0	0	25	0	0	25	0	0
Bar	—	—	—	150	0	0	75	0	0	75	0	0
Club	100	0	0	50	0	0	25	0	0	25	0	0
Theatre or sports ground	100	0	0	50	0	0	25	0	0	25	0	0
Wine and malt	20	0	0	10	0	0	5	0	0	5	0	0
Meal time	12	0	0	6	0	0	3	0	0	3	0	0
Temporary	5	0	0	per day in respect of each bar kept under the licence, but not exceeding £15 in respect of all bars kept under any temporary liquor licence.								
Late hours occasional ..	2	0	0	in respect of each hour or portion of an hour for which the licence is granted.								

Whenever in terms of section *sixty-four* or *seventy-one bis*, the holder of an on-consumption licence is granted authority to sell liquor for consumption off the licensed premises, the amount payable for the grant or a renewal of such licence, shall be increased by one half."

Repeal of the
Fourth and
Fifth
Schedules to
Act 30 of 1928.

115. The Fourth Schedule and the Fifth Schedule to the principal Act are hereby repealed.

Short title and
commencement.

116. This Act shall be called the Liquor 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 so fixed in respect of the several provisions of this Act.

- (j) deur in genoemde sub-artikel aan die end van paragraaf (g) van die omskrywing van „binneverbruik-lisensie” die woord „en” te skrap;
- (k) deur in genoemde sub-artikel na paragraaf (h) van die omskrywing van „binneverbruik-lisensie” die volgende paragraaf in te voeg:
„(i) ’n maaltyd-wyn- en -bier-lisensie;”;
- (l) deur in genoemde sub-artikel in die omskrywing van „gewone maaltyd” die woorde „een sjieling” deur die woorde „drie sjielings in enige gedeelte van ’n inrigting wat tot blanke klante beperk is en een sjieling en ses pennies in enige gedeelte van ’n inrigting vir nie-blankes” te vervang;
- (m) deur in genoemde sub-artikel die omskrywing van „parlementêre kieser” deur die volgende omskrywing te vervang:
„parlementêre kieser’ beteken ’n blanke persoon wat ingevolge die bepalings van die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), geregtig is om by ’n verkiesing van lede van die Volksraad te stem;”;
- (n) deur in genoemde sub-artikel in die omskrywing van „stedelike plaaslike bestuur” na die woord „gesondheidskomitee” die woorde „of die Kommissie vir Plaaslike Gesondheid in die lewe geroep kragtens die Ordonnansie op die Kommissie vir Plaaslike Gesondheid (Beheer oor Openbare Gesondheidsgebiede), 1941 (Ordonnansie No. 20 van 1941 van Natal),” in te voeg; en
- (o) deur in genoemde sub-artikel in die omskrywing van „wyn” die woorde „Wijn, Spiritualiën en Azijn Wet, 1913 (Wet No. 15 van 1913)” deur die woorde „Wet op Wyn, Spiritueel en Asyn, 1957 (Wet No. 25 van 1957),” te vervang.

114. Die Derde Bylae by die Hoofwet word hierby deur die volgende Bylae vervang:

Vervanging van die Derde Bylae by Wet 30 van 1928.

„DERDE BYLAE.

FOOIE WAT BY UITREIKING VAN LISENSIES VERSKULDIG IS, ONDERHEWIG AAN DIE KORTINGS VASGESTEL IN ARTIEKEL twaalf.

Soort van Lisensie.	Ver-skuldigde fooi by uitreiking van nuwe lisensie.			Ver-skuldigde fooi by vernuwing van lisensie.			Ver-skuldigde fooi by magtiging tot oordrag van lisensie aan iemand anders.			Ver-skuldigde fooi by magtiging tot verplasing van lisensie na ander gebou.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Groothandelaars ..	500	0	0	250	0	0	125	0	0	125	0	0
Buitelandse ..	100	0	0	50	0	0	25	0	0	25	0	0
Bierbrouer ..	500	0	0	250	0	0	125	0	0	125	0	0
Bottel ..	300	0	0	150	0	0	75	0	0	75	0	0
Kruidenier ..	25	0	0	12	10	0	7	10	0	7	10	0
Wynboer ..	1	0	0	0	10	0	0	10	0	0	10	0
Restourant ..	50	0	0	25	0	0	12	10	0	12	10	0
Hotel ..	100	0	0	50	0	0	25	0	0	25	0	0
Kantien ..	—	—	—	150	0	0	75	0	0	75	0	0
Klub ..	100	0	0	50	0	0	25	0	0	25	0	0
Teater of sportgronde ..	100	0	0	50	0	0	25	0	0	25	0	0
Wyn en bier ..	20	0	0	10	0	0	5	0	0	5	0	0
Maaltyd ..	12	0	0	6	0	0	3	0	0	3	0	0
Tydlike ..	5	0	0	per dag vir elke kantien wat kragtens die lisensie gehou word, maar nie meer nie as £15 ten opsigte van alle kantiene kragtens een enkele tydelike dranklisensie gehou.								
Nagtelijke geleentheids ..	2	0	0	vir elke uur of gedeelte van ’n uur waarvoor die lisensie verleen word.								

Wanneer ingevolge artikel vier-en-sestig of een-en-sewentig bis aan die houer van ’n binneverbruik-lisensie magtiging verleen word om drank te verkoop vir gebruik buite die gelisensieerde gebou, word die bedrag wat vir die verlening van daardie lisensie verskuldig is, met een helfte vermeerder.”

115. Die Vierde Bylae en die Vyfde Bylae by die Hoofwet word hierby herroep.

Herroeping van die Vierde en Vyfde Bylae by Wet 30 van 1928.

116. Hierdie Wet heet die Drankwysigingswet, 1963, en tree in werking op ’n datum deur die Staatspresident by proklamasie in die Staatskoerant bepaal: Met dien verstande dat verskillende datums ten opsigte van die onderskeie bepalings van hierdie Wet aldus bepaal kan word.

Kort titel en inwerkingtreding.

No. 90, 1963.]

ACT

To amend the Radio Act, 1952.*(English 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:—

Substitution of
section 12 of
Act 3 of 1952.

1. The following section is hereby substituted for section *twelve* of the Radio Act, 1952 (hereinafter referred to as the principal Act):

“Prohibition of sale of radio apparatus without valid listener’s licence.”

12. (1) No holder of a radio dealer’s licence shall sell, give or in any manner whatsoever supply any radio apparatus to any person who is not in possession of a valid listener’s licence.

(2) Any such holder shall in respect of any radio apparatus sold, given or supplied by him complete an invoice in triplicate written and signed by him or under his direction at the time of the transaction, and setting out the date of the transaction, the name and address of such holder and of the person to whom such apparatus is supplied, the number and expiry date of such person’s listener’s licence, and a description of the radio apparatus so supplied.

(3) One copy of the invoice referred to in subsection (2) shall be retained by the holder of the radio dealer’s licence and shall be produced by him for inspection on demand by any officer in the public service duly authorized thereto by the Postmaster-General, one copy shall at the time of the transaction be handed by such holder to the person supplied, and one copy shall be forwarded by such holder to the Postmaster-General within seven days of the transaction.”

Substitution of section 13 of Act 3 of 1952.

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

“Prohibition of repairs to radio apparatus without valid listener’s licence.”

13. (1) No holder of a radio repairer’s licence shall effect any repairs to any radio apparatus, unless the person on whose behalf such repairs are effected is in possession of a valid listener’s licence.

(2) Any such holder shall in respect of any repairs effected by him complete an invoice in duplicate written and signed by him or under his direction at the time such repairs are completed, and setting out his name and address, the nature of the repairs effected, the date on which the repairs were completed, the name and address of the person on whose behalf the repairs were effected, and the number and expiry date of the latter’s listener’s licence.

(3) One copy of the invoice referred to in subsection (2) shall be retained by the holder of the radio repairer’s licence and shall be produced by him for inspection on demand by any officer in the public service duly authorized thereto by the Postmaster-General, and one copy shall be forwarded by such holder to the Postmaster-General within seven days of the completion of the repairs.”

Short title.

3. This Act shall be called the Radio Amendment Act, 1963.

No. 90, 1963.]

WET

Tot wysiging van die Radiowet, 1952.

(Engelse 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. Artikel *twaalf* van die Radiowet, 1952 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang: Vervanging van artikel 12 van Wet 3 van 1952.

„Verbod op verkoop van radio-apparaat sonder geldige luisteraars-lisensie.

12. (1) Geen houer van 'n radiohandelaars-lisensie mag radio-apparaat verkoop, gee of op enige wyse hoegenaamd lewer aan iemand wat nie in besit van 'n geldige luisteraarslisensie is nie.

(2) So 'n houer moet ten opsigte van enige radio-apparaat deur hom verkoop, gegee of gelewer, 'n faktuur in drievoud uitmaak, wat ten tyde van die transaksie deur hom of onder sy toesig uitgeskryf en onderteken moet word en waarop die datum van die transaksie, die naam en adres van bedoelde houer en van die persoon aan wie dié apparaat gelewer word, die nommer en verval-datum van daardie persoon se luisteraarslisensie, en 'n beskrywing van die aldus gelewerde radio-apparaat uiteengesit word.

(3) Een afskrif van die in sub-artikel (2) bedoelde faktuur moet deur die houer van die radio-handelaarslisensie behou word en moet deur hom op aanvraag deur 'n behoorlik deur die Posmeester-generaal daartoe gemagtigde beampte in die staats-diens vir inspeksie oorgelê word, een afskrif moet ten tyde van die transaksie deur bedoelde houer oorhandig word aan die persoon aan wie lewering geskied, en een afskrif moet binne sewe dae na die transaksie deur bedoelde houer aan die Pos-meester-generaal gestuur word.”.

2. Artikel *dertien* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 13 van Wet 3 van 1952.

„Verbod op herstelwerk aan radio-apparaat sonder geldige luisteraars-lisensie.

13. (1) Geen houer van 'n radio-herstellers-lisensie mag herstelwerk aan enige radio-apparaat doen nie, tensy die persoon ten behoeve van wie die herstelwerk gedoen word in besit is van 'n geldige luisteraarslisensie.

(2) So 'n houer moet ten opsigte van herstelwerk deur hom gedoen 'n faktuur in drievoud uitmaak, wat by voltooiing van die herstelwerk deur hom of onder sy toesig uitgeskryf en onderteken moet word, en waarop sy naam en adres, die aard van die herstelwerk gedoen, die datum waarop die herstelwerk voltooi is, die naam en adres van die persoon ten behoeve van wie die herstelwerk gedoen is en die nommer en verval-datum van laasgenoemde se luisteraarslisensie uiteengesit word.

(3) Een afskrif van die in sub-artikel (2) bedoelde faktuur moet deur die houer van die radio-herstellerslisensie behou word en moet deur hom op aanvraag deur 'n behoorlik deur die Posmeester-generaal daartoe gemagtigde beampte in die staats-diens vir inspeksie oorgelê word, en een afskrif moet binne sewe dae na voltooiing van die herstelwerk deur bedoelde houer aan die Posmeester-generaal gestuur word.”.

3. Hierdie Wet heet die Radiowysigingswet, 1963.

Kort titel.

No. 91, 1963.]

ACT

To consolidate and amend the law defining and declaring the powers and privileges of Parliament, securing freedom of speech and debate or proceedings in Parliament, and giving protection to persons employed in the publication of Parliamentary papers, and to provide for matters incidental thereto.

(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:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) "committee" means any standing, sessional, special or select committee of the Senate or the House of Assembly, or a committee of the Senate and the House of Assembly sitting jointly in terms of any provision of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or a joint committee of the Senate and the House of Assembly; (ii)
 - (ii) "journals" means—
 - (a) the minutes of proceedings of the Senate;
 - (b) the minutes of proceedings of the House of Assembly; or
 - (c) the minutes of proceedings of the Senate and the House of Assembly sitting jointly; (i)
 - (iii) "member" means a member of the Senate or the House of Assembly; (iii)
 - (iv) "officer of Parliament" means the Secretary or Deputy Secretary to the Senate, the Secretary, Deputy Secretary or Assistant Secretary to the House of Assembly, the Gentleman Usher, the Serjeant-at-Arms and any person who may be appointed to the staff of the Senate or the House of Assembly and includes any person who may be appointed to the joint establishment of Parliament; (v)
 - (v) "Parliament" means either the Senate or the House of Assembly, or both, including the Senate and the House of Assembly sitting jointly in terms of any provision of the Republic of South Africa Constitution Act, 1961, as the circumstances may require; (iv)
 - (vi) "President" means the person chosen in terms of section *thirty-five* of the Republic of South Africa Constitution Act, 1961, to be the President of the Senate; (vi)
 - (vii) "Secretary", in relation to the Senate or the House of Assembly, means the person appointed as the Secretary thereto by the Senate or the House of Assembly, as the case may be, or the person acting as such on the authority of the President or the Speaker, as the case may be; (vii)
 - (viii) "Speaker" means the person chosen in terms of section *forty-eight* of the Republic of South Africa Constitution Act, 1961, to be the Speaker of the House of Assembly. (viii)

Freedom of speech and debate.

2. There shall be freedom of speech and debate or proceedings in Parliament and any committee, and such freedom shall not be liable to be impeached or questioned in any court or place outside Parliament.

Powers and jurisdiction of Senate and House of Assembly.

3. For the purposes of this Act the Senate and the House of Assembly sitting jointly or separately shall subject to the provisions of this Act possess such powers and jurisdiction as may be necessary for enquiring into, judging and pronouncing upon the commission of any act, matter or thing herein declared to be a contravention of this Act, and imposing and carrying into execution the punishment provided therefor by this Act.

Rights and privileges of Senate and House of Assembly sitting as a court.

4. The Senate and the House of Assembly, sitting jointly or separately as a court, shall subject to the provisions of this Act have all such rights and privileges of a court of law as may be necessary for the purpose of summarily enquiring into and punishing any act, matter or thing herein declared to be a contravention of this Act.

No. 91, 1963.]

WET

Tot samevatting en wysiging van die wetsbepalings wat die bevoegdhede en voorregte van die Parlement omskryf en verklaar, die vryheid van spraak en debat of verrigtings in die Parlement verseker en beskerming verleen aan persone wat met die publisering van Parlementêre stukke belas is, en om vir bykomstige aangeleenthede voorsiening te maak.

(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. In hierdie Wet, tensy uit die samehang anders blyk, Woordbepalings. beteken—

- (i) „joernale”—
 - (a) die notule van verrigtings van die Senaat;
 - (b) die notule van verrigtings van die Volksraad; of
 - (c) die notule van verrigtings van die Senaat en die Volksraad in verenigde vergadering; (ii)
- (ii) „komitee” ’n vaste, sessie-, spesiale of gekose komitee van die Senaat of die Volksraad, of ’n komitee van die Senaat en die Volksraad in verenigde vergadering ingevolge ’n bepaling van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), of ’n gesamentlike komitee van die Senaat en die Volksraad; (i)
- (iii) „lid” ’n lid van die Senaat of die Volksraad; (iii)
- (iv) „Parlement” of die Senaat of die Volksraad of albei, met inbegrip van die Senaat en die Volksraad in verenigde vergadering ingevolge ’n bepaling van die Grondwet van die Republiek van Suid-Afrika, 1961, na gelang omstandighede vereis; (v)
- (v) „Parlementsamptenaar” die Sekretaris of Adjunksekretaris van die Senaat, die Sekretaris, Adjunksekretaris of Assistent-sekretaris van die Volksraad, die Ampswag van die Senaat, die Ampswag van die Volksraad en enigiemand wat in die personeel van die Senaat of die Volksraad aangestel word en ook enigiemand wat in die gesamentlike personeel van die Parlement aangestel word; (iv)
- (vi) „President” die persoon wat kragtens artikel vyf-entertig van die Grondwet van die Republiek van Suid-Afrika, 1961, gekies is om President van die Senaat te wees; (vi)
- (vii) „Sekretaris”, met betrekking tot die Senaat of die Volksraad, die persoon wat deur die Senaat of die Volksraad, na gelang van die geval, as Sekretaris daarvan aangestel is of die persoon wat op gesag van die President of die Speaker, na gelang van die geval, in dié hoedanigheid waarneem; (vii)
- (viii) „Speaker” die persoon wat kragtens artikel agt-entveertig van die Grondwet van die Republiek van Suid-Afrika, 1961, gekies is om die Speaker van die Volksraad te wees. (viii)

2. Daar is vryheid van spraak en debat of verrigtings in die Parlement en ’n komitee, en dié vryheid kan nie in ’n hof of ’n plek buite die Parlement gewraak of in twyfel getrek word nie. Vryheid van spraak en debat.

3. By die toepassing van hierdie Wet het die Senaat en die Volksraad in verenigde of afsonderlike vergadering, behoudens die bepalings van hierdie Wet, die bevoegdhede en regsmag wat nodig is om ’n handeling, aangeleentheid of saak wat deur hierdie Wet tot ’n oortreding verklaar is, te ondersoek, ’n oordeel daaroor te vel en uitspraak daaroor te lewer en die straf by hierdie Wet daarvoor bepaal, op te lê en ten uitvoer te bring. Bevoegdhede en regsmag van Senaat en Volksraad.

4. Die Senaat en die Volksraad wat gesamentlik of afsonderlik as ’n hof sit, het behoudens die bepalings van hierdie Wet al die bevoegdhede en voorregte van ’n geregshof wat nodig is om ’n handeling, aangeleentheid of saak wat deur hierdie Wet tot ’n oortreding verklaar is, summier te ondersoek en straf daarvoor op te lê. Bevoegdhede en voorregte van die Senaat en die Volksraad wat as hof sit.

Stay of process in respect of matters of privilege.

5. At any stage of any civil or criminal proceedings instituted for or on account or in respect of any matter of privilege, upon production to the court or judge by the defendant or accused, of a certificate by the President or the Speaker or, in his absence or other incapacity, by the Secretary to the Senate or the House of Assembly, as the case may be, stating that the matter in question is one which concerns the privilege of Parliament, that court or judge shall immediately stay such proceedings, which shall thereupon be deemed to be finally determined.

Attendance of members and officers before Senate or House of Assembly.

6. No member or officer of Parliament shall in pursuance of any request—

- (a) in the case of a member or an officer of the Senate, attend before the House of Assembly or a committee thereof without the consent or order of the Senate or, during an adjournment of the Senate, of the President; or
- (b) in the case of a member or an officer of the House of Assembly, attend before the Senate or a committee thereof without the consent or order of the House of Assembly or, during an adjournment of the House of Assembly, of the Speaker.

Members and officers exempted from certain obligations.

7. (1) No member or officer of Parliament shall be required to serve on any jury or, while in attendance on Parliament, to attend as a witness in any civil proceedings in any court, unless that court holds its sittings at the seat of Parliament.

(2) No civil proceedings in which a member or officer of Parliament is a defendant shall, while that member or officer is in attendance on Parliament, be brought to trial in a court that holds its sittings elsewhere than at the seat of Parliament.

(3) A certificate by the President or the Speaker, as the case may be, stating that a member or officer of Parliament is in attendance on Parliament shall be sufficient proof of such attendance.

Members not liable to proceedings in certain cases.

8. No member shall be liable to any civil or criminal proceedings, arrest, imprisonment or damages by reason of any matter or thing which he may have brought by petition, bill, resolution, motion or otherwise or may have said before or in Parliament or any committee.

Persons not liable for acts done under authority of Parliament.

9. No person shall be liable in damages or otherwise for any act done under the authority of Parliament and within its legal powers, or under any warrant issued by virtue of those powers.

Parliament empowered to punish for contempt.

10. (1) Parliament may for or in respect of any offence mentioned in sub-section (3), whether committed by a member or by any other person, summarily punish for contempt by fine or otherwise, as provided by the standing orders of Parliament or by this Act.

(2) If any fine or punishment imposed in terms of sub-section (1) is not immediately paid or undergone the offender shall be committed to the custody of the person in charge of any prison or of an officer of Parliament in such place as the Senate or the House of Assembly, as the case may be, may direct, for a period ending not later than the last day of the then current session or until the payment is made or the punishment is undergone.

(3) The offences referred to in sub-section (1) shall be—

- (a) disobedience to any order made by Parliament or any committee duly authorized thereto, for the attendance before or the production of any paper, book, record or document to Parliament or such committee, except where the person concerned has been excused from such attendance or production in terms of section twenty;
- (b) refusing to be examined before, or to answer any lawful and relevant question put by, Parliament or any committee referred to in paragraph (a), unless such refusal has been excused in terms of section twenty;
- (c) wilful failure or refusal to obey any rule, order or resolution of Parliament;
- (d) offering to or acceptance by any member or officer of Parliament of a bribe to influence him in his conduct as such member or officer, or offering to or acceptance by any member or officer of Parliament of any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any bill, resolution,

5. Wanneer die verweerder of beskuldigde op enige stadium van 'n siviele of strafgeding wat weens of op grond van of ten opsigte van 'n kwessie van voorreg ingestel is, aan die hof of regter 'n sertifikaat oorlê, verstrek deur die President of die Speaker of, indien hy afwesig is of om 'n ander rede nie kan optree nie, deur die Sekretaris van die Senaat of van die Volksraad, na gelang van die geval, waarin verklaar word dat die voorreg van die Parlement by die bedoelde kwessie betrokke is, moet daardie hof of regter dié geding onmiddellik stuit, en dit word dan as finaal besleg geag.

Stuiting van geding in verband met kwessie van voorreg.

6. 'n Lid of Parlementsamptenaar verskyn nie ingevolge 'n versoek—

Verskyning van lede en amptenare voor Senaat of Volksraad.

- (a) in die geval van 'n lid of amptenaar van die Senaat, voor die Volksraad of 'n komitee daarvan sonder toestemming of lasgewing van die Senaat of, gedurende 'n verdagting van die Senaat, van die President nie; of
- (b) in die geval van 'n lid of amptenaar van die Volksraad, voor die Senaat of 'n komitee daarvan sonder die toestemming of lasgewing van die Volksraad of, gedurende 'n verdagting van die Volksraad, van die Speaker nie.

7. (1) Van 'n lid of Parlementsamptenaar word nie vereis om in 'n jurie te dien of om, terwyl hy Parlementsdiens verrig, as getuie by 'n siviele geding in 'n hof te verskyn nie tensy dié hof sy sittings hou op die plek waar die setel van die Parlement is.

Lede en amptenare van sekere verpligtings vrygestel.

(2) Geen siviele geding waarin 'n lid of Parlementsamptenaar 'n verweerder is, word terwyl dié lid of amptenaar Parlementsdiens verrig, in 'n hof wat sy sittings op 'n ander plek as die setel van die Parlement hou, verhoor nie.

(3) 'n Sertifikaat van die President of die Speaker, na gelang van die geval, waarin verklaar word dat 'n lid of Parlementsamptenaar Parlementsdiens verrig, is genoegsame bewys van sodanige diens.

8. 'n Lid is nie aan 'n siviele of strafgeding, inhegtenisname, gevangesetting of skadevergoeding blootgestel nie op grond van wat hy in die Parlement of 'n komitee gesê het of by wyse van petisie, wetsontwerp, besluit, voorstel of andersins daarin aanhangig gemaak het.

Lede is in sekere gevalle nie aan gedinge blootgestel nie.

9. Niemand kan weens 'n handeling verrig op gesag en binne die wetlike bevoegdheid van die Parlement of kragtens 'n lasbrief wat uit hoofde van dié bevoegdheid uitgereik is, vir skadevergoeding of andersins aangespreek word nie.

Persone nie aanspreeklik vir handelinge op gesag van die Parlement verrig nie.

10. (1) Die Parlement kan vir of ten opsigte van 'n misdryf in sub-artikel (3) vermeld, hetsy deur 'n lid of iemand anders gepleeg, weens minagting summier straf oplê by wyse van boete of andersins soos deur die reglement van orde van die Parlement of deur hierdie Wet bepaal.

Parlement bevoeg om weens minagting straf op te lê.

(2) Indien 'n boete of straf kragtens sub-artikel (1) opgelê, nie onmiddellik betaal of ondergaan word nie, word die oortreder in die bewaring gestel van die persoon aan die hoof van 'n gevangenis of van 'n Parlementsamptenaar, om in die plek aangewys deur die Senaat of die Volksraad, na gelang van die geval, aangehou te word vir 'n tydperk wat nie later eindig nie as die laaste dag van die sessie wat dan aan die gang is of totdat betaling geskied het of die straf ondergaan is.

(3) Die misdrywe in sub-artikel (1) bedoel, is—

- (a) versuim om gehoor te gee aan 'n lasgewing deur die Parlement of 'n komitee behoorlik daartoe gemagtig, om te verskyn voor of om 'n stuk, boek, aantekening of dokument oor te lê aan die Parlement of so 'n komitee, tensy die betrokke persoon ingevolge artikel *twintig* van sodanige verskyning of oorlegging onthef word;
- (b) weiering om ondervra te word voor of om te antwoord op 'n wettige en toepaslike vraag gestel deur die Parlement of 'n komitee in paragraaf (a) bedoel, tensy sodanige weiering ingevolge artikel *twintig* verskoon word;
- (c) opsetlike versuim of weiering om 'n reël, lasgewing of besluit van die Parlement te gehoorsaam;
- (d) die aanbieding aan of die aanneem deur 'n lid of Parlementsamptenaar, van omkoopgeld om hom in sy optrede as so 'n lid of amptenaar te beïnvloed of die aanbieding aan of aanneem deur 'n lid of Parlementsamptenaar van 'n honorarium, vergoeding, geskenk of beloning vir of ten opsigte van die bevordering of bestryding van 'n wetsontwerp, besluit, aangeleentheid,

- matter, rule or thing submitted or proposed to be submitted to Parliament or any committee;
- (e) assaulting, obstructing or insulting any member proceeding to or going from Parliament, or on account of his conduct in Parliament, or endeavouring to compel any member by force, insult or menace to declare himself in favour of or against any proposition or matter depending or expected to be brought before Parliament;
 - (f) assault upon, interference with or resistance to an officer of Parliament in the execution of his duty or while proceeding to or going from Parliament in the course of or in connection with his official duties;
 - (g) sending any threatening letter to a member, or challenging him to fight, on account of his conduct in Parliament;
 - (h) while Parliament is sitting, creating or joining in any disturbance in Parliament or in the vicinity of Parliament, whereby the proceedings of Parliament are or are likely to be interrupted;
 - (i) tampering with, deterring, threatening, beguiling or in any way unduly influencing any witness in regard to evidence to be given by him before Parliament or any committee;
 - (j) presenting to Parliament or to any committee any false, untrue, fabricated or falsified document with intent to deceive Parliament or such committee;
 - (k) prevarication or other misconduct as a witness before Parliament or any committee;
 - (l) the publication of any false or scandalous libel on any member touching his conduct as a member; and
 - (m) any contempt from time to time set forth, and declared to be such, in any standing orders of Parliament.

Member not to vote upon any matter in which he has a direct pecuniary interest.

11. (1) Subject to the provisions of sub-section (3), a member shall not in or before Parliament or any committee vote upon or take part in the discussion of any matter in which he has a direct pecuniary interest.

(2) Any member who contravenes sub-section (1) may be adjudged guilty of contempt of Parliament by the Senate or the House of Assembly (of whichever he is a member) and shall be liable to the penalties provided in this Act for such contempt.

(3) The provisions of sub-section (1) shall not apply to any vote or discussion concerning any remuneration or allowance to be received by members in their capacity as such, or to any interest which a member may have in any matter in common with the public generally or with any class or section thereof.

Issue of warrants for arrest and imprisonment.

12. For the purpose of any punishment for any of the contempts of Parliament named in this Act the President or the Speaker, as the case may be, or (if the Senate and the House of Assembly are sitting jointly) the Speaker may upon a resolution of Parliament issue a warrant under his hand for the arrest and imprisonment of any person sentenced to imprisonment or who fails to pay a fine or undergo a punishment to which he has been sentenced.

Form of warrant.

13. (1) Every warrant referred to in section *twelve* shall contain a statement that the person therein mentioned has been adjudged guilty of contempt of Parliament and shall specify the nature of such contempt.

(2) Any such warrant shall be sufficient if it can be reasonably inferred therefrom that the person mentioned therein has been adjudged guilty of any of the contempts of Parliament named in this Act, and it shall not be necessary to observe any particular form in any such warrant.

Arrest without warrant.

14. Any person creating or joining in any disturbance in Parliament during its actual sitting may be arrested without warrant on the verbal order of the President or the Speaker, as the case may be, and may be kept in the custody of an officer of Parliament, designated by the President or the Speaker, as the case may be, until a warrant can be issued for his imprisonment.

reël of saak wat aan die Parlement of 'n komitee voorgelê is of staan te word;

- (e) aanranding, belemmering of belediging van 'n lid wat op weg is na of van die Parlement, of weens sy optrede in die Parlement, of 'n poging om 'n lid deur geweld, belediging of bedreiging te dwing om hom ten gunste van of teen 'n voorstel of aangeleentheid wat in die Parlement aanhangig is of na verwagting aanhangig gemaak sal word, te verklaar;
- (f) aanranding van, bemoeiing met of verset teen 'n Parlementsampenaar by die uitvoering van sy plig of terwyl hy in die loop van of in verband met sy amptelike pligte na of van die Parlement op weg is;
- (g) die stuur van 'n dreigbrief aan 'n lid, of die uitdaging van 'n lid tot 'n geveg, weens sy optrede in die Parlement;
- (h) veroorsaking van of deelname aan 'n steurnis in die Parlement of in die nabyheid van die Parlement onderwyl 'n Parlementsitting aan die gang is, as gevolg waarvan die verrigtings van die Parlement onderbreek word of waarskynlik onderbreek sal word;
- (i) bemoeiing met of die afskrik, dreig, misleiding of onbehoorlike beïnvloeding op enigerlei wyse van 'n getuie ten opsigte van getuienis wat deur hom voor die Parlement of 'n komitee afgelê gaan word;
- (j) voorlegging aan die Parlement of aan 'n komitee van 'n valse, onware, verdigte of vervalste dokument met die opset om die Parlement of so 'n komitee te bedrieg;
- (k) opsetlike dubbelsinnigheid of ander wangedrag as 'n getuie voor die Parlement of 'n komitee;
- (l) die openbaarmaking van valse of skandalige laster omtrent 'n lid aangaande sy gedrag as lid; en
- (m) enige vorm van minagting wat van tyd tot tyd in die reglement van orde van die Parlement uiteengesit en daarin tot minagting verklaar word.

11. (1) Behoudens die bepalings van sub-artikel (3), mag 'n lid nie in of voor die Parlement of 'n komitee oor enige aangeleentheid waarby hy regstreekse geldelike belang het, stem of aan die bespreking daarvan deelneem nie.

Lid mag nie stem oor 'n aangeleentheid waarby hy regstreekse geldelike belang het nie.

(2) 'n Lid wat sub-artikel (1) oortree, kan deur die Senaat of die Volksraad (van watter hy ook al lid is) aan minagting van die Parlement skuldig bevind word en is onderhewig aan die strawwe wat in hierdie Wet vir sodanige minagting bepaal word.

(3) Die bepalings van sub-artikel (1) is nie van toepassing op 'n stemming oor of bespreking van die beoogde betaling van enige vergoeding of toelae aan lede in hul hoedanigheid van lede of op 'n belang wat 'n lid gesamentlik met die publiek in die algemeen of met 'n klas of deel van die publiek by 'n aangeleentheid het nie.

12. Vir die doel van 'n straf vir enige vorm van minagting van die Parlement in hierdie Wet vermeld, kan die President of die Speaker, na gelang van die geval, of (as die Senaat en die Volksraad in verenigde vergadering byeen is) die Speaker, ingevolge 'n besluit van die Parlement 'n deur hom ondertekende lasbrief uitreik vir die inhegtenisname en gevangesetting van enigiemand wat tot gevangenisstraf gevonnis is of wat versuim om 'n boete te betaal of straf te ondergaan waartoe hy gevonnis is.

Uitreiking van lasbriewe vir inhegtenisname en gevangesetting.

13. (1) Elke lasbrief in artikel *twaalf* bedoel, moet 'n verklaring bevat dat die daarin genoemde persoon skuldig bevind is aan minagting van die Parlement en moet die aard van die minagting vermeld.

Vorm van lasbrief.

(2) So 'n lasbrief is voldoende indien redelikerwys daarvan afgelei kan word dat die daarin genoemde persoon skuldig bevind is aan enige van die vorms van minagting van die Parlement in hierdie Wet vermeld en die vorm van so 'n lasbrief hoef nie aan bepaalde vereistes te voldoen nie.

14. Iemand wat in die Parlement, onderwyl 'n sitting aan die gang is, steurnis veroorsaak of daaraan deelneem, kan op mondelinge bevel van die President of die Speaker, na gelang van die geval, sonder lasbrief in hegtenis geneem word en kan in bewaring van 'n Parlementsampenaar wat deur die President of die Speaker, na gelang van die geval, aangewys word, gehou word totdat 'n lasbrief vir sy gevangesetting uitgereik kan word.

Inhegtenisname sonder lasbrief.

Execution of warrants and verbal orders.

15. Every sheriff and his deputies and their officers and all police officers, constables and other persons shall assist in the arrest and detention of any person in pursuance of any such verbal order as is referred to in section *fourteen* and shall aid and assist in the execution of any warrant issued in terms of section *twelve* or *thirty-two* and where any such warrant directs that the person mentioned therein shall be imprisoned in any gaol or other place, the person in charge thereof shall on production to him of such warrant receive such person into his custody in the said gaol or other place and there imprison him according to the tenor of the warrant.

Breaking open of doors and searching of premises in execution of warrants.

16. Any person charged with or assisting in the execution of any warrant under the hand of the President or the Speaker, may in day time break open any door or search any premises in which the person for whose arrest such warrant was issued may be or may reasonably be suspected of being concealed.

Order to attend before Parliament or a committee.

17. Parliament or any committee which is duly authorized by an order of Parliament to require the attendance of persons or the production of documents or papers may, subject to the provisions of section *six*, order any person to attend before Parliament or such committee and to produce any paper, book, record or document in his possession or under his control.

Summoning of witnesses.

18. (1) An order to attend or to produce any document before Parliament or any committee shall be notified to the person required to attend or to produce the document, by a summons under the hand of the Secretary issued on the direction of the President or the Speaker, as the case may be, or, if the order is to attend or to produce any document before the Senate and the House of Assembly sitting jointly, or any committee of the Senate and the House of Assembly sitting jointly, or a joint committee of the Senate and the House of Assembly, by a summons issued on the direction of the Speaker under the hand of the Secretary to the House of Assembly.

(2) In every summons referred to in sub-section (1) there shall be stated the time and the place at which the person summonsed is required to attend, and the particular document, if any, which he is required to produce.

(3) A summons referred to in sub-section (1) shall be served on the person mentioned therein either by delivering to him in person a copy thereof or by leaving such copy with some adult person at such first-mentioned person's usual or last known place of residence in the Republic.

(4) A person summonsed in terms of sub-section (3) may be paid such sum for his expenses as may be prescribed by any standing order of Parliament.

Examination of witnesses.

19. Parliament or any committee may require that any fact, matter or thing relating to the subject of enquiry before Parliament or such committee be verified or otherwise ascertained by the oral examination of any witness, and may cause any such witness to be examined upon oath which the President, the Speaker, the chairman of such committee or a person specially designated by the President or the Speaker, as the case may be, for that purpose may administer: Provided that any person who is in terms of any provision of this Act required to make and subscribe an oath may in lieu of such oath make and subscribe a solemn affirmation in corresponding form.

Refusal to answer questions or to produce documents.

20. If any person ordered to attend or to produce any paper, book, record or document before Parliament or any committee, refuses to answer any question that may be put to him or to produce any such paper, book, record or document, on the ground that it is of a private nature and does not affect the subject of enquiry, the President, the Speaker or the chairman of such committee, as the case may be, may report such refusal with the reasons therefor, and the Senate or the House of Assembly, as the case may be, may thereupon excuse such person from answering that question or producing that paper, book, record or document or order that he be required to answer that question or produce that paper, book, record or document.

15. Elke balju en sy plaasvervangers en hul beamptes en alle polisiebeamptes, konstabels en ander persone moet behulpsaam wees met die inhegtenisname en aanhouding van 'n persoon ingevolge 'n mondelinge bevel in artikel *veertien* bedoel, en moet by die uitvoering van 'n lasbrief ingevolge artikel *twaalf* of *twee-en-dertig* uitgereik, hulp en bystand verleen en waar sodanige lasbrief bepaal dat die daarin genoemde persoon in 'n gevangenis of ander plek gevange gesit moet word, moet die persoon aan die hoof daarvan by oorlegging van sodanige lasbrief aan hom, dié persoon in die gemelde gevangenis of ander plek in sy bewaring neem en hom daar volgens die strekking van die lasbrief gevange hou.

Uitvoering van lasbriewe en mondelinge bevels.

16. Iemand wat belas of behulpsaam is met die uitvoering van 'n lasbrief wat deur die President of die Speaker onderteken is, mag gedurende die dag enige deur oopbreek of enige perseel deursoek waarop die persoon vir wie se inhegtenisname die lasbrief uitgereik is, versteek is of na redelike vermoede versteek is.

Oopbreek van deure en deursoeking van persele ter uitvoering van lasbriewe.

17. Die Parlement of 'n komitee wat by besluit van die Parlement behoorlik gemagtig is om die verskyning van persone of die oorlegging van dokumente of stukke te gelas, kan, behoudens die bepalings van artikel *ses*, 'n persoon gelas om voor die Parlement of so 'n komitee te verskyn en om 'n stuk, boek, aantekening of dokument wat in sy besit of onder sy beheer is, oor te lê.

Lasgewing om voor die Parlement of 'n komitee te verskyn.

18. (1) Kennis van 'n lasgewing om te verskyn voor of om 'n dokument oor te lê aan die Parlement of 'n komitee, word aan die persoon van wie vereis word om te verskyn of die dokument oor te lê, gegee by wyse van 'n dagvaarding wat deur die Sekretaris onderteken is en uitgereik is op las van die President of die Speaker, na gelang van die geval, of in die geval van 'n lasgewing om te verskyn voor of 'n dokument oor te lê aan die Senaat en die Volksraad in verenigde vergadering of 'n komitee van die Senaat en die Volksraad in verenigde vergadering of 'n gesamentlike komitee van die Senaat en die Volksraad, by wyse van 'n dagvaarding wat op las van die Speaker uitgereik is en deur die Sekretaris van die Volksraad onderteken is.

Dagvaarding van getuies.

(2) In elke dagvaarding in sub-artikel (1) bedoel, moet die tyd wanneer en die plek waar die gedagvaarde moet verskyn en die bepaalde dokument, as daar is, wat hy moet oorlê, vermeld word.

(3) 'n Dagvaarding in sub-artikel (1) bedoel, word bestel aan die persoon daarin genoem of deur 'n afskrif daarvan aan hom persoonlik af te gee of deur sodanige afskrif by sy gewone of laaste bekende woonplek in die Republiek by 'n volwassene te laat.

(4) Aan 'n persoon wat ingevolge sub-artikel (3) gedagvaar is, kan die bedrag wat die reglement van orde van die Parlement voorskryf, ter bestryding van sy onkoste betaal word.

19. Die Parlement of 'n komitee kan vereis dat 'n feit, aangeleentheid of saak wat betrekking het op die onderwerp van die ondersoek voor die Parlement of so 'n komitee, deur die mondelinge ondervraging van 'n getuie gestaaf of andersins vasgestel word en kan so 'n getuie laat ondervra onder 'n eed wat die President, die Speaker, die voorsitter van so 'n komitee of 'n persoon wat spesiaal vir dié doel deur die President of die Speaker, na gelang van die geval, aangewys is, kan afneem: Met dien verstande dat iemand wat ingevolge 'n bepaling van hierdie Wet 'n eed moet aflê en onderteken, in plaas van so 'n eed 'n plegtige verklaring in ooreenstemmende vorm kan aflê.

Ondervraging van getuies.

20. Indien iemand wat gelas is om voor die Parlement of 'n komitee te verskyn of 'n stuk, boek, aantekening of dokument aan die Parlement of 'n komitee oor te lê, weier om 'n vraag wat aan hom gestel word, te beantwoord of om dié stuk, boek, aantekening of dokument oor te lê op grond daarvan dat dit van 'n private aard is en nie die onderwerp van die ondersoek raak nie, kan die President, die Speaker of die voorsitter van so 'n komitee, na gelang van die geval, van dié weiering, tesame met die redes daarvoor, verslag doen en die Senaat of die Volksraad, na gelang van die geval, kan daarop bedoelde persoon van die verpligting onthef om daardie vraag te beantwoord of daardie stuk, boek, aantekening of dokument oor te lê of kan gelas dat van hom vereis word om daardie vraag te beantwoord of daardie stuk, boek, aantekening of dokument oor te lê.

Weiering om vrae te beantwoord of dokumente oor te lê.

Giving of false answers to questions.

21. Any person who, after being duly cautioned as to his liability to punishment under this section, whether or not he has been sworn or has made a solemn affirmation, wilfully and corruptly gives before Parliament or any committee a false answer to any question which is material to the subject of enquiry and which may be put to him in the course of any examination, shall be guilty of an offence and liable on conviction by any court of competent jurisdiction to the penalties prescribed by law for perjury.

Privileged evidence.

22. The rules relating to privileged evidence which are for the time being observed by the Supreme Court of South Africa shall be observed in the case of evidence before Parliament or any committee.

Stay of proceedings for anything done by witness and disclosed by his evidence.

23. (1) Every witness before Parliament or any committee who answers fully and faithfully any question put to him by Parliament or such committee to its satisfaction shall be entitled to receive a certificate under the hand of the President, the Speaker, the chairman of the committee or the presiding member, as the case may be, stating that such witness was upon his examination so required to answer and did so answer any such question.

(2) On production of such certificate in any court of law such court shall stay any civil or criminal proceedings, except for a charge of perjury, against such witness for any act or thing done by him before that time and revealed by his evidence, and may in its discretion award to such witness the expenses to which he may have been put in consequence of such civil or criminal proceedings.

Giving of evidence elsewhere of proceedings before Parliament or a committee.

24. (1) No member, officer of Parliament or shorthand writer employed to take minutes of evidence given before Parliament or any committee, shall give evidence elsewhere in respect of the contents of any evidence given or of any manuscript or document laid before Parliament or any committee, or in respect of any proceedings or examination at the Bar of the Senate or the House of Assembly, as the case may be, or before any committee, without first having obtained the special leave of the Senate or the House of Assembly of whichever he is a member, officer or shorthand writer.

(2) After a dissolution or during a recess or an adjournment of Parliament such leave may be given by the President or the Speaker, as the case may be, or, in his absence or other incapacity, by the Secretary to the Senate or to the House of Assembly, as the case may be.

Powers of provincial councils in relation to certain enquiries.

25. Unless the provincial council of any province has by ordinance, rule or resolution otherwise provided, the powers conferred by this Act and the Standing Orders of Parliament in relation to enquiries by select committees thereof shall *mutatis mutandis* apply to enquiries by such provincial council into matters that require to be dealt with by a Private Act of Parliament as provided in section *eighty-seven* of the Republic of South Africa Constitution Act, 1961, and that may have been referred to such provincial council by resolution of the Senate or the House of Assembly.

Certain persons prohibited from receiving compensation for promotion of or opposition to proceedings in Parliament.

26. (1) No member and no attorney, law agent or Parliamentary agent who in the practice of his profession is a partner or in the service of any member, shall accept or receive, either directly or indirectly, any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any bill, resolution, matter, rule or thing submitted or proposed to be submitted to Parliament or any committee for its consideration.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable on conviction by a court of competent jurisdiction to a penalty not exceeding two thousand rand and in addition to repay the amount or the value of the fee, compensation, gift or reward accepted or received by him.

Admissibility as evidence of journals printed by order of Parliament.

27. Upon any enquiry relating to or affecting the privileges, immunities and powers of Parliament or of any member, any copy of the journals printed or purporting to have been printed by order of Parliament, shall be admitted as evidence of such journals in all courts and places in the Republic without any proof being given that such copy was so printed.

21. Iemand wat, nadat hy behoorlik gewaarsku is dat hy aan straf ingevolge hierdie artikel onderhewig is, hetsy hy onder eed staan of 'n plegtige verklaring afgelê het al dan nie, opsetlik en op bedrieglike wyse voor die Parlement of 'n komitee 'n valse antwoord gee op 'n vraag wat van wesenlike belang is vir die onderwerp van die ondersoek en wat in die loop van 'n onder-vraging aan hom gestel word, is aan 'n misdryf skuldig en by skuldigbevinding deur 'n bevoegde hof strafbaar met die strawwe wat regtens vir meened voorgeskryf word.

Valse antwoorde op vrae.

22. Die reëls betreffende bevoorregte getuienis wat op daardie tydstep deur die Hooggeregshof van Suid-Afrika gevolg word, moet in die geval van getuienis voor die Parlement of 'n komitee toegepas word.

Bevoorregte getuienis.

23. (1) Elke getuie voor die Parlement of 'n komitee wat tot bevrediging van die Parlement of dié komitee volledig en getrou op alle vrae antwoord wat deur die Parlement of dié komitee aan hom gestel word, is daarop geregtig om 'n sertifikaat te ontvang wat deur die President, die Speaker, die voorsitter van die komitee of die voorsittende lid, na gelang van die geval, onder-teken is en waarin verklaar word dat van dié getuie by sy onder-vraging aldus vereis is om op bedoelde vrae te antwoord en dat hy hulle aldus beantwoord het.

Stuiting van geding weens iets deur getuie gedoen en deur sy getuienis geopenbaard.

(2) By oorlegging van so 'n sertifikaat aan 'n geregshof, stuit dié hof enige siviele of strafgeding, behalwe op 'n aanklag van meened, teen dié getuie ingestel weens enige handeling of enigiets wat voor daardie tydstep deur hom gedoen is en deur sy getuienis aan die lig gebring is, en kan die hof na goeëdunke die onkoste aan sodanige getuie toeken wat hy as gevolg van sodanige siviele of strafgeding aangegaan het.

24. (1) Geen lid, Parlementsamptenaar of snelskrywer van wie se diens gebruik gemaak word om notule te hou van getuienis wat voor die Parlement of 'n komitee afgelê word, lê elders getuienis af ten opsigte van die inhoud van getuienis afgelê voor, of ten opsigte van die inhoud van 'n manuskrip of dokument voorgelê aan, die Parlement of 'n komitee of ten opsigte van verrigtings of 'n ondervraging by die Balie van die Senaat of die Volksraad, na gelang van die geval, of voor 'n komitee nie sonder dat hy vooraf die spesiale verlof van die Senaat of die Volksraad, van watter hy ook al 'n lid, amptenaar of snelskrywer is, verkry het.

Aflegging elders van getuienis van verrigtings voor die Parlement of 'n komitee.

(2) Na 'n ontbinding of gedurende 'n reses of 'n verdagting van die Parlement kan sodanige verlof deur die President of die Speaker, na gelang van die geval, of as hy afwesig is of om 'n ander rede nie kan optree nie, deur die Sekretaris van die Senaat of van die Volksraad, na gelang van die geval, verleen word.

25. Tensy die provinsiale raad van 'n provinsie by ordonnansie, reël of besluit anders bepaal het, is die bevoegdheid wat deur hierdie Wet en die reglement van orde van die Parlement met betrekking tot ondersoeke deur gekose komitees daarvan verleen word, *mutatis mutandis* van toepassing op ondersoeke deur so 'n provinsiale raad na aangeleenthede wat volgens vereiste van artikel *sewe-en-tagtig* van die Grondwet van die Republiek van Suid-Afrika, 1961, by wyse van 'n Private Wet van die Parlement behandel moet word en wat by besluit van die Senaat of die Volksraad na bedoelde provinsiale raad verwys is.

Bevoegdhede van provinsiale rade met betrekking tot sekere ondersoeke.

26. (1) Geen lid en geen prokureur, wetsagent of Parle-mentêre agent wat in die uitoefening van sy beroep 'n vennoot of in die diens van 'n lid is, mag of regstreeks of onregstreeks enige honorarium, vergoeding, geskenk of beloning aanneem of ontvang nie vir of ten opsigte van die bevordering of bestryding van 'n wetsontwerp, besluit, aangeleentheid, reël of saak wat aan die Parlement of 'n komitee vir sy oorweging voorgelê is of staan te word.

Sekere persone mag nie vergoe-ding vir bevoor-dering of bestryding van verrigtings in die Parlement ontvang nie.

(2) Iemand wat die bepalings van sub-artikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding deur 'n bevoegde hof strafbaar met 'n boete van hoogstens tweeduisend rand en is daarbenewens aanspreeklik vir terugbetaling van die bedrag of die waarde van die honorarium, vergoeding, geskenk of beloning wat deur hom aangeneem of ontvang is.

27. By 'n ondersoek met betrekking tot of rakende die voorregte, immunitate en bevoegdhede van die Parlement of van 'n lid, word 'n eksemplaar van die joernale wat op las van die Parlement gedruk is of heet te wees, in alle geregshowe en plekke in die Republiek as bewys van sodanige joernale toegelaat sonder dat bewys gelewer word dat so 'n eksemplaar aldus gedruk is.

Toelaatbaarheid as getuienis van joernale op las van die Parlement gedruk.

Penalty for printing or tendering in evidence matter falsely purporting to have been printed under Parliamentary authority.

28. Any person who prints or causes to be printed as purporting to have been printed by the Government Printer or the Parliamentary Printer or by order or under the authority of Parliament, any committee, the President or the Speaker, a copy of any law in force or a copy of any report, paper, minutes or minutes of proceedings of Parliament or any committee that have not been so printed, or who tenders in evidence any such copy as purporting to have been so printed, knowing that it was not so printed, shall be guilty of an offence and liable upon conviction by a court of competent jurisdiction to imprisonment for a period not exceeding three years.

Protection as regards Parliamentary publications.

29. A defendant or an accused in civil or criminal proceedings instituted for or on account or in respect of the publication by him or his servant, by order or under the authority of Parliament or any committee, of any report, paper, minutes or minutes of proceedings, may, on giving to the plaintiff or the prosecutor, as the case may be, twenty-four hours' written notice of his intention to do so, bring before the court in which such civil or criminal proceedings are being held, a certificate under the hand of the President, the Speaker or the Secretary stating that the report, paper, minutes or minutes of proceedings in respect of which such proceedings have been instituted, were published by such person or his servant by order or under the authority of Parliament or any committee, together with an affidavit verifying such certificate, and such court shall thereupon immediately stay such civil or criminal proceedings, which, together with every process issued therein, shall thereupon be deemed to be finally determined.

Protection as regards the publishing of extracts from Parliamentary publications.

30. If in any civil or criminal proceedings instituted for publishing any extract from or abstract of any report, paper, minutes or minutes of proceedings referred to in section *twenty-nine*, the court or the jury, as the case may be, is satisfied that such extract or abstract was published *bona fide* and without malice, judgment or verdict, as the case may be, shall be entered for the defendant or accused.

Control of accounts and appropriation of moneys for the services of Parliament.

31. The control of the accounts and the appropriation of moneys for the services—

(a) of the Senate shall be vested in the President;

(b) of the House of Assembly and of the Senate and the House of Assembly in regard to joint parliamentary expenses, shall be vested in the Speaker,

and their receipts with reference to all matters affecting those services shall, notwithstanding anything to the contrary contained in any law, be taken to be in all respects good, valid and effectual.

Imprisonment for contravention of Act.

32. (1) Any person adjudged guilty of a contravention of this Act may, in addition to any other penalty to which he is liable under this Act or any other law, be sentenced to imprisonment for such period during the then current session of Parliament as the Senate or the House of Assembly, whichever enquires into such contravention, may determine.

(2) A person sentenced to imprisonment in terms of subsection (1) shall be imprisoned under warrant given under the hand of the President or the Speaker, as the case may be.

(3) The provisions of sections *thirteen* and *fifteen* shall apply to warrants given under this section.

Prosecution before courts of law for contraventions of Act and recovery of penalties.

33. (1) The Attorney-General within whose area of jurisdiction a contravention of or offence under this Act has taken place may, if requested to do so by resolution of the Senate or the House of Assembly, as the case may be, cause any person accused of such contravention or offence to be summonsed for preparatory examination before the court of competent jurisdiction over such person for such examination with a view to prosecution before the appropriate provincial or local division of the Supreme Court of South Africa, and any such division shall in such a case have and exercise the powers and jurisdiction conferred by this Act or any other law.

(2) All penalties and other moneys payable under this Act may be recovered in the provincial or local division of the Supreme Court of South Africa having jurisdiction, at the suit of the Minister of Justice, if authorized by Parliament to take proceedings for the recovery thereof.

28. Iemand wat 'n eksemplaar van 'n geldende wet of 'n eksemplaar van 'n verslag, stuk, notule of notule van verrigtings van die Parlement of van 'n komitee druk of laat druk as sou dit gedruk wees deur die Staatsdrukker of die Parlementêre drukker of op las of op gesag van die Parlement, 'n komitee, die President of die Speaker, terwyl dit nie aldus gedruk is nie, of wat in getuienis so 'n eksemplaar aanbied as sou dit aldus gedruk wees, met die wete dat dit nie aldus gedruk is nie, is aan 'n misdryf skuldig en by skuldigbevinding deur 'n bevoegde hof strafbaar met gevangenisstraf vir 'n tydperk van hoogstens drie jaar.

Straf vir die druk of aanbieding in getuienis van stukke wat valslik heet op gesag van die Parlement gedruk te wees.

29. 'n Verweerder of beskuldigde in 'n siviele of strafgeding ingestel weens die feit of op grond of ten opsigte daarvan dat hy of sy dienaar op las of op gesag van die Parlement of 'n komitee 'n verslag, stuk, notule of notule van verrigtings gepubliseer het, kan, nadat hy aan die eiser of die aanklaer, na gelang van die geval, vier-en-twintig uur skriftelike kennis gegee het van sy voorneme om dit te doen, aan die hof waarin dié siviele of strafgeding gevoer word, 'n sertifikaat voorlê wat deur die President, die Speaker of die Sekretaris onderteken is en waarin verklaar word dat die verslag, stuk, notule of notule van verrigtings ten opsigte waarvan dié geding ingestel is, deur daardie persoon of sy dienaar op las of op gesag van die Parlement of 'n komitee gepubliseer is, tesame met 'n beëdigde verklaring wat daardie sertifikaat bevestig, en bedoelde hof moet daarop onmiddellik dié siviele of strafgeding stuit, wat dan, tesame met die prosesstukke wat daarin uitgereik is, as finaal besleg geag word.

Beskerming ten opsigte van Parlementêre publikasies.

30. Indien die hof of die jurie, na gelang van die geval, by 'n siviele of strafgeding wat ingestel is weens die publiserings van 'n uittreksel uit of opsomming van 'n verslag, stuk, notule of notule van verrigtings in artikel *nege-en-twintig* bedoel, oortuig is dat so 'n uittreksel of opsomming te goeder trou en sonder kwaadwilligheid gepubliseer is, word uitspraak ten gunste van die verweerder of beskuldigde gegee.

Beskerming ten opsigte van die publiserings van uittreksels uit Parlementêre publikasies.

31. Die beheer oor die rekenings en die toewysing van geld vir die diens—

(a) van die Senaat berus by die President;

(b) van die Volksraad en van die Senaat en die Volksraad ten opsigte van gesamentlike Parlementêre uitgawes, berus by die Speaker,

en hul kwitansies ten aansien van alles wat daardie diens raak, word, ondanks andersluidende wetsbepalings, in alle opsigte as goed, geldig en bindend beskou.

Beheer oor rekenings en toewysing van geld vir diens van die Parlement.

32. (1) Iemand wat aan 'n oortreding van hierdie Wet skuldig bevind word, kan, afgesien van enige ander straf waaraan hy kragtens hierdie Wet of 'n ander wetsbepaling blootgestel is, gevonnissen word tot gevangensetting vir so 'n tydperk gedurende die sessie van die Parlement wat dan aan die gang is as wat bepaal word deur die Senaat of die Volksraad, na gelang watter die oortreding ondersoek.

Gevangensetting vir oortreding van Wet.

(2) Iemand wat kragtens sub-artikel (1) tot gevangensetting gevonnissen is, word gevange gesit kragtens 'n lasbrief wat deur die President of die Speaker, na gelang van die geval, onderteken is.

(3) Die bepalinge van artikels *dertien* en *vyftien* is van toepassing op lasbriewe ingevolge hierdie artikel uitgereik.

33. (1) Die Prokureur-generaal binne wie se regsgebied 'n oortreding van of misdryf ingevolge hierdie Wet plaasgevind het, kan, indien hy by besluit van die Senaat of die Volksraad, na gelang van die geval, daarom versoek word, 'n persoon wat van so 'n oortreding of misdryf beskuldig word, laat dagvaar vir voorlopige ondersoek voor die hof wat ten opsigte van so 'n ondersoek regsmag oor daardie persoon het, met die oog op vervolging in die bevoegde provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika, en in so 'n geval word die bevoegdheid en regsmag wat deur hierdie Wet of ander wetsbepalings verleen word aan so 'n afdeling verleen en deur hom uitgeoefen.

Vervolging in geregtelike afdeling vir oortredings van Wet en invordering van boetes.

(2) Alle boetes en ander gelde kragtens hierdie Wet betaalbaar, kan by geding in die bevoegde provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika deur die Minister van Justisie verhaal word indien hy deur die Parlement gemagtig is om geregtelike stappe vir die verhaal daarvan te doen.

(3) Any sum so recovered and any fine imposed for a contravention of or offence under this Act which is recovered shall be paid into the Consolidated Revenue Fund.

Offices of President and Speaker after dissolution of Parliament.

34. For the purposes of this Act the member who holds office as—

(a) President at the time of any dissolution of the Senate; or

(b) Speaker at the time of any dissolution of the House of Assembly,

shall be deemed to be the President or the Speaker until a President or Speaker has been chosen in accordance with the provisions of the Republic of South Africa Constitution Act, 1961.

Removal of Secretary from office.

35. A Secretary shall be removable from office only in accordance with a resolution of the Senate or the House of Assembly, of whichever he is an officer.

Extent of privileges and powers of Parliament, members and officers.

36. Save as is otherwise expressly provided by this Act, the Senate, the House of Assembly, a member and an officer of Parliament, respectively, shall have all such privileges, immunities and powers as at the time of the promulgation of the Republic of South Africa Constitution Act, 1961, were applicable in the case of the Senate and the House of Assembly of the Parliament of the Union of South Africa and any member or officer thereof, and also such privileges, immunities and powers as are from time to time conferred by any law of the Republic.

Privileges and powers to be part of law.

37. The privileges, immunities and powers of the Senate, the House of Assembly, a member and an officer of Parliament, respectively, shall be part of the law of the Republic, and it shall not be necessary to plead them, but they shall be judicially noticed in all the courts of the Republic.

Repeal and savings.

38. (1) Subject to the provisions of sub-section (2) the Powers and Privileges of Parliament Act, 1911 (Act No. 19 of 1911), is hereby repealed.

(2) Any right acquired, power exercised, obligation or liability incurred or thing done under any provision of the law repealed by sub-section (1), shall be deemed to have been acquired, exercised, incurred or done under the corresponding provision of this Act.

Short title.

39. This Act shall be called the Powers and Privileges of Parliament Act, 1963.

(3) 'n Bedrag aldus verhaal en 'n boete wat vir 'n oortreding van of misdryf kragtens hierdie Wet opgelê is en verhaal word, word in die Gekonsolideerde Inkomstefonds gestort.

34. By die toepassing van hierdie Wet word die lid wat die amp beklee van—

Ampte van President en Speaker na ontbinding van Parlement.

(a) President ten tyde van 'n ontbinding van die Senaat; of

(b) Speaker ten tyde van 'n ontbinding van die Volksraad, geag die President of die Speaker te wees totdat 'n President of Speaker ooreenkomstig die bepalings van die Grondwet van die Republiek van Suid-Afrika, 1961, gekies is.

35. 'n Sekretaris kan slegs kragtens 'n besluit van die Senaat of die Volksraad, na gelang van watter hy 'n amptenaar is, uit sy amp ontslaan word.

Ontslag van Sekretaris uit amp.

36. Behoudens uitdruklik andersluidende bepalings van hierdie Wet, het onderskeidelik die Senaat, die Volksraad, 'n lid en 'n Parlementsamptenaar al die voorregte, immuniteite en bevoegdhede wat ten tyde van die afkondiging van die Grondwet van die Republiek van Suid-Afrika, 1961, in die geval van die Senaat en die Volksraad van die Parlement van die Unie van Suid-Afrika en 'n lid of amptenaar daarvan gegeld het en ook die voorregte, immuniteite en bevoegdhede wat van tyd tot tyd deur 'n wet van die Republiek verleen word.

Omvang van voorregte en bevoegdhede van Parlement, lede en amptenare.

37. Die voorregte, immuniteite en bevoegdhede van onderskeidelik die Senaat, die Volksraad, 'n lid en 'n Parlementsamptenaar maak deel uit van die reg van die Republiek en hoef nie gepleit te word nie, maar daar word in alle geregshoeve van die Republiek gereglik kennis daarvan geneem.

Voorregte en bevoegdhede maak deel van reg uit.

38. (1) Behoudens die bepalings van sub-artikel (2) word die „Machten en Privilegieën van 't Parlement Wet, 1911” (Wet No. 19 van 1911), hierby herroep.

Herroeping en voorbehoude.

(2) Enige reg verkry, bevoegdheid uitgeoefen, verpligting of aanspreeklikheid opgeloopt of enigiets gedoen ingevolge 'n bepaling van die wet wat by sub-artikel (1) herroep word, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet verkry, uitgeoefen, opgeloopt of gedoen te gewees het.

39. Hierdie Wet heet die Wet op die Bevoegdhede en Voorregte van die Parlement, 1963.

Kort titel.

No. 92, 1963.]

ACT

To amend the Criminal Procedure Act, 1955.*(English 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:—

Amendment of section 5 of Act 56 of 1955, as substituted by section 45 of Act 68 of 1957.

1. Section *five* of the Criminal Procedure Act, 1955 (hereinafter referred to as the principal Act), is hereby amended by the substitution in sub-section (1) for the words "Her Majesty the Queen" of the words "the Republic".

Amendment of section 10 of Act 56 of 1955.

2. Section *ten* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "Her Majesty the Queen" of the words "the Republic".

Amendment of section 22 of Act 56 of 1955, as amended by section 11 of Act 16 of 1959.

3. Section *twenty-two* of the principal Act is hereby amended by the substitution in paragraph (g) of sub-section (1) for the words "Her Majesty's armed forces, or from the defence forces of the Union" of the words "the South African Defence Force".

Amendment of section 24 of Act 56 of 1955.

4. Section *twenty-four* of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-section:

"(3) The owner or lawful occupier or any person in charge of any property on or in respect of which any person is found committing an offence, and any person authorized thereto by such owner, occupier or person in charge, may, without warrant, arrest the person so found."

Amendment of section 57 of Act 56 of 1955, as amended by section 102 of Act 33 of 1960.

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

- "(4) (a) If a parent or guardian who has been warned as aforesaid and who has not been exempted under sub-section (2), fails to attend on the date and at the time appointed, and the magistrate presiding at the preparatory examination or the trial is satisfied upon the return of the person required to serve the summons that the said notice was duly served upon the parent or guardian, or if it appears from evidence given under oath that he is evading service of the notice, or if it appears from such evidence that he attended but failed to remain in attendance, the said magistrate may issue a warrant directing that the parent or guardian be arrested and brought, at a time and place stated in the warrant, or as soon thereafter as possible, before the said or any other magistrate.
- (b) When the parent or guardian has been arrested under the said warrant, he may be detained thereunder before the court of the magistrate which issued it or in any prison or lock-up or other place of detention or in the custody of the person who is in charge of him, with a view to securing his presence at the preparatory examination or the trial: Provided that the magistrate may release him on recognizance with or without sureties for his appearance at the preparatory examination or the trial and for his appearance at the enquiry referred to in paragraph (c).
- (c) The magistrate presiding at the preparatory examination or the trial, may in a summary manner enquire into the failure of the parent or guardian to obey the notice or into his evasion of the service of the notice or into his failure to remain in attendance, and unless it is proved that the parent or guardian has a reasonable excuse for such failure or evasion, the magistrate may sentence him to pay a fine not exceeding fifty rand or to imprisonment for a period not exceeding three months.

No. 92, 1963.]

WET

Tot wysiging van die Strafproseswet, 1955.

(Engelse 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. Artikel vyf van die Strafproseswet, 1955 (hieronder die Hoofwet genoem), word hierby gewysig deur in sub-artikel (1) die woorde „Haar Majesteit die Koningin” deur die woorde „die Republiek” te vervang. Wysiging van artikel 5 van Wet 56 van 1955, soos vervang deur artikel 45 van Wet 68 van 1957.
2. Artikel tien van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „Haar Majesteit die Koningin” deur die woorde „die Republiek” te vervang. Wysiging van artikel 10 van Wet 56 van 1955.
3. Artikel twee-en-twintig van die Hoofwet word hierby gewysig deur in paragraaf (g) van sub-artikel (1) die woorde „Haar Majesteit se weermag of uit die Unie se Verdedigingsmag” deur die woorde „die Suid-Afrikaanse Weermag” te vervang. Wysiging van artikel 22 van Wet 56 van 1955, soos gewysig deur artike 11 van Wet 16 van 1959.
4. Artikel vier-en-twintig van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:
„(3) Die eienaar of wettige okkupeerder van, of iemand wat toesig het oor, eiendom waarop of ten opsigte waarvan iemand betrap word dat hy ’n misdryf pleeg, en enigiemand daartoe gemagtig deur so ’n eienaar of okkupeerder of deur iemand wat aldus toesig het, kan die persoon wat aldus betrap word, sonder lasbrief in hegtenis neem.” Wysiging van artikel 24 van Wet 56 van 1955.
5. Artikel sewe-en-vyftig van die Hoofwet word hierby gewysig deur sub-artikel (4) deur die volgende sub-artikel te vervang:
„(4) (a) Indien ’n ouer of voog wat soos voormeld aangesê is en wat nie ingevolge sub-artikel (2) vrygestel is nie, versuim om op die vasgestelde dag en uur te verskyn, en die magistraat wat by die voorlopige ondersoek of die verhoor voorsit, uit hoofde van die relaas van die persoon wat die dagvaarding moes bestel, oortuig is dat bedoelde kennisgewing behoorlik aan die ouer of voog bestel is, of indien dit uit getuienis onder eed afgelê, blyk dat hy bestelling van die kennisgewing ontwyk, of indien dit uit sodanige getuienis blyk dat hy aanwesig was maar versuim het om aanwesig te bly, kan bedoelde magistraat ’n lasbrief uitreik waarin gelas word dat die ouer of voog in hegtenis geneem en op ’n in die lasbrief vermelde tyd en plek, of so spoedig moontlik daarna, voor bedoelde of enige ander magistraat gebring word.
(b) Wanneer die ouer of voog ingevolge bedoelde lasbrief in hegtenis geneem is, kan hy uit hoofde daarvan by die hof van die magistraat wat dit uitgereik het of in ’n gevangenis of opsluitplek of ander plek van bewaring of in die bewaring van die persoon wat toesig oor hom het, aangehou word ten einde sy aanwesigheid by die voorlopige ondersoek of die verhoor te verseker: Met dien verstande dat die magistraat hom op borgtog met of sonder borge vir sy verskyning by die voorlopige ondersoek of die verhoor en vir sy verskyning by die in paragraaf (c) bedoelde ondersoek, kan vrylaat.
(c) Die magistraat wat by die voorlopige ondersoek of die verhoor voorsit, kan op summiere wyse ondersoek instel na die ouer of voog se versuim om aan die kennisgewing gehoor te gee of na sy ontwyking van die bestelling van die kennisgewing of na sy versuim om aanwesig te bly, en tensy bewys word dat die ouer of voog ’n redelike verskoning vir sodanige versuim of ontwyking het, kan die magistraat hom ’n vonnis van ’n boete van hoogstens vyftig rand of gevangenisstraf vir ’n tydperk van hoogstens drie maande oplê.

Wysiging van artikel 57 van Wet 56 van 1955, soos gewysig deur artikel 102 van Wet 33 van 1960.

- (d) Any sentence imposed under paragraph (c), shall be enforced and shall be subject to an appeal as if it were a sentence in a criminal case imposed in a magistrate's court by the magistrate concerned.
- (e) If any person who has entered into any recognizance referred to in the proviso to paragraph (b), fails so to appear, he may apart from the forfeiture of his recognizance, be dealt with as if he had failed to obey a subpoena to appear in any criminal proceedings."

Amendment of section 70 of Act 56 of 1955, as amended by section 23 of Act 50 of 1956.

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

- (a) by the substitution in paragraph (c) for the word "nineteen" of the word "eighteen";
- (b) by the substitution in paragraph (f) for the word "nineteen" of the word "eighteen" and for the expression "Children's Act, 1937 (Act No. 31 of 1937)" of the expression "Children's Act, 1960 (Act No. 33 of 1960)", and for the words "twenty-eight and twenty-nine" wherever they occur of the words "thirty and thirty-one" and by the insertion in the said paragraph after the word "four" of the words "or five".

Amendment of section 107 of Act 56 of 1955.

7. Section *one hundred and seven* of the principal Act is hereby amended by the insertion after the word "remit" of the words "the whole or" and the deletion of the words "and enforce payment in part only".

Amendment of section 108 of Act 56 of 1955, as amended by section 102 of Act 33 of 1960.

8. Section *one hundred and eight* of the principal Act is hereby amended by the substitution in paragraph (c) of sub-section (1) for the expression "Children's Act, 1937" of the expression "Children's Act, 1960 (Act No. 33 of 1960)".

Amendment of section 110 of Act 56 of 1955.

9. Section *one hundred and ten* of the principal Act is hereby amended—

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

"(1) If at any time during a trial an assessor dies or becomes in the opinion of the judge incapable of continuing to act as assessor, the judge may, if he thinks fit, direct that the trial shall proceed without such assessor."

- (b) by the deletion of sub-sections (3) and (4);

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

"(5) If the judge does not direct as provided in sub-section (1), the provisions of sub-section (2) of section *one hundred and forty-nine* shall *mutatis mutandis* apply."

- (d) by the deletion of sub-section (6).

Amendment of section 112 of Act 56 of 1955, as amended by section 27 of Act 50 of 1956 and section 1 of Act 18 of 1958.

10. Section *one hundred and twelve* of the principal Act is hereby amended by the insertion after sub-section (5) of the following sub-section:

"(5)*bis* If at any time in the course of any proceedings before a special criminal court consisting of three judges, one of the judges dies or becomes incapable of continuing to take part in the proceedings, the proceedings shall proceed as if the court had consisted of the two remaining judges only."

Amendment of section 115 of Act 56 of 1955.

11. Section *one hundred and fifteen* of the principal Act is hereby amended by the deletion of paragraph (p) of sub-section (1).

Amendment of section 117 of Act 56 of 1955, as amended by section 13 of Act 16 of 1959.

12. Section *one hundred and seventeen* of the principal Act is hereby amended by the addition to sub-section (4) of the words "and of all persons who from information furnished in their applications for registration as voters are clearly exempt from serving as jurors".

Amendment of section 156 of Act 56 of 1955, as amended by section 50 of Act 68 of 1957.

13. Section *one hundred and fifty-six* of the principal Act is hereby amended by the substitution for the word "nineteen" wherever it occurs in sub-sections (5), (6), (7) and (8) of the word "eighteen".

Amendment of section 159 of Act 56 of 1955, as amended by section 102 of Act 33 of 1960.

14. Section *one hundred and fifty-nine* of the principal Act is hereby amended by the substitution in sub-section (1) for the expression "Children's Act, 1937 (Act No. 31 of 1937)" of the expression "Children's Act, 1960 (Act No. 33 of 1960)" and for the words "twenty-eight and twenty-nine" wherever they occur of the words "thirty and thirty-one" and the insertion in the said sub-section after the word "four" of the words "or five".

- (d) 'n Vonnis ingevolge paragraaf (c) opgelê, word uitgevoer en is onderworpe aan appêl asof dit 'n vonnis was wat in 'n strafsak deur die betrokke magistraat in 'n magistraatshof opgelê is.
- (e) Indien iemand wat 'n in die voorbehoudsbepaling by paragraaf (b) bedoelde borgtog aangegaan het, versuim om aldus te verskyn, kan daar, bo en behalwe die verbeuring van sy borggeld, met hom gehandel word asof hy versuim het om 'n subpoena om by 'n strafsak aanwesig te wees, na te kom."
6. Artikel *sewentig* van die Hoofwet word hierby gewysig—
- (a) deur in paragraaf (c) die woord „negentien” deur die woord „agtien” te vervang;
- (b) deur in paragraaf (f) die woord „negentien” deur die woord „agtien” en die uitdrukking „Kinderwet, 1937 (Wet No. 31 van 1937)” deur die uitdrukking „Kinderwet, 1960 (Wet No. 33 van 1960)”, en die woorde „agt-en-twintig en nege-en-twintig” oral waar dit voorkom deur die woorde „dertig en een-en-dertig” te vervang en na die woord „vier” die woorde „of vyf” in te voeg.
7. Artikel *honderd-en-sewe* van die Hoofwet word hierby gewysig deur na die woord „goeddunke” die woorde „die geheel of” in te voeg en die woorde „en betaling van slegs 'n gedeelte afdwing” te skrap.
8. Artikel *honderd-en-agt* van die Hoofwet word hierby gewysig deur in paragraaf (c) van sub-artikel (1) die uitdrukking „Kinderwet, 1937” deur die uitdrukking „Kinderwet, 1960 (Wet No. 33 van 1960)” te vervang.
9. Artikel *honderd-en-tien* van die Hoofwet word hierby gewysig—
- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:
- „(1) Indien 'n assessor te eniger tyd gedurende 'n verhoor te sterwe kom of volgens die oordeel van die regter onbekwaam word om verder as assessor te dien, kan die regter na goeddunke gelas dat die verhoor sonder bedoelde assessor voortgesit word.”;
- (b) deur sub-artikels (3) en (4) te skrap;
- (c) deur sub-artikel (5) deur die volgende sub-artikel te vervang:
- „(5) Indien die regter nie kragtens sub-artikel (1) gelas nie, is die bepalings van sub-artikel (2) van artikel *honderd nege-en-veertig mutatis mutandis* van toepassing.”;
- (d) deur sub-artikel (6) te skrap.
10. Artikel *honderd-en-twaalf* van die Hoofwet word hierby gewysig deur na sub-artikel (5) die volgende sub-artikel in te voeg:
- „(5) *bis* Indien te eniger tyd in die loop van enige verrigtinge voor 'n spesiale strafhof bestaande uit drie regters, een van die regters te sterwe kom of onbekwaam word om voort te gaan om aan die verrigtinge deel te neem, word die verrigtinge voortgesit asof die hof uit slegs die oorblywende twee regters bestaan het.”.
11. Artikel *honderd-en-vyftien* van die Hoofwet word hierby gewysig deur paragraaf (p) van sub-artikel (1) te skrap.
12. Artikel *honderd-en-sewentien* van die Hoofwet word hierby gewysig deur by sub-artikel (4) die woorde „en van alle persone wat volgens inligting in hul aansoeke om registrasie as kiesers verstrek, klaarblyklik van diens as jurieledes vrygestel is” by te voeg.
13. Artikel *honderd ses-en-vyftig* van die Hoofwet word hierby gewysig deur die woord „negentien” oral waar dit in sub-artikels (5), (6), (7) en (8) voorkom deur die woord „agtien” te vervang.
14. Artikel *honderd nege-en-vyftig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die uitdrukking „Kinderwet, 1937 (Wet No. 31 van 1937)” deur die uitdrukking „Kinderwet, 1960 (Wet No. 33 van 1960)”, en die woorde „agt-en-twintig en nege-en-twintig” oral waar dit voorkom deur die woorde „dertig en een-en-dertig” te vervang en na die woord „vier” die woorde „of vyf” in te voeg.

Wysiging van artikel 70 van Wet 56 van 1955, soos gewysig deur artikel 23 van Wet 50 van 1956.

Wysiging van artikel 107 van Wet 56 van 1955.

Wysiging van artikel 108 van Wet 56 van 1955, soos gewysig deur artikel 102 van Wet 33 van 1960.

Wysiging van artikel 110 van Wet 56 van 1955.

Wysiging van artikel 112 van Wet 56 van 1955, soos gewysig deur artikel 27 van Wet 50 van 1956 en artikel 1 van Wet 18 van 1958.

Wysiging van artikel 115 van Wet 56 van 1955.

Wysiging van artikel 117 van Wet 56 van 1955, soos gewysig deur artikel 13 van Wet 16 van 1959.

Wysiging van artikel 156 van Wet 56 van 1955, soos gewysig deur artikel 50 van Wet 68 van 1957.

Wysiging van artikel 159 van Wet 56 van 1955, soos gewysig deur artikel 102 van Wet 33 van 1960.

Amendment of
section 169 of
Act 56 of 1955.

15. Section *one hundred and sixty-nine* of the principal Act is hereby amended by the substitution for paragraph (e) of sub-section (2) of the following paragraph:

"(e) that he received a pardon from the State President for the offence charged; or".

Amendment of
section 200*bis* of
Act 56 of 1955, as
inserted by section
18 of Act 16 of
1959.

16. Section *two hundred bis* of the principal Act is hereby amended by the insertion after the word "theft" of the expression "or of contravening sub-section (1) of section *thirty-seven* of the General Law Amendment Act, 1955 (Act No. 62 of 1955)".

Amendment of
section 226 of Act
56 of 1955, as
amended by section
19 of Act 16 of
1959.

17. Section *two hundred and twenty-six* of the principal Act is hereby amended by the substitution in sub-section (1) for the expression "Chapter III of the Children's Act, 1937 (Act No. 31 of 1937)" of the expression "Chapter III of the Children's Act, 1960 (Act No. 33 of 1960)".

Amendment of
section 232 of
Act 56 of 1955.

18. Section *two hundred and thirty-two* of the principal Act is hereby amended by the substitution for the words "not be competent to give evidence in any similar proceeding depending in the Supreme Court of Judicature in England" of the expression "on the thirtieth day of May, 1961, not have been competent to give evidence".

Amendment of
section 233 of
Act 56 of 1955.

19. Section *two hundred and thirty-three* of the principal Act is hereby amended by the substitution for the words "if the case were depending in the Supreme Court of Judicature in England such witness would not be" of the expression "such witness would on the thirtieth day of May, 1961, not have been".

Amendment of
section 234 of
Act 56 of 1955.

20. Section *two hundred and thirty-four* of the principal Act is hereby amended by the substitution for the words "if he were under examination in any similar case depending in the Supreme Court of Judicature in England, he would not be" of the expression "he would on the thirtieth day of May, 1961, not have been".

Amendment of
section 239 of
Act 56 of 1955.

21. Section *two hundred and thirty-nine* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "Union or provincial functionary" of the words "functionary of the Republic or a province";
- (b) by the insertion in sub-section (4) after the word "geography" of the words "or in the identification of finger or palm prints";
- (c) by the insertion after sub-section (4) of the following sub-section:

"(4)*bis* Whenever the weight or value of precious metals or precious stones is or may become relevant to the issue in any criminal proceedings, a document purporting to be an affidavit made by a person who in that affidavit alleges that he is an appraiser of precious metals or precious stones, as the case may be, in the service of the Republic and that the weight or value of such precious metals or precious stones is as specified in the said document, shall on its mere production in those proceedings by any person, but subject to the provisions of sub-section (6), be *prima facie* proof that the weight or value of such precious metals or precious stones is as so specified."

Amendment of
section 241 of
Act 56 of 1955.

22. Section *two hundred and forty-one* of the principal Act is hereby amended by the substitution for the words "in any case in which such evidence would be inadmissible in any similar case depending in the Supreme Court of Judicature in England" of the expression "if such evidence would have been inadmissible on the thirtieth day of May, 1961".

Amendment of
section 242 of
Act 56 of 1955.

23. Section *two hundred and forty-two* of the principal Act is hereby amended by the substitution for the words "in every case, in which such declaration would be admissible or inadmissible in any similar case depending in the Supreme Court of Judicature in England" of the expression "if such a declaration would have been admissible or inadmissible on the thirtieth day of May, 1961".

15. Artikel *honderd nege-en-sestig* van die Hoofwet word hierby gewysig deur paragraaf (e) van sub-artikel (2) deur die volgende paragraaf te vervang:
„(e) dat hy grasie ten opsigte van die misdryf wat hom ten laste gelê word van die Staatspresident ontvang het; of”.
16. Artikel *tweehonderd bis* van die Hoofwet word hierby gewysig deur na die woord „diefstal” die uitdrukking „of weens oortreding van sub-artikel (1) van artikel *sewe-en-dertig* van die Algemene Regswysigingswet, 1955 (Wet No. 62 van 1955),” in te voeg.
17. Artikel *tweehonderd ses-en-twintig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die uitdrukking „Hoofstuk III van die Kinderwet, 1937 (Wet No. 31 van 1937)” deur die uitdrukking „Hoofstuk III van die Kinderwet, 1960 (Wet No. 33 van 1960)” te vervang.
18. Artikel *tweehonderd twee-en-dertig* van die Hoofwet word hierby gewysig deur die woorde „bevoeg sou wees om in ’n soortgelyke saak wat voor die Hooggeregshof in Engeland dien,” deur die uitdrukking „op die dertigste dag van Mei 1961 bevoeg sou gewees het om” te vervang.
19. Artikel *tweehonderd drie-en-dertig* van die Hoofwet word hierby gewysig deur die woorde „indien die saak voor die Hooggeregshof in Engeland gedien het, daardie getuie” deur die uitdrukking „daardie getuie op die dertigste dag van Mei 1961” te vervang.
20. Artikel *tweehonderd vier-en-dertig* van die Hoofwet word hierby gewysig deur die woorde „indien hy in ’n soortgelyke saak voor die Hooggeregshof in Engeland ondervra was,” deur die uitdrukking „op die dertigste dag van Mei 1961” te vervang.
21. Artikel *tweehonderd nege-en-dertig* van die Hoofwet word hierby gewysig—
 - (a) deur in sub-artikel (1) die woorde „Uniale of provinsiale funksionaris” deur die woorde „funksionaris van die Republiek of ’n provinsie” te vervang;
 - (b) deur in sub-artikel (4) na die woord „aardrykskunde” die woorde „of in identifisering van vinger- of palmaf-drukke” in te voeg;
 - (c) deur na sub-artikel (4) die volgende sub-artikel in te voeg:
„(4)*bis* Wanneer die gewig of waarde van edele metale of edelgesteentes in ’n strafsak ter sake dienend is of mag word, is ’n geskrif wat ’n beëdigde verklaring heet te wees van ’n persoon wat in daardie beëdigde verklaring beweer dat hy ’n waardeerder van edele metale of edelgesteentes, al na die geval, in diens van die Republiek is en dat die gewig of waarde van daardie edele metale of edelgesteentes dié is wat in bedoelde geskrif aangegee word, by blote voorlegging in bedoelde saak deur enige persoon, behoudens die bepaling van sub-artikel (6), *prima facie* bewys dat die gewig of waarde van daardie edele metale of edelgesteentes dié is wat aldus aangegee word.”.
22. Artikel *tweehonderd een-en-veertig* van die Hoofwet word hierby gewysig deur die woorde „in ’n saak waarin sulke getuienis in ’n soortgelyke saak voor die Hooggeregshof in Engeland ontoelaatbaar sou wees nie” deur die uitdrukking „indien sodanige getuienis op die dertigste dag van Mei 1961 ontoelaatbaar sou gewees het nie” te vervang.
23. Artikel *tweehonderd twee-en-veertig* van die Hoofwet word hierby gewysig deur die woorde „in iedere saak waarin so ’n verklaring in ’n soortgelyke saak voor die Hooggeregshof van Engeland toelaatbaar of ontoelaatbaar sou wees” deur die uitdrukking „indien so ’n verklaring op die dertigste dag van Mei 1961 toelaatbaar of ontoelaatbaar sou gewees het” te vervang.

Wysiging van artikel 169 van Wet 56 van 1955.

Wysiging van artikel 200*bis* van Wet 56 van 1955, soos ingevoeg deur artikel 18 van Wet 16 van 1959.

Wysiging van artikel 226 van Wet 56 van 1955, soos gewysig deur artikel 19 van Wet 16 van 1959.

Wysiging van artikel 232 van Wet 56 van 1955.

Wysiging van artikel 233 van Wet 56 van 1955.

Wysiging van artikel 234 van Wet 56 van 1955.

Wysiging van artikel 239 van Wet 56 van 1955.

Wysiging van artikel 241 van Wet 56 van 1955.

Wysiging van artikel 242 van Wet 56 van 1955.

Substitution of
section 247 of
Act 56 of 1955.

24. The following section is hereby substituted for section *two hundred and forty-seven* of the principal Act:

"Evidence of character. 247. Evidence as to the character of the accused or as to the character of any woman on whose person any rape or assault with intent to commit rape or indecent assault is alleged to have been committed, shall be admissible or inadmissible if such evidence would have been admissible or inadmissible on the thirtieth day of May, 1961."

Substitution of
section 252 of
Act 56 of 1955.

25. The following section is hereby substituted for section *two hundred and fifty-two* of the principal Act:

"Proof of appointment to public office. 252. Any evidence which would have been admissible on the thirtieth day of May, 1961, as evidence of the appointment of any person to any public office or of the authority of any person to act as a public officer shall be admissible in evidence."

Substitution of
section 260 of
Act 56 of 1955.

26. The following section is hereby substituted for section *two hundred and sixty* of the principal Act:

"Sufficiency of proof of appointment to public office. 260. Any evidence which on the thirtieth day of May, 1961, would, if credible, have been deemed to be sufficient proof of the appointment of any person to any public office, or of the authority of any person to act as a public officer, shall, if credible, be deemed to be sufficient proof of such appointment or authority."

Substitution of
section 280 of
Act 56 of 1955.

27. The following section is hereby substituted for section *two hundred and eighty* of the principal Act:

"Evidence on charges relating to seals and stamps. 280. On the trial of a person charged with any offence relating to any seal or stamp used for the purposes of the public revenue or of the post office in any foreign country, a despatch from the officer administering the government of such country, transmitting to the State President any stamp, mark or impression, and stating it to be a genuine stamp, mark or impression of a die plate or other instrument provided, made or used by or under the direction of the proper authority of such country, for the purpose of denoting any stamp duty or postal charge, shall be admissible as evidence of the facts stated in the despatch, and the stamp, mark or impression so transmitted may be used by the court, jury or witnesses for the purposes of comparison."

Amendment of
section 286 of
Act 56 of 1955.

28. Section *two hundred and eighty-six* of the principal Act is hereby amended by the deletion of the words "if the proceedings were depending before the Supreme Court of Judicature in England" and by the substitution for the words "might be" of the expression "might, on the thirtieth day of May, 1961, have been".

Substitution of
section 292 of
Act 56 of 1955.

29. The following section is hereby substituted for section *two hundred and ninety-two* of the principal Act:

"Cases not otherwise provided for. 292. The law as to admissibility of evidence and as to the competency, examination and cross-examination of witnesses which was in force in respect of criminal proceedings on the thirtieth day of May, 1961, shall apply in any case not expressly provided for by this Act or any other law."

Amendment of
section 305 of
Act 56 of 1955.

30. Section *three hundred and five* of the principal Act is hereby amended by the substitution in sub-section (5) for the word "nineteen" of the word "eighteen".

Amendment of
section 309 of
Act 56 of 1955,
as amended by
section 29 of
Act 50 of 1956.

31. Section *three hundred and nine* of the principal Act is hereby amended by the substitution in sub-section (8) for the word "nineteen" of the word "eighteen".

Amendment of
section 309bis of
Act 56 of 1955, as
inserted by section
23 of Act 16 of
1959.

32. Section *three hundred and nine bis* of the principal Act is hereby amended—

(a) by the substitution in sub-section (2) for the word "nineteen" of the word "eighteen";

24. Artikel *tweehonderd sewe-en-veertig* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 247 van Wet 56 van 1955.

„Getuienis oor reputasie.

247. Getuienis oor die reputasie van die beskuldigde of oor die reputasie van 'n vrou op wie volgens beweer word verkragting of aanranding met die doel om te verkrag of onsedelike aanranding gepleeg is, is toelaatbaar of ontoelaatbaar, indien sodanige getuienis op die dertigste dag van Mei 1961 toelaatbaar of ontoelaatbaar sou gewees het.”.

25. Artikel *tweehonderd twee-en-vyftig* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 252 van Wet 56 van 1955.

„Bewys van aanstelling in openbare amp.

252. Getuienis wat op die dertigste dag van Mei 1961 toelaatbaar sou gewees het as bewys van die aanstelling van iemand in 'n openbare amp of van die bevoegdheid van iemand om as 'n openbare amptenaar op te tree, is as getuienis toelaatbaar.”.

26. Artikel *tweehonderd-en-sestig* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 260 van Wet 56 van 1955.

„Genoegsaamheid van bewys van aanstelling in openbare amp.

260. Getuienis wat, indien geloofwaardig, op die dertigste dag van Mei 1961 as genoegsame bewys van die aanstelling van iemand in 'n openbare amp, of van die bevoegdheid van iemand om as 'n openbare amptenaar op te tree, geag sou gewees het, word, indien geloofwaardig, as genoegsame bewys van so 'n aanstelling of bevoegdheid geag.”.

27. Artikel *tweehonderd-en-tagtig* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 280 van Wet 56 van 1955.

„Getuienis op aanklagtes met betrekking tot seëls en stempels.

280. By die verhoor van 'n persoon op 'n aanklag van 'n misdryf met betrekking tot 'n seël of stempel wat in enige vreemde land vir die doeleindes van die openbare inkomste of van die poskantoor gebruik word, is 'n nota van die amptenaar belas met die administrasie van die regering van daardie land, whereby aan die Staatspresident 'n stempel, merk of afdruk deurgestuurd word en waarin verklaar word dat dit 'n egte stempel, merk of afdruk is van 'n stempelplaat of ander instrument wat deur of onder toesig van die bevoegde gesag van daardie land verstrekk, gemaak of gebruik word vir die aanduiding van enige seëlreg of posgeld, toelaatbaar as getuienis van die feite wat in die nota genoem word, en die stempel, merk of afdruk aldus deurgestuurd, kan deur die hof, jurie of getuies vir vergelykingsdoeleindes gebruik word.”.

28. Artikel *tweehonderd ses-en-tagtig* van die Hoofwet word hierby gewysig deur na die woord „getuie” waar dit die tweede keer voorkom die uitdrukking „op die dertigste dag van Mei 1961” in te voeg en deur die woorde „indien die saak voor die Hooggeregshof in Engeland gediën het” te skrap.

Wysiging van artikel 286 van Wet 56 van 1955.

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

Vervanging van artikel 292 van Wet 56 van 1955.

„Gevalle waarvoor anders geen voorsiening gemaak word nie.

292. Die reg met betrekking tot die toelaatbaarheid van getuienis en die bevoegdheid, ondervraging en kruisvraging van getuies wat op die dertigste dag van Mei 1961 ten opsigte van strafsake gegeld het, is van toepassing in iedere geval waarvoor geen uitdruklike voorsiening in hierdie Wet of enige ander wet gemaak word nie.”.

30. Artikel *driehonderd-en-vyf* van die Hoofwet word hierby gewysig deur in sub-artikel (5) die woord „negentien” deur die woord „agtien” te vervang.

Wysiging van artikel 305 van Wet 56 van 1955.

31. Artikel *driehonderd-en-nege* van die Hoofwet word hierby gewysig deur in sub-artikel (8) die woord „negentien” deur die woord „agtien” te vervang.

Wysiging van artikel 309 van Wet 56 van 1955, soos gewysig deur artikel 29 van Wet 50 van 1956.

32. Artikel *driehonderd-en-nege bis* van die Hoofwet word hierby gewysig—

Wysiging van artikel 309bis van Wet 56 van 1955, soos ingevoeg deur artikel 23 van Wet 16 van 1959.

(a) deur in sub-artikel (2) die woord „negentien” deur die woord „agtien” te vervang;

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

"(3) The Minister may by notice in the *Gazette* declare that for the purposes of sub-sections (1) and (2) any person in the service of the State or of an institution or body contemplated in paragraph (f) of sub-section (1) of section *eighty-four* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), who falls within any category defined in such notice shall, in any area so defined, be deemed to be a peace officer in relation to any offence specified in such notice, and may at any time by like notice withdraw or vary any such notice.

(4) If the amount of the fine which a court would probably impose in respect of the offence concerned is set forth in the notice referred to in sub-section (1), the person to whom the notice has been handed may sign a document admitting that he is guilty of the said offence and hand or transmit such document together with the said amount to an officer referred to in sub-section (1) of section *three hundred and fifty-one* before the date on which he is required to appear, whereupon such person shall not be obliged to appear as required by such notice and the provisions of the said section other than sub-section (1) thereof shall *mutatis mutandis* apply.

(5) The amount referred to in sub-section (4) shall be determined from time to time for any particular area by the magistrate of the district in which such area is situate."

Amendment of section 310 of Act 56 of 1955.

33. Section *three hundred and ten* of the principal Act is hereby amended by the substitution in sub-section (4) for the word "nineteen" of the word "eighteen".

Amendment of section 312 of Act 56 of 1955.

34. Section *three hundred and twelve* of the principal Act is hereby amended by the deletion of the proviso to sub-section (1).

Amendment of section 332 of Act 56 of 1955.

35. Section *three hundred and thirty-two* of the principal Act is hereby amended by the substitution in sub-sections (1) and (2) for the word "Governor-General" wherever it occurs of the words "State President" and for the words "the Royal prerogative of mercy" wherever they occur of the words "his power of extending mercy to any person".

Amendment of section 334*ter* of Act 56 of 1955, as inserted by section 28 of Act 16 of 1959 and amended by section 102 of Act 33 of 1960.

36. Section *three hundred and thirty-four ter* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (2) for the expression "reformatory as defined in section *one* of the Children's Act, 1937 (Act No. 31 of 1937)" of the expression "reform school as defined in section *one* of the Children's Act, 1960 (Act No. 33 of 1960)".

Amendment of section 342 of Act 56 of 1955, as substituted by section 98 of Act 33 of 1960.

37. Section *three hundred and forty-two* of the principal Act is hereby amended by the insertion in sub-section (4) after the word "detention" of the words "or place of safety" and by the addition to the said sub-section of the following proviso:

"Provided that any such person kept in a place of safety shall be transferred to a place of detention as soon as it may appear that the said order cannot be put into effect within three weeks."

Amendment of section 343 of Act 56 of 1955, as substituted by section 99 of Act 33 of 1960.

38. Section *three hundred and forty-three* of the principal Act is hereby amended by the insertion in sub-section (3) after the word "assigned" of the words "or any person acting under his authority".

Amendment of section 349 of Act 56 of 1955.

39. Section *three hundred and forty-nine* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "eastern districts of the Cape of Good Hope, before the Eastern Districts Local Division" of the words "area of jurisdiction of the Eastern Cape Division, before that division".

Amendment of section 352 of Act 56 of 1955, as amended by section 38 of Act 16 of 1959 and section 100 of Act 33 of 1960.

40. Section *three hundred and fifty-two* of the principal Act is hereby amended by the insertion in paragraph (b) of sub-section (6) after the expression "or (3)" of the words "or any other court of equal or superior jurisdiction".

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

„(3) Die Minister kan by kennisgewing in die *Staatskoerant* verklaar dat by die toepassing van sub-artikels (1) en (2) iemand in diens van die Staat of van 'n instelling of liggaam wat in paragraaf (f) van sub-artikel (1) van artikel vier-en-tagtig van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), beoog word, wat behoort tot 'n kategorie in die kennisgewing omskrywe, in 'n aldus omskrywe gebied geag word 'n vredesbeampte te wees met betrekking tot 'n misdryf wat in daardie kennisgewing aangedui word, en kan te eniger tyd by dergelyke kennisgewing so 'n kennisgewing intrek of wysig.

(4) Indien daar in die in sub-artikel (1) bedoelde kennisgewing die bedrag van die boete aangegee word wat 'n hof weens die betrokke misdryf waarskynlik sal opleë, kan die persoon aan wie die kennisgewing oorhandig is, 'n dokument waarin hy erken dat hy aan bedoelde misdryf skuldig is, onderteken en tesame met genoemde bedrag voor die datum waarop hy moet verskyn aan 'n in sub-artikel (1) van artikel driehonderd een-en-vyftig bedoelde amptenaar oorhandig of stuur, en daarop is so 'n persoon nie verplig om te verskyn soos die kennisgewing vereis nie en is die bepaling van genoemde artikel met uitsondering van sub-artikel (1) daarvan *mutatis mutandis* van toepassing.

(5) Die in sub-artikel (4) bedoelde bedrag word vir 'n bepaalde gebied van tyd tot tyd deur die magistraat van die distrik waarin daardie gebied geleë is, vasgestel.”.

33. Artikel driehonderd-en-tien van die Hoofwet word hierby gewysig deur in sub-artikel (4) die woord „negentien” deur die woord „agtien” te vervang.

Wysiging van artikel 310 van Wet 56 van 1955.

34. Artikel driehonderd-en-twaalf van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by sub-artikel (1) te skrap.

Wysiging van artikel 312 van Wet 56 van 1955.

35. Artikel driehonderd twee-en-dertig van die Hoofwet word hierby gewysig deur in sub-artikels (1) en (2) die woord „Gouverneur-generaal” oral waar dit voorkom deur die woord „Staatspresident” en die woorde „die Koninklike prerogatief van genade” oral waar dit voorkom deur die woorde „sy bevoegdheid om aan iemand genade te skenk” te vervang.

Wysiging van artikel 332 van Wet 56 van 1955.

36. Artikel driehonderd vier-en-dertig ter van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (2) die uitdrukking „verbeteringshuis soos omskryf in artikel een van die Kinderwet, 1937 (Wet No. 31 van 1937)” deur die uitdrukking „verbeteringskool soos omskryf in artikel een van die Kinderwet, 1960 (Wet No. 33 van 1960)” te vervang.

Wysiging van artikel 334ter van Wet 56 van 1955, soos ingevoeg deur artikel 28 van Wet 16 van 1959 en gewysig deur artikel 102 van Wet 33 van 1960.

37. Artikel driehonderd twee-en-veertig van die Hoofwet word hierby gewysig deur in sub-artikel (4) na die woord „bewaring” die woorde „of veiligheidsplek” in te voeg en die volgende voorbehoudsbepaling by te voeg:

Wysiging van artikel 342 van Wet 56 van 1955, soos vervang deur artikel 98 van Wet 33 van 1960.

„Met dien verstande dat so iemand wat in 'n veiligheidsplek gehou word, na 'n plek van bewaring oorgeplaas moet word sodra dit blyk dat daar nie binne drie weke aan genoemde bevel gevolg gegee kan word nie.”.

38. Artikel driehonderd drie-en-veertig van die Hoofwet word hierby gewysig deur in sub-artikel (3) na die woord „is” die woorde „of iemand wat op sy gesag handel” in te voeg.

Wysiging van artikel 343 van Wet 56 van 1955, soos vervang deur artikel 99 van Wet 33 van 1960.

39. Artikel driehonderd nege-en-veertig van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „oostelike distrikte van die Kaap die Goeie Hoop, voor die Oostelike Distrikte se Plaaslike Afdeling” deur die woorde „regsgebied van die Oos-Kaapse Afdeling, voor daardie afdeling” te vervang.

Wysiging van artikel 349 van Wet 56 van 1955.

40. Artikel driehonderd twee-en-vyftig van die Hoofwet word hierby gewysig deur in paragraaf (b) van sub-artikel (6) na die woorde „opgeskort het” die woorde „of 'n ander hof van gelykstaande of hoër regsbevoegdheid” in te voeg.

Wysiging van artikel 352 van Wet 56 van 1955, soos gewysig deur artikel 38 van Wet 16 van 1959 en artikel 100 van Wet 33 van 1960.

Amendment of section 353 of Act 56 of 1955, as amended by section 39 of Act 16 of 1959.

41. Section *three hundred and fifty-three* of the principal Act is hereby amended by the substitution for all the words after the word "or" where it occurs the third time of the words "may from time to time, if any amount is due or to become due as wages from any employer of the person convicted, order such employer to deduct a specified amount from the wages so due, or from time to time as they become due, sufficient to pay in one sum or in instalments the amount of the fine not recovered."

Amendment of section 356 of Act 56 of 1955, as amended by section 42 of Act 16 of 1959 and section 101 of Act 33 of 1960.

42. Section *three hundred and fifty-six* of the principal Act is hereby amended by the substitution in paragraph (b) for the expression "Children's Act, 1937 (Act No. 31 of 1937)," of the expression "Children's Act, 1960 (Act No. 33 of 1960)".

Amendment of section 357 of Act 56 of 1955.

43. Section *three hundred and fifty-seven* of the principal Act is hereby amended by the substitution in sub-section (4) for the expression "*twenty-three* of the Children's Act, 1937 (Act No. 31 of 1937)" of the expression "*twenty-five* of the Children's Act, 1960 (Act No. 33 of 1960)".

Amendment of section 368 of Act 56 of 1955.

44. Section *three hundred and sixty-eight* of the principal Act is hereby amended by the deletion in paragraph (b) of the words "if he is sentenced to any punishment other than simple imprisonment".

Substitution of section 371 of Act 56 of 1955, as amended by section 43 of Act 16 of 1959.

45. The following section is hereby substituted for section *three hundred and seventy-one* of the principal Act:

"Saving of power of extending mercy. 371. Nothing in this Act or the laws relating to prisons shall affect the power of the State President of extending mercy to any person."

Amendment of section 372 of Act 56 of 1955.

46. Section *three hundred and seventy-two* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) The State President may, in any case in which he has the power of extending mercy conditionally to any person under sentence of death, commute the punishment without the consent of such person to any other punishment provided by law."

Amendment of section 373 of Act 56 of 1955.

47. Section *three hundred and seventy-three* of the principal Act is hereby amended by the substitution for the words "Governor-General on behalf of Her Majesty" of the words "State President".

Amendment of section 374 of Act 56 of 1955, as amended by section 44 of Act 16 of 1959.

48. Section *three hundred and seventy-four* of the principal Act is hereby amended by the substitution for the words "Governor-General is authorized, on behalf of Her Majesty, to extend the Royal" of the words "State President has the power of extending".

Amendment of section 387 of Act 56 of 1955.

49. Section *three hundred and eighty-seven* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "seventy-two hours" of the words "seven days".

Substitution in Act 56 of 1955 of "State President" for "Governor-General" and "Republic" for "Union".

50. 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".

Short title.

51. This Act shall be called the Criminal Procedure Amendment Act, 1963.

41. Artikel *driehonderd drie-en-vyftig* van die Hoofwet word hierby gewysig deur al die woorde na die woord „of” waar dit die derde keer voorkom deur die woorde „kan die hof van tyd tot tyd, indien daar ’n bedrag as loon deur enige werkgewer van die veroordeelde persoon betaalbaar is of sal word, so ’n werkgewer beveel om van die loon aldus betaalbaar, of van tyd tot tyd wanneer dit betaalbaar word, ’n bepaalde bedrag af te trek, voldoende om in ’n enkele som of in paaiemente die bedrag boete wat nog nie ingevorder is nie, te betaal” te vervang.

Wysiging van artikel 353 van Wet 56 van 1955, soos gewysig deur artikel 39 van Wet 16 van 1959.

42. Artikel *driehonderd ses-en-vyftig* van die Hoofwet word hierby gewysig deur in paragraaf (b) die uitdrukking „Kinderwet, 1937 (Wet No. 31 van 1937)” deur die uitdrukking „Kinderwet, 1960 (Wet No. 33 van 1960)” te vervang.

Wysiging van artikel 356 van Wet 56 van 1955, soos gewysig deur artikel 42 van Wet 16 van 1959 en artikel 101 van Wet 33 van 1960.

43. Artikel *driehonderd sewe-en-vyftig* van die Hoofwet word hierby gewysig deur in sub-artikel (4) die uitdrukking „*drie-en-twintig* van die Kinderwet, 1937 (Wet No. 31 van 1937)” deur die uitdrukking „*vyf-en-twintig* van die Kinderwet, 1960 (Wet No. 33 van 1960)” te vervang.

Wysiging van artikel 357 van Wet 56 van 1955.

44. Artikel *driehonderd agt-en-sestig* van die Hoofwet word hierby gewysig deur in paragraaf (b) die woorde „indien hy tot ’n ander straf as blote gevangenisstraf veroordeel is,” te skrap.

Wysiging van artikel 368 van Wet 56 van 1955.

45. Artikel *driehonderd een-en-sewentig* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 371 van Wet 56 van 1955, soos gewysig deur artikel 43 van Wet 16 van 1959.

„Behoud van bevoegdheid om genade te skenk. 371. Geen bepaling van hierdie Wet of die wetsbepalings op gevangenis doen afbreuk aan die Staatspresident se bevoegdheid om aan iemand genade te skenk nie.”

46. Artikel *driehonderd twee-en-sewentig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

Wysiging van artikel 372 van Wet 56 van 1955.

„(1) Die Staatspresident kan, in enige geval waar hy bevoeg is om genade voorwaardelik te skenk aan iemand wat ter dood veroordeel is, die straf tot enige ander straf wat regtens opgelê kan word, sonder die toestemming van so iemand versag.”

47. Artikel *driehonderd drie-en-sewentig* van die Hoofwet word hierby gewysig deur die woorde „Goewerneur-generaal namens Haar Majesteit” deur die woord „Staatspresident” te vervang.

Wysiging van artikel 373 van Wet 56 van 1955.

48. Artikel *driehonderd vier-en-sewentig* van die Hoofwet word hierby gewysig deur die woorde „Goewerneur-generaal gemagtig is om namens Haar Majesteit die Koninklike gracie te verleen” deur die woorde „Staatspresident bevoeg is om genade te skenk” en die woorde „die gracie verleen” deur die woorde „genade skenk” te vervang.

Wysiging van artikel 374 van Wet 56 van 1955, soos gewysig deur artikel 44 van Wet 16 van 1959.

49. Artikel *driehonderd sewe-en-tagtig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „twee-en-sewentig uur” deur die woorde „sewe dae” te vervang.

Wysiging van artikel 387 van Wet 56 van 1955.

50. 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 56 van 1955 van „Goewerneur-generaal” deur „Staatspresident” en „Unie” deur „Republiek.”

51. Hierdie Wet heet die Strafproseswysigingswet, 1963.

Kort titel.

No. 93, 1963.]

ACT

To amend the Administration of Estates Act, 1913, the Magistrates' Courts Act, 1944, the Stock Exchanges Control Act, 1947, the South African Tourist Corporation Act, 1947, the Criminal Procedure Act, 1955, the Housing Act, 1957, the National Parks Act, 1962, the Extradition Act, 1962, the General Law Further Amendment Act, 1962, and Proclamation No. 119 of 1960, to repeal Proclamation No. 31 of 1963, to empower the Legislative Assembly of the territory of South-West Africa to repeal the Publication of Banns Amendment Act, 1945, and to regulate certain matters resulting from a change of name in the case of certain institutions as a result of the constituting of the Republic of South Africa.

(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:—

Amendment of
section 100 of
Act 24 of 1913.

1. (1) Section *one hundred* of the Administration of Estates Act, 1913, is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) If an executor, tutor or curator fails—

- (a) to lodge any account with the Master as and when required by this Act, or, when lodging any account with the Master in terms of this Act, to lodge therewith the necessary vouchers in support thereof;
 - (b) to perform any other duty imposed upon him by or under this Act; or
 - (c) to comply with any reasonable demand of the Master for information or proof required by him in connection with the administration or distribution of any estate or property,
- the Master or, in any case contemplated in paragraph (a) or (b), any person having an interest in the estate or property in question, may, after giving the executor, tutor or curator in question not less than one month's notice, apply to the Court for an order directing such executor, tutor or curator to lodge such account or vouchers or to perform such duty or to comply with such demand.”.

(2) Sub-section (1) shall be deemed to have come into operation on the date of coming into operation of the Administration of Estates Act, 1913.

Amendment of
section 25 of
Act 32 of 1944,
as amended by
section 19 of
Act 50 of 1956.

2. Section *twenty-five* of the Magistrates' Courts Act, 1944, is hereby amended by the insertion after sub-paragraph (i) of paragraph (a) of sub-section (3) of the following sub-paragraph:

“(i)*bis* 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 to 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;”.

Insertion of
section 25*bis* in
Act 7 of 1947.

3. The following section is hereby inserted in the Stock Exchanges Control Act, 1947, after section *twenty-five*:

“Evidence. 25*bis*. Any record purporting to have been made or kept in the ordinary course of the carrying on of the business of a stock exchange, or the business of a stockbroker, dealer in stocks or shares or carrier against shares as such, or a copy of or an extract from any such record certified to be correct by an officer in the service of the State, shall on its mere production by the public prosecutor

No. 93, 1963.]

WET

Tot wysiging van die Boedelwet, 1913, die Wet op Landdroshowe, 1944, die Wet op Beheer van Effektebeurse, 1947, die Wet op die Suid-Afrikaanse Toeristekorporasie, 1947, die Strafproseswet, 1955, die Behuisingswet, 1957, die Wet op Nasionale Parke, 1962, die Wet op Uitlewering, 1962, die Verdere Algemene Regswysigingswet, 1962, en Proklamasie No. 119 van 1960, om Proklamasie No. 31 van 1963 te herroep, om aan die Wetgewende Vergadering van die gebied Suidwes-Afrika die bevoegdheid te verleen om die Wysigingswet op Afkondiging van Huweliksgebooe, 1945, te herroep, en om sekere aangeleenthede te reël wat voortspuit uit 'n verandering van naam in die geval van sekere instellings ten gevolge van die totstandbrenging van die Republiek van Suid-Afrika.

(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. (1) Artikel *honderd* van die Boedelwet, 1913, word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang: Wysiging van artikel 100 van Wet 24 van 1913.

„(1) Wanneer een eksekuteur, voogd of kurator in gebreke blijft—

(a) een rekening bij de Meester in te dienen zoals en wanneer deze Wet het voorschrijft, of, wanneer hij een rekening bij de Meester indient ingevolge deze Wet, daarmee ook de nodige bewijsstukken tot staving daarvan in te dienen;

(b) een ander plicht hem bij of krachtens deze Wet opgelegd, uit te voeren; of

(c) te voldoen aan een redelijke eis van de Meester om inlichting of bewijs door hem benodigd in verband met de administratie of distributie van een boedel of goederen,

kan de Meester of, in een geval beoogd in paragraaf (a) of (b), een ieder die belang heeft bij de betrokken boedel of goederen, na kennisgeving van minstens één maand aan de betrokken eksekuteur, voogd of kurator, bij het Hof een order aanvragen, zodanige eksekuteur, voogd of kurator bevelende zodanige rekening of bewijsstukken in te dienen of zodanige plicht uit te voeren of aan zodanige eis te voldoen.”.

(2) Sub-artikel (1) word geag in werking te getree het op die datum van inwerkingtreding van die Boedelwet, 1913.

2. Artikel *vyf-en-twintig* van die Wet op Landdroshowe, 1944, word hierby gewysig deur na sub-paragraaf (i) van paragraaf (a) van sub-artikel (3) die volgende sub-paragraaf in te voeg: Wysiging van artikel 25 van Wet 32 van 1944, soos gewysig deur artikel 19 van Wet 50 van 1956.

„(i)*bis* 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 berekening 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;”.

3. Die volgende artikel word hierby in die Wet op Beheer van Effektebeurse, 1947, na artikel *vyf-en-twintig* ingevoeg: Invoeging van artikel 25*bis* in Wet 7 van 1947.

„Getuienis. 25*bis*. 'n Aantekening wat heet gemaak of gehou te gewees het in die gewone loop van die dryf van 'n effektebeurssaak of die saak van 'n effektemakeelaar, effekte- of aandeelhandelaar of geldskierter teen aandele as sodanig, of 'n afskrif van of uittreksel uit so 'n aantekening wat deur 'n beamppte in die diens van die Staat as juis gewaarmerk is, is by die blote oorlegging daarvan deur die Staatsaanklaer in

in any criminal proceedings under this Act or any other law or the common law against the person who carries or carried on the business in question or any other person, be admissible in evidence and be *prima facie* proof of the facts contained in such record, copy or extract.”.

Amendment of section 1 of Act 54 of 1947.

4. Section *one* of the South African Tourist Corporation Act, 1947 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of “Minister” of the following definition:
“‘Minister’ means the Minister of Tourism;”;
- (b) by the substitution in the definition of “public service” for all the words after the word “section” of the words “three of the Public Service Act, 1957 (Act No. 54 of 1957);” and
- (c) by the substitution for the definition of “Union” of the following definition:
“‘Republic’ includes the territory of South-West Africa.”.

Amendment of section 3 of Act 54 of 1947, as amended by section 1 of Act 36 of 1952 and section 1 of Act 40 of 1960.

5. Section *three* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the word “six” of the word “seven”; and
- (b) by the substitution in sub-section (3) for the word “Two” of the word “Three”.

Amendment of section 10 of Act 54 of 1947.

6. Section *ten* of the principal Act is hereby amended by the substitution for the words “Union Government” of the word “State”.

Amendment of section 12 of Act 54 of 1947, as amended by section 2 of Act 24 of 1951 and section 3 of Act 40 of 1960.

7. Section *twelve* of the principal Act is hereby amended by the insertion in sub-section (1), after the word “Finance”, of the words “and the Minister of Transport”.

Substitution of section 13 of Act 54 of 1947.

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

“Auditing of 13. The books and accounts of the Corporation accounts by shall be audited by the Controller and Auditor-Controller and Auditor-General.”.

Substitution of words “Governor-General” and “Union” in Act 54 of 1947.

9. 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.

Amendment of section 42 of Act 56 of 1955.

10. Section *forty-two* of the Criminal Procedure Act, 1955, is hereby amended by the insertion in paragraph (b) of sub-section (1), after the word “offence”, of the words “or that it was used for the purpose of or in connection with such commission of any offence”.

Amendment of section 46 of Act 56 of 1955.

11. Section *forty-six* of the Criminal Procedure Act, 1955, is hereby amended by the insertion in sub-section (2) after the word “person” of the words “in charge or”.

Amendment of section 49 of Act 56 of 1955.

12. Section *forty-nine* of the Criminal Procedure Act, 1955, is hereby amended by the addition at the end of sub-section (1) of the words “or used otherwise for the purpose of or in connection with the alleged commission of the offence”.

Amendment of section 360 of Act 56 of 1955.

13. Section *three hundred and sixty* of the Criminal Procedure Act, 1955, is hereby amended by the insertion in sub-sections (3), (4) and (5) after the word “receptacle”, wherever it occurs, of the words “or other thing”.

Amendment of section 369 of Act 56 of 1955.

14. Section *three hundred and sixty-nine* of the Criminal Procedure Act, 1955, is hereby amended by the substitution for sub-section (5) of the following sub-section:

“(5) The powers conferred by this section upon the court of appeal in relation to the imposition of punishments, include the power to impose a punishment more severe

'n strafsak kragtens hierdie Wet of 'n ander wet of die gemene reg teen die persoon wat die betrokke saak dryf of gedryf het, of enige ander persoon as getuie toelaatbaar en *prima facie*-bewys van die feite in sodanige aantekening, afskrif of uittreksel vervat."

4. Artikel *een* van die Wet op die Suid-Afrikaanse Toeristekorporasie, 1947 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:
„Minister” die Minister van Toerisme;”;
 - (b) deur in die omskrywing van „staatsdiens” al die woorde na die woord „artikel” te vervang deur die woorde „drie van die Staatsdienswet, 1957 (Wet No. 54 van 1957)”; en
 - (c) deur die omskrywing van „Unie” deur die volgende omskrywing te vervang:
„Republiek” ook die gebied Suidwes-Afrika.”
5. Artikel *drie* van die Hoofwet word hierby gewysig—
 - (a) deur in sub-artikel (1) die woord „ses” deur die woord „sewe” te vervang; en
 - (b) deur in sub-artikel (3) die woord „Twee” deur die woord „Drie” te vervang.
6. Artikel *tien* van die Hoofwet word hierby gewysig deur die woord „Unie-regering” deur die woord „Staat” te vervang.
7. Artikel *twaalf* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woord „Finansies” die woorde „en die Minister van Vervoer” in te voeg.
8. Artikel *dertien* van die Hoofwet word hierby deur die volgende artikel vervang:
„Ouditering 13. Die boeke en rekenings van die Korporasie van rekening deur die Kontroleur en Ouditeur-generaal word deur die Kontroleur en Ouditeur-generaal geouditeer.”
9. 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.
10. Artikel *twee-en-veertig* van die Strafproseswet, 1955, word hierby gewysig deur in paragraaf (b) van sub-artikel (1) na die woord „strek” die volgende woorde in te voeg: „of dat dit vir die doel van of in verband met sodanige pleging van ’n misdryf gebruik is”.
11. Artikel *ses-en-veertig* van die Strafproseswet, 1955, word hierby gewysig deur in sub-artikel (2) na die woord „wat”, waar dit die eerste maal voorkom, die woorde „toesig hou oor grond of” in te voeg.
12. Artikel *nege-en-veertig* van die Strafproseswet, 1955, word hierby gewysig deur aan die end van sub-artikel (1) die volgende woorde by te voeg: „of wat andersins vir die doel van of in verband met die beweerde pleging van die misdryf gebruik is”.
13. Artikel *driehonderd-en-sestig* van die Strafproseswet, 1955, word hierby gewysig deur in sub-artikels (3), (4) en (5) na die woord „houer”, oral waar dit voorkom, die woorde „of ander voorwerp” in te voeg.
14. Artikel *driehonderd nege-en-sestig* van die Strafproseswet, 1955, word hierby gewysig deur sub-artikel (5) deur die volgende sub-artikel te vervang:
„(5) Die bevoegdhede wat by hierdie artikel aan die appèlhof met betrekking tot die oplegging van strawwe verleen word, sluit die bevoegdheid in om ’n straf wat

Wysiging van artikel 1 van Wet 54 van 1947.

Wysiging van artikel 3 van Wet 54 van 1947, soos gewysig deur artikel 1 van Wet 36 van 1952 en artikel 1 van Wet 40 van 1960.

Wysiging van artikel 10 van Wet 54 van 1947.

Wysiging van artikel 12 van Wet 54 van 1947, soos gewysig deur artikel 2 van Wet 24 van 1951 en artikel 3 van Wet 40 van 1960.

Vervanging van artikel 13 van Wet 54 van 1947.

Vervanging in Wet 54 van 1947 van die woorde „Goewerneur-generaal” en „Unie”.

Wysiging van artikel 42 van Wet 56 van 1955.

Wysiging van artikel 46 van Wet 56 van 1955.

Wysiging van artikel 49 van Wet 56 van 1955.

Wysiging van artikel 360 van Wet 56 van 1955.

Wysiging van artikel 369 van Wet 56 van 1955.

than that imposed by the court below or another punishment in lieu of or in addition to such punishment.”.

Amendment of
Second Schedule
to Act 56 of 1955.

15. Part I of the Second Schedule to the Criminal Procedure Act, 1955, is hereby amended by the substitution for the words “VEHICLES AND RECEPTACLES” of the word “THINGS”.

Substitution of
section 30bis of
Act 10 of 1957,
as inserted by
section 12 of
Act 5 of 1962.

16. The following section is hereby substituted for section *thirty bis* of the Housing Act, 1957:

“Acquisition, use and disposal of immovable property by the Commission, and certain re-funds in that respect to the fund.

30bis. (1) Notwithstanding anything to the contrary in any law contained, the Commission may, subject to the prior written approval of the Minister, given in consultation with the Minister of Finance—
(a) purchase, or acquire in any other manner, any affected property as defined in section one of the Group Areas Development Act, 1955 (Act No. 69 of 1955), or any other immovable property, whether or not situated in a group area as so defined, for use for purposes determined in this Act or, where necessary, otherwise to develop or dispose of it;

(b) at the request of the Minister of Community Development, purchase, expropriate, or acquire in any other manner, any such affected property or other immovable property or so purchase, expropriate or acquire it and construct a dwelling or carry out a scheme on it.

(2) The provisions of sections *thirty-three* to *thirty-seven*, inclusive, shall *mutatis mutandis* apply in respect of any expropriation under paragraph (b) of sub-section (1).

(3) Whenever the amount of the expenditure incurred by the Commission in giving effect to any request referred to in paragraph (b) of sub-section (1) exceeds the amount which the Commission would have incurred (having regard to the limits and standards in respect of the acquisition of land and the selling or letting of dwellings applied by the Commission in terms of this Act or in carrying out its functions under it at the time of the purchase, expropriation or other acquisition of the property concerned) if, in the absence of such request, it had acquired land under section *thirty* and constructed a dwelling or carried out a scheme on it in order to meet the housing requirements of the person or persons or category of persons in respect of whose accommodation such request has been made, the amount of the excess shall, subject to the approval of the Minister of Finance, be refunded to the fund out of the fund referred to in section *ten* of the said Group Areas Development Act, 1955.”.

Insertion of
section 14bis in
Act 42 of 1962.

17. (1) The following section is hereby inserted in the National Parks Act, 1962, after section *fourteen*:

“Board may arrange for provision of insurance cover for its members and certain other persons.

14bis. The board may arrange with any insurer for the provision of insurance cover for the chairman and other members of the board and for officers and employees, in respect of bodily injury, disablement or death resulting solely and directly from an accident occurring in the course of the performance of their duties.”.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of January, 1955.

Amendment of
section 2 of
Act 67 of 1962.

18. Section *two* of the Extradition Act, 1962, is hereby amended by the insertion after sub-section (3) of the following sub-section:

“(3)*bis* Notwithstanding the provisions of paragraph (c) of sub-section (3) any such agreement may provide that any person surrendered to the foreign State in question may with the consent of the Minister and with a view to his surrender to another foreign State be detained in such first-mentioned State for an offence which was committed prior to his surrender to such State and to which the agreement relates.”.

swaarder is as dié wat die laerhof opgelê het, of 'n ander straf in die plek van of benewens sodanige straf op te lê."

15. Deel I van die Tweede Bylae by die Strafproseswet, 1955, word hierby gewysig deur die woorde „VOERTUIG EN HOUERS" deur die woord „VOORWERPE" te vervang. Wysiging van Tweede Bylae by Wet 56 van 1955.

16. Artikel *dertig bis* van die Behuisingswet, 1957, word hierby deur die volgende artikel vervang:

Vervanging van artikel 30*bis* van Wet 10 van 1957, soos ingevoeg deur artikel 12 van Wet 5 van 1962.

„Verkryging, gebruik en vervreemding van onroerende eiendom deur die Kommissie, en sekere terugbetalings in dié verband aan die fonds.

30*bis*. (1) Ondanks andersluidende bepalings van enige wet, kan die Kommissie, onderworpe aan die voorafgaande skriftelike goedkeuring van die Minister, gegee in oorleg met die Minister van Finansies—

(a) enige geaffekteerde eiendom soos omskryf in artikel *een* van die Wet op die Ontwikkeling van Groepsgebiede, 1955 (Wet No. 69 van 1955), of enige ander onroerende eiendom, hetsy dit in 'n groepsgebied, soos aldus omskryf, geleë is of nie, koop, of op enige ander wyse verkry, om dit te gebruik vir doeleindes in hierdie Wet bepaal, of om dit, waar nodig, andersins te ontwikkel of te vervreem;

(b) op versoek van die Minister van Gemeenskapsbou, enige sodanige geaffekteerde eiendom of ander onroerende eiendom koop, onteien of op enige ander wyse verkry, of dit aldus koop, onteien of verkry en 'n woning daarop bou of 'n skema daarop uitvoer.

(2) Die bepalings van artikels *drie-en-dertig* tot en met *sewe-en-dertig* is *mutatis mutandis* van toepassing ten opsigte van 'n onteiening kragtens paragraaf (b) van sub-artikel (1).

(3) Wanneer die bedrag van die uitgawe wat die Kommissie aangegaan het deur aan 'n versoek vermeld in paragraaf (b) van sub-artikel (1) gevolg te gee, die bedrag oorskry wat die Kommissie (met inagneming van die perke en standarde ten opsigte van die verkryging van grond en die verkoop of verhuur van wonings, wat, ten tyde van die koop, onteiening of ander verkryging van die betrokke eiendom, deur die Kommissie ingevolge hierdie Wet of by die uitvoering van sy werksaamhede daarkragtens toegepas word) sou aangegaan het indien, by ontstentenis van sodanige versoek, hy grond kragtens artikel *dertig* verkry het en 'n woning daarop gebou of 'n skema daarop uitgevoer het ten einde te voorsien in die behuisingsbehoefte van die persoon of persone of kategorie persone ten opsigte van wie se huisvesting dié versoek gerig is, moet, onderworpe aan die goedkeuring van die Minister van Finansies, die bedrag van die oorskryding uit die fonds vermeld in artikel *tien* van gemelde Wet op die Ontwikkeling van Groepsgebiede, 1955, aan die fonds terugbetaal word."

17. (1) Die volgende artikel word hierby in die Wet op Nasionale Parke, 1962, na artikel *veertien* ingevoeg:

Invoeging van artikel 14*bis* in Wet 42 van 1962.

„Raad kan reël vir voorsiening, by wyse van versekering, van dekking vir sy lede en sekere ander persone.

14*bis*. Die raad kan met 'n versekeraar reël vir die voorsiening, by wyse van versekering, van dekking vir die voorsitter en ander lede van die raad en vir beamptes en werknemers, ten opsigte van liggaamlike besering, ongeskiktheid of dood wat uitsluitlik en regstreeks die gevolg is van 'n ongeluk wat in die loop van die verrigting van hul pligte plaasvind."

(2) Sub-artikel (1) word geag op die eerste dag van Januarie 1955 in werking te getree het.

18. Artikel *twee* van die Wet op Uitlewering, 1962, word hierby gewysig deur na sub-artikel (3) die volgende sub-artikel in te voeg:

Wysiging van artikel 2 van Wet 67 van 1962.

„(3)*bis* Ondanks die bepalings van paragraaf (c) van sub-artikel (3) kan so 'n ooreenkoms voorsiening maak dat iemand wat aan die betrokke vreemde Staat uitgelewer word, met die toestemming van die Minister en met die oog op sy uitlewering aan 'n ander vreemde Staat, aangehou kan word in eersgenoemde Staat weens 'n misdryf wat voor sy uitlewering aan dié Staat gepleeg is en waarop die ooreenkoms betrekking het."

Amendment of
section 19 of
Act 67 of 1962.

19. Section *nineteen* of the Extradition Act, 1962, is hereby amended by the addition of the following proviso:

"Provided that any such person may at the request of another foreign State and with a view to his surrender to such State, be detained in the Republic for an offence which was so committed and to which that agreement relates, provided such detention is not contrary to the laws of or the extradition agreement with the State which surrendered him to the Republic."

Amendment of
section 22 of
Act 67 of 1962.

20. Section *twenty-two* of the Extradition Act, 1962, is hereby amended by the insertion in sub-section (1) after the word "Act", where it occurs for the first time, of the words "and any amendment thereof".

Amendment of
section 43 of
Act 93 of 1962.

21. Section *forty-three* of the General Law Further Amendment Act, 1962, is hereby amended by the substitution for the words "with the approval of the Minister of Bantu Administration and Development, have power in any area which is or becomes" of the words "have power in any area within the magisterial district of Johannesburg and in any area within any magisterial district adjoining such first-mentioned district, whether or not any such area is".

Amendment of
Proclamation
No. 119 of 1960,
and repeal of
Proclamation
No. 31 of 1963.

22. (1) Proclamation No. 119 of 1960 is hereby amended by the deletion of the words "This Proclamation shall remain in force until the Sixth day of April, 1961." and shall, in relation to any steps taken or purporting to have been taken under or by virtue of any provision of the Unlawful Organizations Act, 1960 (Act No. 34 of 1960), whether before or after the commencement of this section, including any criminal proceedings, whether instituted and whether disposed of before or after such commencement, be deemed to have been issued, as so amended, under section *one* of the said Act as amended by section *fourteen* of the General Law Amendment Act, 1963 (Act No. 37 of 1963).

(2) Proclamation No. 31 of 1963 is hereby repealed.

Provision for
repeal of Act 13
of 1945 in so far
as it is still in
force.

23. The Legislative Assembly of the territory of South-West Africa is hereby empowered, and shall be deemed to have had at all times the power, to repeal by ordinance, subject to such savings as may be specified in such ordinance, the Publication of Banns Amendment Act, 1945, in so far as it still applies in the said territory.

Regulation of
certain matters
resulting from
change of names
of institutions
as a result of the
constituting of
Republic of
South Africa.

24. (1) If any institution or organization or body of persons, whether corporate or unincorporate, changes its name and the Minister of Justice is satisfied that such change of name took place solely as a result of the constituting of the Republic of South Africa, he may issue to such institution, organization or body a certificate to that effect stating the new name thereof.

(2) The officer in charge of any public office in the Republic in whose registers appears the name of any institution, organization or body to whom a certificate was issued in terms of sub-section (1), shall upon application by such institution, organization or body and upon production to him of such certificate and of any relevant deed, bond, certificate, letter of appointment, licence or other document, make such endorsements thereon and effect such alterations in his registers as may be necessary by reason of the changed name.

(3) No transfer duty, stamp duty, registration fee, licence duty or other charge or office fee shall be payable in respect of any endorsement or alteration made or effected in terms of sub-section (2).

(4) A change of name contemplated in sub-section (1) shall not affect any rights or obligations of the institution, organization or body in question.

Short title.

25. This Act shall be called the General Law Further Amendment Act, 1963.

19. Artikel *negentien* van die Wet op Uitlewering, 1962, Wysiging van word hierby gewysig deur die volgende voorbehoudsbepaling by artikel 19 van te voeg: Wet 67 van 1962.

„Met dien verstande dat so iemand op versoek van 'n ander vreemde Staat en met die oog op sy uitlewering aan dié Staat, in die Republiek aangehou kan word weens 'n misdryf wat aldus gepleeg is en waarop daardie ooreenkoms betrekking het, mits sodanige aanhouding nie in stryd is nie met die wette van, of die uitleweringsooreenkoms met, die Staat wat hom aan die Republiek uitgelewer het.”.

20. Artikel *twee-en-twintig* van die Wet op Uitlewering, 1962, Wysiging van word hierby gewysig deur in sub-artikel (1) na die woord „Wet” artikel 22 van die woorde „en enige wysiging daarvan” in te voeg. Wet 67 van 1962.

21. Artikel *drie-en-veertig* van die Verdere Algemene Regswysigingswet, 1962, word hierby gewysig deur die woorde „met goedkeuring van die Minister van Bantoe-administrasie en -ontwikkeling in enige gebied wat” te vervang deur die woorde „in enige gebied in die landdrosdistrik Johannesburg en in enige gebied in 'n landdrosdistrik wat aan eersgenoemde distrik grens, hetsy enige sodanige gebied”, en die woord „word” deur die woord „nie” te vervang. Wysiging van artikel 43 van Wet 93 van 1962.

22. (1) Proklamasie No. 119 van 1960 word hierby gewysig deur die woorde „Hierdie Proklamasie bly van krag tot die sesde dag van April 1961.” te skrap, en word, met betrekking tot enige stappe wat gedoen is of heet gedoen te wees kragtens of uit hoofde van enige bepaling van die Wet op Onwettige Organisasies, 1960 (Wet No. 34 van 1960), hetsy vóór of ná die inwerkingtreding van hierdie artikel, met inbegrip van enige strafgeding, hetsy dit ingestel en hetsy dit afgehandel is vóór of ná sodanige inwerkingtreding, geag uitgevaardig te wees, soos aldus gewysig, kragtens artikel *een* van genoemde Wet soos gewysig deur artikel *veertien* van die Algemene Regswysigingswet, 1963 (Wet No. 37 van 1963). Wysiging van Proklamasie No. 119 van 1960, en herroeping van Proklamasie No. 31 van 1963.

(2) Proklamasie No. 31 van 1963 word hierby herroep.

23. Aan die Wetgewende Vergadering van die gebied Suidwes-Afrika word hierby die bevoegdheid verleen, en daar word geag dat hy te alle tye die bevoegdheid besit het, om by ordonnansie die Wysigingswet op Afkondiging van Huweliksgebooe, 1945, vir sover dit nog in genoemde gebied geld, te herroep onderworpe aan die voorbehoude in dié ordonnansie vermeld. Voorsiening vir herroeping van Wet 13 van 1945, vir sover dit nog van krag is.

24. (1) Indien 'n instelling of organisasie of liggaam van persone, hetsy met regspersoonlikheid beklee of nie, sy naam verander en die Minister van Justisie oortuig is dat sodanige naamsverandering geskied het uitsluitlik ten gevolge van die totstandbrenging van die Republiek van Suid-Afrika, kan hy aan dié instelling, organisasie of liggaam 'n sertifikaat met daardie strekking waarin die nuwe naam daarvan vermeld word, uitreik. Rëeling van sekere aangeleenthede wat voortspuit uit verandering van name van instellings ten gevolge van totstandbrenging van die Republiek van Suid-Afrika.

(2) Die amptenaar aan die hoof van enige openbare kantoor in die Republiek in wie se registers die naam voorkom van 'n instelling, organisasie of liggaam aan wie 'n sertifikaat ingevolge sub-artikel (1) uitgereik is, moet op aansoek van sodanige instelling, organisasie of liggaam en by voorlegging aan hom van sodanige sertifikaat en van enige toepaslike akte, verbandakte, sertifikaat, aanstellingsbrief, lisensie of ander stuk, die endossemente daarop, en die veranderings in sy registers, aanbring wat vanweë die veranderde naam nodig is.

(3) Geen hereregte, seëlregte, registrasie- of lisensiegelde of ander koste of kantoorgelde is betaalbaar nie ten opsigte van 'n endossement of verandering wat ingevolge sub-artikel (2) aangebring is.

(4) 'n Naamsverandering beoog in sub-artikel (1) raak nie die regte of verpligtinge van die betrokke instelling, organisasie of liggaam nie.

25. Hierdie Wet heet die Verdere Algemene Regswysigingswet, 1963. Kort titel.

No. 94, 1963.]

ACT

To provide for certain pensions, grants, gratuities and other benefits.

(English 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:—

Granting of certain benefits.

1. Notwithstanding anything to the contrary in any law, every person indicated as a beneficiary in an item of the Schedule to this Act shall be entitled to the benefit specified in that item.

Short title.

2. This Act shall be called the Pensions (Supplementary) Act, 1963.

Schedule.

1. The award to Catharina J. W. du Toit, widow of J. O. D. du Toit, formerly Senator, with effect from 1st April, 1962, of a pension of R20 per month, payable during widowhood.

2. The award to F. J. Pohl, formerly air mechanic, South African Permanent Force, with effect from 1st December, 1960, of a pension of R552.96 per annum, subject to recovery of an amount equal to the benefit (R1,806.85) already paid to him under Part D of Chapter I of the Government Service Pensions Act, 1955.

3. The annuity of R345.20 granted to A. E. Lundie, formerly professional officer, Department of Agriculture, shall be increased to R705.20 with effect from the day following the date of termination of his temporary service in the Department of Agricultural Technical Services.

4. The pension of Johanna S. van der Merwe, whose husband, C. J. van der Merwe, was killed during the strike riots in Johannesburg in July, 1913, shall be increased from R216 to R294 per annum with effect from 1st April, 1963, payable during widowhood.

5. The award to H. M. Moolman, formerly chief information officer, South African Information Service, of a gratuity of R2,250.

6. The award to C. W. Kinsella, formerly major, South African Permanent Force, of a gratuity of R2,762.85.

7. The award to C. Malaxos, with effect from 1st April, 1963, of the pension to which he would have been entitled under the provisions of the Old Age Pensions Act, 1962, had his case conformed to the requirements of paragraph (d) of sub-section (1) of section two of that Act.

8. The award to Alice A. Bailey, widow of E. A. Bailey, formerly No. 18966, private, 2nd South African Infantry, with effect from 1st April, 1962, of the alternative allowance to which she would be entitled in terms of section *seventeen* of the War Special Pensions Act, 1962, had the pre-war earnings of the said E. A. Bailey amounted to R625 per annum.

9. The award to Kate F. Bullard, widow of A. J. Bullard, formerly No. 13913, private, 3rd South African Infantry, with effect from 1st April, 1962, of the alternative allowance to which she would be entitled in terms of section *seventeen* of the War Special Pensions Act, 1962, had the pre-war earnings of the said A. J. Bullard amounted to R625 per annum.

10. The award to Florence V. Goslett, widow of A. G. Goslett, formerly No. 1279, private, 4th South African Infantry, with effect from 1st April, 1962, of the alternative allowance to which she would be entitled in terms of section *seventeen* of the War Special Pensions Act, 1962, had the pre-war earnings of the said A. G. Goslett amounted to R625 per annum.

11. The award to Louie Maguire, widow of L. A. Maguire, formerly No. 20824, private, 1st South African Infantry, with effect from 1st April, 1962, of the alternative allowance to which she would be entitled in terms of section *seventeen* of the War Special Pensions Act, 1962, had the pre-war earnings of the said L. A. Maguire amounted to R625 per annum.

12. The award to Florence M. Quinn, widow of A. G. Quinn, formerly No. 604, gunner, South African Heavy Artillery, with effect from 1st April, 1962, of the alternative allowance to which she would be entitled in terms of section *seventeen* of the War Special Pensions Act, 1962, had the pre-war earnings of the said A. G. Quinn amounted to R625 per annum.

13. The application for compensation by A. G. Holmes, formerly No. 29, trooper, Stockenström District Mounted Troops, Anglo-Boer War, shall be considered as if it had been lodged within the period referred to in sub-section (3) of section *thirty-two* of the War Special Pensions Act, 1962, subject to the condition that no compensation shall be payable in respect of any period prior to the first day of April, 1962.

14. The application for compensation by E. E. Green, formerly No. 2616, private, 4th South African Infantry, shall be considered as if it had been lodged prior to the date referred to in section *forty-eight* of the War Special Pensions Act, 1962, subject to the condition that no compensation shall be payable in respect of any period prior to the first day of April, 1962.

No. 94, 1963.]

WET

Om voorsiening te maak vir sekere pensioene, toelaes, gratifikasies en ander voordele.

(Engelse 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. Ondanks andersluidende wetsbepalings, is elke persoon wat in 'n item van die Bylae by hierdie Wet as 'n bevoordeelde aangewys word, op die in daardie item vermelde voordeel geregtig. Toekenning van sekere voordele.

2. Hierdie Wet heet die Wet tot Aanvulling van Pensioene, Kort titel. 1963.

Bylae.

1. Die toekenning aan Catharina J. W. du Toit, weduwee van J. O. D. du Toit, voorheen Senator, met ingang van 1 April 1962, van 'n pensioen van R20 per maand, betaalbaar gedurende weduweeskap.

2. Die toekenning aan F. J. Pohl, voorheen lugwerktuigkundige, Suid-Afrikaanse Staande Mag, met ingang van 1 Desember 1960, van 'n pensioen van R552.96 per jaar, onderworpe aan terugvordering van 'n bedrag gelyk aan die voordeel (R1,806.85) reeds kragtens Deel D van Hoofstuk I van die Regeringsdiens-pensioenwet, 1955, aan hom betaal.

3. Die jaargeld van R345.20 wat aan A. E. Lundie, voorheen vakkundige beampte, Departement van Landbou, toegeken is, word met ingang van die dag na die datum van beëindiging van sy tydelike diens in die Departement van Landbou-tegniese Dienste tot R705.20 verhoog.

4. Die pensioen van Johanna S. van der Merwe, wie se eggenoot, C. J. van der Merwe, in Julie 1913 gedurende die werkstakingsonluste in Johannesburg gedood is, word met ingang van 1 April 1963 van R216 tot R294 per jaar verhoog, betaalbaar gedurende weduweeskap.

5. Die toekenning aan H. M. Moolman, voorheen hoofinligtings-beampte, Suid-Afrikaanse Inligtingsdiens, van 'n gratifikasie van R2,250.

6. Die toekenning aan C. W. Kinsella, voorheen majoor, Suid-Afrikaanse Staande Mag, van 'n gratifikasie van R2,762.85.

7. Die toekenning aan C. Malaxos, met ingang van 1 April 1963, van die pensioen waarop hy kragtens die bepalinge van die Ouderdomspensioenwet, 1962, geregtig sou gewees het indien sy geval aan die vereistes van paragraaf (d) van sub-artikel (1) van artikel twee van daardie Wet voldoen het.

8. Die toekenning aan Alice A. Bailey, weduwee van E. A. Bailey, voorheen No. 18966, manskap, 2de Suid-Afrikaanse Infanterie, met ingang van 1 April 1962, van die alternatiewe toelae waarop sy ingevolge artikel sewentien van die Wet op Spesiale Oorlogspensioene, 1962, geregtig sou wees indien die vooroorlogse verdienste van bedoelde E. A. Bailey R625 per jaar bedra het.

9. Die toekenning aan Kate F. Bullard, weduwee van A. J. Bullard, voorheen No. 13913, manskap, 3de Suid-Afrikaanse Infanterie, met ingang van 1 April 1962, van die alternatiewe toelae waarop sy ingevolge artikel sewentien van die Wet op Spesiale Oorlogspensioene, 1962, geregtig sou wees indien die vooroorlogse verdienste van bedoelde A. J. Bullard R625 per jaar bedra het.

10. Die toekenning aan Florence V. Goslett, weduwee van A. G. Goslett, voorheen No. 1279, manskap, 4de Suid-Afrikaanse Infanterie, met ingang van 1 April 1962, van die alternatiewe toelae waarop sy ingevolge artikel sewentien van die Wet op Spesiale Oorlogspensioene, 1962, geregtig sou wees indien die vooroorlogse verdienste van bedoelde A. G. Goslett R625 per jaar bedra het.

11. Die toekenning aan Louie Maguire, weduwee van L. A. Maguire, voorheen No. 20824, manskap, 1ste Suid-Afrikaanse Infanterie, met ingang van 1 April 1962, van die alternatiewe toelae waarop sy ingevolge artikel sewentien van die Wet op Spesiale Oorlogspensioene, 1962, geregtig sou wees indien die vooroorlogse verdienste van bedoelde L. A. Maguire R625 per jaar bedra het.

12. Die toekenning aan Florence M. Quinn, weduwee van A. G. Quinn, voorheen No. 604, kanonnier, Suid-Afrikaanse Swaargeskut, met ingang van 1 April 1962, van die alternatiewe toelae waarop sy ingevolge artikel sewentien van die Wet op Spesiale Oorlogspensioene, 1962, geregtig sou wees indien die vooroorlogse verdienste van bedoelde A. G. Quinn R625 per jaar bedra het.

13. Die aansoek om vergoeding deur A. G. Holmes, voorheen No. 29, ruiter, „Stockenström District Mounted Troops”, Anglo-Boere-oorlog, word beskou asof dit ingedien is binne die in sub-artikel (3) van artikel twee-en-dertig van die Wet op Spesiale Oorlogspensioene, 1962, bedoelde tydperk, onderworpe aan die voorwaarde dat geen vergoeding ten opsigte van enige tydperk voor die eerste dag van April 1962 betaalbaar is nie.

14. Die aansoek om vergoeding deur E. E. Green, voorheen No. 2616, manskap, 4de Suid-Afrikaanse Infanterie, word beskou asof dit voor die in artikel agt-en-veertig van die Wet op Spesiale Oorlogspensioene, 1962, bedoelde datum ingedien was, onderworpe aan die voorwaarde dat geen vergoeding ten opsigte van enige tydperk voor die eerste dag van April 1962 betaalbaar is nie.

15. The application for compensation by J. M. Slabbert, formerly No. 6833, lance corporal, 1st South African Infantry, shall be considered as if it had been lodged prior to the date referred to in section *forty-eight* of the War Special Pensions Act, 1962, subject to the condition that no compensation shall be payable in respect of any period prior to the first day of April, 1963.

16. The application for compensation by C. J. H. van Heerden, formerly No. 2637, private, 11th Potchefstroom Mounted Rifles, in respect of injuries to his right leg and right hip, shall be considered as if it had been lodged prior to the date referred to in section *forty-eight* of the War Special Pensions Act, 1962, subject to the condition that no compensation in respect of the said conditions shall be payable in respect of any period prior to the first day of April, 1963.

17. For the purposes of section *six* of the War Special Pensions Act, 1962, the pre-war earnings of V. P. Barnes, formerly No. 6720, private, 9th South African Infantry, shall be accepted at R900 per annum with effect from 1st April, 1963.

18. The application for a veteran's pension under the War Veterans' Pensions Act, 1962, by B. A. van Aswegen shall, with effect from 1st April, 1963, be considered as if it had been accepted that he was in all respects qualified to receive such a pension in respect of his service with the Republican forces during the Anglo-Boer War, 1899-1902.

19. The break in the service of Geertruida A. Obermeyer, teacher, Cape Technical College, from 11th September, 1961, to 21st January, 1962, shall be condoned for pension purposes being regarded as special leave of absence without pay not counting as service, and for the purposes of section *seventeen* of the Transvaal Teachers' Pensions Ordinance, 1959, and the regulations governing the Provident Fund and Pension Scheme for Technical Colleges, she shall be deemed—

(a) to have been transferred from the service of the Transvaal Education Department to the service of the said College with effect from 22nd January, 1962; and

(b) to have elected within the prescribed period to reckon her pensionable service as a teacher in that Department as service for the purposes of the said scheme.

20. Subject to such conditions as the Secretary for Social Welfare and Pensions may determine, the break in the service of A. W. Rowe, director, Witwatersrand Technical College, from 1st September, 1934, to 31st December, 1936, shall be condoned for purposes of the Technical Colleges Provident Fund and Pension Scheme, being regarded as special leave of absence without pay not counting as service, and the period of his previous service from 1st July, 1929, to 31st August, 1934, shall be deemed to be approved service for the purposes of that scheme.

21. Subject to such conditions as the Secretary for Social Welfare and Pensions may determine and to the payment by L. L. Vorster, Department of Bantu Education, to the Public Service Pension Fund of the sum of R1,459.39 paid to him from the Transvaal Hospital and Education Officers' Pension Fund on his resignation in 1955, together with interest on such sum at the rate of four per cent per annum, compounded annually as at 31st March, from 1st September, 1955, to date of payment, the break in his service from 1st September, 1955, to 31st October, 1955, shall be condoned for pension purposes being regarded as special leave of absence without pay not counting as service, and, for the purposes of section *thirteen* of the Government Service Pensions Act, 1955, and section *sixteen* of the Transvaal Hospital and Education Officers' Pension Ordinance, 1959, he shall be deemed—

(a) to have been transferred from the service of the Transvaal Education Department to the Public Service with effect from 1st November, 1955; and

(b) to have elected to reckon his pensionable service from 13th November, 1933, to 31st August, 1955, as pensionable service under the said Act:

Provided that if the aggregate of the said sum of R1,459.39 and any amount which is transferred from the said Transvaal Hospital and Education Officers' Pension Fund to the said Public Service Pension Fund, is less than the amount which, in respect of his pensionable service from 13th November, 1933, to 31st August, 1955, is required for the purposes of the last-mentioned Fund, the whole deficiency shall, notwithstanding anything to the contrary contained in the said section *thirteen*, be paid by him in such instalments as the Secretary for Social Welfare and Pensions may determine.

22. Subject to such conditions as the Secretary for Social Welfare and Pensions may determine and to the repayment by G. J. du Plessis, registrar, Transvaal Education Department, of the sum of R74.80, paid to him from the Union Pension Fund in 1930, together with interest on such sum at the rate of four per cent per annum, compounded annually as at 31st March, from date of payment to date of repayment, he shall, for the purposes of section *fourteen* of the Government Service Pensions Act, 1955, and section *seventeen* of the Transvaal Hospital and Education Officers' Pension Ordinance, 1959, be deemed—

(a) to have been transferred from the Public Service to the service of the Transvaal Education Department with effect from 24th July, 1928; and

(b) to have been permitted to elect and to have elected within the prescribed period to contribute to the Transvaal Hospital and Education Officers' Pension Fund in respect of his pensionable service in the Public Service from 19th May, 1923, to 23rd July, 1928.

23. M. S. Marchand, medical inspector of schools, Cape Education Department, shall be deemed to have elected in terms of sub-section (2) of section *twenty-two* of the Government Service Pensions Act, 1955, to contribute to the Public Service Pension Fund in respect of his service from 1st February, 1952.

15. Die aansoek om vergoeding deur J. M. Slabbert, voorheen No. 6833, onderkorporaal, 1ste Suid-Afrikaanse Infanterie, word beskou asof dit voor die in artikel *agt-en-veertig* van die Wet op Spesiale Oorlogspensioene, 1962, bedoelde datum ingedien was, onderworpe aan die voorwaarde dat geen vergoeding ten opsigte van enige tydperk voor die eerste dag van April 1963 betaalbaar is nie.

16. Die aansoek om vergoeding deur C. J. H. van Heerden, voorheen No. 2637, manskap, 11de Potchefstroomse Berede Skutters, ten opsigte van beserings aan sy regterbeen en regterheup, word beskou asof dit voor die in artikel *agt-en-veertig* van die Wet op Spesiale Oorlogspensioene, 1962, bedoelde datum ingedien was, onderworpe aan die voorwaarde dat geen vergoeding ten opsigte van bedoelde ongeskiktheid ten opsigte van enige tydperk voor die eerste dag van April 1963 betaalbaar is nie.

17. By die toepassing van artikel *ses* van die Wet op Spesiale Oorlogspensioene, 1962, word die vooroorlogse verdienste van V. P. Barnes, voorheen No. 6720, manskap, 9de Suid-Afrikaanse Infanterie, met ingang van 1 April 1963 as R900 per jaar aanvaar.

18. Die aansoek om 'n oudstryderspensioen ingevolge die Wet op Oudstryderspensioene, 1962, deur B. A. van Aswegen word met ingang van 1 April 1963 beskou asof daar aanvaar was dat hy in alle opsigte geregtig was om so 'n pensioen te ontvang ten opsigte van sy diens by die Republikeinse magte gedurende die Anglo-Boere-oorlog, 1899-1902.

19. Die diensonderbreking van Geertruida A. Obermeyer, onderwyseres, Kaapse Tegniese Kollege, vanaf 11 September 1961 tot 21 Januarie 1962, word vir pensioendoeleindes verskoon en beskou as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie, en by die toepassing van artikel *sewentien* van die Transvaalse Onderwysers Pensioene Ordonnansie, 1959, en die regulasies wat die Voorsorgfonds en Pensioenskema vir Tegniese Kolleges beheer, word sy geag—

(a) met ingang van 22 Januarie 1962 uit die diens van die Transvaalse Onderwysdepartement na die diens van bedoelde Kollege oorgeplaas te gewees het; en

(b) binne die voorgeskrewe tydperk te gekies het om haar pensioengewende diens as 'n onderwyseres in daardie Departement as diens vir die doeleindes van bedoelde skema te reken.

20. Behoudens die voorwaardes wat die Sekretaris van Volkswelsyn en Pensioene bepaal, word die diensonderbreking van A. W. Rowe, direkteur, Witwatersrandse Tegniese Kollege, vanaf 1 September 1934 tot 31 Desember 1936 vir die doeleindes van die Voorsorgfonds en Pensioenskema vir Tegniese Kolleges verskoon en beskou as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie, en word die tydperk van sy vorige diens vanaf 1 Julie 1929 tot 31 Augustus 1934 vir die doeleindes van daardie skema as goedgekeurde diens beskou.

21. Behoudens sodanige voorwaardes as wat die Sekretaris van Volkswelsyn en Pensioene bepaal, en op voorwaarde dat L. L. Vorster, Departement van Bantoe-onderwys, die bedrag van R1,459.39 wat by sy bedanking in 1955 uit die Pensioenfonds vir Transvaalse Hospitaal- en Onderwysbeamptes aan hom betaal is, aan die Staatsdiens-pensioenfonds betaal, tesame met rente op daardie bedrag teen die koers van vier persent per jaar, jaarliks soos op 31 Maart saamgestel, vanaf 1 September 1955 tot datum van betaling, word sy diensonderbreking vanaf 1 September 1955 tot 31 Oktober 1955 vir pensioendoeleindes verskoon en beskou as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie, en by die toepassing van artikel *dertien* van die Regeringsdiens-pensioenwet, 1955, en artikel *sestien* van die Ordonnansie op die Pensioene van Transvaalse Hospitaal- en Onderwysbeamptes, 1959, word hy geag—

(a) met ingang van 1 November 1955 uit die diens van die Transvaalse Onderwysdepartement na die Staatsdiens oorgeplaas te gewees het; en

(b) te gekies het om sy pensioengewende diens vanaf 13 November 1933 tot 31 Augustus 1955 as pensioengewende diens ingevolge bedoelde Wet te reken:

Met dien verstande dat indien die totaal van bedoelde som van R1,459.39 en enige bedrag wat van bedoelde Pensioenfonds vir Transvaalse Hospitaal- en Onderwysbeamptes na bedoelde Staatsdiens-pensioenfonds oorgeplaas word, minder beloop dan die bedrag wat ten opsigte van sy pensioengewende diens vanaf 13 November 1933 tot 31 Augustus 1955 nodig is vir die doeleindes van laasgenoemde Fonds, die hele tekort, ondanks andersluidende bepalings van bedoelde artikel *dertien*, deur hom betaal word by wyse van sodanige paaielemente as wat die Sekretaris van Volkswelsyn en Pensioene bepaal.

22. Behoudens sodanige voorwaardes as wat die Sekretaris van Volkswelsyn en Pensioene bepaal en op voorwaarde dat G. J. du Plessis, registrateur, Transvaalse Onderwysdepartement, die bedrag van R74.80 wat in 1930 uit die Unie-pensioenfonds aan hom betaal is, terugbetaal, tesame met rente op daardie bedrag teen die koers van vier persent per jaar, jaarliks op 31 Maart saamgestel, vanaf die datum van betaling tot datum van terugbetaling, word hy by die toepassing van artikel *veertien* van die Regeringsdiens-pensioenwet, 1955, en artikel *sewentien* van die Ordonnansie op die Pensioene van Transvaalse Hospitaal- en Onderwysbeamptes, 1959, geag—

(a) met ingang van 24 Julie 1928 uit die Staatsdiens na die diens van die Transvaalse Onderwysdepartement oorgeplaas te gewees het; en

(b) toegelaat te gewees het om te kies en binne die voorgeskrewe tydperk te gekies het om ten opsigte van sy pensioengewende diens in die Staatsdiens vanaf 19 Mei 1923 tot 23 Julie 1928 tot die Pensioenfonds vir Transvaalse Hospitaal- en Onderwysbeamptes by te dra.

23. M. S. Marchand, mediese inspekteur van skole, Kaapse Onderwysdepartement, word geag ooreenkomstig sub-artikel (2) van artikel *twee-en-twintig* van die Regeringsdiens-pensioenwet, 1955, te gekies het om tot die Staatsdiens-pensioenfonds by te dra ten opsigte van sy diens vanaf 1 Februarie 1952.

24. Subject to such conditions as the Secretary for Social Welfare and Pensions may determine, the following persons shall be deemed to have elected in terms of sub-section (1) of section five of the Government Service Pensions Act, 1955, to become contributors to the South African Police and Prisons Service Pension Fund:—

- (a) D. Annandale, No. 14828, constable, South African Police;
- (b) P. R. Botha, No. 14544, sergeant, South African Police;
- (c) F. Crafford, No. 17080, sergeant, South African Police;
- (d) J. J. W. Hattingh, No. 15235, warrant officer, South African Police;
- (e) A. L. Nel, No. 13454, sergeant, South African Police;
- (f) D. J. Nel, No. 15094, detective sergeant, South African Police;
- (g) M. Notley, No. 13617, constable, South African Police; and
- (h) W. Watson, No. 14701, constable, South African Police.

25. The provisions of sections *sixty-five* and *sixty-eight* of the Government Service Pensions Act, 1955, shall be deemed to have applied to and in respect of S. Khoza, formerly No. 142472, Bantu constable, South African Police, with effect from 11th September, 1961: Provided that—

- (i) there shall be set off against any pension payable to him in terms of the said section *sixty-five*, the amount of the benefit paid to him in terms of section *forty-seven* of that Act with effect from the said date;
- (ii) there shall be set off against the interest payable to revenue from the South African Police and Prisons Service Pension Fund in terms of paragraph (iii) of the proviso to sub-section (1) of the said section *sixty-five*, the interest lost to the said Fund in respect of the benefit paid to him from that Fund in terms of the said section *forty-seven*.

26. The award to Florence V. Nell, widow of the late Willem Jacobus Nell, ex asbestos blanket repairer, South African Railways, of compensation in respect of the death on 15th March, 1962, of her late husband as a result of asbestosis which he contracted in the course of his employment as an asbestos blanket repairer with the South African Railways, which shall be assessed as if the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), had been applicable to him as at the date of his retirement from the service of the South African Railways, viz. 30th August, 1959, and that the said compensation shall be payable to her as from 16th March, 1962.

24. Behoudens sodanige voorwaardes as wat die Sekretaris van Volkswelsyn en Pensioene bepaal, word die volgende persone geag ooreenkomstig sub-artikel (1) van artikel vyf van die Regeringsdiens-pensioenwet, 1955, te gekies het om bydraers tot die Suid-Afrikaanse Polisie- en Gevangenisdiens-pensioenfonds te word:—

- (a) D. Annandale, No. 14828, konstabel, Suid-Afrikaanse Polisie;
- (b) P. R. Botha, No. 14544, sersant, Suid-Afrikaanse Polisie;
- (c) F. Crafford, No. 17080, sersant, Suid-Afrikaanse Polisie;
- (d) J. J. W. Hattingh, No. 15235, adjudant-offisier, Suid-Afrikaanse Polisie;
- (e) A. L. Nel, No. 13454, sersant, Suid-Afrikaanse Polisie;
- (f) D. J. Nel, No. 15094, speurdersersant, Suid-Afrikaanse Polisie;
- (g) M. Notley, No. 13617, konstabel, Suid-Afrikaanse Polisie; en
- (h) W. Watson, No. 14701, konstabel, Suid-Afrikaanse Polisie.

25. Die bepalinge van artikels *vyf-en-sestig* en *agt-en-sestig* van die Regeringsdiens-pensioenwet, 1955, word geag met ingang van 11 September 1961 op en ten opsigte van S. Khoza, voorheen No. 142472, Bantoe-konstabel, Suid-Afrikaanse Polisie, van toepassing te gewees het: Met dien verstande dat—

- (i) daar teen enige pensioen wat ingevolge bedoelde artikel *vyf-en-sestig* aan hom betaalbaar is, die bedrag van die voordeel wat met ingang van bedoelde datum ingevolge artikel *sewe-en-veertig* van daardie Wet aan hom betaal is, verreken moet word;
- (ii) daar teen die rente wat ingevolge paragraaf (iii) van die voorbehoudsbepaling by sub-artikel (1) van bedoelde artikel *vyf-en-sestig* uit die Suid-Afrikaanse Polisie- en Gevangenisdiens-pensioenfonds in inkomste gestort moet word, die rente verreken moet word wat bedoelde Fonds verloor het ten opsigte van die voordeel wat ingevolge bedoelde artikel *sewe-en-veertig* uit bedoelde Fonds aan hom betaal is.

26. Die toekenning aan Florence V. Nell, weduwee van wyle Willem Jacobus Nell, gewese asbesherteller, Suid-Afrikaanse Spoorweë, van skadeloosstelling ten opsigte van haar oorlede eggenoot se afsterwe op 15 Maart 1962 as gevolg van asbestose wat hy opgedoen het in die loop van sy diens as 'n asbesherteller by die Suid-Afrikaanse Spoorweë, wat bereken sal word asof die bepalinge van die Ongevallewet, 1941 (Wet No. 30 van 1941), op hom van toepassing was op die datum waarop hy uit die diens van die Suid-Afrikaanse Spoorweë getree het, t.w. 30 Augustus 1959, en dat genoemde skadeloosstelling aan haar betaalbaar sal wees vanaf 16 Maart 1962.

No. 95, 1963.]

ACT

To amend the Government Service Pensions Act, 1955, the Old Age Pensions Act, 1962, the Blind Persons Act, 1962, the War Veterans' Pensions Act, 1962, and the Disability Grants Act, 1962; to provide for the readmission of certain persons to membership of the Government Employees' Provident Fund; to provide for the continuation in certain circumstances of the payment in whole or in part of certain pensions, grants, additional pensions or grants and bonuses; to apply the provisions of the War Pensions Act, 1942, to certain members of the Permanent Force or the South African Police; and to provide for other incidental matters.

(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:—

Amendment of section 8 of Act 58 of 1955, as amended by section 10 of Act 56 of 1956, section 5 of Act 62 of 1957, section 13 of Act 67 of 1959 and section 8 of Act 92 of 1962.

1. Section *eight* of the Government Service Pensions Act, 1955 (hereinafter referred to as the principal Act), is hereby amended by the deletion in sub-section (1) of the words "paragraph (a) of sub-section (2) of section *thirty-three*".

Amendment of section 9 of Act 58 of 1955.

2. Section *nine* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

"(2) Save as is otherwise provided the period of pensionable service shall be calculated by the year and portion of a year and any portion of a year shall be determined according to the proportion which the number of days in that portion bears to three hundred and sixty-five."

Amendment of section 13 of Act 58 of 1955, as amended by section 12 of Act 56 of 1956 and section 10 of Act 92 of 1962.

3. Section *thirteen* of the principal Act is hereby amended by the deletion in sub-section (1) of the words "in the case of a person appointed to a post in the permanent force, to the provisions of sub-section (2) of section *thirty-three*, or".

Amendment of section 20 of Act 58 of 1955.

4. Section *twenty* of the principal Act is hereby amended by the substitution for the proviso to sub-section (2) of the following proviso:

"Provided that in lieu of the gratuity referred to in paragraph (b) of sub-section (1) of section *thirty*, there shall be paid in respect of an old member—

(a) if such member dies before he has attained the pensionable age, a gratuity equal to the aggregate amount of the pension which would have been paid from the fund to the member and to or for the benefit of his dependants if the member had been discharged on account of ill-health (occasioned without his own default) with effect from the day immediately succeeding the last day of his pensionable service and had died on the first-mentioned day;

(b) if such member has, under the provisions of this Act, been retained in his office or post beyond the pensionable age, a gratuity equal to the aggregate amount of the pension which would have been paid to the member and to or for the benefit of the said dependants if the member had retired or been retired on pension by reason of his age with effect from the day immediately succeeding the last day of his pensionable service and had died on the first-mentioned day."

No. 95, 1963.]

WET

Tot wysiging van die Regeringsdiens-pensioenwet, 1955, die Ouderdomspensioenwet, 1962, die Wet op Blindes, 1962, die Wet op Oudstryderspensioene, 1962, en die Wet op Ongeskiktheidstoelaes, 1962; om voorsiening te maak vir die hertoelating van sekere persone tot lidmaatskap van die Regerings-werknemersondersteuningsfonds; om voorsiening te maak vir die voortsetting onder sekere omstandighede van die betaling in die geheel of ten dele van sekere pensioene, toelaes, bykomende pensioene of toelaes en bonusse; om die bepalings van die Oorlogspensioenwet, 1942, op sekere lede van die Staande Mag of die Suid-Afrikaanse Polisie toe te pas; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(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. Artikel *agt* van die Regeringsdiens-pensioenwet, 1955 (hieronder die Hoofwet genoem), word hierby gewysig deur in sub-artikel (1) die woorde „paragraaf (a) van sub-artikel (2) van artikel *drie-en-dertig*” te skrap.

Wysiging van artikel 8 van Wet 58 van 1955, soos gewysig deur artikel 10 van Wet 56 van 1956, artikel 5 van Wet 62 van 1957, artikel 13 van Wet 67 van 1959 en artikel 8 van Wet 92 van 1962.
2. Artikel *nege* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Behoudens andersluidende bepalings word die tydperk van pensioengewende diens by die jaar en gedeelte van 'n jaar bereken en 'n gedeelte van 'n jaar word bepaal volgens die verhouding waarin die getal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan.”.

Wysiging van artikel 9 van Wet 58 van 1955.
3. Artikel *dertien* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „van sub-artikel (2) van artikel *drie-en-dertig* in die geval van iemand wat in 'n pos in die staande mag aangestel word, of” te skrap.

Wysiging van artikel 13 van Wet 58 van 1955, soos gewysig deur artikel 12 van Wet 56 van 1956 en artikel 10 van Wet 92 van 1962.
4. Artikel *twintig* van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by sub-artikel (2) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat in plaas van die in paragraaf (b) van sub-artikel (1) van artikel *dertig* bedoelde gratifikasie, word daar ten opsigte van 'n ou lid—

 - (a) indien bedoelde lid te sterwe kom voordat hy die pensioenleeftyd bereik het, 'n gratifikasie betaal gelyk aan die totale bedrag van die pensioen wat uit die fonds aan die lid en aan of ten bate van sy afhanklikes betaal sou gewees het indien die lid met ingang van die dag onmiddellik na die laaste dag van sy pensioengewende diens weens slegte gesondheid (sonder sy eie toedoen veroorsaak) ontslaan was, en op eersbedoelde dag te sterwe gekom het;
 - (b) indien bedoelde lid ingevolge die bepalings van hierdie Wet, bo die pensioenleeftyd in sy betrekking of pos aangehou is, 'n gratifikasie betaal gelyk aan die totale bedrag van die pensioen wat aan die lid en aan of ten bate van bedoelde afhanklikes betaal sou gewees het indien die lid met ingang van die dag onmiddellik na die laaste dag van sy pensioengewende diens weens sy ouderdom met pensioen afgetree het of afgedank was, en op eersbedoelde dag te sterwe gekom het.”.

Wysiging van artikel 20 van Wet 58 van 1955.

Amendment of section 26 of Act 58 of 1955, as amended by section 17 of Act 56 of 1956, section 17 of Act 67 of 1959 and section 13 of Act 92 of 1962.

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

“(8) Notwithstanding anything to the contrary contained in sub-section (1) or in any other law, the provisions of sub-sections (2) and (3) shall *mutatis mutandis* apply in respect of any person—

(a) to whom sub-section (1) of section *thirteen* of the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), applies; and

(b) whose pensionable service under a pension law referred to in paragraph (b) of sub-section (1) of the said section *thirteen* commenced prior to the commencement of this Act,

as if such person had been appointed to a post in the public service with effect from a date prior to the commencement of this Act.”.

Amendment of section 27 of Act 58 of 1955, as amended by section 18 of Act 56 of 1956 and section 1 of Act 61 of 1960.

6. Section *twenty-seven* of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-section:

“(3) If a new member, other than a new member to whom an annuity is granted in terms of section *sixty-two*, is discharged from the public service on account of ill-health not occasioned without his own default, he shall receive from the fund an amount equal to his own contributions together with four per cent of the said amount in respect of each completed year of his pensionable service in excess of ten years, and shall further be paid an amount equal to his excess contributions: Provided that the amount payable to a new member to whom sub-section (2) of section *twenty-six* applies and who has had not less than fourteen years of pensionable service, shall not be less than an amount equal to—

(a) his own contributions together with ten per cent of those contributions in respect of each completed year of pensionable service in excess of thirteen years; and

(b) his excess contributions.”.

Amendment of section 30 of Act 58 of 1955, as amended by section 41 of Act 78 of 1961.

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

“(a) if such member has had less than ten years' pensionable service, a gratuity equal to the sum of—

(i) his own contributions;

(ii) an amount equal to six per cent of his pensionable emoluments during the period of his pensionable service; and

(iii) his excess contributions;

(b) if such member has had not less than ten years' pensionable service, a gratuity which shall be based on the annual average of his pensionable emoluments for the last seven years of his pensionable service and which shall be calculated—

(i) in the case of a male member, at the rate of 10.75 per cent of the said average in respect of each year of pensionable service;

(ii) in the case of a female member to whom sub-section (1) of section *twenty-six* applies, at the rate of 11.25 per cent of the said average in respect of each year of pensionable service;

(iii) in the case of a female member to whom sub-section (2) of that section applies, at the rate of 11.95 per cent of the said average in respect of each year of pensionable service.”.

Amendment of section 31 of Act 58 of 1955, as amended by section 19 of Act 67 of 1959.

8. Section *thirty-one* of the principal Act is hereby amended by the insertion in the definition of “pensionable age” after the expression “(1)” of the expression “or (2)”.

Amendment of section 33 of Act 58 of 1955, as amended by section 20 of Act 67 of 1959.

9. Section *thirty-three* of the principal Act is hereby amended—

(a) by the deletion in sub-section (1) of the words “and sub-section (2) of this section”;

(b) by the deletion of sub-section (2).

5. Artikel *ses-en-twintig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg:
- „(8) Ondanks andersluidende bepalings van sub-artikel (1) of van enige ander wet, is die bepalings van sub-artikels (2) en (3) *mutatis mutandis* van toepassing ten opsigte van iemand—
- (a) op wie sub-artikel (1) van artikel *dertien* van die Wet op Onderwys vir Kleurlinge, 1963 (Wet No. 47 van 1963), van toepassing is; en
- (b) wie se pensioengewende diens kragtens 'n pensioenwet bedoel in paragraaf (b) van sub-artikel (1) van gemelde artikel *dertien*, voor die inwerkingtreding van hierdie Wet 'n aanvang geneem het, asof so iemand met ingang van 'n datum voor die inwerkingtreding van hierdie Wet in 'n pos in die staatsdiens aangestel was.”

Wysiging van artikel 26 van Wet 58 van 1955, soos gewysig deur artikel 17 van Wet 56 van 1956, artikel 17 van Wet 67 van 1959 en artikel 13 van Wet 92 van 1962.

6. Artikel *sewe-en-twintig* van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:

Wysiging van artikel 27 van Wet 58 van 1955, soos gewysig deur artikel 18 van Wet 56 van 1956 en artikel 1 van Wet 61 van 1960.

- “(3) Indien 'n nuwe lid, behalwe 'n nuwe lid aan wie ingevolge artikel *twee-en-sestig* 'n jaargeld toegeken word, uit die staatsdiens ontslaan word weens slegte gesondheid wat nie sonder sy eie toedoen veroorsaak is nie, ontvang hy uit die fonds 'n bedrag gelyk aan sy eie bydraes tesame met vier persent van bedoelde bedrag ten opsigte van elke voltooide jaar van sy pensioengewende diens bo tien jaar, en bowendien word aan hom 'n bedrag gelyk aan sy meerdere bydraes betaal: Met dien verstande dat die bedrag betaalbaar aan 'n nuwe lid op wie sub-artikel (2) van artikel *ses-en-twintig* van toepassing is en wat minstens veertien jaar pensioengewende diens gehad het, nie minder is nie as 'n bedrag gelyk aan—
- (a) sy eie bydraes tesame met tien persent van daardie bydraes ten opsigte van elke voltooide jaar van pensioengewende diens bo dertien jaar; en
- (b) sy meerdere bydraes.”

7. Artikel *dertig* van die Hoofwet word hierby gewysig deur paragraawe (a), (b) en (c) van sub-artikel (1) deur die volgende paragraawe te vervang:

Wysiging van artikel 30 van Wet 58 van 1955, soos gewysig deur artikel 41 van Wet 78 van 1961.

- „(a) indien bedoelde lid minder as tien jaar pensioengewende diens gehad het, 'n gratifikasie betaal gelyk aan die totaal van—
- (i) sy eie bydraes;
- (ii) 'n bedrag gelyk aan ses persent van sy pensioengewende verdienste gedurende die tydperk van sy pensioengewende diens; en
- (iii) sy meerdere bydraes;
- (b) indien bedoelde lid nie minder as tien jaar pensioengewende diens gehad het nie, 'n gratifikasie betaal wat gebaseer word op die jaarlikse gemiddelde van sy pensioengewende verdienste gedurende die laaste sewe jaar van sy pensioengewende diens en wat bereken word—
- (i) in die geval van 'n manlike lid, volgens die skaal van 10.75 persent van bedoelde gemiddelde ten opsigte van elke jaar van pensioengewende diens;
- (ii) in die geval van 'n vroulike lid op wie sub-artikel (1) van artikel *ses-en-twintig* van toepassing is, volgens die skaal van 11.25 persent van bedoelde gemiddelde ten opsigte van elke jaar van pensioengewende diens;
- (iii) in die geval van 'n vroulike lid op wie sub-artikel (2) van daardie artikel van toepassing is, volgens die skaal van 11.95 persent van bedoelde gemiddelde ten opsigte van elke jaar van pensioengewende diens.”

8. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig deur in die omskrywing van „pensioenleef tyd” na die uitdrukking „(1)” die uitdrukking „of (2)” in te voeg.

Wysiging van artikel 31 van Wet 58 van 1955, soos gewysig deur artikel 19 van Wet 67 van 1959.

9. Artikel *drie-en-dertig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 33 van Wet 58 van 1955, soos gewysig deur artikel 20 van Wet 67 van 1959.

- (a) deur in sub-artikel (1) die woorde „en sub-artikel (2) van hierdie artikel” te skrap;
- (b) deur sub-artikel (2) te skrap.

Substitution of
section 35 of Act
58 of 1955.

10. (1) The following section is hereby substituted for section *thirty-five* of the principal Act:

"Ages for
retirement.

35. (1) Subject to the provisions of sub-sections (4) and (5), a person who becomes a member on or after the date of commencement of section *ten* of the Pension Laws Amendment Act, 1963, shall have the right to retire on pension on attaining the age prescribed under the Defence Act, 1957 (Act No. 44 of 1957), as the age for his retirement on pension, and shall be retired on pension on attaining that age: Provided that no age under forty-five years or over sixty years shall be so prescribed.

(2) Subject to the succeeding sub-sections of this section a member who has been a member continuously with effect from a date prior to the date of commencement aforesaid, shall have the right to retire on pension and shall be retired on pension—

(a) in the case of a member who is an officer of the general duties branch of the permanent force, on attaining the age of—

- (i) forty-seven years if he is a field-cornet and was born on or after the first day of January, 1918, but before the first day of January, 1920;
- (ii) forty-nine years if he is a field-cornet and was born on or after the first day of January, 1920, but before the first day of January, 1922;
- (iii) fifty-one years if he is a field-cornet and was born on or after the first day of January, 1922;
- (iv) forty-eight years if he is a captain and was born on or after the first day of January, 1917, but before the first day of January, 1919;
- (v) fifty years if he is a captain and was born on or after the first day of January, 1919, but before the first day of January, 1921;
- (vi) fifty-one years if he is a captain and was born on or after the first day of January, 1921;
- (vii) fifty-two years if he is a major and was born on or after the first day of January, 1913, but before the first day of January, 1915;
- (viii) fifty-four years if he is a major and was born on or after the first day of January, 1915, but before the first day of January, 1917;
- (ix) fifty-five years if he is a major and was born on or after the first day of January, 1917;
- (x) fifty-six years if he is a commandant and was born on or after the first day of January, 1909, but before the first day of January, 1911;
- (xi) fifty-eight years if he is a commandant and was born on or after the first day of January, 1911, but before the first day of January, 1913;
- (xii) sixty years if he is a commandant and was born on or after the first day of January, 1913;

(b) in the case of a member who is a private or lance corporal in the permanent force but who is not an artisan or artificer, on attaining the age of—

- (i) fifty-two years if he was born on or after the first day of January, 1913, but before the first day of January, 1915;
- (ii) fifty-four years if he was born on or after the first day of January, 1915, but before the first day of January, 1917;
- (iii) fifty-five years if he was born on or after the first day of January, 1917;

(c) in the case of a member to whom paragraph (a) or (b) does not apply, on attaining the age of—

10. (1) Artikel vyf-en-dertig van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 35 van Wet 58 van 1955.

„Leeftyd vir uitdienstreding.

35. (1) Behoudens die bepalings van sub-artikels (4) en (5), het iemand wat op of na die datum van inwerkingtreding van artikel tien van die Wysigingswet op die Pensioenwette, 1963, lid word, die reg om met pensioen af te tree wanneer hy die leeftyd bereik wat ingevolge die Verdedigingswet, 1957 (Wet No. 44 van 1957), as die leeftyd vir sy uitdienstreding met pensioen voorgeskryf word, en moet hy, wanneer hy daardie leeftyd bereik, met pensioen afgedank word: Met dien verstande dat geen leeftyd onder vyf-en-veertig jaar of bo sestig jaar aldus voorgeskryf word nie.

(2) Behoudens die hieropvolgende sub-artikels van hierdie artikel het 'n lid wat sonder onderbreking met ingang van 'n datum voor die datum van inwerkingtreding voormeld lid was, die reg om met pensioen af te tree en moet hy met pensioen afgedank word—

(a) in die geval van 'n lid wat 'n offisier van die algemene diensvertakking van die staande mag is, wanneer hy die leeftyd bereik van—

- (i) sewe-en-veertig jaar indien hy 'n veldkornet is en op of na die eerste dag van Januarie 1918 maar voor die eerste dag van Januarie 1920 gebore is;
- (ii) nege-en-veertig jaar indien hy 'n veldkornet is en op of na die eerste dag van Januarie 1920 maar voor die eerste dag van Januarie 1922 gebore is;
- (iii) een-en-vyftig jaar indien hy 'n veldkornet is en op of na die eerste dag van Januarie 1922 gebore is;
- (iv) agt-en-veertig jaar indien hy 'n kaptein is en op of na die eerste dag van Januarie 1917 maar voor die eerste dag van Januarie 1919 gebore is;
- (v) vyftig jaar indien hy 'n kaptein is en op of na die eerste dag van Januarie 1919 maar voor die eerste dag van Januarie 1921 gebore is;
- (vi) een-en-vyftig jaar indien hy 'n kaptein is en op of na die eerste dag van Januarie 1921 gebore is;
- (vii) twee-en-vyftig jaar indien hy 'n majoor is en op of na die eerste dag van Januarie 1913 maar voor die eerste dag van Januarie 1915 gebore is;
- (viii) vier-en-vyftig jaar indien hy 'n majoor is en op of na die eerste dag van Januarie 1915 maar voor die eerste dag van Januarie 1917 gebore is;
- (ix) vyf-en-vyftig jaar indien hy 'n majoor is en op of na die eerste dag van Januarie 1917 gebore is;
- (x) ses-en-vyftig jaar indien hy 'n kommandant is en op of na die eerste dag van Januarie 1909 maar voor die eerste dag van Januarie 1911 gebore is;
- (xi) agt-en-vyftig jaar indien hy 'n kommandant is en op of na die eerste dag van Januarie 1911 maar voor die eerste dag van Januarie 1913 gebore is;
- (xii) sestig jaar indien hy 'n kommandant is en op of na die eerste dag van Januarie 1913 gebore is;

(b) in die geval van 'n lid wat 'n weerman of onderkorporaal in die staande mag is maar wat nie 'n ambags- of vakman is nie, wanneer hy die leeftyd bereik van—

- (i) twee-en-vyftig jaar indien hy op of na die eerste dag van Januarie 1913 maar voor die eerste dag van Januarie 1915 gebore is;
- (ii) vier-en-vyftig jaar indien hy op of na die eerste dag van Januarie 1915 maar voor die eerste dag van Januarie 1917 gebore is;
- (iii) vyf-en-vyftig jaar indien hy op of na die eerste dag van Januarie 1917 gebore is;

(c) in die geval van 'n lid op wie paragraaf (a) of (b) nie van toepassing is nie, wanneer hy die leeftyd bereik van—

- (i) fifty-seven years if he was born on or after the first day of January, 1908, but before the first day of January, 1910;
- (ii) fifty-nine years if he was born on or after the first day of January, 1910, but before the first day of January, 1912;
- (iii) sixty years if he was born on or after the first day of January, 1912:

Provided that the State President may from time to time by proclamation in the *Gazette* substitute for any age referred to in this sub-section a higher age not exceeding sixty years.

(3) A member to whom sub-section (2) applies shall have the right to give notification as prescribed under the Defence Act, 1957 (Act No. 44 of 1957), of his wish to be retired on pension on the date of or a specified date after attaining the age at which, but for the substitution of this section by section *ten* of the Pension Laws Amendment Act, 1963, he would have had the right to retire on pension and would have had to be retired on pension, and if he gives such notification he shall be retired on the said date, provided such date is earlier than the date on which he shall have the right to retire on pension and shall be retired on pension in terms of sub-section (2): Provided that a member who attains the said age on or within three months after the commencement of the said section *ten*, may at any time in lieu of the notification aforesaid give notification in writing to his commanding officer of his wish to be retired on pension on attaining the said age.

(4) If the Minister of Defence considers it to be in the interest of the permanent force to retain a member in the permanent force beyond the age at which in accordance with sub-section (1) or (2), he shall be retired on pension, such member may with his consent be so retained from time to time for further periods which shall not exceed in the aggregate five years.

(5) Notwithstanding anything contained in this section or the Defence Act, 1957 (Act No. 44 of 1957), a member who has attained the age of forty-five years may be retired on pension."

(2) The amendments effected by sub-section (1) shall not apply in relation to any person who, prior to the first day of January, 1963, was retained in his office or post beyond the age at which he had the right to retire on pension and had to be retired on pension under the laws in force when he was so retained.

Amendment of
section 36 of Act
58 of 1955.

11. Section *thirty-six* of the principal Act is hereby amended—

(a) by the substitution in the proviso to sub-section (1) for the words "the age limit for retirement prescribed under paragraph (e) of sub-section (1) of section *one hundred and sixteen* of the South Africa Defence Act, 1912 (Act No. 13 of 1912)," of the words "his pensionable age";

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

"(3) If a member, other than a member to whom an annuity is granted in terms of section *sixty-two*, is discharged from the permanent force on account of medical unfitness not occasioned without his own default, he shall receive from the fund an amount equal to his own contributions together with four per cent of the said amount in respect of each completed year of pensionable service in excess of ten years, and shall further be paid an amount equal to his excess contributions."

Amendment of
section 37 of Act
58 of 1955.

12. Section *thirty-seven* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "the age limit for retirement prescribed under paragraph (e) of sub-section (1) of section *one hundred and sixteen* of the South Africa Defence Act, 1912 (Act No. 13 of 1912)," of the words "his pensionable age".

- (i) sewe-en-vyftig jaar indien hy op of na die eerste dag van Januarie 1908 maar voor die eerste dag van Januarie 1910 gebore is;
- (ii) nege-en-vyftig jaar indien hy op of na die eerste dag van Januarie 1910 maar voor die eerste dag van Januarie 1912 gebore is;
- (iii) sestig jaar indien hy op of na die eerste dag van Januarie 1912 gebore is:

Met dien verstande dat die Staatspresident van tyd tot tyd by proklamasie in die *Staatskoerant* enige in hierdie sub-artikel bedoelde leeftyd deur 'n hoër leeftyd van hoogstens sestig jaar kan vervang.

(3) 'n Lid op wie sub-artikel (2) van toepassing is, het die reg om soos ingevolge die Verdedigingswet, 1957 (Wet No. 44 van 1957), voorgeskryf, kennis te gee van sy begeerte om met pensioen af te tree op die datum waarop of 'n bepaalde datum nadat hy die leeftyd bereik waarop hy, indien hierdie artikel nie deur artikel *tien* van die Wysigingswet op die Pensioenwette, 1963, vervang was nie, die reg sou gehad het om met pensioen af te tree en met pensioen afgedank sou moes word, en indien hy aldus kennis gee, moet hy op bedoelde datum afgedank word, mits bedoelde datum vroeër is as die datum waarop hy ingevolge sub-artikel (2) die reg het om met pensioen af te tree en met pensioen afgedank moet word: Met dien verstande dat 'n lid wat bedoelde leeftyd bereik op of binne drie maande na die inwerkingtreding van bedoelde artikel *tien*, te eniger tyd in plaas van die kennisgewing voormeld aan sy bevelvoerende offisier skriftelike kennis kan gee van sy begeerte om met pensioen af te tree wanneer hy bedoelde leeftyd bereik.

(4) Indien die Minister van Verdediging dit in die belang van die staande mag ag om 'n lid in die staande mag aan te hou bo die leeftyd waarop hy ooreenkomstig sub-artikel (1) of (2) met pensioen afgedank moet word, kan daardie lid van tyd tot tyd met sy toestemming aldus aangehou word vir verdere tydperke wat in die geheel vyf jaar nie te bowe gaan nie.

(5) Ondanks die bepalinge van hierdie artikel of die Verdedigingswet, 1957 (Wet No. 44 van 1957), kan 'n lid wat die leeftyd van vyf-en-veertig jaar bereik het, met pensioen afgedank word."

(2) Die wysigings deur sub-artikel (1) aangebring, is nie van toepassing nie met betrekking tot iemand wat voor die eerste dag van Januarie 1963 in sy betrekking of pos aangehou was bo die leeftyd waarop hy die reg gehad het om met pensioen af te tree en met pensioen afgedank moes word ingevolge die wetsbepalinge van krag toe hy aldus aangehou was.

11. Artikel *ses-en-dertig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 36 van Wet 58 van 1955.

(a) deur in die voorbehoudsbepaling by sub-artikel (1) die woorde „die kragtens paragraaf (e) van sub-artikel (1) van artikel *honderd-en-sestien* van die „Zuid-Afrika Verdedigings Wet, 1912" (Wet No. 13 van 1912), voorgeskrewe leeftydgrens vir afdanking" deur die woorde „sy pensioenleeftyd" te vervang;

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

„(3) Indien 'n ander lid as 'n lid aan wie 'n jaargeld ingevolge artikel *twee-en-sestig* toegeken word, weens mediese ongeskiktheid wat nie sonder sy eie toedoen veroorsaak is nie, uit die staande mag ontslaan word, ontvang hy uit die fonds 'n bedrag gelyk aan sy eie bydraes tesame met vier persent van bedoelde bedrag ten opsigte van elke voltooide jaar van pensioengewende diens bo tien jaar, en bowendien word 'n bedrag gelyk aan sy meerdere bydraes aan hom betaal."

12. Artikel *sewe-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „die kragtens paragraaf (e) van sub-artikel (1) van artikel *honderd-en-sestien* van die „Zuid-Afrika Verdedigings Wet, 1912" (Wet No. 13 van 1912), voorgeskrewe leeftydgrens vir afdanking" deur die woorde „sy pensioenleeftyd" te vervang.

Wysiging van artikel 37 van Wet 58 van 1955.

Amendment of section 38 of Act 58 of 1955, as amended by section 22 of Act 67 of 1959

13. Section *thirty-eight* of the principal Act is hereby amended by the insertion in sub-section (1) after the words "pensionable age" of the words "otherwise than under the provisions of sub-section (3) of section *thirty-five*,".

Amendment of section 39 of Act 58 of 1955.

14. Section *thirty-nine* of the principal Act is hereby amended by the deletion in paragraph (c) of sub-section (1) of the expression "of sub-section (1)".

Amendment of section 47 of Act 58 of 1955.

15. Section *forty-seven* of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-section:

"(3) If a member, other than a member to whom an annuity is granted in terms of section *sixty-two*, is discharged from the police force or prisons service on account of medical unfitness not occasioned without his own default, he shall receive from the fund an amount equal to his own contributions together with four per cent of the said amount in respect of each completed year of pensionable service in excess of ten years, and he shall further be paid an amount equal to his excess contributions: Provided that the amount payable to a member to whom sub-section (2) of section *forty-six* applies and who has had not less than fourteen years of pensionable service, shall not be less than an amount equal to—

- (a) his own contributions together with ten per cent thereof in respect of each completed year of pensionable service in excess of thirteen years; and
- (b) his excess contributions."

Amendment of section 50 of Act 58 of 1955.

16. Section *fifty* of the principal Act is hereby amended by the substitution for paragraphs (b) and (c) of sub-section (1) of the following paragraph:

"(b) if such member has had not less than ten years pensionable service, a gratuity which shall be based on the annual average of his pensionable emoluments for the last seven years of his pensionable service and which shall be calculated, in the case of a male member, at the rate of 12.57 per cent and, in the case of a female member, at the rate of 13.07 per cent of the said average in respect of each year of pensionable service."

Amendment of section 58 of Act 58 of 1955, as amended by section 27 of Act 56 of 1956, section 31 of Act 67 of 1959 and section 4 of Act 61 of 1960.

17. Section *fifty-eight* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

"(2) The period of reckonable service shall be calculated by the year and portion of a year and any portion of a year shall be determined according to the proportion which the number of days in that portion bears to three hundred and sixty-five."

Amendment of section 61 of Act 58 of 1955, as amended by section 4 of Act 38 of 1961 and section 17 of Act 92 of 1962.

18. Section *sixty-one* of the principal Act is hereby amended by the deletion of paragraph (b) of sub-section (5).

Amendment of section 64 of Act 58 of 1955.

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

- (a) by the substitution in paragraph (a) of sub-section (1) for the words "transferred to pensionable employment under the government of a Commonwealth country or of any British colony, possession or protectorate" of the words "on the recommendation of the Commission, transferred to pensionable employment under any other government"; and
- (b) by the deletion in that paragraph of the word "such" where it occurs for the second time.

(2) Notwithstanding the amendment by this section of sub-section (1) of section *sixty-four* of the principal Act, the provisions of that sub-section shall continue to apply in respect of a person who prior to the date of commencement of such amendment was transferred from the public service to pensionable employment under another government, as if the said amendment had not been effected.

13. Artikel *agt-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woord „wat” die woorde „anders as ingevolge die bepalings van sub-artikel (3) van artikel *vyf-en-dertig*” in te voeg. Wysiging van artikel 38 van Wet 58 van 1955, soos gewysig deur artikel 22 van Wet 67 van 1959.
14. Artikel *nege-en-dertig* van die Hoofwet word hierby gewysig deur in paragraaf (c) van sub-artikel (1) die uitdrukking „sub-artikel (1) van” te skrap. Wysiging van artikel 39 van Wet 58 van 1955.
15. Artikel *sewe-en-veertig* van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang: Wysiging van artikel 47 van Wet 58 van 1955.

„(3) Indien ’n ander lid as ’n lid aan wie ingevolge artikel *twee-en-sestig* ’n jaargeld toegeken word, weens mediese ongeskiktheid wat nie sonder sy eie toedoen veroorsaak is nie, uit die polisiemag of gevangenisdiens ontslaan word, ontvang hy uit die fonds ’n bedrag gelyk aan sy eie bydraes tesame met vier persent van daardie bedrag ten opsigte van elke voltooide jaar van sy pensioengewende diens bo tien jaar, en bowendien word ’n bedrag gelyk aan sy meerdere bydraes aan hom betaal: Met dien verstande dat die bedrag betaalbaar aan ’n lid op wie sub-artikel (2) van artikel *ses-en-veertig* van toepassing is en wat minstens veertien jaar pensioengewende diens gehad het, nie minder is nie as ’n bedrag gelyk aan—

(a) sy eie bydraes tesame met tien persent daarvan ten opsigte van elke voltooide jaar van pensioengewende diens bo dertien jaar; en

(b) sy meerdere bydraes.”.
16. Artikel *vyftig* van die Hoofwet word hierby gewysig deur paragraawe (b) en (c) van sub-artikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 50 van Wet 58 van 1955.

„(b) indien bedoelde lid nie minder as tien jaar pensioengewende diens gehad het nie, ’n gratifikasie betaal wat gebaseer word op die jaarlikse gemiddelde van sy pensioengewende verdienste gedurende die laaste sewe jaar van sy pensioengewende diens en wat bereken word, in die geval van ’n manlike lid, volgens die skaal van 12·57 persent en, in die geval van ’n vroulike lid, volgens die skaal van 13·07 persent van bedoelde gemiddelde ten opsigte van elke jaar van pensioengewende diens.”.
17. Artikel *agt-en-vyftig* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang: Wysiging van artikel 58 van Wet 58 van 1955, soos gewysig deur artikel 27 van Wet 56 van 1956, artikel 31 van Wet 67 van 1959 en artikel 4 van Wet 61 van 1960.

„(2) Die tydperk van rekenbare diens word by die jaar en gedeelte van ’n jaar bereken en ’n gedeelte van ’n jaar word bepaal volgens die verhouding waarin die getal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan.”.
18. Artikel *een-en-sestig* van die Hoofwet word hierby gewysig deur paragraaf (b) van sub-artikel (5) te skrap. Wysiging van artikel 61 van Wet 58 van 1955, soos gewysig deur artikel 4 van Wet 38 van 1961 en artikel 17 van Wet 92 van 1962.
19. (1) Artikel *vier-en-sestig* van die Hoofwet word hierby gewysig— Wysiging van artikel 64 van Wet 58 van 1955.

(a) deur in paragraaf (a) van sub-artikel (1) die woorde „na pensioengewende diens by die regering van ’n Statebondsland of van ’n Britse kolonie, besitting of protektoraat” deur die woorde „op aanbeveling van die Kommissie na pensioengewende diens by ’n ander regering” te vervang; en

(b) deur in daardie paragraaf die woord „sodanige” te skrap.

(2) Ondanks die wysiging deur hierdie artikel van sub-artikel (1) van artikel *vier-en-sestig* van die Hoofwet, bly die bepalings van daardie sub-artikel van toepassing ten opsigte van iemand wat voor die datum van inwerkingtreding van bedoelde wysiging van die staatsdiens na pensioengewende diens by ’n ander regering oorgeplaas was, asof bedoelde wysiging nie aangebring was nie.

Insertion of section
65bis in Act 58 of
1955.

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

"Application of section 65 to members seconded to other services. 65bis. (1) The provisions of section *sixty-five* shall *mutatis mutandis* apply in respect of a member of a new fund who by reason of bodily injury or permanent ill-health arising out of and in the course of his employment while seconded to the service of any government, bank, board, institution, body or employer referred to in section *eleven*, is retired or discharged from the public service.

(2) For the purposes of section *twenty-nine* of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), any such member shall be deemed to be a workman in the employ of the Government.

(3) If such member becomes entitled to compensation under the law of any foreign country in respect of such injury or ill-health, the benefits payable to him in terms of this section may be abated to such extent as the Treasury may determine."

Insertion of section
66bis in Act 58 of
1955.

21. The following section is hereby inserted in the principal Act after section *sixty-six*:

"Application of section 66 to dependants of members seconded to other services. 66bis. (1) The provisions of section *sixty-six* shall *mutatis mutandis* apply in respect of the dependants of a member of a new fund who dies as a result of bodily injury or ill-health arising out of and in the course of his employment while seconded to the service of any government, bank, board, institution, body or employer referred to in section *eleven*.

(2) For the purposes of section *twenty-nine* of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), any such member shall be deemed to be a workman in the employ of the Government.

(3) If in respect of the death of such a member his dependants become entitled to compensation under the law of any foreign country, the benefits payable to them in terms of this section may be abated to such extent as the Treasury may determine."

Amendment of
section 67 of Act
58 of 1955, as
amended by sec-
tion 19 of Act 92
of 1962.

22. Section *sixty-seven* of the principal Act is hereby amended by the substitution for the words "*and sixty-six*" of the words "*sixty-five bis, sixty-six and sixty-six bis*".

Amendment of
section 109 of Act
58 of 1955, as
amended by sec-
tion 49 of Act 67
of 1959 and sec-
tion 32 of Act 92
of 1962.

23. Section *one hundred and nine* of the principal Act is hereby amended by the substitution for the definition of "permanent force" of the following definition:

"'permanent force' means the Permanent Force as constituted under the Defence Act, 1957 (Act No. 44 of 1957);".

Amendment of
section 8 of Act 38
of 1962, as amended
by section 43 of
Act 92 of 1962.

24. Section *eight* of the Old Age Pensions Act, 1962, is hereby amended—

(a) by the deletion at the end of paragraph (d) of sub-section (4) of the word "or";

(b) by the addition to paragraph (e) of the said sub-section of the word "or";

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

"(f) any special allowance granted to any person under section *eight bis* of this Act, section *six bis* of the Blind Persons Act, 1962, section *three bis* of the War Veterans' Pensions Act, 1962, or section *eleven bis* of the Disability Grants Act, 1962."

Insertion of section
8bis in Act 38 of
1962.

25. The following section is hereby inserted in the Old Age Pensions Act, 1962, after section *eight*:

"Special allowance. 8bis. (1) If the commissioner considers it to be justified owing to the circumstances of any pensioner, there may be granted to such pensioner a special allowance calculated—

(a) at the rate of thirty rand per annum in the case of a white person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of sixty rand per annum;

20. Die volgende artikel word hierby na artikel *vyf-en-sestig* van die Hoofwet ingevoeg:

Invoeging van artikel 65bis in Wet 58 van 1955.

„Toepassing van artikel 65 op lede tydelik na ander dienste oorgeplaas.

65bis. (1) Die bepalings van artikel *vyf-en-sestig* is *mutatis mutandis* van toepassing ten opsigte van 'n lid van 'n nuwe fonds wat op grond van liggaamlike letsel of blywende slegte gesondheid wat ontstaan uit en in die loop van sy diens terwyl hy tydelik oorgeplaas is na die diens van 'n in artikel *elf* bedoelde regering, bank, raad, inrigting, liggaam of werkgever uit die staatsdiens afgedank of ontslaan word.

(2) By die toepassing van artikel *nege-en-twintig* van die Ongevallewet, 1941 (Wet No. 30 van 1941), word so 'n lid 'n werksman in diens van die Regering geag.

(3) Indien bedoelde lid kragtens 'n wet van 'n vreemde land op vergoeding geregtig word ten opsigte van bedoelde letsel of slegte gesondheid, kan die voordele wat ingevolge hierdie artikel aan hom betaalbaar is, verminder word in die mate wat die Tesourie bepaal.”

21. Die volgende artikel word hierby na artikel *ses-en-sestig* van die Hoofwet ingevoeg:

Invoeging van artikel 66bis in Wet 58 van 1955.

„Toepassing van artikel 66 op afhanklikes van lede tydelik na ander dienste oorgeplaas.

66bis. (1) Die bepalings van artikel *ses-en-sestig* is *mutatis mutandis* van toepassing ten opsigte van die afhanklikes van 'n lid van 'n nuwe fonds wat as gevolg van liggaamlike letsel of blywende slegte gesondheid wat ontstaan uit en in die loop van sy diens terwyl hy tydelik oorgeplaas is na die diens van 'n in artikel *elf* bedoelde regering, bank, raad, inrigting, liggaam of werkgever, te sterwe kom.

(2) By die toepassing van artikel *nege-en-twintig* van die Ongevallewet, 1941 (Wet No. 30 van 1941), word so 'n lid 'n werksman in diens van die Regering geag.

(3) Indien ten opsigte van die dood van so 'n lid sy afhanklikes kragtens 'n wet van 'n vreemde land op vergoeding geregtig word, kan die voordele wat ingevolge hierdie artikel aan hulle betaalbaar is, verminder word in die mate wat die Tesourie bepaal.”

22. Artikel *sewe-en-sestig* van die Hoofwet word hierby gewysig deur die woorde „en *ses-en-sestig*” deur die woorde „*vyf-en-sestig bis*, *ses-en-sestig* en *ses-en-sestig bis*” te vervang.

Wysiging van artikel 67 van Wet 58 van 1955, soos gewysig deur artikel 19 van Wet 92 van 1962.

23. Artikel *honderd-en-nege* van die Hoofwet word hierby gewysig deur die omskrywing van „staande mag” deur die volgende omskrywing te vervang:

Wysiging van artikel 109 van Wet 58 van 1955, soos gewysig deur artikel 49 van Wet 67 van 1959 en artikel 32 van Wet 92 van 1962.

„staande mag” die Staande Mag soos kragtens die Verdedigingswet, 1957 (Wet No. 44 van 1957), saamgestel;”.

24. Artikel *agt* van die Ouderdomspensioenwet, 1962, word hierby gewysig—

Wysiging van artikel 8 van Wet 38 van 1962, soos gewysig deur artikel 43 van Wet 92 van 1962.

(a) deur aan die end van paragraaf (d) van sub-artikel (4) die woord „of” te skrap;

(b) deur by paragraaf (e) van daardie sub-artikel die woord „of” by te voeg;

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

„(f) enige spesiale toelae wat ingevolge artikel *agt bis* van hierdie Wet, artikel *ses bis* van die Wet op Blindes, 1962, artikel *drie bis* van die Wet op Oudstryderspensioene, 1962, of artikel *elf bis* van die Wet op Ongeskiktheidstoelae, 1962, aan iemand toegeken is.”.

25. Die volgende artikel word hierby na artikel *agt* van die Ouderdomspensioenwet, 1962, ingevoeg:

Invoeging van artikel 8bis in Wet 38 van 1962.

„Spesiale toelae.

8bis. (1) Indien die kommissaris dit weens die omstandighede van 'n pensioentrekker geregtig ag, kan daar aan so 'n pensioentrekker 'n spesiale toelae toegeken word, bereken—

(a) teen dertig rand per jaar in die geval van 'n blanke wie se inkomste of middele, volgens die kommissaris se oordeel, hoogstens 'n bedrag bereken teen sestig rand per jaar is;

- (b) at the rate of fifteen rand per annum in the case of a coloured person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of thirty rand per annum;
- (c) at the rate of twelve rand and sixty cents per annum in the case of an Indian whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of twenty-five rand per annum; and
- (d) at the rate of five rand and ten cents per annum in the case of a Bantu person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of ten rand per annum.

(2) For the purposes of sub-section (1) income or means shall not be deemed to include—

- (a) any pension;
- (b) any additional pension, grant, bonus or amount referred to in paragraph (c), (d) or (e) of sub-section (4) of section eight;
- (c) any income or means of such a nature as the commissioner may determine.

(3) An allowance in terms of sub-section (1) shall accrue as from the first day of the month in which, in the opinion of the commissioner, the pensioner concerned became qualified to receive such allowance.

(4) The commissioner may at any time review an allowance granted in terms of sub-section (1) and if he is satisfied—

- (a) that the allowance should be cancelled, he may, with due regard to the circumstances of the case, cancel the allowance with effect from such date, including any past date, as he may determine;
- (b) that any such allowance which has been cancelled should be restored, he may restore the allowance with effect from the first day of the month in which the allowance should, in his opinion, be so restored or have been so restored.

(5) When a pensioner dies, any allowance granted to him in terms of sub-section (1) may, notwithstanding anything to the contrary contained in this Act or any other law, be paid to the last day of the month in which he dies.”

Amendment of section 11 of Act 38 of 1962.

26. Section *eleven* of the Old Age Pensions Act, 1962, is hereby amended by the substitution for paragraphs (a) and (b) of sub-section (1) of the following paragraph:

“(a) that a pension should be cancelled, reduced or increased he may, with due regard to the circumstances of each case—

- (i) cancel the pension; or
- (ii) reduce or increase the pension in conformity with the provisions of section *eight*, with effect from such date, including any past date, as he may determine;”.

Amendment of section 6 of Act 39 of 1962, as amended by section 45 of Act 92 of 1962.

27. Section *six* of the Blind Persons Act, 1962, is hereby amended—

- (a) by the deletion at the end of paragraph (e) of sub-section (4) of the word “or”;
- (b) by the addition to paragraph (f) of the said sub-section of the word “or”;
- (c) by the addition to the said sub-section of the following paragraph:

“(g) any special allowance granted to any person under section *six bis* of this Act, section *eight bis* of the Old Age Pensions Act, 1962, section *three bis* of the War Veterans’ Pensions Act, 1962, or section *eleven bis* of the Disability Grants Act, 1962.”.

Insertion of section *6bis* in Act 39 of 1962.

28. The following section is hereby inserted in the Blind Persons Act, 1962, after section *six*:

“Special allowance. *6bis.* (1) If the commissioner considers it to be justified owing to the circumstances of any pensioner, there may be granted to such pensioner a special allowance calculated—

- (b) teen vyftien rand per jaar in die geval van 'n kleurling wie se inkomste of middele, volgens die kommissaris se oordeel, hoogstens 'n bedrag bereken teen dertig rand per jaar is;
- (c) teen twaalf rand en sestig sent per jaar in die geval van 'n Indiër wie se inkomste of middele, volgens die kommissaris se oordeel, hoogstens 'n bedrag bereken teen vyf-en-twintig rand per jaar is; en
- (d) teen vyf rand en tien sent per jaar in die geval van 'n Bantoepersoon wie se inkomste of middele, volgens die kommissaris se oordeel, hoogstens 'n bedrag bereken teen tien rand per jaar is.

(2) By die toepassing van sub-artikel (1) word inkomste of middele nie geag in te sluit nie—

- (a) 'n pensioen;
- (b) enige in paragraaf (c), (d) of (e) van sub-artikel (4) van artikel *agt* bedoelde bykomende pensioen, toelae, bonus of bedrag;
- (c) enige inkomste of middele van 'n aard wat die kommissaris bepaal.

(3) 'n Toelae ingevolge sub-artikel (1) val toe vanaf die eerste dag van die maand waarin die betrokke pensioentrekker, volgens die kommissaris se oordeel, aan die vereistes om die toelae te ontvang, voldoen het.

(4) Die kommissaris kan 'n toelae ingevolge sub-artikel (1) toegeken te eniger tyd hersien, en as hy oortuig is—

- (a) dat die toelae ingetrek behoort te word, kan hy, met behoorlike inagneming van die omstandighede van die geval, die toelae intrek met ingang van die datum, met inbegrip van 'n datum in die verlede, wat hy bepaal;
- (b) dat so 'n toelae wat ingetrek is, herstel behoort te word, kan hy die toelae herstel met ingang van die eerste dag van die maand waarin die toelae, volgens sy oordeel, aldus herstel behoort te word of moes gewees het.

(5) Wanneer 'n pensioentrekker te sterwe kom, kan enige toelae wat ingevolge sub-artikel (1) aan hom toegeken is, ondanks andersluidende bepalings van hierdie Wet of ander wetsbepalings, betaal word tot die laaste dag van die maand waarin hy te sterwe kom.”.

26. Artikel *elf* van die Ouderdomspensioenwet, 1962, word hierby gewysig deur paragrawe (a) en (b) van sub-artikel (1) deur die volgende paragraaf te vervang:

Wysiging van artikel 11 van Wet 38 van 1962.

- „(a) dat 'n pensioen ingetrek, verminder of verhoog behoort te word, kan hy, met behoorlike inagneming van die omstandighede van elke geval—
- (i) die pensioen intrek; of
- (ii) die pensioen in ooreenstemming met die bepalings van artikel *agt* verminder of verhoog, met ingang van die datum, met inbegrip van 'n datum in die verlede, wat hy bepaal;”.

27. Artikel *ses* van die Wet op Blindes, 1962, word hierby gewysig—

Wysiging van artikel 6 van Wet 39 van 1962, soos gewysig deur artikel 45 van Wet 92 van 1962.

- (a) deur aan die end van paragraaf (e) van sub-artikel (4) die woord „of” te skrap;
- (b) deur by paragraaf (f) van genoemde sub-artikel die woord „of” by te voeg;
- (c) deur by genoemde sub-artikel die volgende paragraaf by te voeg:
- „(g) enige spesiale toelae wat ingevolge artikel *ses bis* van hierdie Wet, artikel *agt bis* van die Ouderdomspensioenwet, 1962, artikel *drie bis* van die Wet op Oudstryderspensioene, 1962, of artikel *elf bis* van die Wet op Ongeskiktheidstoelae, 1962, aan iemand toegeken is.”.

28. Die volgende artikel word hierby na artikel *ses* van die Wet op Blindes, 1962, ingevoeg:

Invoeging van artikel 6bis in Wet 39 van 1962.

„Spesiale toelae.

6bis. (1) Indien die kommissaris dit weens die omstandighede van 'n pensioentrekker geregverdig ag, kan daar aan so 'n pensioentrekker 'n spesiale toelae toegeken word, bereken—

- (a) at the rate of thirty rand per annum in the case of a white person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of sixty rand per annum;
- (b) at the rate of fifteen rand per annum in the case of a coloured person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of thirty rand per annum;
- (c) at the rate of twelve rand and sixty cents per annum in the case of an Indian whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of twenty-five rand per annum; and
- (d) at the rate of five rand and ten cents per annum in the case of a Bantu person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of ten rand per annum.

(2) For the purposes of sub-section (1) income or means shall not be deemed to include—

- (a) any pension;
- (b) any additional pension, grant, bonus or amount referred to in paragraph (c), (d) or (e) of sub-section (4) of section six;
- (c) any income or means of such a nature as the commissioner may determine.

(3) An allowance in terms of sub-section (1) shall accrue as from the first day of the month in which, in the opinion of the commissioner, the pensioner concerned became qualified to receive such allowance.

(4) The commissioner may at any time review an allowance granted in terms of sub-section (1) and if he is satisfied—

- (a) that the allowance should be cancelled, he may, with due regard to the circumstances of the case, cancel the allowance with effect from such date, including any past date, as he may determine;
- (b) that any such allowance which has been cancelled should be restored, he may restore the allowance with effect from the first day of the month in which the allowance should, in his opinion, be so restored or have been so restored.

(5) When a pensioner dies, any allowance granted to him in terms of sub-section (1) may, notwithstanding anything to the contrary contained in this Act or any other law, be paid to the last day of the month in which he dies.”

Amendment of section 3 of Act 40 of 1962.

29. Section *three* of the War Veterans' Pensions Act, 1962, is hereby amended by the insertion in sub-section (5) after the expression “sub-section (3)” where it occurs for the first time of the words “or any special allowance granted under section *three bis*”.

Insertion of section *3bis* in Act 40 of 1962.

30. The following section is hereby inserted in the War Veterans' Pensions Act, 1962, after section *three*:

“Special allowance.

3bis. (1) If the commissioner considers it to be justified owing to the circumstances of any war veteran to whom a veteran's pension has been granted, there may be granted to such war veteran a special allowance calculated—

- (a) at the rate of thirty rand per annum in the case of a European whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of sixty rand per annum;
- (b) at the rate of fifteen rand per annum in the case of a coloured person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of thirty rand per annum; and
- (c) at the rate of twelve rand and sixty cents per annum in the case of an Indian whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of twenty-five rand per annum.

- (a) teen dertig rand per jaar in die geval van 'n blanke wie se inkomste of middele, volgens die kommissaris se oordeel, hoogstens 'n bedrag bereken teen sestig rand per jaar is;
 - (b) teen vyftien rand per jaar in die geval van 'n kleurling wie se inkomste of middele, volgens die kommissaris se oordeel, hoogstens 'n bedrag bereken teen dertig rand per jaar is;
 - (c) teen twaalf rand en sestig sent per jaar in die geval van 'n Indiër wie se inkomste of middele, volgens die kommissaris se oordeel, hoogstens 'n bedrag bereken teen vyf-en-twintig rand per jaar is; en
 - (d) teen vyf rand en tien sent per jaar in die geval van 'n Bantoe persoon wie se inkomste of middele, volgens die kommissaris se oordeel, hoogstens 'n bedrag bereken teen tien rand per jaar is.
- (2) By die toepassing van sub-artikel (1) word inkomste of middele nie geag in te sluit nie—
- (a) 'n pensioen;
 - (b) enige in paragraaf (c), (d) of (e) van sub-artikel (4) van artikel *ses* bedoelde bykomende pensioen, toelae, bonus of bedrag;
 - (c) enige inkomste of middele van 'n aard wat die kommissaris bepaal.
- (3) 'n Toelae ingevolge sub-artikel (1) val toe vanaf die eerste dag van die maand waarin die betrokke pensioentrekker, volgens die kommissaris se oordeel, aan die vereistes om die toelae te ontvang, voldoen het.
- (4) Die kommissaris kan 'n toelae ingevolge sub-artikel (1) toegeken te eniger tyd hersien, en as hy oortuig is—
- (a) dat die toelae ingetrek behoort te word, kan hy, met behoorlike inagneming van die omstandighede van die geval, die toelae intrek met ingang van die datum, met inbegrip van 'n datum in die verlede, wat hy bepaal;
 - (b) dat so 'n toelae wat ingetrek is, herstel behoort te word, kan hy die toelae herstel met ingang van die eerste dag van die maand waarin die toelae, volgens sy oordeel, aldus herstel behoort te word of moes gewees het.
- (5) Wanneer 'n pensioentrekker te sterwe kom, kan enige toelae wat ingevolge sub-artikel (1) aan hom toegeken is, ondanks andersluidende bepalings van hierdie Wet of ander wetsbepalings, betaal word tot die laaste dag van die maand waarin hy te sterwe kom."

29. Artikel *drie* van die Wet op Oudstryderspensioene, 1962, word hierby gewysig deur in sub-artikel (5) na die woorde „verhoog word" die woorde „of 'n spesiale toelae wat ingevolge artikel *drie bis* toegeken is" in te voeg.

Wysiging van artikel 3 van Wet 40 van 1962.

30. Die volgende artikel word hierby na artikel *drie* van die Wet op Oudstryderspensioene, 1962, ingevoeg:

Invoeging van artikel 3*bis* in Wet 40 van 1962.

„Spesiale toelae.

3*bis*. (1) Indien die kommissaris dit geregverdig ag weens die omstandighede van 'n oudstryder aan wie 'n oudstryderspensioen toegeken is, kan daar aan so 'n oudstryder 'n spesiale toelae toegeken word, bereken—

- (a) teen dertig rand per jaar in die geval van 'n blanke wie se inkomste of middele, volgens die kommissaris se oordeel, hoogstens 'n bedrag bereken teen sestig rand per jaar is;
- (b) teen vyftien rand per jaar in die geval van 'n kleurling wie se inkomste of middele, volgens die kommissaris se oordeel, hoogstens 'n bedrag bereken teen dertig rand per jaar is; en
- (c) teen twaalf rand en sestig sent per jaar in die geval van 'n Indiër wie se inkomste of middele, volgens die kommissaris se oordeel, hoogstens 'n bedrag bereken teen vyf-en-twintig rand per jaar is.

(2) For the purposes of sub-section (1) income or means shall not be deemed to include—

- (a) any veteran's pension;
- (b) any additional pension, grant, bonus or amount referred to in paragraph (c), (d) or (e) of sub-section (4) of section *eight* of the Old Age Pensions Act, 1962 (Act No. 38 of 1962), as applied by section *four* of this Act;
- (c) any income or means of such a nature as the commissioner may determine.

(3) An allowance in terms of sub-section (1) shall accrue as from the first day of the month in which, in the opinion of the commissioner, the war veteran concerned became qualified to receive such allowance.

(4) The commissioner may at any time review an allowance granted in terms of sub-section (1) and if he is satisfied—

- (a) that the allowance should be cancelled he may, with due regard to the circumstances of the case, cancel the allowance with effect from such date, including any past date, as he may determine;
- (b) that any such allowance which has been cancelled should be restored, he may restore the allowance with effect from the first day of the month in which the allowance should, in his opinion, be so restored or have been so restored.

(5) When a war veteran dies, any allowance granted to him in terms of sub-section (1) may, notwithstanding anything to the contrary contained in this Act or any other law, be paid to the last day of the month in which he dies.”.

Amendment of section 11 of Act 41 of 1962, as amended by section 47 of Act 92 of 1962.

31. Section *eleven* of the Disability Grants Act, 1962, is hereby amended—

- (a) by the deletion at the end of paragraph (b) of sub-section (4) of the word “or”;
- (b) by the addition to paragraph (c) of the said sub-section of the word “or”;
- (c) by the addition to the said sub-section of the following paragraph:
“(d) any special allowance granted to any person in terms of section *eleven bis* of this Act, section *eight bis* of the Old Age Pensions Act, 1962, section *six bis* of the Blind Persons Act, 1962, or section *three bis* of the War Veterans' Pensions Act, 1962.”.

Insertion of section 11*bis* in Act 41 of 1962.

32. The following section is hereby inserted in the Disability Grants Act, 1962, after section *eleven*:

“Special allowance.

11*bis*. (1) If the commissioner considers it to be justified owing to the circumstances of any grantee, there may be paid to such grantee a special allowance calculated—

- (a) at the rate of thirty rand per annum in the case of a white person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of sixty rand per annum;
- (b) at the rate of fifteen rand per annum in the case of a coloured person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of thirty rand per annum;
- (c) at the rate of twelve rand and sixty cents per annum in the case of an Indian whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of twenty-five rand per annum; and
- (d) at the rate of five rand and ten cents per annum in the case of a Bantu person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of ten rand per annum.

(2) For the purposes of sub-section (1) income or means shall not be deemed to include—

- (a) any grant under this Act;
- (b) any additional grant, pension, bonus or amount referred to in paragraph (b) or (c) of sub-section (4) of section *eleven*;

(2) By die toepassing van sub-artikel (1) word inkomste of middele nie geag in te sluit nie—

- (a) 'n oudstryderspensioen;
- (b) enige in paragraaf (c), (d) of (e) van sub-artikel (4) van artikel *agt* van die Ouderdomspensioenwet, 1962 (Wet No. 38 van 1962), soos toegepas deur artikel *vier* van hierdie Wet, bedoelde bykomende pensioen, toelae, bonus of bedrag;
- (c) enige inkomste of middele van 'n aard wat die kommissaris bepaal.

(3) 'n Toelae ingevolge sub-artikel (1) val toe vanaf die eerste dag van die maand waarin die betrokke oudstryder, volgens die kommissaris se oordeel, aan die vereistes om die toelae te ontvang, voldoen het.

(4) Die kommissaris kan 'n toelae ingevolge sub-artikel (1) toegeken te eniger tyd hersien, en as hy oortuig is—

- (a) dat die toelae ingetrek behoort te word, kan hy, met behoorlike inagneming van die omstandighede van die geval, die toelae intrek met ingang van die datum, met inbegrip van 'n datum in die verlede, wat hy bepaal;
- (b) dat so 'n toelae wat ingetrek is, herstel behoort te word, kan hy die toelae herstel met ingang van die eerste dag van die maand waarin die toelae, volgens sy oordeel, aldus herstel behoort te word of moes gewees het.

(5) Wanneer 'n oudstryder te sterwe kom, kan enige toelae wat ingevolge sub-artikel (1) aan hom toegeken is, ondanks andersluidende bepalings van hierdie Wet of ander wetsbepalings, betaal word tot die laaste dag van die maand waarin hy te sterwe kom.”

31. Artikel *elf* van die Wet op Ongeskiktheidstoelaes, 1962, word hierby gewysig—

Wysiging van artikel 11 van Wet 41 van 1962, soos gewysig deur artikel 47 van Wet 92 van 1962.

- (a) deur aan die end van paragraaf (b) van sub-artikel (4) die woord „of” te skrap;
- (b) deur by paragraaf (c) van genoemde sub-artikel die woord „of” by te voeg;
- (c) deur by genoemde sub-artikel die volgende paragraaf by te voeg:

“(d) enige spesiale toelae wat ingevolge artikel *elf bis* van hierdie Wet, artikel *agt bis* van die Ouderdomspensioenwet, 1962, artikel *ses bis* van die Wet op Blindes, 1962, of artikel *drie bis* van die Wet op Oudstryderspensioene, 1962, aan iemand toegeken is.”.

32. Die volgende artikel word hierby na artikel *elf* van die Wet op Ongeskiktheidstoelaes, 1962, ingevoeg:

Invoeging van artikel 11*bis* in Wet 41 van 1962.

„Spesiale toelae.

11*bis*. (1) Indien die kommissaris dit weens die omstandighede van 'n begiftigde geregverdig ag, kan daar aan so 'n begiftigde 'n spesiale toelae betaal word, bereken—

- (a) teen dertig rand per jaar in die geval van 'n blanke wie se inkomste of middele, volgens die kommissaris se oordeel, hoogstens 'n bedrag bereken teen sestig rand per jaar is;
- (b) teen vyftien rand per jaar in die geval van 'n kleurling wie se inkomste of middele, volgens die kommissaris se oordeel, hoogstens 'n bedrag bereken teen dertig rand per jaar is;
- (c) teen twaalf rand en sestig sent per jaar in die geval van 'n Indiër wie se inkomste of middele, volgens die kommissaris se oordeel, hoogstens 'n bedrag bereken teen vyf-en-twintig rand per jaar is; en
- (d) teen vyf rand en tien sent per jaar in die geval van 'n Bantoe persoon wie se inkomste of middele, volgens die kommissaris se oordeel, hoogstens 'n bedrag bereken teen tien rand per jaar is.

(2) By die toepassing van sub-artikel (1) word inkomste of middele nie geag in te sluit nie—

- (a) 'n toelae ingevolge hierdie Wet;
- (b) enige in paragraaf (b) of (c) van sub-artikel (4) van artikel *elf* bedoelde bykomende toelae, pensioen, bonus of bedrag;

(c) any income or means of such a nature as the commissioner may determine.

(3) An allowance in terms of sub-section (1) shall accrue as from the first day of the month in which, in the opinion of the commissioner, the grantee concerned became qualified to receive such an allowance.

(4) The commissioner may at any time review an allowance paid in terms of sub-section (1) and if he is satisfied—

(a) that the allowance should be cancelled he may, with due regard to the circumstances of the case, cancel the allowance with effect from such date, including any past date, as he may determine;

(b) that any such allowance which has been cancelled should be restored he may restore the allowance with effect from the first day of the month in which the allowance should in his opinion, be so restored or have been so restored.

(5) When a grantee dies, any allowance awarded to him in terms of sub-section (1) may, notwithstanding anything to the contrary contained in this Act or any other law, be paid to the last day of the month in which he dies.”.

Amendment of section 14 of Act 41 of 1962.

33. Section *fourteen* of the Disability Grants Act, 1962, is hereby amended by the substitution for paragraphs (a) and (b) of sub-section (1) of the following paragraph:

“(a) that a grant should be cancelled, reduced or increased he may, with due regard to the circumstances of each case—

(i) cancel the grant; or

(ii) reduce or increase the grant in conformity with the provisions of section *eleven*, with effect from such date, including any past date, as he may determine;”.

Readmission of certain persons to membership of Government Employees' Provident Fund.

34. (1) Any person who was a contributor to the Government Employees' Provident Fund referred to in section *eighty-four* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), and whose contributions to that fund were discontinued on the grounds that he had become a subsidized employee, may, subject to the provisions of sub-section (2) of section *eighty-five* and sub-section (1) of section *eighty-six* of that Act, and to such conditions as the Secretary for Social Welfare and Pensions may determine, be permitted to again contribute to the said fund as from the date with effect from which his contributions were so discontinued or from such later date as the said Secretary may determine, in respect of his continuous employment under the Government on and after the date in question.

(2) For the purposes of sub-section (1) “subsidized employee” means an employee of the Government in respect of whose employment a subsidy has been paid by the Department of Labour out of moneys appropriated by Parliament for the purpose.

(3) The provisions of this section shall be deemed to have come into operation on the first day of January, 1962, and contributions in terms of sub-section (1) may be permitted in respect of any deceased contributor as if such contributor had applied to make such contributions.

Continuation of payment in whole or in part of certain pensions, grants and bonuses.

35. (1) If any pension or grant payable to any person falls to be cancelled or reduced under paragraph (a) of sub-section (1) of section *eleven* of the Old Age Pensions Act, 1962, or under that paragraph as applied by section *eight* of the Blind Persons Act, 1962, or by section *four* of the War Veterans' Pensions Act, 1962, or under paragraph (a) of sub-section (1) of section *fourteen* of the Disability Grants Act, 1962, by reason of the fact—

(a) that the rate at which any allowance which is referred to in sub-section (2) of section *forty-seven* of the Pension Laws Amendment Act, 1943 (Act No. 33 of 1943), and which such person or his spouse receives, has, in terms of the provisions of the said sub-section (2), been increased with effect from the first day of April, 1963; or

(b) that the rate at which any similar allowance which is payable by the Railway Administration or any

(c) enige inkomste of middele van 'n aard wat die kommissaris bepaal.

(3) 'n Toelae ingevolge sub-artikel (1) val toe vanaf die eerste dag van die maand waarin die betrokke begiftigde, volgens die kommissaris se oordeel, aan die vereistes om die toelae te ontvang, voldoen het.

(4) Die kommissaris kan 'n toelae ingevolge sub-artikel (1) betaal te eniger tyd hersien, en as hy oortuig is—

(a) dat die toelae ingetrek behoort te word, kan hy, met behoorlike inagneming van die omstandighede van die geval, die toelae intrek met ingang van die datum, met inbegrip van 'n datum in die verlede, wat hy bepaal;

(b) dat so 'n toelae wat ingetrek is, herstel behoort te word, kan hy die toelae herstel met ingang van die eerste dag van die maand waarin die toelae, volgens sy oordeel, aldus herstel behoort te word of moes gewees het.

(5) Wanneer 'n begiftigde te sterwe kom, kan enige toelae wat ingevolge sub-artikel (1) aan hom toegeken is, ondanks andersluidende bepalings van hierdie Wet of ander wetsbepalings, betaal word tot die laaste dag van die maand waarin hy te sterwe kom.”.

33. Artikel *veertien* van die Wet op Ongeskiktheidstoelaes, 1962, word hierby gewysig deur paragrafe (a) en (b) van sub-artikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 14 van Wet 41 van 1962.

„(a) dat 'n toelae ingetrek, verminder of verhoog behoort te word, kan hy, met behoorlike inagneming van die omstandighede van elke geval—

(i) die toelae intrek; of

(ii) die toelae in ooreenstemming met die bepalings van artikel *elf* verminder of verhoog, met ingang van die datum, met inbegrip van 'n datum in die verlede, wat hy bepaal;”.

34. (1) Iemand wat 'n bydraer tot die in artikel *vier-en-tagtig* van die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955), bedoelde Regerings-werknemersondersteuningsfonds was, en wie se bydraes tot daardie fonds gestaak was op grond daarvan dat hy 'n gesubsidieerde werknemer geword het, kan, behoudens die bepalings van sub-artikel (2) van artikel *vyf-en-tagtig* en sub-artikel (1) van artikel *ses-en-tagtig* van genoemde Wet, en die voorwaardes wat die Sekretaris van Volkswelsyn en Pensioene bepaal, toegelaat word om met ingang van die datum met ingang waarvan sy bydraes aldus gestaak was of van die latere datum wat bedoelde Sekretaris bepaal, weer tot genoemde fonds by te dra ten opsigte van sy ononderbroke diens by die Regering op en na die betrokke datum. Hertoelating van sekere persone tot lidmaatskap van Regerings-werknemersondersteuningsfonds.

(2) By die toepassing van sub-artikel (1) beteken „gesubsidieerde werknemer” 'n regeringswerknemer ten opsigte van wie se diens 'n subsidie deur die Departement van Arbeid betaal is uit gelde wat deur die Parlement vir die doel bewillig is.

(3) Die bepalings van hierdie artikel word geag op die eerste dag van Januarie 1962 in werking te getree het, en bydraes ingevolge sub-artikel (1) kan ten opsigte van 'n oorlede bydraer toegelaat word asof daardie bydraer aansoek gedoen het om bedoelde bydraes te maak.

35. (1) Indien 'n pensioen of toelae wat aan iemand betaalbaar is, ingevolge paragraaf (a) van sub-artikel (1) van artikel *elf* van die Ouderdomspensioenwet, 1962, of ingevolge daardie paragraaf soos toegepas deur artikel *agt* van die Wet op Blindes, 1962, of deur artikel *vier* van die Wet op Oudstryderspensioene, 1962, of ingevolge paragraaf (a) van sub-artikel (1) van artikel *veertien* van die Wet op Ongeskiktheidstoelaes, 1962, ingetrek of verminder moet word op grond van die feit— Voortsetting van betaling in die geheel of ten dele van sekere pensioene, toelaes en bonusse.

(a) dat die skaal waarvolgens 'n in sub-artikel (2) van artikel *sewe-en-veertig* van die Wysigingswet op die Pensioenwette, 1943 (Wet No. 33 van 1943), bedoelde toelae wat so iemand of sy eggenoot ontvang, met ingang van die eerste dag van April 1963 ingevolge die bepalings van bedoelde sub-artikel (2) verhoog is; of

(b) dat die skaal waarvolgens 'n soortgelyke toelae wat deur die Spoorwegadministrasie of 'n provinsiale admini-

provincial administration and which such person or his spouse receives, has been increased with effect from the first day of April, 1963, payment of the whole or any part of such pension or grant and the additional pension or grant and bonus payable to such person in terms of sub-section (2) of section *eight* of the Old Age Pensions Act, 1962, sub-section (2) of section *six* of the Blind Persons Act, 1962, sub-section (2) of section *eight* of the Old Age Pensions Act, 1962, as applied by section *four* of the War Veterans' Pensions Act, 1962, or sub-section (2) of section *eleven* of the Disability Grants Act, 1962, may nevertheless be continued at such rates and subject to such conditions as the Secretary may from time to time determine.

(2) For the purposes of sub-section (1) "Secretary" means, in so far as that sub-section applies in relation to—

- (a) a white person, the Secretary for Social Welfare and Pensions;
- (b) a coloured person, the Secretary for Coloured Affairs;
- (c) an Indian, the Secretary for Indian Affairs;
- (d) a Bantu person, the Secretary for Bantu Administration and Development.

Application of the provisions of the War Pensions Act, 1942, to and in respect of certain members of the Permanent Force or the South African Police.

36. (1) Subject to the provisions of sub-section (2) the provisions of the War Pensions Act, 1942 (Act No. 44 of 1942), shall *mutatis mutandis* apply to and in respect of—

- (a) a member of the Permanent Force who is suffering from disablement which, in the opinion of the military pensions board to which the matter is referred in terms of the said Act, was caused or aggravated by service in defence of the Republic;
- (b) a member of the South African Police who is suffering from disablement which, in the opinion of the said military pensions board, was caused or aggravated by service in defence of the Republic while employed in terms of section *seven* of the Police Act, 1958 (Act No. 7 of 1958);
- (c) a widow, child, parent or other dependant of a member of the Permanent Force or the South African Police who dies as a result of a wound, injury or disease which, in the opinion of the said military pensions board, was caused or aggravated by such service.

(2) For the purpose of the application of the War Pensions Act, 1942, to and in respect of a member aforesaid "termination of military service" shall mean—

- (a) in the case of a person referred to in paragraph (a) of sub-section (1)—
 - (i) the date on which he ceases to perform service in defence of the Republic; or
 - (ii) if he is discharged or released from the Permanent Force while performing such service, the date of such discharge or release;
- (b) in the case of a person referred to in paragraph (b) of sub-section (1)—
 - (i) the date on which he ceases to be employed in terms of section *seven* of the Police Act, 1958, on service in defence of the Republic; or
 - (ii) if he is discharged or released from the South African Police while so employed, the date of such discharge or release;
- (c) in the case of any such person who dies while performing or employed on service in the defence of the Republic, the date of his death.

(3) (a) Notwithstanding anything to the contrary contained in the definition of "service volunteer" in section *one* of the said War Pensions Act, 1942, any member referred to in paragraph (a) or (b) of sub-section (1) of this section, shall be deemed to be a service volunteer for the purposes of section *twenty-seven* of that Act.

(b) The provisions of sections *sixty-five*, *sixty-six* and *sixty-seven* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), shall not apply to or in respect of such a member or his dependants.

(4) For the purposes of this section any question arising out of the determination—

- (a) whether any member of the Permanent Force was at any particular time performing service in defence of the Republic, or of the date from which he performed such service or on which he ceased to perform such service, shall be referred to the Minister of Defence whose decision shall be final;

strasie betaalbaar is en wat so iemand of sy eggenoot ontvang, met ingang van 1 April 1963 verhoog is, kan betaling in die geheel of ten dele van bedoelde pensioen of toelae en die bykomende pensioen of toelae en bonus wat ingevolge sub-artikel (2) van artikel *agt* van die Ouderdomspensioenwet, 1962, sub-artikel (2) van artikel *ses* van die Wet op Blindes, 1962, sub-artikel (2) van artikel *agt* van die Ouderdomspensioenwet, 1962, soos toegepas deur artikel *vier* van die Wet op Oudstryderspensioene, 1962, of sub-artikel (2) van artikel *elf* van die Wet op Ongeskiktheidstoelae, 1962, aan so iemand betaalbaar is, nietemin voortgesit word en wel teen die skaal en op die voorwaardes wat die Sekretaris van tyd tot tyd bepaal.

(2) By die toepassing van sub-artikel (1) beteken „Sekretaris”, vir sover daardie sub-artikel van toepassing is met betrekking tot—

- (a) 'n blanke, die Sekretaris van Volkswelsyn en Pensioene;
- (b) 'n kleurling, die Sekretaris van Kleurlingsake;
- (c) 'n Indiër, die Sekretaris van Indiërsake;
- (d) 'n Bantoe persoon, die Sekretaris van Bantoe-administrasie en -ontwikkeling.

36. (1) Behoudens die bepalinge van sub-artikel (2) is die bepalinge van die Oorlogspensioenwet, 1942 (Wet No. 44 van 1942), *mutatis mutandis* van toepassing op en ten opsigte van—

Toepassing van die bepalinge van die Oorlogspensioenwet, 1942, op en ten opsigte van sekere lede van die Staande Mag of die Suid-Afrikaanse Polisie.

- (a) 'n lid van die Staande Mag wat aan ongeskiktheid ly wat, volgens die oordeel van die militêre pensioenraad waarna die saak kragtens bedoelde Wet verwys word, deur diens ter verdediging van die Republiek veroorsaak of vererger is;
- (b) 'n lid van die Suid-Afrikaanse Polisie wat aan ongeskiktheid ly wat, volgens die oordeel van bedoelde militêre pensioenraad, deur diens ter verdediging van die Republiek veroorsaak of vererger is terwyl hy ingevolge artikel *sewe* van die Polisiewet, 1958 (Wet No. 7 van 1958), gebruik word;
- (c) 'n weduwee, kind, ouer of ander afhanklike van 'n lid van die Staande Mag of die Suid-Afrikaanse Polisie wat sterf as gevolg van 'n wond, besering of siekte wat volgens die oordeel van bedoelde militêre pensioenraad, deur sodanige diens veroorsaak of vererger is.

(2) By die toepassing van die Oorlogspensioenwet, 1942, op en ten opsigte van 'n voormelde lid, beteken „beëindiging van militêre diens”—

- (a) in die geval van iemand in paragraaf (a) van sub-artikel (1) bedoel—
 - (i) die datum waarop hy ophou om diens ter verdediging van die Republiek te verrig; of
 - (ii) indien hy uit die Staande Mag ontslaan of van diens daarin onthef word terwyl hy aldus diens verrig, die datum van sodanige ontslag of ontheffing;
- (b) in die geval van iemand in paragraaf (b) van sub-artikel (1) bedoel—
 - (i) die datum waarop hy ophou om ingevolge artikel *sewe* van die Polisiewet, 1958, in diens ter verdediging van die Republiek gebruik te word; of
 - (ii) indien hy uit die Suid-Afrikaanse Polisie ontslaan of van diens daarin onthef word terwyl hy aldus gebruik word, die datum van sodanige ontslag of ontheffing;

(c) in die geval van so iemand wat sterf terwyl hy diens ter verdediging van die Republiek verrig of daarin gebruik word, die datum van sy dood.

(3) (a) Ondanks die omskrywing van „diensvrywilliger” in artikel *een* van bedoelde Oorlogspensioenwet, 1942, word 'n in paragraaf (a) of (b) van sub-artikel (1) van hierdie artikel bedoelde lid, by die toepassing van artikel *sewe-en-twintig* van daardie Wet 'n diensvrywilliger geag.

(b) Die bepalinge van artikels *vyf-en-sestig*, *ses-en-sestig* en *sewe-en-sestig* van die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955), is nie op of ten opsigte van so 'n lid of sy afhanklikes van toepassing nie.

(4) By die toepassing van hierdie artikel word enige vraag wat ontstaan uit die bepaling—

- (a) of 'n lid van die Staande Mag op 'n besondere tydstip diens ter verdediging van die Republiek verrig het, of van die datum met ingang waarvan hy aldus diens verrig het of waarop hy opgehou het om aldus diens te verrig, verwys na die Minister van Verdediging, wie se beslissing afdoende is;

(b) whether any member of the South African Police was at any particular time employed in terms of section *seven* of the Police Act, 1958, on service in defence of the Republic, or of the date from which he was so employed or on which he ceased to be so employed, shall be referred to the Minister of Justice whose decision shall be final.

(5) For the purposes of this section the expression "service in defence of the Republic", shall have the meaning assigned thereto in section *one* of the Defence Act, 1957.

Commencement
of certain pro-
visions.

37. (1) The provisions of sections *one, three, eight, nine, and ten*, paragraph (a) of section *eleven* and sections *twelve, thirteen* and *fourteen* shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

(2) The provisions of sections *twenty-four* to *thirty-three*, inclusive, shall be deemed to have come into operation on the first day of April, 1963, in respect of any person who was alive on that date and to whom on or after that date a pension or grant was payable under the Old Age Pensions Act, 1962, the Blind Persons Act, 1962, the War Veterans' Pensions Act, 1962, or the Disability Grants Act, 1962.

Short title.

38. This Act shall be called the Pension Laws Amendment Act, 1963.

(b) of 'n lid van die Suid-Afrikaanse Polisie op 'n besondere tydstip ingevolge artikel *sewe* van die Polisiewet, 1958, in diens ter verdediging van die Republiek gebruik is, of van die datum met ingang waarvan hy aldus gebruik is of waarop hy opgehou het om aldus gebruik te word, verwys na die Minister van Justisie, wie se beslissing afdoende is.

(5) By die toepassing van hierdie artikel het die uitdrukking „diens ter verdediging van die Republiek” die betekenis wat daaraan in artikel *een* van die Verdedigingswet, 1957, toegeskryf word.

37. (1) Die bepalings van artikels *een, drie, agt, nege en tien*, Inwerkingtreding van sekere bepalings.
paragraaf (a) van artikel *elf* en artikels *twaalf, dertien en veertien* tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Die bepalings van artikels *vier-en-twintig* tot en met *drie-en-dertig* word geag op die eerste dag van April 1963 in werking te getree het ten opsigte van iemand wat op daardie datum in lewe was en aan wie op of na daardie datum 'n pensioen of toelae ingevolge die Ouderdomspensioenwet, 1962, die Wet op Blindes, 1962, die Wet op Oudstryderspensioene, 1962, of die Wet op Ongeskiktheidstoelae, 1962, betaalbaar was.

38. Hierdie Wet heet die Wysigingswet op die Pensioenwette, Kort titel. 1963.

No. 96, 1963.]

ACT

To provide for the modification of the Parliamentary Service and Administrators' Pensions Act, 1951, in respect of the application of the provisions thereof in relation to certain persons who have been members of a provincial council or of the Legislative Assembly of the territory of South-West Africa or of an executive committee; to amend the said Act and the Pension Laws Amendment Act, 1962; and to provide for other incidental matters.

(English 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:—

CHAPTER I.

PRELIMINARY.

Definitions.

1. In this Act, unless the context otherwise indicates, the expressions "allowance" and "salary", in relation to a Parliamentary member, have the meanings assigned to them in section *one* of the Pensions Act, and—

- (i) "applicable pensions ordinance", in relation to any person who has been a member of a provincial council or of the Legislative Assembly of the territory of South-West Africa or of an executive committee, means the pensions ordinance to which such person was subject prior to the date on which he became a Parliamentary member; (xii)
- (ii) "executive committee" means an executive committee referred to in section *seventy-six* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or the executive committee referred to in section *two* of the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925); (xiii)
- (iii) "member of an executive committee" does not include an administrator of a province or the territory of South-West Africa; (v)
- (iv) "Parliamentary member" means a member as defined in section *one* of the Pensions Act; (vi)
- (v) "participating member" means a person who has elected in terms of any provision of this Act to be subject to the provisions of Chapter II; (ii)
- (vi) "pensionable service under the applicable pensions ordinance" means pensionable service as defined in the applicable pensions ordinance and includes any period which in terms of such ordinance is deemed to be a period of pensionable service as so defined; (viii)
- (vii) "pensionable service under the Pensions Act" means pensionable service as defined in section *one* of the Pensions Act and includes any period which in terms of sub-section (2) of section *six* of that Act is deemed to be a period of pensionable service as so defined; (vii)
- (viii) "Pensions Act" means the Parliamentary Service and Administrators' Pensions Act, 1951 (Act No. 70 of 1951); (x)
- (ix) "pensions ordinance" means an ordinance made under the powers conferred on a provincial council by the Provincial Powers Extension Act, 1960 (Act No. 42 of 1960), and includes the Legislative Assembly and Executive Committee Members' Pensions Ordinance, 1961 (Ordinance No. 29 of 1961), of South-West Africa; (ix)
- (x) "revenue fund" means the provincial revenue fund of the province concerned or the Territory Revenue Fund established under section *thirty-six* of the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925), as the circumstances may require; (iv)
- (xi) "service" means service as defined in section *one* of the Pensions Act or in the applicable pensions ordinance, as the circumstances may require; (iii)

No. 96, 1963.]

WET

Om voorsiening te maak vir die verandering van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1951, ten opsigte van die toepassing van die bepalings daarvan met betrekking tot sekere persone wat lede van 'n provinsiale raad of van die Wetgewende Vergadering van die gebied Suidwes-Afrika of van 'n uitvoerende komitee was; om die gemelde Wet en die Wysigingswet op die Pensioenwette, 1962, te wysig; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Engelse 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:—

HOOFSTUK I.

INLEIDEND.

1. In hierdie Wet, tensy uit die samehang anders blyk, het die uitdrukkinge „toelae” en „salaris”, met betrekking tot 'n Parlementêre lid, die betekenis wat in artikel een van die Pensioenwet daaraan toegeskryf word, en beteken—

Woordbepaling.

- (i) „bepaalde amp” 'n amp vermeld in sub-artikel (1) van artikel elf van die Pensioenwet; (xiii)
- (ii) „deelnemende lid” 'n persoon wat ingevolge 'n bepaling van hierdie Wet gekies het om aan die bepalings van Hoofstuk II onderhewig te wees; (v)
- (iii) „diens” diens soos omskryf in artikel een van die Pensioenwet of in die toepaslike pensioenordonnansie, na gelang van die omstandighede; (xi)
- (iv) „inkomstefonds” die provinsiale inkomstefonds van die betrokke provinsie of die Inkomstefonds ingestel ingevolge artikel ses-en-dertig van die „Zuidwest-Afrika Konstitutie Wet, 1925” (Wet No. 42 van 1925), na gelang van die omstandighede; (x)
- (v) „lid van 'n uitvoerende komitee” nie ook 'n administrateur van 'n provinsie of die gebied Suidwes-Afrika nie; (iii)
- (vi) „Parlementêre lid” 'n lid soos omskryf in artikel een van die Pensioenwet; (iv)
- (vii) „pensioengewende diens ingevolge die Pensioenwet” pensioengewende diens soos omskryf in artikel een van die Pensioenwet en ook 'n tydperk wat ingevolge sub-artikel (2) van artikel ses van daardie Wet geag word 'n aldus omskrewe tydperk van pensioengewende diens te wees; (vii)
- (viii) „pensioengewende diens ingevolge die toepaslike pensioenordonnansie” pensioengewende diens soos omskryf in die toepaslike pensioenordonnansie en ook 'n tydperk wat ingevolge dié ordonnansie geag word 'n aldus omskrewe tydperk van pensioengewende diens te wees; (vi)
- (ix) „pensioenordonnansie” 'n ordonnansie verorden ingevolge die bevoegdhede aan 'n provinsiale raad verleen by die Wet tot Uitbreiding van Provinsiale Bevoegdhede, 1960 (Wet No. 42 van 1960), en ook die Ordonnansie op Pensioene aan Lede van die Wetgewende Vergadering en die Uitvoerende Komitee, 1961 (Ordonnansie No. 29 van 1961), van Suidwes-Afrika; (ix)
- (x) „Pensioenwet” die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1951 (Wet No. 70 van 1951); (viii)
- (xi) „spesiale pensioen” 'n pensioen ingevolge die toepaslike pensioenordonnansie aan 'n persoon betaalbaar uit hoofde van die feit dat dié persoon 'n amp beklee het as lid van 'n uitvoerende komitee of as voorsitter of ondervoorsitter van 'n provinsiale raad, of as voorsitter van die Wetgewende Vergadering van die gebied Suidwes-Afrika of as ondervoorsitter en voorsitter van komitees van daardie Vergadering; (xii)

- (xii) "special pension" means a pension payable to any person under the applicable pensions ordinance by virtue of the fact that such person held office as a member of an executive committee or as chairman or deputy-chairman of a provincial council, or as chairman of the Legislative Assembly of the territory of South-West Africa or as deputy-chairman and chairman of committees of that Assembly; (xi)
- (xiii) "specified office" means an office referred to in sub-section (1) of section *eleven* of the Pensions Act. (i)

Option to become participating member.

2. (1) Any person who becomes a Parliamentary member on or after the date of commencement of this Act and who, prior to the date on which he becomes such a member, was a member of a provincial council or of the Legislative Assembly of the territory of South-West Africa or of an executive committee and was subject to a pensions ordinance, may, if a period of not more than one year has elapsed between the last day of his service as a member of a provincial council or of the said Assembly or of an executive committee and the first day of his service as a Parliamentary member, elect in writing within ninety days of the date on which he becomes such a member to be subject to the provisions of Chapter II.

(2) (a) If any person who has made an election in terms of sub-section (1) was on the date on which he became a Parliamentary member entitled to a pension under the applicable pensions ordinance, such pension shall as from that date cease to be payable to him and he shall refund to the revenue fund concerned any amount which may have been paid to him by way of such pension in respect of any period as from the said date.

(b) If any such person was in terms of the applicable pensions ordinance and by reason of the fact that he ceased to be a member of a provincial council, the Legislative Assembly of the territory of South-West Africa or an executive committee, paid an amount equal to the aggregate of the amounts which had been paid by him or deducted from his salary or allowance under that ordinance, he shall repay the said amount to the revenue fund from which it was paid.

(c) Any contributions or other amounts which were due by any such person under any provision of the applicable pensions ordinance on the date on which he became a Parliamentary member, but are unpaid on that date, shall be paid by him to the revenue fund to which they are payable in terms of that ordinance.

(3) If any person to whom sub-section (1) refers does not make an election in terms of that sub-section and he was entitled to a pension under the applicable pensions ordinance on the date on which he became a Parliamentary member, the provisions of section *twelve* shall apply in respect of him.

(4) Any person who—

(a) on the date of commencement of this Act is a Parliamentary member;

(b) prior to the date on which he became such a member was a member of a provincial council or of the Legislative Assembly of the territory of South-West Africa and was subject to a pensions ordinance;

(c) is not in receipt of or entitled to a pension under such ordinance; and

(d) by reason of the fact that he had ceased to be a member of a provincial council or of the Legislative Assembly of the territory of South-West Africa, was in terms of the applicable pensions ordinance, paid an amount equal to the aggregate of the amounts which had been paid by him or deducted from his salary or allowance under that ordinance,

may elect in writing within one hundred and eighty days of the date of commencement of this Act to be subject to the provisions of Chapter II, and if he makes such an election he shall—

(i) repay the said amount to the revenue fund from which it was paid; and

- (xii) „toepaslike pensioenordonnansie”, met betrekking tot 'n persoon wat 'n lid van 'n provinsiale raad of van die Wetgewende Vergadering van die gebied Suidwes-Afrika of van 'n uitvoerende komitee was, die pensioenordonnansie waaraan dié persoon onderhewig was voor die datum waarop hy 'n Parlementêre lid geword het; (i)
- (xiii) „uitvoerende komitee” 'n uitvoerende komitee vermeld in artikel *ses-en-sewentig* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), of die uitvoerende komitee vermeld in artikel *twee* van die „Zuidwest-Afrika Konstitutie Wet, 1925” (Wet No. 42 van 1925). (ii)

2. (1) 'n Persoon wat op of na die datum van inwerking-treding van hierdie Wet 'n Parlementêre lid word en wat voor die datum waarop hy so 'n lid word 'n lid van 'n provinsiale raad of van die Wetgewende Vergadering van die gebied Suidwes-Afrika of van 'n uitvoerende komitee was en wat aan 'n pensioenordonnansie onderhewig was, kan, indien 'n tydperk van hoogstens een jaar tussen die laaste dag van sy diens as lid van 'n provinsiale raad of van die gemelde Vergadering of van 'n uitvoerende komitee en die eerste dag van sy diens as Parlementêre lid verloop het, binne negentig dae na die datum waarop hy so 'n lid word, skriftelik kies om aan die bepalings van Hoofstuk II onderhewig te wees.

Keuse om deelnemende lid te word.

- (2) (a) Indien 'n persoon wat 'n keuse ingevolge sub-artikel (1) uitgeoefen het, op die datum waarop hy 'n Parlementêre lid geword het op 'n pensioen ingevolge die toepaslike pensioenordonnansie geregtig was, word die betaling van dié pensioen aan hom vanaf daardie datum gestaak en moet hy die bedrag van enige sodanige pensioen wat ten opsigte van enige tydperk vanaf gemelde datum aan hom betaal is, aan die betrokke inkomstefonds terugbetaal.
- (b) Indien aan so 'n persoon, ingevolge die toepaslike pensioenordonnansie en uit hoofde van die feit dat hy opgehou het om 'n lid van 'n provinsiale raad, die Wetgewende Vergadering van die gebied Suidwes-Afrika of 'n uitvoerende komitee te wees, 'n bedrag gelyk aan die totaal van die bedrae wat ingevolge daardie ordonnansie deur hom betaal of van sy salaris of toelae afgetrek was, betaal is, moet hy die gemelde bedrag aan die inkomstefonds waaruit dit betaal is, terugbetaal.
- (c) Enige bydraes of ander bedrae wat deur dié persoon ingevolge 'n bepaling van die toepaslike pensioenordonnansie op die datum waarop hy 'n Parlementêre lid geword het, verskuldig was, maar op daardie datum nog nie betaal is nie, moet deur hom aan die inkomstefonds waaraan dit ingevolge daardie ordonnansie betaalbaar is, betaal word.

(3) Indien 'n persoon op wie sub-artikel (1) betrekking het nie 'n keuse ingevolge daardie sub-artikel uitoefen nie en hy op die datum waarop hy 'n Parlementêre lid geword het, op 'n pensioen ingevolge die toepaslike pensioenordonnansie geregtig was, is die bepalings van artikel *twaalf* ten opsigte van hom van toepassing.

(4) 'n Persoon wat—

- (a) op die datum van inwerkingtreding van hierdie Wet 'n Parlementêre lid is;
- (b) voor die datum waarop hy so 'n lid geword het 'n lid van 'n provinsiale raad of van die Wetgewende Vergadering van die gebied Suidwes-Afrika was en aan 'n pensioenordonnansie onderhewig was;
- (c) nie 'n pensioen ingevolge so 'n ordonnansie ontvang of daarop geregtig is nie; en
- (d) uit hoofde van die feit dat hy opgehou het om lid van 'n provinsiale raad of van die Wetgewende Vergadering van die gebied Suidwes-Afrika te wees, ingevolge die toepaslike pensioenordonnansie 'n bedrag gelyk aan die totaal van die bedrae wat ingevolge daardie ordonnansie deur hom betaal of van sy salaris of toelae afgetrek was, ontvang het,

kan binne honderd-en-tagtig dae na die datum van inwerking-treding van hierdie Wet skriftelik kies om aan die bepalings van Hoofstuk II onderhewig te wees, en indien hy so 'n keuse uitoefen, moet hy—

- (i) die gemelde bedrag aan die inkomstefonds waaruit dit betaal is, terugbetaal; en

- (ii) pay to such fund any contributions or other amounts which were due by him under any provision of the applicable pensions ordinance on the date on which he ceased to be a member of such provincial council or Legislative Assembly but are unpaid on that date.
- (5) Any amount which may become due by any person in terms of paragraph (b) or (c) of sub-section (2) or sub-section (4) may, if he so desires, be deducted from his salary or allowance by the responsible accounting officer in monthly instalments at the rate of not less than six rand per mensem and shall be paid to the revenue fund to which it is due.

CHAPTER II.

PARTICIPATING MEMBERS.

Restriction as to benefits payable under Pensions Act and pensions ordinance.

3. Save as provided in this Chapter and notwithstanding anything to the contrary contained in any other law, no benefits shall be paid to a participating member or to his widow—

- (a) in terms of the applicable pensions ordinance; or
- (b) in respect of his pensionable service under the Pensions Act.

Benefits payable to participating members.

4. (1) If the periods of a participating member's pensionable service under the applicable pensions ordinance and under the Pensions Act amount in the aggregate to not more than nine years and six months on the date of termination of his pensionable service under the Pensions Act, he shall be paid—

- (a) in respect of his pensionable service under such ordinance, an amount equal to the aggregate of the amounts which have been paid by him or deducted from his salary or allowance under that ordinance or which have been paid by him in terms of paragraph (b) or (c) of sub-section (2) of section two or sub-section (4) of that section or have been deducted from his salary or allowance in terms of sub-section (5) of that section; and
- (b) in respect of his pensionable service under the Pensions Act, an amount equal to the aggregate of the amounts which have been paid by him or deducted from his salary or allowance under that Act.

(2) If such member has had not less than one year of pensionable service under the applicable pensions ordinance and if the periods of his pensionable service under such ordinance and under the Pensions Act amount in the aggregate to more than nine years and six months on the date of termination of his pensionable service under the Pensions Act, he shall be paid—

- (a) in respect of his pensionable service under the applicable pensions ordinance, a pension calculated at the rate of thirty-six rand per annum in respect of each complete year of such service not exceeding twenty years; and

(b) in respect of his pensionable service under the Pensions Act—

- (i) if one-half of the period of his pensionable service under the applicable pensions ordinance and the full period of his pensionable service under the Pensions Act amount in the aggregate to more than nine years and six months, and if the period of his pensionable service under the Pensions Act is not less than one year, a pension calculated at the rate of seventy-five rand per annum in respect of each complete year of his pensionable service under the Pensions Act not exceeding twenty years; or

- (ii) if the period of his pensionable service under the Pensions Act is less than one year or if one-half of the period of his pensionable service under the applicable pensions ordinance and the full period of his pensionable service under the Pensions Act amount in the aggregate to not more than nine years and six months, an amount equal to the amounts which have been paid by him or deducted from his salary or allowance under the Pensions Act:

- (ii) aan so 'n fonds enige bydraes of ander bedrae betaal wat deur hom ingevolge 'n bepaling van die toepaslike pensioenordonnansie op die datum waarop hy opgehou het om lid van bedoelde provinsiale raad of Wetgewende Vergadering te wees, verskuldig was, maar op daardie datum nog nie betaal is nie.
- (5) 'n Bedrag wat deur 'n persoon ingevolge paragraaf (b) of (c) van sub-artikel (2) of sub-artikel (4) verskuldig word, kan, indien hy dit verlang, deur die verantwoordelike rekenpligtige amptenaar van sy salaris of toelae afgetrek word in maandelikse paaielemente teen 'n koers van minstens ses rand per maand en moet aan die inkomstefonds waaraan dit verskuldig is, betaal word.

HOOFTUK II.

DEELNEMENDE LEDE.

3. Behalwe soos in hierdie Hoofstuk bepaal en ondanks andersluidende wetsbepalings, word geen voordele betaal aan 'n deelnemende lid of sy weduwee nie—
- (a) ingevolge die toepaslike pensioenordonnansie; of
 - (b) ten opsigte van sy pensioengewende diens ingevolge die Pensioenwet.

Beperking wat betref voordele betaalbaar ingevolge Pensioenwet en pensioenordonnansie.

4. (1) Indien 'n deelnemende lid se tydperke van pensioengewende diens ingevolge die toepaslike pensioenordonnansie en ingevolge die Pensioenwet tesame hoogstens nege jaar en ses maande op die datum van beëindiging van sy pensioengewende diens ingevolge die Pensioenwet beloop, word aan hom betaal—

Voordele betaalbaar aan deelnemende lede.

- (a) ten opsigte van sy pensioengewende diens ingevolge bedoelde ordonnansie, 'n bedrag gelyk aan die totaal van die bedrae wat ingevolge daardie ordonnansie deur hom betaal of van sy salaris of toelae afgetrek is, of wat deur hom ingevolge paragraaf (b) of (c) van sub-artikel (2) van artikel twee of sub-artikel (4) van daardie artikel betaal is of ingevolge sub-artikel (5) van daardie artikel van sy salaris of toelae afgetrek is; en
 - (b) ten opsigte van sy pensioengewende diens ingevolge die Pensioenwet, 'n bedrag gelyk aan die totaal van die bedrae wat ingevolge daardie Wet deur hom betaal of van sy salaris of toelae afgetrek is.
- (2) Indien sodanige lid minstens 'n jaar pensioengewende diens ingevolge die toepaslike pensioenordonnansie gehad het en indien die tydperke van sy pensioengewende diens ingevolge bedoelde ordonnansie en ingevolge die Pensioenwet tesame meer as nege jaar en ses maande op die datum van beëindiging van sy pensioengewende diens ingevolge die Pensioenwet beloop, word aan hom betaal—
- (a) ten opsigte van sy pensioengewende diens ingevolge die toepaslike pensioenordonnansie, 'n pensioen bereken teen die koers van ses-en-dertig rand per jaar ten opsigte van elke voltooide jaar van sodanige diens, twintig jaar nie te bowe gaande nie; en
 - (b) ten opsigte van sy pensioengewende diens ingevolge die Pensioenwet—
 - (i) indien die helfte van die tydperk van sy pensioengewende diens ingevolge die toepaslike pensioenordonnansie en die volle tydperk van sy pensioengewende diens ingevolge die Pensioenwet tesame meer as nege jaar en ses maande beloop, en indien die tydperk van sy pensioengewende diens ingevolge die Pensioenwet minstens 'n jaar is, 'n pensioen bereken teen die koers van vyf-en-sewentig rand per jaar ten opsigte van elke voltooide jaar van sy pensioengewende diens ingevolge die Pensioenwet, twintig jaar nie te bowe gaande nie; of
 - (ii) indien die tydperk van sy pensioengewende diens ingevolge die Pensioenwet minder as 'n jaar is of indien die helfte van die tydperk van sy pensioengewende diens ingevolge die toepaslike pensioenordonnansie en die volle tydperk van sy pensioengewende diens ingevolge die Pensioenwet tesame hoogstens nege jaar en ses maande beloop, 'n bedrag gelyk aan die totaal van die bedrae wat ingevolge die Pensioenwet deur hom betaal of van sy salaris of toelae afgetrek is:

Provided that if the aggregate of the pensions payable in terms of paragraph (a) and sub-paragraph (i) of paragraph (b) exceeds the maximum pension referred to in the proviso to sub-section (1) of section *six* of the Pensions Act, the pension payable in terms of sub-paragraph (i) of paragraph (b) shall be reduced by an amount equal to the excess.

(3) If such member has had less than one year of pensionable service under the applicable pensions ordinance, then on the termination of his pensionable service under the Pensions Act he shall be paid—

(a) in respect of his pensionable service under the applicable pensions ordinance, an amount equal to any amounts which have been paid by him or deducted from his salary or allowance under such ordinance, or which have been paid by him in terms of paragraph (b) or (c) of sub-section (2) of section *two* or sub-section (4) of that section or have been deducted from his salary or allowance in terms of sub-section (5) of that section; and

(b) in respect of his pensionable service under the Pensions Act—

(i) if one-half of the period of his pensionable service under the applicable pensions ordinance and the full period of his pensionable service under the Pensions Act amount in the aggregate to more than nine years and six months, a pension calculated at the rate of seventy-five rand per annum in respect of each complete year of his pensionable service under the Pensions Act not exceeding twenty years; or

(ii) if the period of his pensionable service under the Pensions Act is less than one year or if one-half of the period of his pensionable service under the applicable pensions ordinance and the full period of his pensionable service under the Pensions Act amount in the aggregate to not more than nine years and six months, an amount equal to any amounts which have been paid by him or deducted from his salary or allowance under the Pensions Act.

(4) The provisions of sub-section (4) of section *six* of the Pensions Act shall *mutatis mutandis* apply with reference to any pension payable to a participating member in terms of sub-section (2) or (3).

(5) Whenever a participating member becomes entitled to a benefit in terms of paragraph (a) of sub-section (1) or paragraph (a) of sub-section (3), the unpaid balance of any amount referred to in paragraph (b) or (c) of sub-section (2) of section *two* or sub-section (4) of that section shall cease to be payable.

(6) Whenever a participating member becomes entitled to a benefit in terms of paragraph (b) of sub-section (1) or sub-paragraph (ii) of paragraph (b) of sub-section (2) or sub-paragraph (ii) of paragraph (b) of sub-section (3), the unpaid balance of any amount due by him in terms of any provision of the Pensions Act shall cease to be payable.

Maximum amount of contributions payable by participating members under the Pensions Act.

5. Notwithstanding anything to the contrary contained in the Pensions Act, or in section *fourteen* of the Parliamentary Service Pensions Amendment Act, 1956 (Act No. 68 of 1956), contributions shall cease to be deducted under the Pensions Act from the salary or allowance of a participating member in respect of whom contributions have been deducted or who has paid contributions under that Act in respect of a period of ten years, immediately after the date on which he would, if he then ceased to be a Parliamentary member, be entitled in terms of sub-section (2) of section *four* of this Act to pensions which in the aggregate exceed the maximum pension referred to in the proviso to sub-section (1) of section *six* of the Pensions Act, and any period of his service as a Parliamentary member after that date shall be deemed not to be pensionable service under the Pensions Act for the purpose of calculating any pension which is payable under this Chapter in respect of such pensionable service.

Unpaid amounts to form first charge on pensions.

6. Whenever a participating member becomes entitled to a pension in terms of section *four*—

(a) the unpaid balance of any amount due by such member under any provision of the Pensions Act shall be set

Met dien verstande dat indien die totaal van die pensioene betaalbaar ingevolge paragraaf (a) en sub-paragraaf (i) van paragraaf (b) die maksimum pensioen vermeld in die voorbehoudsbepaling by sub-artikel (1) van artikel ses van die Pensioenwet oorskry, die pensioen betaalbaar ingevolge sub-paragraaf (i) van paragraaf (b) verminder word met 'n bedrag gelyk aan die verskil.

(3) Indien sodanige lid minder as 'n jaar pensioengewende diens ingevolge die toepaslike pensioenordonnansie gehad het, word op die datum van beëindiging van sy pensioengewende diens ingevolge die Pensioenwet aan hom betaal—

(a) ten opsigte van sy pensioengewende diens ingevolge die toepaslike pensioenordonnansie, 'n bedrag gelyk aan die bedrae wat ingevolge bedoelde ordonnansie deur hom betaal of van sy salaris of toelae afgetrek is, of wat deur hom ingevolge paragrawe (b) of (c) van sub-artikel (2) van artikel twee of sub-artikel (4) van daardie artikel betaal of ingevolge sub-artikel (5) van daardie artikel van sy salaris of toelae afgetrek is; en

(b) ten opsigte van sy pensioengewende diens ingevolge die Pensioenwet—

(i) indien die helfte van die tydperk van sy pensioengewende diens ingevolge die toepaslike pensioenordonnansie en die volle tydperk van sy pensioengewende diens ingevolge die Pensioenwet tesame meer as nege jaar en ses maande beloop, 'n pensioen bereken teen die koers van vyf-en-sewentig rand per jaar ten opsigte van elke voltooid jaar van sy pensioengewende diens ingevolge die Pensioenwet, twintig jaar nie te bowe gaande nie; of

(ii) indien die tydperk van sy pensioengewende diens ingevolge die Pensioenwet minder as 'n jaar is of indien die helfte van die tydperk van sy pensioengewende diens ingevolge die toepaslike pensioenordonnansie en die volle tydperk van sy pensioengewende diens ingevolge die Pensioenwet tesame hoogstens nege jaar en ses maande beloop, 'n bedrag gelyk aan die bedrae wat ingevolge die Pensioenwet deur hom betaal of van sy salaris of toelae afgetrek is.

(4) Die bepalings van sub-artikel (4) van artikel ses van die Pensioenwet is *mutatis mutandis* van toepassing met betrekking tot 'n pensioen betaalbaar aan 'n deelnemende lid ingevolge sub-artikel (2) of (3).

(5) Wanneer 'n deelnemende lid ingevolge paragraaf (a) van sub-artikel (1) of paragraaf (a) van sub-artikel (3) op 'n voordeel geregtig word, is die onbetaalde balans van 'n bedrag vermeld in paragraaf (b) of (c) van sub-artikel (2) van artikel twee of sub-artikel (4) van daardie artikel nie meer betaalbaar nie.

(6) Wanneer 'n deelnemende lid ingevolge paragraaf (b) van sub-artikel (1) of sub-paragraaf (ii) van paragraaf (b) van sub-artikel (2) of sub-paragraaf (ii) van paragraaf (b) van sub-artikel (3) op 'n voordeel geregtig word, is die onbetaalde balans van 'n bedrag wat ingevolge 'n bepaling van die Pensioenwet deur hom verskuldig is nie meer betaalbaar nie.

5. Ondanks andersluidende bepalings van die Pensioenwet, of van artikel veertien van die Wysigingswet op Pensioene vir Parlementsdiens, 1956 (Wet No. 68 van 1956), word die aftrekking van bydraes ingevolge die Pensioenwet van die salaris of toelae van 'n deelnemende lid ten opsigte van wie bydraes afgetrek is of wat bydraes betaal het ingevolge die Pensioenwet ten opsigte van 'n tydperk van tien jaar, gestaak onmiddellik na die datum waarop hy, indien hy dan ophou om 'n Parlementêre lid te wees, ingevolge sub-artikel (2) van artikel vier van hierdie Wet geregtig sou wees op pensioene wat tesame die maksimum pensioen vermeld in die voorbehoudsbepaling by sub-artikel (1) van artikel ses van die Pensioenwet oorskry, en 'n tydperk van sy diens as Parlementêre lid na daardie datum word geag nie pensioengewende diens ingevolge die Pensioenwet vir die berekening van 'n pensioen wat ingevolge hierdie Hoofstuk ten opsigte van sodanige pensioengewende diens betaalbaar is, te wees nie.

Maksimum
bedrag van
bydrae betaalbaar
deur deelnemende
lede ingevolge
die Pensioenwet.

6. Wanneer 'n deelnemende lid op 'n pensioen ingevolge artikel vier geregtig word—

(a) word die onbetaalde balans van 'n bedrag wat so 'n lid ingevolge 'n bepaling van die Pensioenwet verskul-

Onbetaalde
bedrae word
eerste van pen-
sioen afgetrek.

off against the pension payable to him in respect of his pensionable service under that Act;

- (b) the unpaid balance of any amount referred to in paragraph (b) or (c) of sub-section (2) of section *two* or sub-section (4) of that section shall be set off against the pension payable to him in respect of his pensionable service under the applicable pensions ordinance.

Option of payment in lieu of pension.

7. (1) A participating member who becomes entitled to a pension under section *four* may elect in writing within ninety days of the date on which he attains the age of fifty years or the date on which his pensionable service under the Pensions Act terminates, whichever is the later date, to receive—

- (a) in lieu of any pension payable to him in respect of his pensionable service under the Pensions Act, an amount equal to the aggregate of the amounts which have been paid by him or deducted from his salary or allowance under that Act; and
- (b) in lieu of any pension payable to him in respect of his pensionable service under the applicable pensions ordinance, an amount equal to the aggregate of the amounts which have been paid by him or deducted from his salary or allowance under such ordinance or which have been paid by him in terms of paragraph (b) or (c) of sub-section (2) of section *two* or sub-section (4) of that section or have been deducted from his salary or allowance in terms of sub-section (5) of that section.

(2) If a participating member elects to receive the amounts referred to in sub-section (1), the unpaid balance of any amount due by him in terms of any provision of the Pensions Act or of any amount referred to in paragraph (b) or (c) of sub-section (2) of section *two* or sub-section (4) of that section, shall cease to be payable.

Supplementary pensions.

8. (1) If a participating member who has not held a specified office was entitled to receive a special pension and if any pension or the aggregate amount of any pensions which become payable to him in terms of sub-section (2) or (3) of section *four* is less than the maximum pension referred to in the proviso to sub-section (1) of section *six* of the Pensions Act, the pension or aggregate amount of the pensions payable to him in terms of sub-section (2) or (3) of section *four* shall be supplemented—

- (a) by an amount equal to the special pension to which he was entitled under the said ordinance; or
 - (b) by an amount equal to the deficit,
- whichever is the lesser amount.

(2) If such a member who was so entitled, does not become entitled to a pension in terms of section *four*, or if he makes an election in terms of section *seven*, and is not entitled to a pension in terms of section *eleven* of the Pensions Act, he shall, with effect from the day following the last day of his pensionable service under the Pensions Act, be paid a pension equal to the special pension to which he was entitled under the applicable pensions ordinance: Provided that if the said special pension exceeds the maximum pension referred to in the proviso to sub-section (1) of section *six* of the Pensions Act, the pension payable in terms of this sub-section shall be reduced by an amount equal to the excess.

(3) If a participating member who has held a specified office, was entitled to receive a special pension and if the aggregate amount of any pensions which become payable to him—

- (a) in terms of sub-section (2) or (3) of section *four* of this Act; and
- (b) in terms of section *eleven* of the Pensions Act, is less than the highest maximum amount which in terms of sub-section (2) of section *eleven* of the Pensions Act is applicable to the holder of any specified office which he held, the said aggregate amount shall be supplemented—

- (i) by an amount equal to the special pension to which he was entitled under the said ordinance; or
 - (ii) by an amount equal to the deficit,
- whichever is the lesser amount.

dig is, teen die pensioen wat ten opsigte van sy pensioengewende diens ingevolge daardie Wet aan hom betaalbaar is, verreken;

- (b) word die onbetaalde balans van 'n bedrag vermeld in paragraaf (b) of (c) van sub-artikel (2) van artikel twee of sub-artikel (4) van daardie artikel, teen die pensioen wat ten opsigte van sy pensioengewende diens ingevolge die toepaslike pensioenordonnansie aan hom betaalbaar is, verreken.

7. (1) 'n Deelnemende lid wat ingevolge artikel vier op 'n pensioen geregtig word, kan binne negentig dae na die datum waarop hy die leeftyd van vyftig jaar bereik of die datum waarop sy pensioengewende diens ingevolge die Pensioenwet eindig, na gelang van watter datum die laaste is, skriftelik kies om te ontvang—

Keuse van betaling in plaas van pensioen.

- (a) in plaas van 'n pensioen aan hom betaalbaar ten opsigte van sy pensioengewende diens ingevolge die Pensioenwet, 'n bedrag gelyk aan die totaal van die bedrae wat ingevolge daardie Wet deur hom betaal of van sy salaris of toelae afgetrek is; en

- (b) in plaas van 'n pensioen aan hom betaalbaar ten opsigte van sy pensioengewende diens ingevolge die toepaslike pensioenordonnansie, 'n bedrag gelyk aan die totaal van die bedrae wat ingevolge bedoelde ordonnansie deur hom betaal of van sy salaris of toelae afgetrek is, of wat deur hom ingevolge paragraaf (b) of (c) van sub-artikel (2) van artikel twee of sub-artikel (4) van daardie artikel deur hom betaal is of wat ingevolge sub-artikel (5) van daardie artikel van sy salaris of toelae afgetrek is.

(2) Indien 'n deelnemende lid kies om die bedrae vermeld in sub-artikel (1) te ontvang, is die onbetaalde balans van 'n bedrag deur hom ingevolge 'n bepaling van die Pensioenwet verskuldig, of van 'n bedrag vermeld in paragraaf (b) of (c) van sub-artikel (2) van artikel twee of sub-artikel (4) van daardie artikel, nie meer betaalbaar nie.

8. (1) Indien 'n deelnemende lid wat nie 'n bepaalde amp bekleë het nie, geregtig was om 'n spesiale pensioen te ontvang, en indien 'n pensioen of die totale bedrag van pensioene wat ingevolge sub-artikel (2) of (3) van artikel vier aan hom betaalbaar word minder is as die maksimum pensioen vermeld in die voorbehoudsbepaling by sub-artikel (1) van artikel ses van die Pensioenwet, word die pensioen of die totale bedrag van die pensioene wat ingevolge sub-artikel (2) of (3) van artikel vier aan hom betaalbaar is, aangevul—

Supplementêre pensioene.

- (a) met 'n bedrag gelyk aan die spesiale pensioen waarop hy ingevolge die gemelde ordonnansie geregtig was; of

- (b) met 'n bedrag gelyk aan die tekort, na gelang van watter bedrag die minste is.

(2) Indien so 'n lid wat aldus geregtig was, nie ingevolge artikel vier op 'n pensioen geregtig word nie, of indien hy 'n keuse ingevolge artikel sewe uitoefen, en nie op 'n pensioen ingevolge artikel elf van die Pensioenwet geregtig is nie, word aan hom, met ingang van die dag wat volg op die laaste dag van sy pensioengewende diens ingevolge die Pensioenwet, 'n pensioen betaal wat gelyk is aan die spesiale pensioen waarop hy ingevolge die toepaslike pensioenordonnansie geregtig was: Met dien verstande dat indien die gemelde spesiale pensioen die maksimum pensioen vermeld in die voorbehoudsbepaling by sub-artikel (1) van artikel ses van die Pensioenwet oorskry, die pensioen betaalbaar ingevolge hierdie sub-artikel met 'n bedrag gelyk aan die verskil verminder word.

(3) Indien 'n deelnemende lid wat 'n bepaalde amp bekleë het, geregtig was om 'n spesiale pensioen te ontvang, en indien die totale bedrag van pensioene wat aan hom betaalbaar word—

- (a) ingevolge sub-artikel (2) of (3) van artikel vier van hierdie Wet; en

(b) ingevolge artikel elf van die Pensioenwet, minder is as die hoogste maksimum bedrag wat ingevolge sub-artikel (2) van artikel elf van die Pensioenwet op die bekleër van 'n bepaalde amp wat hy bekleë het van toepassing is, word die gemelde totale bedrag aangevul—

- (i) met 'n bedrag gelyk aan die spesiale pensioen waarop hy ingevolge die gemelde ordonnansie geregtig was; of

- (ii) met 'n bedrag gelyk aan die tekort, na gelang van watter bedrag die minste is.

Pension under section 4 deemed to be pension under Pensions Act for certain purposes.

Pensions and other benefits to widows.

9. For the purpose of determining any maximum amount referred to in sub-section (2) of section *eleven* of the Pensions Act, any pension to which a participating member becomes entitled in terms of section *four* of this Act, shall be deemed to be a pension payable under the said Pensions Act.

10. (1) If any participating member who is entitled to or in receipt of a pension in terms of section *four* dies after the termination of his pensionable service under the Pensions Act, there shall, if he has not made an election in terms of section *seven*, be paid to his widow a pension equal to two-thirds of such pension.

(2) If any participating member who is entitled to or in receipt of a supplementary pension in terms of sub-section (1) or (3) of section *eight* or a pension in terms of sub-section (2) of that section, dies after the termination of his pensionable service under the Pensions Act, there shall be paid to his widow a pension equal to two-thirds of such pension.

(3) There shall be payable to the widow of a participating member who dies while he is still a Parliamentary member—

(a) a pension equal to two-thirds of any pension to which such member would have been entitled in terms of this Chapter;

(b) an amount equal to the amount of any other benefit to which such member would have been entitled in terms of this Chapter,

if he had not died but had ceased to be a Parliamentary member at the date of his death.

(4) Whenever in terms of this section a pension becomes payable to the widow of a participating member in respect of his pensionable service under the applicable pensions ordinance or by virtue of the fact that such member has held office as a member of an executive committee or as chairman or deputy-chairman of a provincial council or as chairman of the Legislative Assembly of the territory of South-West Africa or as deputy-chairman and chairman of committees of the said Assembly, the unpaid balance of any amounts referred to in paragraph (b) or (c) of sub-section (2) of section *two* or sub-section (4) of that section shall be set off against such pension.

(5) Whenever in terms of this section a pension becomes payable to the widow of a participating member in respect of his pensionable service under the Pensions Act, the unpaid balance of any amount due by such member under any provision of the Pensions Act shall be set off against such pension.

(6) Any pension under this section shall be payable with effect from the day following the date of the death of the member concerned, irrespective of the age of such member at that date.

(7) No widow shall be entitled to a pension or any other benefit which in terms of this section is payable in respect of a participating member's pensionable service under the applicable pensions ordinance or by virtue of the fact that such member held office as a member of an executive committee or as chairman or deputy-chairman of a provincial council or as chairman of the Legislative Assembly of the territory of South-West Africa or as deputy-chairman and chairman of committees of that Assembly, unless she is a widow within the meaning of the applicable pensions ordinance.

(8) No widow shall be entitled to a pension or any other benefit which in terms of this section is payable in respect of a participating member's pensionable service under the Pensions Act unless she is a widow within the meaning of the said Act.

Pensions and other benefits to be paid from revenue funds or from moneys appropriated by Parliament for the purpose.

11. (1) Any pension or other benefit which in terms of this Chapter is payable in respect of a participating member's pensionable service under a pensions ordinance or by virtue of the fact that such member held office as a member of an executive committee or as chairman or deputy-chairman of a provincial council or as chairman of the Legislative Assembly of the territory of South-West Africa or as deputy-chairman and chairman of committees of that Assembly, shall be paid from the revenue fund concerned.

(2) Any pension or other benefit which in terms of this Chapter is payable in respect of a participating member's pensionable service under the Pensions Act, shall be paid out of moneys appropriated by Parliament for the purpose.

9. By die bepaling van 'n maksimum bedrag vermeld in sub-artikel (2) van artikel *elf* van die Pensioenwet, word 'n pensioen waarop 'n deelnemende lid ingevolge artikel *vier* van hierdie Wet geregtig word, geag 'n pensioen te wees wat ingevolge die gemelde Pensioenwet betaalbaar is.

Pensioen ingevolge artikel 4 vir sekere doeleindes geag pensioen ingevolge Pensioenwet te wees.

10. (1) Indien 'n deelnemende lid wat ingevolge artikel *vier* geregtig is op 'n pensioen of dit ontvang, te sterwe kom nadat sy pensioengewende diens ingevolge die Pensioenwet geëindig het, word, indien hy geen keuse ingevolge artikel *sewe* uitgeoefen het nie, aan sy weduwee 'n pensioen gelyk aan twee-derdes van sodanige pensioen betaal.

Pensioene en ander voordele aan weduwees.

(2) Indien 'n deelnemende lid wat ingevolge sub-artikel (1) of (3) van artikel *agt* op 'n supplementêre pensioen of ingevolge sub-artikel (2) van daardie artikel op 'n pensioen geregtig is of dit ontvang, te sterwe kom nadat sy pensioengewende diens ingevolge die Pensioenwet geëindig het, word aan sy weduwee 'n pensioen gelyk aan twee-derdes van sodanige pensioen betaal.

(3) Daar word aan die weduwee van 'n deelnemende lid wat te sterwe kom terwyl hy nog 'n Parlementêre lid is, betaal—

- (a) 'n pensioen gelyk aan twee-derdes van 'n pensioen waarop dié lid ingevolge hierdie Hoofstuk geregtig sou gewees het;
- (b) 'n bedrag gelyk aan die bedrag van enige ander voordeel waarop dié lid ingevolge hierdie Hoofstuk geregtig sou gewees het,

indien hy nie te sterwe gekom het nie, maar op die dag van sy dood opgehou het om 'n Parlementêre lid te wees.

(4) Wanneer 'n pensioen ingevolge hierdie artikel aan die weduwee van 'n deelnemende lid betaalbaar word ten opsigte van sy pensioengewende diens ingevolge die toepaslike pensioenordonnansie of uit hoofde van die feit dat dié lid 'n amp beklee het as lid van 'n uitvoerende komitee of as voorsitter of ondervoorsitter van 'n provinsiale raad of as voorsitter van die Wetgewende Vergadering van die gebied Suidwes-Afrika of as ondervoorsitter en voorsitter van komitees van gemelde Vergadering, word die onbetaalde balans van enige bedrae vermeld in paragraaf (b) of (c) van sub-artikel (2) van artikel *twee* of sub-artikel (4) van daardie artikel teen dié pensioen verreken.

(5) Wanneer 'n pensioen ingevolge hierdie artikel aan 'n weduwee van 'n deelnemende lid betaalbaar word ten opsigte van sy pensioengewende diens ingevolge die Pensioenwet, word die onbetaalde balans van 'n bedrag wat deur die lid ingevolge 'n bepaling van die Pensioenwet verskuldig is teen dié pensioen verreken.

(6) 'n Pensioen ingevolge hierdie artikel is betaalbaar vanaf die dag wat volg op die datum waarop die betrokke lid te sterwe gekom het, ongeag die ouderdom van dié lid op daardie datum.

(7) Geen weduwee is op 'n pensioen of enige ander voordeel wat ingevolge hierdie artikel betaalbaar is ten opsigte van 'n deelnemende lid se pensioengewende diens ingevolge die toepaslike pensioenordonnansie of uit hoofde van die feit dat dié lid 'n amp beklee het as lid van 'n uitvoerende komitee of as voorsitter of ondervoorsitter van 'n provinsiale raad of as voorsitter van die Wetgewende Vergadering van die gebied Suidwes-Afrika of as ondervoorsitter en voorsitter van komitees van daardie Vergadering, geregtig nie tensy sy 'n weduwee binne die bedoeling van die toepaslike pensioenordonnansie is.

(8) Geen weduwee is op 'n pensioen of enige ander voordeel wat ingevolge hierdie artikel ten opsigte van 'n deelnemende lid se pensioengewende diens ingevolge die Pensioenwet betaalbaar is, geregtig nie tensy sy 'n weduwee binne die bedoeling van die gemelde Wet is.

11. (1) 'n Pensioen of ander voordeel wat ingevolge hierdie Hoofstuk betaalbaar is ten opsigte van 'n deelnemende lid se pensioengewende diens ingevolge 'n pensioenordonnansie of uit hoofde van die feit dat dié lid 'n amp beklee het as lid van 'n uitvoerende komitee of as voorsitter of ondervoorsitter van 'n provinsiale raad of as voorsitter van die Wetgewende Vergadering van die gebied Suidwes-Afrika of as ondervoorsitter en voorsitter van komitees van daardie Vergadering, word uit die betrokke inkomstefonds betaal.

Pensioene en ander voordele word betaal uit inkomstefondse of uit gelde wat deur die Parlement vir dié doel bewillig is.

(2) 'n Pensioen of ander voordeel wat ingevolge hierdie Hoofstuk betaalbaar is ten opsigte van 'n deelnemende lid se pensioengewende diens ingevolge die Pensioenwet, word betaal uit gelde wat die Parlement vir dié doel bewillig.

CHAPTER III.

MISCELLANEOUS AND GENERAL.

Provisions relating to persons who do not or cannot elect to become participating members.

12. (1) The following provisions shall apply in respect of any person referred to in sub-section (3) of section two, namely—

- (a) save as provided in paragraph (c) such person shall not be permitted or required to pay contributions under the Pensions Act and any contributions which may have been deducted from his allowance or salary under that Act shall be refunded to him;
- (b) unless such person makes an election in terms of paragraph (c) neither he nor his widow shall be entitled to a pension or any other benefit under the Pensions Act;
- (c) if after such person has become a Parliamentary member he becomes the holder of a specified office he may elect in writing within ninety days of the date on which he becomes the holder of such an office, to be subject to the provisions of Chapter II as from that date, and if he makes such an election—
 - (i) any pension to which he is entitled under the applicable pensions ordinance shall cease to be payable to him as from that date and he shall repay to the revenue fund concerned any amount which may have been paid to him by way of such pension in respect of any period as from that date;
 - (ii) contributions shall be deducted from his salary or allowance under the Pensions Act as from the said date.

(2) The provisions of sub-section (1) shall *mutatis mutandis* apply in respect of any person who on the date on which he becomes a Parliamentary member is entitled to a pension under the applicable pensions ordinance and who, by reason of the fact that a period of more than one year has elapsed between the last day of his service as a member of a provincial council or of the Legislative Assembly of the territory of South-West Africa or of an executive committee and the first day of his service as a Parliamentary member, is not entitled to make an election in terms of sub-section (1) of section two.

Option to certain persons to become subject to Chapter II.

13. (1) If any member of the Senate or the House of Assembly is on the date of commencement of this Act in receipt of or entitled to any pension under a pensions ordinance, he may elect in writing within ninety days of that date to be subject to the provisions of Chapter II.

(2) If such a member makes an election in terms of sub-section (1) the said pension shall cease to be payable to him and he shall repay to the revenue fund concerned any amount which may have been paid to him by way of such pension in respect of any period as from the date of commencement of this Act.

(3) If such a member does not make an election in terms of sub-section (1)—

(a) contributions shall cease to be deducted from his allowance or salary under the Pensions Act and any contributions which have been so deducted shall be repaid to him; and

(b) unless he makes an election in terms of sub-section (4), neither he nor his widow shall be entitled to a pension or any other benefit under the Pensions Act.

(4) If any person to whom sub-section (3) applies, becomes the holder of a specified office, he may elect in writing within ninety days of the date on which he became the holder of such an office to be subject to the provisions of Chapter II as from that date, and if he makes such an election—

(a) any pension to which he is entitled under a pensions ordinance shall cease to be payable and he shall repay to the revenue fund concerned any amount which may have been paid to him by way of such pension in respect of any period as from that date; and

(b) contributions shall be deducted from his allowance or salary under the Pensions Act as from the said date.

(5) Any person referred to in paragraph (a) of sub-section (1) of section fifty-three of the Pension Laws Amendment Act, 1962 (Act No. 92 of 1962), may elect in writing within ninety days of the commencement of this Act to be subject to the provisions of Chapter II and if he makes such an election the provisions of the said section fifty-three shall, subject to the provisions of section three of this Act, cease to apply in respect of him.

HOOFSTUK III.

DIVERSE EN ALGEMENE BEPALINGS.

12. (1) Die volgende bepaling is van toepassing ten opsigte van 'n in sub-artikel (3) van artikel twee bedoelde persoon, naamlik—

Bepalings met betrekking tot persone wat nie kies of nie kan kies om deel-nemende lede te word nie.

- (a) behoudens die bepaling van paragraaf (c) word so iemand nie toegelaat of verplig om ingevolge die Pensioenwet bydraes te betaal nie en enige bydraes wat ingevolge daardie Wet van sy toelae of salaris afgetrek is, word aan hom terugbetaal;
- (b) tensy so iemand 'n keuse ingevolge paragraaf (c) uitoefen, is nóg hy nóg sy weduwee ingevolge die Pensioenwet op 'n pensioen of 'n ander voordeel geregtig;
- (c) indien so iemand, nadat hy 'n Parlementêre lid geword het, die bekleër van 'n bepaalde amp word, kan hy, binne negentig dae na die datum waarop hy die bekleër van so 'n amp word, skriftelik kies om vanaf daardie datum aan die bepaling van Hoofstuk II onderhewig te wees, en indien hy so 'n keuse uitoefen—
 - (i) word die betaling aan hom van 'n pensioen waarop hy ingevolge die toepaslike pensioenordonnansie geregtig is, vanaf daardie datum gestaak en betaal hy aan die betrokke inkomstefonds 'n bedrag wat ten opsigte van enige tydperk vanaf daardie datum by wyse van sodanige pensioen aan hom betaal is, terug;
 - (ii) word bydraes vanaf genoemde datum ingevolge die Pensioenwet van sy salaris of toelae afgetrek.

(2) Die bepaling van sub-artikel (1) is *mutatis mutandis* van toepassing ten opsigte van iemand wat op die datum waarop hy 'n Parlementêre lid word, ingevolge die toepaslike pensioenordonnansie op 'n pensioen geregtig is en wat op grond van die feit dat 'n tydperk van meer as een jaar tussen die laaste dag van sy diens as lid van 'n provinsiale raad of van die Wetgewende Vergadering van die gebied Suidwes-Afrika of van 'n uitvoerende komitee en die eerste dag van sy diens as 'n Parlementêre lid verloop het, nie geregtig is om ingevolge sub-artikel (1) van artikel twee 'n keuse uit te oefen nie.

13. (1) Indien 'n lid van die Senaat of die Volksraad op die datum van inwerkingtreding van hierdie Wet ingevolge 'n pensioenordonnansie geregtig is op 'n pensioen of 'n pensioen ontvang, kan hy binne negentig dae na daardie datum skriftelik kies om aan die bepaling van Hoofstuk II onderhewig te wees.

Keuse om aan Hoofstuk II onderhewig te wees.

(2) Indien so 'n lid ingevolge sub-artikel (1) 'n keuse uitoefen, word die betaling aan hom van bedoelde pensioen gestaak en betaal hy aan die betrokke inkomstefonds enige bedrag wat ten opsigte van enige tydperk vanaf die datum van inwerkingtreding van hierdie Wet aan hom betaal is, terug.

(3) Indien so 'n lid nie ingevolge sub-artikel (1) 'n keuse uitoefen nie—

- (a) word geen verdere bydraes ingevolge die Pensioenwet van sy toelae of salaris afgetrek nie en word die bydraes wat aldus afgetrek is aan hom terugbetaal; en
- (b) tensy hy ingevolge sub-artikel (4) 'n keuse uitoefen, is nóg hy nóg sy weduwee ingevolge die Pensioenwet op 'n pensioen of ander voordeel geregtig.

(4) Indien iemand op wie sub-artikel (3) van toepassing is die bekleër van 'n bepaalde amp word, kan hy binne negentig dae na die datum waarop hy die bekleër van so 'n amp geword het, skriftelik kies om vanaf daardie datum onderhewig te wees aan die bepaling van Hoofstuk II, en indien hy so 'n keuse uitoefen—

- (a) word die betaling van enige pensioen waarop hy ingevolge 'n pensioenordonnansie geregtig is, gestaak en betaal hy aan die betrokke inkomstefonds enige bedrag wat ten opsigte van enige tydperk vanaf daardie datum by wyse van sodanige pensioen aan hom betaal is, terug;
- (b) word bydraes vanaf genoemde datum ingevolge die Pensioenwet van sy toelae of salaris afgetrek.

(5) Iemand vermeld in paragraaf (a) van sub-artikel (1) van artikel drie-en-veertig van die Wysigingswet op die Pensioenwette, 1962 (Wet No. 92 van 1962), kan binne negentig dae na die inwerkingtreding van hierdie Wet skriftelik kies om aan die bepaling van Hoofstuk II onderhewig te wees, en indien hy so 'n keuse uitoefen, is die bepaling van genoemde artikel drie-en-veertig, behoudens die bepaling van artikel drie van hierdie Wet, nie meer ten opsigte van hom van toepassing nie.

(6) If any person referred to in sub-section (5) does not make an election in terms of that sub-section—

- (a) the provisions of the said section *fifty-three* shall cease to apply in respect of him;
- (b) contributions shall cease to be deducted from his salary or allowance under the Pensions Act and any contributions which have been so deducted shall be repaid to him;
- (c) any pension to which he was entitled under the applicable pensions ordinance on the day immediately preceding the date of commencement of the said section *fifty-three* shall again be paid to him with effect from that date; and
- (d) neither he nor his widow shall be entitled to any pension or other benefit under the Pensions Act.

Option to contribute in respect of certain service as member of provincial council.

14. (1) Any person who—

- (a) on the date of commencement of this Act is a Parliamentary member;
- (b) at any time prior to the date on which he became such a member, was a member of a provincial council; and
- (c) was not at any time subject to a pensions ordinance made under the powers conferred on a provincial council by the Provincial Powers Extension Act, 1960 (Act No. 42 of 1960),

may elect in writing within ninety days of the said date of commencement to count one half of any period of his service as a member of such a council as pensionable service under the Pensions Act.

(2) A person who does not make an election in terms of sub-section (1) shall not at any time after the expiration of the said period of ninety days be permitted to count any period of his service as a member of a provincial council as pensionable service under the Pensions Act.

(3) Any person who makes an election in terms of sub-section (1) shall pay into the Consolidated Revenue Fund an amount calculated at the rate of twelve rand for each month of the period in respect of which he has so elected, and such amount shall, for the purposes of the Pensions Act, be deemed to be an amount payable in terms of sub-section (3) of section *three* of that Act.

No pension under this Act or any pensions ordinance payable to certain persons.

15. (1) No pension or any other benefit for which this Act or any pensions ordinance makes provision shall be payable to any person to whom section *ten* of the Pensions Act applies or to the widow of any such person.

(2) Contributions or other amounts which any person is required to pay in terms of this Act or any pensions ordinance shall cease to be payable as from the date on which he becomes Prime Minister, and no contributions shall at any time thereafter, irrespective of whether he thereafter ceases to be Prime Minister, be deducted from his salary or allowance under this Act or any pensions ordinance and any amounts which may still be due by such person in terms of this Act or any pensions ordinance but are unpaid on the said date, shall cease to be payable.

Application of sections 17 and 18 of Pensions Act with reference to pensions or benefits under this Act.

16. The provisions of sections *seventeen* and *eighteen* of the Pensions Act shall *mutatis mutandis* apply with reference to any pension or other benefit which is payable in terms of this Act.

Method of making election.

17. (1) A Parliamentary member who is a senator or member of the House of Assembly and who is entitled to make any election under this Act, may do so by notice in writing to the Secretary to the Senate or the Secretary to the House of Assembly, as the case may be.

(2) Any other Parliamentary member who is entitled to make any election under this Act, may do so by notice in writing to the Secretary for Social Welfare and Pensions.

Amendment of section 14 of Act 70 of 1951.

18. Section *fourteen* of the Pensions Act is hereby amended—

- (a) by the insertion in sub-section (1) after the word "Act" wherever it occurs, of the words "or the Parliamentary Service Pensions Amendment Act, 1963,";
- (b) by the insertion in that sub-section after the word "shall" where it occurs for the third time of the words "subject to the provisions of the Parliamentary Service Pensions Amendment Act, 1963,"; and
- (c) by the addition of the following sub-section:
"(3) If any widow who—

(6) Indien iemand vermeld in sub-artikel (5) nie ingevolge daardie sub-artikel 'n keuse uitoefen nie—

- (a) is die bepalings van die gemelde artikel *drie-en-vyftig* nie meer ten opsigte van hom van toepassing nie;
- (b) word die aftrekking van bydraes ingevolge die Pensioenwet van sy salaris of toelae gestaak en word enige bydraes wat aldus afgetrek is, aan hom terugbetaal;
- (c) word enige pensioen waarop hy op die dag onmiddellik voor die datum van inwerkingtreding van genoemde artikel *drie-en-vyftig* geregtig was, weer vanaf daardie datum aan hom betaal; en
- (d) is nóg hy nóg sy weduwee op 'n pensioen of ander voordeel ingevolge die Pensioenwet geregtig.

14. (1) Iemand wat—

- (a) op die datum van inwerkingtreding van hierdie Wet 'n Parlementêre lid is;
- (b) te eniger tyd voor die datum waarop hy so 'n lid geword het 'n lid van 'n provinsiale raad was; en
- (c) nie te eniger tyd aan 'n pensioenordonnansie verorden kragtens die bevoegdhede aan 'n provinsiale raad verleen by die Wet tot Uitbreiding van Provinsiale Bevoegdhede, 1960 (Wet No. 42 van 1960), onderhewig was nie,

Keuse om ten opsigte van sekere diens as lid van provinsiale raad by te dra.

kan binne negentig dae na die gemelde datum van inwerkingtreding skriftelik kies om die helfte van enige tydperk van sy diens as 'n lid van so 'n raad as pensioengewende diens ingevolge die Pensioenwet te reken.

(2) Iemand wat nie ingevolge sub-artikel (1) 'n keuse uitoefen nie, word te gener tyd na die verstryking van die gemelde tydperk van negentig dae toegelaat om 'n tydperk van sy diens as lid van 'n provinsiale raad as pensioengewende diens ingevolge die Pensioenwet te reken nie.

(3) Iemand wat ingevolge sub-artikel (1) 'n keuse uitoefen, stort in die Gekonsolideerde Inkomstefonds 'n bedrag bereken teen die koers van twaalf rand vir elke maand van die tydperk ten opsigte waarvan hy aldus gekies het, en dié bedrag word by die toepassing van die Pensioenwet geag 'n bedrag te wees wat ingevolge sub-artikel (3) van artikel *drie* van daardie Wet betaalbaar is.

15. (1) Geen pensioen of ander voordeel waarvoor hierdie Wet of 'n pensioenordonnansie voorsiening maak, is aan iemand op wie artikel *tien* van die Pensioenwet van toepassing is of aan die weduwee van so iemand betaalbaar nie.

Geen pensioen ingevolge hierdie Wet of 'n pensioenordonnansie aan sekere persone betaalbaar nie.

(2) Bydraes en ander bedrae wat iemand ingevolge hierdie Wet of 'n pensioenordonnansie moet betaal, hou vanaf die datum waarop hy Eerste Minister word op om betaalbaar te wees, en geen bydraes word te eniger tyd daarna, ongeag of hy daarna ophou om Eerste Minister te wees, van sy salaris of toelae ingevolge hierdie Wet of 'n pensioenordonnansie afgetrek nie, en enige bedrag wat nog ingevolge hierdie Wet of 'n pensioenordonnansie deur so iemand verskuldig is, maar op daardie datum nie betaal is nie, hou op om betaalbaar te wees.

16. Die bepalings van artikels *sewentien* en *agtien* van die Pensioenwet is *mutatis mutandis* van toepassing met betrekking tot 'n pensioen of ander voordeel wat ingevolge hierdie Wet betaalbaar is.

Toepassing van artikels 17 en 18 van Pensioenwet met betrekking tot pensioene of voordele ingevolge hierdie Wet.

17. (1) 'n Parlementêre lid wat 'n senator of lid van die Volksraad is en wat ingevolge hierdie Wet geregtig is om 'n keuse uit te oefen, kan dit doen deur skriftelike kennisgewing aan die Sekretaris van die Senaat of die Sekretaris van die Volksraad, na gelang van die geval.

Wyse waarop keuse uitgeoefen word.

(2) 'n Ander Parlementêre lid wat ingevolge hierdie Wet geregtig is om 'n keuse uit te oefen, kan dit doen deur skriftelike kennisgewing aan die Sekretaris van Volkswelsyn en Pensioene.

18. Artikel *veertien* van die Pensioenwet word hierby gewysig—

Wysiging van artikel 14 van Wet 70 van 1951.

- (a) deur in sub-artikel (1) na die woord „Wet”, waar dit ook al voorkom, die woorde „of die Wysigingswet op Pensioene vir Parlementsdiens, 1963,” in te voeg;
- (b) deur in daardie sub-artikel na die woord „pensioen”, waar dit vir die vyfde keer voorkom, die woorde „behoudens die bepalings van die Wysigingswet op Pensioene vir Parlementsdiens, 1963,” in te voeg;
- (c) deur die volgende sub-artikel by te voeg:
 - „(3) Indien 'n weduwee wat—

- (a) is in receipt of or entitled to a pension in terms of section *ten* of the Parliamentary Service Pensions Amendment Act, 1963; or
- (b) is in receipt of or entitled to a pension in terms of an ordinance made under the powers conferred on a provincial council by the Provincial Powers Extension Act, 1960 (Act No. 42 of 1960), or in terms of the Legislative Assembly and Executive Committee Members' Pensions Ordinance, 1961 (Ordinance No. 29 of 1961), of South-West Africa by virtue of any service rendered by her late husband as a member of a provincial council or an executive committee of a province or as a member of the Legislative Assembly of the territory of South-West Africa or the executive committee of that territory, becomes a member, such pension shall cease to be paid or payable to her during the period of her service as a member."

Amendment of
section 53 of Act
92 of 1962.

19. Section *fifty-three* of the Pension Laws Amendment Act, 1962, is hereby amended—

- (a) by the deletion at the end of paragraph (a) and of paragraph (i) of sub-section (1), of the word "or"; and
- (b) by the deletion of paragraph (b) and paragraph (ii) of that sub-section.

Application
of Act to
South-West
Africa.

20. This Act shall in so far as is necessary for the effective application thereof also apply in the territory of South-West Africa.

Short title.

21. This Act shall be called the Parliamentary Service Pensions Amendment Act, 1963.

- (a) ingevolge artikel *tien* van die Wysigingswet op Pensioene vir Parlementsdiens, 1963, 'n pensioen ontvang of daarop geregtig is; of
 - (b) ingevolge 'n ordonnansie verorden kragtens die bevoegdhede by die Wet tot Uitbreiding van Provinsiale Bevoegdhede, 1960 (Wet No. 42 van 1960), aan 'n provinsiale raad verleen, of ingevolge die Ordonnansie op Pensioene aan Lede van die Wetgewende Vergadering en die Uitvoerende Komitee, 1961 (Ordonnansie No. 29 van 1961), van Suidwes-Afrika, 'n pensioen ontvang of daarop geregtig is uit hoofde van enige diens wat deur haar oorlede eggenoot verrig is as lid van 'n provinsiale raad of uitvoerende komitee van 'n provinsie of as lid van die Wetgewende Vergadering van die gebied Suidwes-Afrika of die uitvoerende komitee van daardie gebied,
- 'n lid word, word bedoelde pensioen gedurende die tydperk van haar diens as lid nie aan haar betaal nie of is dit nie aan haar betaalbaar nie."

19. Artikel *drie-en-vyftig* van die Wysigingswet op die Pensioenwette, 1962, word hierby gewysig—
- (a) deur aan die end van paragraaf (a) en van paragraaf (i) van sub-artikel (1) die woord „of” te skrap; en
 - (b) deur paragraaf (b) en paragraaf (ii) van daardie sub-artikel te skrap.

Wysiging van artikel 53 van Wet 92 van 1962.

20. Hierdie Wet is, vir sover dit vir die doeltreffende toepassing daarvan nodig is, ook in die gebied Suidwes-Afrika van toepassing.

Toepassing van Wet in Suidwes-Afrika.

21. Hierdie Wet heet die Wysigingswet op Pensioene vir Kort titel. Parlementsdiens, 1963.