

EXTRAORDINARY



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[No. 830.]

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 941.] [26th June, 1964.

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

	PAGE
No. 61 of 1964: Banking Amendment Act, 1964 ..	3
No. 62 of 1964: Building Societies Amendment Act, 1964 ..	39
No. 63 of 1964: Attorneys, Notaries and Conveyancers Admission Amendment Act, 1964 ..	61
No. 64 of 1964: Police Amendment Act, 1964 ..	77
No. 65 of 1964: Co-operative Societies Amendment Act, 1964 ..	87
No. 66 of 1964: Marketing Amendment Act, 1964 ..	89
No. 67 of 1964: Bantu Labour Act, 1964 ..	99
No. 68 of 1964: Land Settlement Amendment Act, 1964 ..	139
No. 69 of 1964: Wine and Spirits Control Amendment Act, 1964 ..	165

No. 941.]

[26 Junie 1964.

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

	BLADSY
No. 61 van 1964: Bankwysigingswet, 1964 ..	2
No. 62 van 1964: Wysigingswet op Bouverenigings, 1964 ..	38
No. 63 van 1964: Wysigingswet op die Toelating van Prokureurs, Notarisse en Transportbesorgers, 1964 ..	60
No. 64 van 1964: Wysigingswet op Polisie, 1964 ..	76
No. 65 van 1964: Wysigingswet op Koöperatiewe Verenigings, 1964 ..	86
No. 66 van 1964: Wysigingswet op Bemaking, 1964 ..	88
No. 67 van 1964: Wet op Bantoe-arbeid, 1964 ..	98
No. 68 van 1964: Wysigingswet op Nedersetting, 1964 ..	138
No. 69 van 1964: Wysigingswet op Beheer oor Wyn en Spiritueel, 1964 ..	164

No. 61, 1964.]

WET**Tot wysiging van die Bankwet, 1942.**

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

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Junie 1964.)*

Wysiging van artikel 1 van Wet 38 van 1942, soos gewysig deur artikel 1 van Wet 34 van 1944, artikel 22 van Wet 33 van 1949, artikel 1 van Wet 40 van 1955 en artikel 1 van Wet 6 van 1961.

1. Artikel een van die Bankwet, 1942 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur in sub-artikel (1) die omskrywing van „bankinstelling” deur die volgende omskrywing te vervang: „bankinstelling” of „instelling” ’n handelsbank of ’n diskontohuis of ’n algemene bank of ’n huurkoopbank of ’n aksepbank of ’n spaarbank;”;
- (b) deur in daardie sub-artikel die omskrywings van „onmiddellik opeisbare verpligting”, „depositonemende instelling”, „direkteur” en „garansiedeposito’s” te skrap en die volgende omskrywings in die plek daarvan in daardie sub-artikel in te voeg:
 - „diskontohuis” ’n persoon wie se besigheid bestaan uit die verdiskontering of koop en verkoop van of belegging in die in sub-artikel (1) van artikel twee-en-twintig vermelde sekuriteite, en ook uit die aangaan, oorwegend teen verpanding van sodanige sekuriteite, van onmiddellik of met kort kennisgewing opeisbare lenings by die instellings in sub-artikel (2) van bedoelde artikel vermeld;
 - „koöperatiewe vereniging” ’n koöperatiewe vereniging of koöperatiewe maatskappy wat ingevolge die wetsbepalings op koöperatiewe verenigings en koöperatiewe maatskappye geregistreer is;
 - „algemene bank” ’n persoon wat die neem van deposito’s as bedryf uitoefen, maar nie ook ’n handelsbank of ’n huurkoopbank of ’n aksepbank of ’n spaarbank nie;
 - „huurkoopbank” ’n persoon wat die neem van deposito’s as bedryf uitoefen en van wie se ander besigheid die finansiering van huurkooptransaksies ’n belangrike deel uitmaak;
 - „Landbank” die Land- en Landboubank van Suid-Afrika;”;
- (c) deur in daardie sub-artikel die omskrywing van „likwiede bate” deur die volgende omskrywing te vervang:
 - „likwiede bates” die totaalbedrag aan—
 - (a) Reserwebanknote en pasmunt;
 - (b) kreditsaldo’s by die Reserwebank;
 - (c) onmiddellik opeisbare deposito’s by die Nasionale Finansiële korporasie;
 - (d) onmiddellik opeisbare deposito’s by ’n bankinstelling wat ’n reserwesaldo by die Reserwebank in stand moet hou;
 - (e) onmiddellik opeisbare lenings aan diskontohuise;
 - (f) Unieskatkiesbewyse;
 - (g) effekte van die Regering waarvan die laaste aflosdatum binne drie jaar val;
 - (h) wissels deur die Landbank uitgereik en voorskotte aan vermelde bank wat na keuse van die uitlener in wissels omgesit kan word;
 - (i) obligasies van die Landbank wat binne drie jaar verval;
 - (j) aksepte van ’n bankinstelling wat ’n reserwesaldo by die Reserwebank in stand moet hou, maar nie ook aksepte van die betrokke bankinstelling self nie;

No. 61, 1964.]

ACT

To amend the Banking Act, 1942.

(English text signed by the State President.)

(Assented to 16th June, 1964.)

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

1. Section one of the Banking Act, 1942 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution in sub-section (1) for the definition of "banking institution" of the following definition: "banking institution" or "institution" means a commercial bank or a discount house or a general bank or a hire-purchase bank or a merchant bank or a savings bank;"
- (b) by the deletion in that sub-section of the definitions of "demand liability", "deposit-receiving institution", "director" and "guarantee deposits", and the insertion in that sub-section in the stead of the said definitions of the following definitions:
- "discount house" means a person whose business consists of discounting or buying and selling or investing in the securities referred to in sub-section (1) of section *twenty-two* and also of accepting, predominantly against the pledge of such securities, loans repayable on demand or at short notice from the institutions referred to in sub-section (2) of the said section;
- "co-operative society" means a co-operative society or co-operative company registered under the laws relating to co-operative societies and co-operative companies;
- "general bank" means a person who carries on the business of accepting deposits, but does not include a commercial bank or a hire-purchase bank or a merchant bank or a savings bank;
- "hire-purchase bank" means a person who carries on the business of accepting deposits and of whose other business the financing of hire-purchase transactions forms a substantial part;
- "Land Bank" means the Land and Agricultural Bank of South Africa;"
- (c) by the substitution in that sub-section for the definition of "liquid assets" of the following definition:
- "liquid assets" means the aggregate amount of—
- Reserve Bank notes and subsidiary coin;
 - credit balances with the Reserve Bank;
 - deposits withdrawable on demand with the National Finance Corporation;
 - deposits withdrawable on demand with a banking institution which is required to maintain a reserve balance with the Reserve Bank;
 - loans to discount houses repayable on demand;
 - Union treasury bills;
 - stocks of the Government with a maturity to the latest redemption date of not more than three years;
 - bills issued by the Land Bank and advances to the said bank which, at the option of the lender, are convertible into bills;
 - debentures of the Land Bank with a maturity of not more than three years;
 - acceptances of a banking institution which is required to maintain a reserve balance with the Reserve Bank, not being acceptances of the banking institution concerned itself;

Amendment of section 1 of Act 38 of 1942, as amended by section 1 of Act 34 of 1944, section 22 of Act 33 of 1949, section 1 of Act 40 of 1955 and section 1 of Act 6 of 1961.

- (k) self-likwiderende wissels of promesses wat uit die beweging van goedere ontstaan, wat binne hoogstens honderd-en-twintig dae of, in die geval van landbouwissels, ses maande verval, en wat deur die Reserwebank verdiskonteer kan word; en
- (l) die ander bates wat die Registrateur vir die doeleindes van hierdie omskrywing by kennisgewing in die *Staatskoerant* goedkeur;";
- (d) deur in daardie sub-artikel na die omskrywing van „likwiede bates” die volgende omskrywings in te voeg:
 - „langtermynverpligting’, met betrekking tot die een of ander datum, ’n verpligting wat na verloop van minstens ses maande vanaf daardie datum betaalbaar is of wat op daardie datum aan minstens ses maande kennis van opsegging onderworpe is voordat dit betaalbaar word;
 - „middeltermynverpligting’, met betrekking tot die een of ander datum, ’n verpligting wat na verloop van ’n tydperk van minstens dertig dae maar minder as ses maande vanaf daardie datum betaalbaar is, of wat op daardie datum aan minstens dertig dae maar minder as ses maande kennis van opsegging onderworpe is voordat dit betaalbaar word, en is daarby ook ’n spaardeposito inbegrepe;
 - „akseptbank’ ’n persoon wat ’n bedryf uitoefen waarvan die aksepteer van wissels wat deur die Reserwebank verdiskonteer kan word ’n belangrike deel uitmaak, en wat ook deposito’s neem;”;
- (e) deur in daardie sub-artikel die omskrywing van „Minister” deur die volgende omskrywing te vervang: „Minister’ die Minister van Finansies;”;
- (f) deur in daardie sub-artikel na die omskrywing van „Minister” die volgende omskrywing in te voeg: „Nasionale Finansiële korporasie’ die Nasionale Finansiële korporasie van Suid-Afrika ingestel by artikel twee van die Wet op die Nasionale Finansiële korporasie, 1949 (Wet No. 33 van 1949);”;
- (g) deur in daardie sub-artikel die omskrywing van „volksbank” te skrap;
- (h) deur in daardie sub-artikel na die omskrywing van „persoon” die volgende omskrywing in te voeg: „voorgeskrewe beleggings’ die totaalbedrag aan—
 - (a) likwiede bates;
 - (b) deposito’s by ’n bankinstelling wat ’n reserwesaldo by die Reserwebank in stand moet hou, behalwe deposito’s wat as likwiede bates geld;
 - (c) deposito’s by ’n permanente bouvereniging waarvan die totale bates aan die einde van die jongste voorafgaande kwartaal minstens tien miljoen rand beloop het;
 - (d) deposito’s by ’n plaaslike bestuur binne die Unie;
 - (e) deposito’s by die Nasionale Finansiële korporasie en lenings aan diskontohuise, behalwe deposito’s of lenings wat as likwiede bates geld;
 - (f) effekte van die Regering behalwe dié wat as likwiede bates geld;
 - (g) obligasies of effekte deur die Regering gewaarborg;
 - (h) effekte van en lenings aan ’n plaaslike bestuur in die Unie;
 - (i) obligasies of effekte van die Randwaterraad of die Elektrisiteitsvoorsieningskommissie;
 - (j) obligasies van die Landbank behalwe dié wat as likwiede bates geld; en
 - (k) die ander beleggings wat die Registrateur vir die doeleindes van hierdie omskrywing by kennisgewing in die *Staatskoerant* goedkeur;”;
- (i) deur in daardie sub-artikel die omskrywings van „leningsbank” en „termynverpligting” te skrap en in die plek van bedoelde omskrywings die volgende omskrywings in daardie sub-artikel in te voeg:

- (k) self-liquidating bills or promissory notes arising out of the movement of goods, with a maturity not exceeding one hundred and twenty days, or six months in the case of agricultural bills, and which are eligible for discount by the Reserve Bank; and
 - (l) such other assets as the Registrar may by notice in the *Gazette* approve for the purposes of this definition;”;
- (d) by the insertion in that sub-section after the definition of “liquid assets” of the following definitions:
 - “‘long-term liability’, in relation to any date, means a liability which is payable after the expiration of at least six months as from that date or which on that date is subject to at least six months’ notice before becoming payable;
 - ‘medium-term liability’, in relation to any date, means a liability which is payable after the expiration of a period of not less than thirty days but less than six months as from that date, or which on that date is subject to not less than thirty days’ but less than six months’ notice before becoming payable, and includes savings deposits;
 - ‘merchant bank’ means a person carrying on a business of which the acceptance of bills which are eligible for discount by the Reserve Bank forms a substantial part, and who also accepts deposits;”;
- (e) by the substitution in that sub-section for the definition of “Minister” of the following definition:
 - “‘Minister’ means the Minister of Finance;”;
- (f) by the insertion in that sub-section after the definition of “Minister” of the following definition:
 - “‘National Finance Corporation’ means the National Finance Corporation of South Africa established by section two of the National Finance Corporation Act, 1949 (Act No. 33 of 1949);”;
- (g) by the deletion in that sub-section of the definition of “people’s bank”;
- (h) by the insertion in that sub-section after the definition of “person” of the following definition:
 - “‘prescribed investments’ means the aggregate amount of—
 - (a) liquid assets;
 - (b) deposits with any banking institution which is required to maintain a reserve balance with the Reserve Bank, other than deposits ranking as liquid assets;
 - (c) deposits with a permanent building society whose total assets as at the end of the last preceding quarter amounted to not less than ten million rand;
 - (d) deposits with a local authority within the Union;
 - (e) deposits with the National Finance Corporation and loans to discount houses, other than deposits or loans ranking as liquid assets;
 - (f) stocks of the Government, other than those ranking as liquid assets;
 - (g) debentures or stock guaranteed by the Government;
 - (h) stocks of and loans to any local authority in the Union;
 - (i) debentures or stock of the Rand Water Board or the Electricity Supply Commission;
 - (j) debentures of the Land Bank, other than those ranking as liquid assets; and
 - (k) such other investments as the Registrar may by notice in the *Gazette* approve for the purposes of this definition;”;
- (i) by deletion in that sub-section of the definitions of “loan bank” and “time liability” and the insertion in that sub-section in the stead of those definitions of the following definitions:

„spaarrekening” ’n rekening wat ’n deposant by ’n bankinstelling hou en waarop hy nie ’n groter kreditsaldo in stand mag hou, en waaruit hy nie sonder toestemming van die instelling ’n opvraging op korter kennis met betrekking tot die opgevraagde bedrag kan maak, as wat die reëls of statute van die instelling bepaal nie;

„spaarbank” ’n persoon wat die neem van deposito’s as bedryf uitoefen en van wie se ander besigheid die verstreking van lenings teen sekerheid van vaste eiendom of van borgaktes ’n belangrike deel uitmaak;

„spaardeposito” ’n kreditsaldo op ’n spaarrekening; „korttermynverpligting”, met betrekking tot die een of ander datum, ’n verpligting wat binne dertig dae vanaf daardie datum betaalbaar is, of wat op daardie datum aan minder as dertig dae kennis van opsegging onderworpe is voordat dit betaalbaar word;

„Tesourie” die Minister of ’n amptenaar van die Departement van Finansies wat deur die Minister gemagtig is om ’n werksaamheid deur hierdie Wet aan die Tesourie opgedra, te verrig;”;

(j) deur sub-artikel (1) *bis* deur die volgende sub-artikel te vervang:

„(1) *bis* ’n Persoon word by die toepassing van hierdie Wet geag die aanneem van deposito’s as bedryf uit te oefen al word bedoelde deposito’s tot vasgestelde bedrae beperk en al word sertifikate of ander stukke ten opsigte van bedoelde bedrae uitgereik wat voorsiening maak vir die terugbetaling aan die houer daarvan, hetsy voorwaardelik of onvoorwaardelik, van die bedrae van die deposito’s op bepaalde of onbepaalde datums of vir die betaling van rente op die gedeponeerde bedrae met bepaalde tussenpose of andersins en al is bedoelde sertifikate oordraagbaar: Met dien verstande dat die aanname van geld teen obligasies ter voldoening aan die bepalings van sub-artikel (3) van artikel *sewe-en-sewentig* van die Maatskappywet, 1926 (Wet No. 46 van 1926), uitgereik, nie by die toepassing van hierdie Wet die aanneem van deposito’s as bedryf geag word nie.”;

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

„(2) ’n Persoon word by die toepassing van hierdie Wet geag die neem van deposito’s as bedryf uit te oefen—

(a) indien dit na die Registrateur se oordeel ’n staande kenmerk van sy besigheid is om deposito’s van die algemene publiek te neem; of

(b) indien hy sodanige deposito’s werf of daarvoor adverteer:

Met dien verstande dat by die toepassing van hierdie sub-artikel—

(i) werknemers ook met betrekking tot die persoon by wie hulle in diens is, geag word die algemene publiek uit te maak;

(ii) deposito’s geag word lenings in te sluit wat aangegaan is sonder sekuriteit of teen sekuriteit wat volgens die Registrateur se oordeel onvoldoende is;

(iii) ’n persoon (met inbegrip van ’n koöperatiewe vereniging) nie geag word sodanige bedryf uit te oefen nie indien hy nie te eniger tyd deposito’s van meer as twintig persone het en nie te eniger tyd in die geheel meer as vyfhonderdduisend rand aan deposito’s het nie; en

(iv) ’n koöperatiewe vereniging nie bloot op grond van die feit dat hy ooreenkomstig die bepalings van sub-artikel (2) *bis* van sy lede geld leen, geag word sodanige bedryf uit te oefen nie.

(2) *bis* ’n Koöperatiewe vereniging (hieronder die vereniging genoem) kan op die volgende voorwaardes van sy lede geld leen, te wete—

(a) dat geen lening van ’n indiwiduele lid minder as honderd rand bedra nie, en by die toepassing van hierdie paragraaf word elke opeenvolgende lening van ’n bepaalde lid as ’n afsonderlike lening beskou;

“‘savings account’ means an account which a depositor maintains with a banking institution and in which he may not keep a larger credit balance and from which he may not without the consent of the institution make a withdrawal at shorter notice, in relation to the amount to be withdrawn, than is determined by the rules or articles of the institution;

‘savings bank’ means a person who carries on the business of accepting deposits and of whose other business the granting of loans against the security of fixed property or surety bonds forms a substantial part;

‘savings deposit’ means a credit balance in a savings account;

‘short-term liability,’ in relation to any date, means a liability which is payable within thirty days as from that date or which on that date is subject to less than thirty days’ notice before becoming payable;

‘Treasury’ means the Minister or any officer in the Department of Finance authorized by the Minister to perform any function assigned to the Treasury by this Act;”;

- (j) by the substitution for sub-section (1)*bis* of the following sub-section:

“(1)*bis* A person shall be deemed to be carrying on the business of accepting deposits of money for the purposes of this Act notwithstanding that such deposits are limited to fixed amounts or that certificates or other instruments are issued in respect of any such amounts providing for the repayment to the holder thereof either conditionally or unconditionally of the amounts of the deposits at specified or unspecified dates or for the payment of interest on the amounts deposited at specified intervals or otherwise, or that such certificates are transferable: Provided that the acceptance of moneys against debentures issued in compliance with the provisions of sub-section (3) of section *seventy-seven* of the Companies Act, 1926 (Act No. 46 of 1926), shall not be deemed to be the business of accepting deposits of money for the purposes of this Act.”;

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

“(2) A person shall be deemed to be carrying on the business of accepting deposits for the purposes of this Act—

(a) if in the opinion of the Registrar he accepts, as a regular feature of his business, deposits from the general public; or

(b) if he solicits or advertises for such deposits:

Provided that for the purposes of this sub-section—

(i) employees shall also be deemed to constitute the general public in relation to the person by whom they are employed;

(ii) deposits shall be deemed to include loans entered into without security or against security which in the opinion of the Registrar is insufficient;

(iii) a person (including any co-operative society) shall not be deemed to be carrying on such business if he does not at any time hold deposits from more than twenty persons and does not at any time hold deposits amounting in the aggregate to more than five hundred thousand rand; and

(iv) a co-operative society shall not be deemed to be carrying on such business by reason only of the fact that it borrows money from its members in accordance with the provisions of sub-section (2)*bis*.

(2)*bis* A co-operative society (hereinafter referred to as the society) may borrow money from its members on the following conditions, namely—

(a) that no loan from any one member shall amount to less than one hundred rand, and for the purposes of this paragraph every successive loan from any particular member shall be regarded as a separate loan;

- (b) dat 'n lening nie binne twaalf maande na ontvangs terugbetaal word nie;
- (c) dat die vereniging ten opsigte van elke lening 'n skuldbewys uitreik;
- (d) dat elke lening aangegaan word op die een of die ander van die volgende voorwaardes wat in die betrokke skuldbewys geboekstaaf moet word, te wete—
 - (i) dat die lid nie die reg het om terugbetaling te eis nie, maar dat die vereniging te eniger tyd nadat hy die lening vir minstens twaalf maande gehad het, die lening kan terugbetaal na minstens dertig dae kennisgewing vooraf van sy voorneme om dit terug te betaal; of
 - (ii) dat die lening op 'n bepaalde in die skuldbewys vermelde datum terugbetaalbaar is, maar dat die raad van direkteure van die vereniging gemagtig is om terugbetaling uit te stel, indien die omstandighede van die vereniging op daardie datum sodanige uitstel noodsaak, onderworpe aan die voorwaarde dat, indien die besluit van bedoelde raad nie by die eersvolgende algemene vergadering van die vereniging bevestig word nie, die lening binne sewe dae na die datum van bedoelde vergadering terugbetaal moet word.”;
- (l) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) By die berekening, by die toepassing van hierdie Wet, van die totaalbedrag van die gestorte kapitaal en onaangetaste reserwefondse van 'n bankinstelling, moet tot bevrediging van die Registrateur en van die ouditeur van bedoelde instelling vir die volgende items voorsiening gemaak en bedoelde totaalbedrag dien-ooreenkomstig verminder word, te wete—

 - (a) waardevermindering van bates en oninbare of twyfelagtige skulde (minstens een maal gedurende elke boekjaar bereken te word);
 - (b) bedryfs- en opgehoopte verliese, met inbegrip van opgehoopte waardevermindering en oninbare skulde wat nog nie afgeskryf is nie;
 - (c) oprichtingskoste, verteenwoordigende koste ten opsigte van organisasie of uitbreiding of die aankoop van 'n saak of konneksiewaarde, asook garansie-kommissie;
 - (d) die waarde van bates wat gedeponeer of verpand is om verpligtings wat ingevolge ander wetsbepalings aangegaan is, te verseker, waar al die aldus versekerde verpligtings (met inbegrip van voorwaardelike verpligtings) nie by die berekening ingesluit is nie en waar die uitwerking van so 'n deponering of verpanding is dat daardie bates nie vir die nakoming van die instelling se verpligtings teenoor die publiek volgens hierdie Wet, beskikbaar is nie;
 - (e) die bedrag van sy belegging in die aandele van 'n ander bankinstelling.”; en
- (m) deur paragraaf (c) van sub-artikel (4) te skrap.

Vervanging van artikel 2 van Wet 38 van 1942, soos gewysig deur artikel 2 van Wet 34 van 1944, artikel 2 van Wet 25 van 1947 en artikel 23 van Wet 33 van 1949.

2. Artikel twee van die Hoofwet word hierby deur die volgende artikel vervang:

„Vrystellings. 2. (1) Hierdie Wet is nie van toepassing nie op die Posspaarbank of die Landbank of die Reserwebank of die Nywerheid-ontwikkelingskorporasie van Suid-Afrika, Beperk of die Nasionale Finansiële korporasie of die Staatskuldkommissaris, of op enige plaaslike bestuur of bouvereniging of 'n koöperatiewe Bantoe-krediet-vereniging wat ingevolge 'n proklamasie uitgevaardig kragtens Wet No. 29 van 1897 van die Kaap die Goeie Hoop of kragtens die Bantoe-administrasie Wet (Wet No. 38 van 1927) geregi-streer is: Met dien verstande dat sodanige vrystelling nie van toepassing is nie op 'n spaardepartement of spaarbank of dergelike deposito-nemende instelling wat opgerig is deur of in verband met 'n plaaslike bestuur.

- (b) that a loan shall not be repaid within twelve months after receipt;
- (c) that the society shall in respect of each loan issue an acknowledgment of debt;
- (d) that every loan shall be negotiated on one or other of the following conditions which shall be recorded in the relevant acknowledgment of debt, namely—
 - (i) that the member shall not have the right to demand repayment, but that the society may after it has held the loan for not less than twelve months, at any time repay such loan upon giving not less than thirty days' prior notice of its intention to repay such loan; or
 - (ii) that the loan shall be repayable at a fixed date to be mentioned in the acknowledgment of debt, but that the board of directors of the society shall have power to defer the repayment if the circumstances of the society as at that date render such deferment necessary, subject to the condition that if the decision of such board is not confirmed at the first succeeding general meeting of the society, the loan shall be repaid within seven days of the date of such meeting.”;
- (l) by the substitution for sub-section (3) of the following sub-section:

“(3) In calculating for the purposes of this Act, the aggregate amount of the paid-up capital and unimpaired reserve funds of any banking institution, provision shall be made to the satisfaction of the Registrar and of the auditor of such institution for the following items and the said aggregate amount reduced accordingly, namely—

 - (a) depreciation of assets and bad or doubtful debts (to be calculated at least once in each financial year);
 - (b) operating and accumulated losses, including accumulated depreciation and bad debts not yet written off;
 - (c) preliminary expenses, representing expenses relating to organization or extension or the purchase of business or goodwill, and including underwriting commission;
 - (d) the value of any assets lodged or pledged to secure liabilities incurred under any other law where all the liabilities (including contingent liabilities) so secured are not included in the calculation and where the effect of such lodging or pledging is that such assets are not available for the purpose of meeting the liabilities of the institution to the public under this Act;
 - (e) the amount of its investment in the shares of another banking institution.”; and
- (m) by the deletion of paragraph (c) of sub-section (4).

2. The following section is hereby substituted for section two of the principal Act:

“Exemptions.

2. (1) This Act shall not apply to the Post Office Savings Bank or the Land or the Reserve Bank or the Industrial Development Corporation of South Africa, Limited or the National Finance Corporation or the Public Debt Commissioners, or to any local authority or building society or any Bantu co-operative credit society registered under any proclamation issued under Act No. 29 of 1897 of the Cape of Good Hope or under the Bantu Administration Act (Act No. 38 of 1927): Provided that such exemption shall not apply to any savings department or savings bank or similar deposit-receiving institution established by or in connection with any local authority.

Substitution of section 2 of Act 38 of 1942, as amended by section 2 of Act 34 of 1944, section 2 of Act 25 of 1947 and section 23 of Act 33 of 1949.

(2) Die bepalings van sub-artikel (2) van artikel elf, en artikels veertien, sestien, sewentien, agtien, twintig, een-en-twintig, nege-en-twintig, twee-en-dertig, vier-en-dertig, vyf-en-dertig, ses-en-veertig en agt-en-veertig is nie ten opsigte van 'n algemene bank wat 'n eksekuteurskamer of trustmaatskappy (behalwe 'n private maatskappy binne die bedoeling van artikel honderd-en-vier van die Maatskappywet, 1926, of 'n wysiging van daardie artikel) is, as sodanige gelisensieer ingevolge die Wet op Lisensies, 1962 (Wet No. 44 van 1962), op of voor die een-en-dertigste dag van Desember 1938, indien sy deposito-verpligtings op die eerste dag van Julie 1943 in geheel nie die som van sy gestorte kapitaal en sy onaangetaste reserwefondse oorskry het nie, van toepassing nie, solank as daardie deposito-verpligtings nie te eniger tyd daarna die som van sy gestorte kapitaal en sy onaangetaste reserwefondse oorskry nie."

Wysiging van artikel 3 van Wet 38 van 1942, soos gewysig deur artikel 1 van Wet 40 van 1959.

3. Artikel drie van die Hoofwet word hierby gewysig deur in sub-artikel (2) na die woord „word” die woorde „behalwe vir sover hierdie Wet anders bepaal” in te voeg, en in die Engelse teks die woord „sub-section” deur die woord „section” te vervang.

Vervanging van artikels 4, 5 en 6 van Wet 38 van 1942.

4. Artikels vier, vyf en ses van die Hoofwet word hierby deur die volgende artikels vervang:

„Registrasie en voorlopige registrasie van bankinstellings.

4. (1) 'n Persoon wat voornemens is om in die Unie die besigheid van 'n bankinstelling van enige klas te dryf, kan by die Registrateur aansoek doen om toestemming om so 'n bankinstelling te stig, en die Registrateur verleen sodanige toestemming indien die applikant hom oortuig dat die stigting van bedoelde instelling in die openbare belang sal wees en, waar die voorgestelde besigheid dié van 'n diskontohuis is, aan hom bewys lewer dat die Reserwebank bereid sal wees om die applikant as 'n diskontohuis te erken.

(2) 'n Applikant aan wie die Registrateur kragtens sub-artikel (1) toestemming verleen het, kan binne die tydperk wat die Registrateur vasstel op die by regulasie voorgeskrewe vorm by hom aansoek doen om ingevolge hierdie Wet as 'n bankinstelling van die betrokke klas voorlopig geregistreer te word, en moet saam met sy aansoek die volgende in tweevoud voorlê, te wete—

- (a) sy akte van oprigting en statute;
- (b) 'n aangifte van die adres van sy hoofkantoor;
- (c) 'n aangifte van die naam en adres van sy voorsitter en van iedere direkteur en van sy hoofuitvoerende beampte; en
- (d) volledige besonderhede van die besigheid wat hy voornemens is om te dryf en van die wyse waarop hy voornemens is om dit te dryf.

(3) Die aansoek en iedere in sub-artikel (2) vermelde dokument moet deur die voorsitter of die hoofuitvoerende beampte van die applikant geteken wees.

(4) Indien die Registrateur oortuig is—

- (a) dat die besigheid voorgestel om gedryf te word dié is van 'n bankinstelling van die klas ten opsigte waarvan registrasie verlang word;
- (b) dat die akte van oprigting en statute van die applikant nie met hierdie Wet onbestaanbaar is nie en nie om een of ander rede onwenslik is nie; en
- (c) dat die applikant nie voornemens is om by die dryf van die besigheid onwenslike metodes toe te pas nie,

moet hy, behoudens die bepalings van sub-artikels (6) en (7), en na betaling deur die applikant van 'n registrasiegeld van tien rand, die applikant as 'n bankinstelling van bedoelde klas voorlopig registreer.

(5) 'n Bankinstelling wat na die inwerkingtreding van die Bankwysigingswet, 1964, vir die eerste keer voorlopig geregistreer word, mag nie 'n deposito neem of 'n lening verstrek nie voordat hy aan die Registrateur bewys voorgelê het dat sy gestorte

(2) The provisions of sub-section (2) of section *eleven*, and sections *fourteen, sixteen, seventeen, eighteen, twenty, twenty-one, twenty-nine, thirty-two, thirty-four, thirty-five, forty-six and forty-eight* shall not apply in respect of a general bank which is a board of executors or trust company (not being a private company within the meaning of section *one hundred and four* of the Companies Act, 1926, or any amendment of that section) licensed as such under the Licences Act, 1962 (Act No. 44 of 1962) on or before the thirty-first day of December, 1938, if its deposit liabilities on the first day of July, 1943, did not in the aggregate exceed the sum of its paid-up capital and its unimpaired reserve funds, so long as those deposit liabilities do not at any time thereafter exceed the sum of its paid-up capital and its unimpaired reserve funds."

3. Section *three* of the principal Act is hereby amended by the substitution in sub-section (2) for the word "sub-section" of the word "section" and the insertion in that sub-section after the word "shall" of the words "save as is otherwise provided in this Act."

Amendment of section 3 of Act 38 of 1942, as amended by section 1 of Act 40 of 1959.

4. The following sections are hereby substituted for sections *four, five and six* of the principal Act:

Substitution of sections 4, 5 and 6 of Act 38 of 1942.

"Regis-
tration and
provisional
registration
of banking
institu-
tions.

4. (1) Any person who intends to carry on the business of any class of banking institution in the Union, may apply to the Registrar for permission to establish such a banking institution, and the Registrar shall grant such permission if the applicant satisfies him that the establishment of such institution will be in the public interest and, where the proposed business is that of a discount house, furnishes proof to him that the Reserve Bank will be prepared to recognize the applicant as a discount house.

(2) An applicant to whom the Registrar has granted permission in terms of sub-section (1) may within the period fixed by the Registrar apply to him in the form prescribed by regulation to be registered provisionally under this Act as a banking institution of the class in question, and shall submit in duplicate with its application—

- (a) its memorandum and articles of association;
- (b) a statement of the address of its head office;
- (c) a statement of the name and address of its chairman and of every director and of its chief executive officer; and
- (d) full particulars of the business it proposes carrying on and of the manner in which it proposes carrying it on.

(3) The application and every document mentioned in sub-section (2) shall be signed by the chairman or the chief executive officer of the applicant.

(4) If the Registrar is satisfied—

- (a) that the business proposed to be carried on is that of a banking institution of the class in respect of which registration is desired;
- (b) that the memorandum and articles of association of the applicant are not inconsistent with this Act and are not undesirable for any reason; and
- (c) that the applicant does not propose to adopt undesirable methods of conducting business, he shall, subject to the provisions of sub-sections (6) and (7), and after payment by the applicant of a registration fee of ten rand, register the applicant provisionally as a banking institution of the said class.

(5) A banking institution which is registered provisionally for the first time after the commencement of the Banking Amendment Act, 1964, shall not accept a deposit or grant an advance until it has furnished proof to the Registrar that its

kapitaal en onaangetaste reserwefondse tesame minstens die by artikel *veertien* of *vyftien* (watter ook al van toepassing is) voorgeskrewe bedrag beloop.

(6) Die Registrateur registreer nie 'n applikant voorlopig nie, tensy die applikant 'n publieke maatskappy is wat ingevolge die Maatskappywet, 1926 (Wet No. 46 van 1926), met regs persoonlikheid beklee en geregistreer is of geag word met regs persoonlikheid beklee en geregistreer te wees.

(7) Sonder afbreuk aan die algemeenheid van die bevoegdhede by hierdie artikel aan die Registrateur verleen, kan hy na goëddunke weier om 'n applikant voorlopig te registreer indien—

- (a) die direkte of indirekte beheer oor sy sake uit hoofde van aandelebesit, stemkrag, bevoegdheid om direkteure aan te stel, of andersins, volgens die Registrateur se oordeel tot nadeel van sy deposante of ander krediteure kan strek; of
- (b) geen voldoende voorsiening vir die bestuur van sy sake deur 'n raad van direkteure met 'n redelike aantal lede bestaan of geen bevredigende voorsiening vir 'n kworum van bedoelde raad gemaak word nie; of
- (c) die direkteure of voorgestelde hoofamptenare volgens die Registrateur se oordeel nie voldoende ervaring van die bestuur van 'n bankinstelling gehad het nie; of
- (d) die applikant voornemens is om sake te doen in 'n lokasie soos in die Bantoe (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), omskryf, en die Departement van Bantoeadministrasie en -ontwikkeling aanbeveel het dat dit nie voorlopig geregistreer moet word nie.

(8) Die voorlopige registrasie van 'n applikant is vir 'n tydperk van twaalf maande en is onderworpe aan sodanige voorwaardes en beperkings, wat nie met hierdie Wet onbestaanbaar is nie, as wat die Registrateur nodig ag, maar so 'n registrasie kan na goëddunke van die Registrateur van tyd tot tyd onderworpe aan dieselfde of enige ander of verdere voorwaardes en beperkings hernieu word vir tydperke van hoogstens twaalf maande op 'n keer: Met dien verstande dat geen bankinstelling vir langer as vyf jaar in die geheel voorlopig geregistreer bly nie.

(9) Indien 'n voorlopig geregistreerde instelling te eniger tyd terwyl hy voorlopig registreer is ten volle vir registrasie bevoeg word op grond daarvan dat hy aan enige ingevolge sub-artikel (7) opgelegde vereistes voldoen het, moet die Registrateur hom by betaling van 'n registrasiegeld van tien rand registreer as 'n bankinstelling van die klas waaronder hy val.

(10) Indien 'n instelling se voorlopige registrasie verstryk en nie hernieu of in registrasie omgesit word nie, moet hy—

- (a) binne 'n deur die Registrateur bepaalde tydperk al die deposito's terugbetaal wat hy ontvang het; en
- (b) binne die tydperk en op die wyse wat die Registrateur vereis, sy naam en sy akte van oprigting en statute verander.

(11) Die Registrateur reik ten opsigte van elke registrasie of voorlopige registrasie 'n sertifikaat in die by regulasie voorgeskrewe vorm uit.

(12) 'n Diskontohuis wat by die inwerking-treding van die Bankwysigingswet, 1964, bestaan het, word geag ingevolge hierdie artikel geregistreer te wees en is geregtig om op aansoek 'n registrasie-sertifikaat te dien effekte van die Registrateur te verkry.

5. (1) 'n Bankinstelling wat by die inwerking-treding van die Bankwysigingswet, 1964, as 'n deposito-nemende instelling, 'n volksbank of 'n leningsbank geregistreer of voorlopig geregistreer is, word geag ingevolge artikel *vier* soos deur daardie Wet vervang, geregistreer of voorlopig geregistreer te wees as 'n bankinstelling van die klas in artikel *een* omskryf wat pas by die besigheid deur hom gedryf.

(2) Vir die doeleindes van sub-artikel (1) bepaal die Registrateur so gou doenlik na die inwerking-treding van bedoelde Wet, ten opsigte van elk van

Voort-
setting van
registrasie
van
bestaande
instellings.

paid-up capital and unimpaired reserve funds together amount to not less than the amount prescribed by section *fourteen* or *fifteen*, whichever is applicable.

(6) The Registrar shall not register an applicant provisionally unless the applicant is a public company incorporated and registered or deemed to have been incorporated and registered under the Companies Act, 1926 (Act No. 46 of 1926).

(7) Without prejudice to the generality of the powers conferred upon the Registrar by this section, he may in his discretion refuse to register an applicant provisionally if—

- (a) the direct or indirect control over its affairs by virtue of shareholding, voting powers, power to appoint directors, or otherwise, may in the opinion of the Registrar react to the detriment of its depositors or other creditors; or
- (b) adequate provision does not exist for the conduct of its affairs by a board of directors with a reasonable number of members or satisfactory provision is not made for a quorum of such board; or
- (c) the directors or proposed chief officers, in the opinion of the Registrar, have not had sufficient experience of the management of a banking institution; or
- (d) the applicant proposes to carry on business in a location as defined in the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), and the Department of Bantu Administration and Development has recommended that it be not provisionally registered.

(8) The provisional registration of an applicant shall be for a period of twelve months and shall be subject to such conditions and limitations not inconsistent with this Act as the Registrar may consider necessary, but such registration may in the discretion of the Registrar from time to time be renewed, subject to the same or any other or further conditions and limitations, for periods not exceeding twelve months at a time: Provided no banking institution shall remain provisionally registered for an aggregate period exceeding five years.

(9) If a provisionally registered institution becomes fully qualified for registration at any time while it is provisionally registered, by reason of the fact that it has complied with any requirements imposed under sub-section (7), the Registrar shall, upon payment of a registration fee of ten rand, register such institution as a banking institution of the class to which it belongs.

(10) If the provisional registration of an institution expires and is not renewed or converted into registration, it shall—

- (a) within a period determined by the Registrar repay all the deposits which it holds; and
- (b) change its name and its memorandum and articles of association within the period and in the manner required by the Registrar.

(11) The Registrar shall issue in respect of every registration or provisional registration a certificate in a form prescribed by regulation.

(12) Any discount house which was in existence at the commencement of the Banking Amendment Act, 1964, shall be deemed to have been registered in terms of this section and shall be entitled on application to receive a certificate of registration from the Registrar accordingly.

Continuation of registration of existing institutions.

5. (1) A banking institution which at the commencement of the Banking Amendment Act, 1964, is registered or provisionally registered as a deposit-receiving institution, a people's bank or a loan bank, shall be deemed to have been registered or provisionally registered in terms of section *four* as substituted by the said Act as a banking institution of the class defined in section *one* which is appropriate to the business carried on by it.

(2) For the purposes of sub-section (1) the Registrar shall, as soon as practicable after the commence-

die betrokke instellings die klas waaronder hy val en stel hy hom skriftelik in kennis van die klas aldus bepaal.

(3) (a) So 'n instelling wat die korrektheid van die bepaling ten opsigte van hom deur die Registrateur gemaak, betwis, kan, binne dertig dae nadat hy van daardie bepaling kennis gekry het, 'n beswaar teen bedoelde bepaling skriftelik by die Registrateur indien.

(b) Indien geen beswaar aldus ingedien word nie, of indien die Registrateur en die betrokke instelling nadat 'n beswaar aldus ingedien is tot 'n ooreenkoms geraak aangaande die klas waaronder die instelling val, reik die Registrateur aan die betrokke instelling 'n registrasiesertifikaat uit ten opsigte van 'n bankinstelling van die klas waaronder hy val soos deur die Registrateur of, na gelang van die geval, by ooreenkoms tussen hom en daardie instelling bepaal.

(4) (a) Indien die Registrateur en bedoelde instelling nie kan ooreenkom omtrent die klas waaronder daardie instelling val nie, word die saak aan die Minister voorgelê om in verband daarmee te handel asof dit 'n appêl ingevolge artikel drie is, en die Minister kan daarop die Registrateur se bepaling bekragtig of dit tersyde stel en self die klas bepaal waaronder die instelling val.

(b) Die Minister se beslissing ingevolge paragraaf (a) is afdoende, en die Registrateur moet so gou doenlik na ontvangs van so 'n beslissing aan die betrokke instelling 'n registrasiesertifikaat ooreenkomstig dié beslissing uitreik.

(5) 'n Registrasiesertifikaat wat ingevolge hierdie artikel uitgereik moet word, is of 'n sertifikaat van registrasie of 'n sertifikaat van voorlopige registrasie, na gelang die betrokke instelling by die inwerking-treding van hierdie artikel geregistreer of voorlopig geregistreer was.

(6) Sub-artikel (2) van artikel elf is gedurende die tydperk van twaalf maande beginnende by die inwerkingtreding van die Bankwysigingswet, 1964, nie ten opsigte van 'n bankinstelling waarop hierdie artikel betrekking het, van toepassing nie.

Naam van
bankin-
stelling en
verandering
van naam.

6. (1) 'n Bankinstelling word nie voorlopig geregistreer met 'n naam—

(a) waaronder 'n ander bankinstelling reeds geregistreer of voorlopig geregistreer is nie; of

(b) wat soseer met dié van 'n reeds geregistreeerde of voorlopig geregistreeerde instelling ooreenkom dat die een moontlik met die ander verwar kan word nie; of

(c) wat na die oordeel van die Registrateur die publiek moontlik sal mislei nie.

(2) 'n Bankinstelling mag nie 'n ander naam besig of op homself toepas nie as die naam waaronder hy geregistreer of voorlopig geregistreer is of 'n letterlike vertaling daarvan wat die Registrateur goedgekeur het, en mag ook nie 'n verkorting van daardie naam besig of op homself toepas tensy die Registrateur dit goedgekeur het nie: Met dien verstande dat 'n bankinstelling met die toestemming van die Registrateur tesame met sy geregistreeerde naam ook die naam van 'n bankinstelling wat met hom saamgesmelt is of wat deur hom geabsorbeer is of, in die geval van 'n verandering van naam, die naam waaronder hy voorheen bekend gestaan het, kan besig of op homself kan toepas.

(3) (a) 'n Bankinstelling verander nie sy naam sonder die skriftelike toestemming van die Registrateur nie, en die bepaling van sub-artikel (1) is *mutatis mutandis* met betrekking tot 'n verandering van 'n bankinstelling se naam van toepassing.

(b) Die bepaling van hierdie sub-artikel word nie uitgelê asof dit die verandering van 'n naam

ment of the said Act, in respect of each such institution determine the class to which it belongs and in writing advise it of the class so determined.

- (3) (a) Any such institution which disputes the correctness of the determination made in respect of it by the Registrar, may, within thirty days after receipt of notice of such determination, in writing lodge with the Registrar an objection to that determination.
- (b) If no objection is so lodged or if, after an objection has been so lodged, agreement is reached between the Registrar and the institution concerned as to the class to which it belongs, the Registrar shall issue to the institution concerned a certificate of registration in respect of a banking institution of the class to which it belongs as determined by the Registrar or, as the case may be, by agreement between himself and such institution.
- (4) (a) Where agreement cannot be reached between the Registrar and such institution as to the class to which any such institution belongs, the matter shall be submitted to the Minister to be dealt with as if it were an appeal under section *three*, and the Minister may thereupon confirm the Registrar's determination or set it aside and himself determine the class to which such institution belongs.
- (b) The Minister's decision under paragraph (a) shall be final, and the Registrar shall as soon as practicable after receipt of such decision issue to the institution concerned a certificate of registration in accordance with that decision.

(5) Any certificate of registration required to be issued under this section shall be either a certificate of registration or a certificate of provisional registration, according to whether the institution concerned was registered or provisionally registered at the commencement of this section.

(6) Sub-section (2) of section *eleven* shall not during the period of twelve months beginning with the commencement of the Banking Amendment Act, 1964, apply in respect of any banking institution to which this section relates.

Name of
banking in-
stitution
and change
of name.

6. (1) A banking institution shall not be registered provisionally under a name—

- (a) under which a banking institution has already been registered or provisionally registered; or
- (b) which so nearly resembles the name of an institution already registered or provisionally registered that the one is likely to be mistaken for the other; or
- (c) which in the opinion of the Registrar is likely to mislead the public.

(2) A banking institution shall not use or refer to itself by a name other than the name under which it is registered or provisionally registered or a literal translation thereof which has been approved by the Registrar, or use or refer to itself by an abbreviation of that name unless the Registrar has approved it: Provided that with the consent of the Registrar a banking institution may, in conjunction with its registered name, use or refer to itself by the name of a banking institution with which it has amalgamated or which it has absorbed or, in the case of a change of name, the name by which it was previously known.

- (3) (a) A banking institution shall not change its name without the written consent of the Registrar, and the provisions of sub-section (1) shall apply *mutatis mutandis* with reference to a change of the name of a banking institution.
- (b) The provisions of this sub-section shall not be construed as authorizing the change of any name without compliance with the requirements

sonder voldoening aan die vereistes van enige ander wetsbepaling met betrekking tot so 'n naamsverandering veroorloof nie.

(4) Wanneer 'n bankinstelling sy naam verander het, verander die Registrateur op versoek van die instelling en by betaling deur die instelling van die bedrag van vyf rand, die naam van die instelling in sy register van bankinstellings en reik hy 'n sertifikaat van die verandering aan die instelling uit."

Wysiging van
artikel 7 van
Wet 38 van 1942.

5. Artikel *sewe* van die Hoofwet word hierby gewysig—
(a) deur die woorde „ingevolge artikel *vier*, *vyf* of *ses*” in sub-artikel (1) en die voorbehoudsbepaling by daardie sub-artikel te skrap; en
(b) deur in sub-artikel (2) die woord „inderdaad” te skrap.

Invoeging van
artikel 7*bis* in
Wet 38 van 1942.

6. Die volgende artikel word hierby na artikel *sewe* in die Hoofwet ingevoeg:

„Terugbe-
taling van
onwettige
deposito's.

7bis. (1) 'n Persoon wat deposito's het wat hy verkry het deur die neem van deposito's as bedryf uit te oefen sonder dat hy volgens voorskrif van hierdie Wet geregistreer of voorlopig geregistreer is, moet dié deposito's ooreenkomstig die Registrateur se opdrag terugbetaal.

(2) Die bepalinge van sub-artikel (1) vrywaar geen persoon teen strafregtelike aanspreeklikheid wat uit die oortreding van die bepalinge van hierdie Wet ontstaan nie."

Wysiging van
artikel 9 van
Wet 38 van 1942,
soos gewysig deur
artikel 4 van
Wet 34 van 1944.

7. Artikel *nege* van die Hoofwet word hierby gewysig—
(a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:
„(1) As iemand bewustelik 'n valse verklaring doen in verband met 'n aansoek om toestemming om 'n bankinstelling te stig of in verband met 'n aansoek om registrasie of voorlopige registrasie of in verband met die hernuwing van 'n voorlopige registrasie of in antwoord op 'n aansegging kragtens artikel *agt*, word hy geag skuldig te wees aan bedrog of valsheid.”;
(b) deur in sub-artikel (2) die woorde „ingevolge artikel *vier*, *vyf* of *ses*” te skrap;
(c) deur die volgende paragraaf by daardie sub-artikel te voeg, terwyl die bestaande sub-artikel paragraaf (a) word:
„(b) Die Registrateur kan met die Minister se goedkeuring die registrasie van 'n diskontohuis intrek of dit skors op die voorwaardes wat hy na goeddunke opleë, indien die Reserwebank geweier het om voort te gaan om herdiskonteringsfasiliteite aan dié diskontohuis te verleen.”;
(d) deur sub-artikel (3) deur die volgende sub-artikel te vervang:
„(3) (a) Wanneer 'n bankinstelling volgens die oordeel van die Registrateur nie meer die besigheid van 'n bankinstelling van die klas waarin dit geregistreer of voorlopig geregistreer is, dryf nie, sê die Registrateur die instelling by skriftelike kennisgewing aan om binne 'n in die kennisgewing vermelde tydperk, wat nie minder as dertig dae mag wees nie, redes aan te voer waarom sy registrasie of voorlopige registrasie nie ingetrek moet word of, in die geval van 'n instelling wat voortgaan om bankbesigheid te dryf, nie na registrasie of voorlopige registrasie as 'n bankinstelling van die gepaste klas verander moet word nie.
(b) Indien die instelling nie binne die in paragraaf (a) vermelde tydperk redes aanvoer wat die Registrateur tevrede stel nie, moet hy die instelling se registrasie intrek of, in die geval van 'n instelling wat voortgaan om bankbesigheid te dryf, die registrasie verander na registrasie van 'n bankinstelling van die gepaste klas.
(c) 'n Intrekking of verandering kragtens paragraaf (b) tree in werking een maand na die datum waarop die Registrateur die betrokke instelling skriftelik daarvan kennis gegee het, tensy die instelling binne dié tydperk kragtens artikel *drie* by die Minister appèl aanteken teen die Registrateur se besluit, en

of any other law relating to such a change of name.

(4) When a banking institution has changed its name, the Registrar shall at the request of the institution and on payment by it of the amount of five rand, change the name of the institution in his register of banking institutions and issue to the institution a certificate of such change."

5. Section *seven* of the principal Act is hereby amended—
- (a) by the deletion of the words "under section *four*, *five* or *six*" in sub-section (1) and of the proviso to that sub-section; and
- (b) by the deletion in sub-section (2) of the words "in fact".

Amendment of section 7 of Act 38 of 1942.

6. The following section is hereby inserted in the principal Act after section *seven*:

Insertion of section 7bis in Act 38 of 1942.

"Repayment of illegal deposits.

7bis. (1) A person holding deposits which he has obtained by carrying on the business of accepting deposits without being registered or provisionally registered as required by this Act, shall repay such deposits in accordance with the Registrar's directions.

(2) Nothing in sub-section (1) shall relieve any person from liability to criminal proceedings arising out of any contravention of the provisions of this Act."

7. Section *nine* of the principal Act is hereby amended—

Amendment of section 9 of Act 38 of 1942, as amended by section 4 of Act 34 of 1944.

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

"(1) If any person makes a statement which is false and which he knows to be false, in connection with an application for permission to establish a banking institution or in connection with an application for registration or provisional registration or in connection with the renewal of a provisional registration or in reply to a direction in terms of section *eight*, he shall be deemed to be guilty of fraud or *falsitas*."

- (b) by the deletion in sub-section (2) of the words "under section *four*, *five* or *six*";

- (c) by the addition to that sub-section of the following paragraph, the existing sub-section becoming paragraph (a):

"(b) The Registrar may, with the approval of the Minister, cancel the registration of a discount house or suspend such registration on such conditions as he may deem fit to impose, if the Reserve Bank has refused to continue to grant rediscount facilities to such discount house."

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

"(3) (a) When a banking institution, in the opinion of the Registrar, has ceased to carry on the business of a banking institution of the class in which it is registered or provisionally registered, the Registrar shall by notice in writing call upon that institution to show cause, within a period of not less than thirty days stated in the notice, why its registration or provisional registration shall not be cancelled or, in the case of an institution continuing to carry on banking business, shall not be converted into registration or provisional registration as a banking institution of the appropriate class.

- (b) If the institution does not, within the period mentioned in paragraph (a), show cause to the satisfaction of the Registrar, he shall cancel the registration of the institution or, in the case of an institution continuing to carry on banking business, convert its registration into registration of a banking institution of the appropriate class.

- (c) A cancellation or conversion in terms of paragraph (b) shall take effect one month after the date on which the Registrar has given written notice thereof to the institution concerned, unless within that period the institution appeals to the Minister in terms of section *three* against the Registrar's decision, in which case the cancella-

in so 'n geval is die intrekking of verandering nietig tensy en totdat dit deur die Minister bekragtig is.

- (d) Die Minister kan na oorweging van 'n appél ingevolge paragraaf (c) die Registrateur se besluit bekragtig of dit tersyde stel en in die plek daarvan enige beslissing gee wat die Registrateur na sy oordeel moes gegee het, en so 'n beslissing is afdoende en word in alle opsigte uitgevoer asof dit die Registrateur se besluit is.
- (e) Wanneer die registrasie of voorlopige registrasie van 'n instelling ingevolge hierdie sub-artikel na registrasie in 'n ander klas verander is, reik die Registrateur 'n sertifikaat van die verandering aan die instelling uit.”;
- (e) deur sub-artikel (4) deur die volgende sub-artikel te vervang:
- „(4) Wanneer dit uit 'n kragtens hierdie Wet voorgeskrewe staat wat deur 'n in sub-artikel (2) van artikel twee gemelde instelling aan die Registrateur voorgelê is, blyk dat die deposito-verpligtings van daardie instelling in die geheel die som van sy gestorte kapitaal en sy onaangetaste reserwefondse oorskry, word die vry-stellings wat die instelling kragtens daardie sub-artikel geniet het, geag met ingang van die datum van sertifisering van bedoelde staat te verval het en word die instelling geag voorlopig geregistreer te wees ingevolge artikel vier vir 'n tydperk van twaalf maande van dié datum af.”; en
- (f) deur sub-artikel (5) te skrap.

Wysiging van
artikel 11 van
Wet 38 van 1942.

8. Artikel *elf* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „ingevolge artikel *nege* of *tien*” deur die woorde „of na verstryking van 'n voorlopige registrasie of na 'n verandering van die naam van 'n instelling” te vervang.

Herroeping van
artikel 12 van
Wet 38 van 1942,
soos gewysig deur
artikel 3 van
Wet 25 van 1947.

9. Artikel *twaalf* van die Hoofwet word hierby herroep.

Vervanging van
artikels 13 tot 28
van Wet 38 van
1942.

10. Artikels *dertien* tot en met *agt-en-twintig* van die Hoofwet word hierby deur die volgende artikels vervang:

„Opgawes wat bankinstellings aan Registrateur moet voorlê. 13. (1) 'n Bankinstelling moet die volgende in tweevoud aan die Registrateur verstrek, te wete—

- (a) binne 'n tydperk van een-en-twintig dae vanaf die einde van elke maand van die jaar, 'n opgawe wat in 'n by regulasie voorgeskrewe vorm is en deur sy hoof-uitvoerende beampte en sy hoofrekenmeester in die Unie as juis gesertifiseer is en wat die inligting bevat wat die Registrateur nodig het ten einde te kan bepaal of die instelling die likwiede bates, die voorgeskrewe beleggings en die reserwesaldo by die Reserwebank soos deur hierdie Wet vereis, in stand hou: Met dien verstande dat so 'n opgawe nie in die geval van 'n diskontohuis vereis word nie;
- (b) binne 'n tydperk van veertig dae vanaf die einde van elke kalenderkwartaal, 'n staat wat in 'n by regulasie voorgeskrewe vorm en op voormelde wyse gesertifiseer is, van sy bates en laste aan die einde van die laaste besigheidsdag in daardie kwartaal;
- (c) tesame met die in paragraaf (b) vermelde staat, 'n opgawe wat in 'n by regulasie voorgeskrewe vorm is en op voormelde wyse gesertifiseer is en wat die inligting bevat wat die Registrateur nodig het ten einde te kan bepaal of die instelling die gestorte kapitaal en onaangetaste reserwefondse en die in artikel *twintig* voorgeskrewe bates soos deur hierdie Wet vereis, in stand hou;
- (d) gelyktydig met die stuur of voorlegging van 'n staat van sy sake of 'n kennisgewing, verslag of ander dokument aan sy aandeelhouders of lede, 'n afskrif van elke sodanige staat, kennisgewing,

tion or conversion shall have no force or effect unless and until it has been confirmed by the Minister.

- (d) The Minister may after considering any appeal under paragraph (c) confirm the decision of the Registrar or set it aside and substitute any decision which in his opinion the Registrar ought to have given, and any such decision shall be final and shall be carried out in all respects as if it were the Registrar's decision.
- (e) When the registration or provisional registration of an institution has been converted into registration in another class in terms of this sub-section, the Registrar shall issue to the institution a certificate of such conversion.”;
- (e) by the substitution for sub-section (4) of the following sub-section:
 “(4) Whenever it appears from any statement prescribed under this Act which has been furnished to the Registrar by an institution mentioned in sub-section (2) of section *two*, that the deposit liabilities of that institution exceed in the aggregate the sum of its paid-up capital and unimpaired reserve funds, the exemptions which the institution enjoyed in terms of that sub-section shall be deemed to have lapsed with effect from the date of certification of the said statement and the institution shall be deemed to have been registered provisionally in terms of section *four* for a period of twelve months as from that date.”; and
- (f) by the deletion of sub-section (5).

8. Section *eleven* of the principal Act is hereby amended by the substitution in sub-section (1) for the words “under section *nine* or *ten*” of the words “or upon the expiry of a provisional registration or upon the change of the name of an institution”.

Amendment of section 11 of Act 38 of 1942.

9. Section *twelve* of the principal Act is hereby repealed.

Repeal of section 12 of Act 38 of 1942, as amended by section 3 of Act 25 of 1947.

10. The following sections are hereby substituted for sections *thirteen* to *twenty-eight*, inclusive, of the principal Act:

Substitution of sections 13 to 28 of Act 38 of 1942.

“Returns which banking institutions must render to Registrar.

13. (1) A banking institution shall furnish to the Registrar in duplicate—

- (a) within a period of twenty-one days as from the end of each month of the year, a return in a form prescribed by regulation and certified as correct by its chief executive officer and its chief accounting officer in the Union, containing the information required by the Registrar in order to be able to determine whether the institution maintains the liquid assets, the prescribed investments and the reserve balance with the Reserve Bank required by this Act: Provided that such return shall not be required in the case of a discount house;
- (b) within a period of forty days as from the end of every calendar quarter, a statement in a form prescribed by regulation and certified as aforesaid, of its assets and liabilities as at the close of the last business day of that quarter;
- (c) together with the statement mentioned in paragraph (b), a return in a form prescribed by regulation and certified as aforesaid, containing the information required by the Registrar in order to be able to determine whether the institution maintains the paid-up capital and unimpaired reserve funds and the assets prescribed in section *twenty* required by this Act;
- (d) simultaneously with the sending or submission of any statement of its affairs or any notice, report or other document to its shareholders

verslag of ander dokument en van enige ouditeursverslag wat saam met so 'n staat gestuur of voorgelê word, in elke geval deur bedoelde hoof-uitvoerende beampte as 'n ware afskrif gesertifiseer;

(e) binne 'n tydperk van dertig dae vanaf die datum van 'n vergadering van sy aandeelhouders of lede, 'n afskrif van die notule van dié vergadering, deur bedoelde hoof-uitvoerende beampte as juis gesertifiseer; en

(f) binne 'n tydperk wat die Registrateur bepaal, enige verdere opgawes of inligting wat die Registrateur skriftelik van die instelling verlang.

(2) Die in paragrawe (a), (b) en (c) bedoelde regulasies kan verskillende vorms voorskryf vir die state en opgawes wat deur verskillende klasse instellings verstrekk moet word.

(3) Van die state wat 'n bankinstelling ingevolge paragraaf (b) van sub-artikel (1) ten opsigte van die vier kwartale in 'n kalenderjaar aan die Registrateur verstrekk, moet minstens een ook deur die instelling se ouditeur as waar en billik gesertifiseer word, en, indien die Registrateur dit vereis, moet enige ander sodanige staat deur 'n bepaalde instelling ten opsigte van 'n kalenderjaar verstrekk, insgelyks aldus gesertifiseer word.

(4) 'n Bankinstelling moet te alle tye op 'n ooglopende plek in elke gebou in die Unie waar hy besigheid dryf 'n afskrif van sy jongste ingevolge paragraaf (b) van sub-artikel (1) opgestelde staat van bates en laste ten toon stel.

(5) Die Registrateur moet uit die state ingevolge paragraaf (b) van sub-artikel (1) aan hom verstrekk, vir elke kwartaal samegestelde state vir die onderskeie klasse bankinstellings opstel wat in die vorm is en die besonderhede bevat wat hy goedvind, en bedoelde samegestelde state in die *Staatskoerant* publiseer.

Minimum
kapitaal en
reserwes.

14. (1) 'n Bankinstelling wat nie 'n diskontohuis is nie, moet, behoudens die bepalings van sub-artikels (3) en (4), 'n gestorte kapitaal en onaangestaste reserwefondse in die Unie in stand hou wat tesame nie minder bedra nie as—

(a) tweehonderdduisend rand; of

(b) ses persent van die bedrag van sy verpligtings teenoor die publiek in die Unie, behalwe verpligtings uit hoofde van aksepte, plus tien persent van die bedrag van laasbedoelde verpligtings, soos aangegee in die jongste kwartaalstaat wat hy ingevolge paragraaf (b) van sub-artikel (1) van artikel *dertien* aan die Registrateur verstrekk het,

na gelang van watter bedrag die grootste is: Met dien verstande dat by die toepassing van hierdie sub-artikel—

(i) 'n bankinstelling van sy voormelde verpligtings, behalwe verpligtings uit hoofde van aksepte, 'n bedrag kan aftrek wat gelyk is aan die bedrag wat hy meer aan likwiede bates het as wat ingevolge hierdie Wet vereis word; en

(ii) 'n handelsbank benewens die in paragraaf (i) vermelde bedrag, van sy voormelde verpligtings, behalwe verpligtings uit hoofde van aksepte, 'n bedrag wat gelyk is aan vyftig persent van die remises in transito, kan aftrek.

(2) By die toepassing van hierdie artikel op 'n handelsbank, beteken 'n remise in transito die bedrag van 'n tjek of ander betaalopdrag op een van sy takke in die Unie of op 'n ander bankinstelling in die Unie of op die Reserwebank getrek, waarmee 'n ander tak in die Unie van die betrokke handelsbank reeds 'n kliënt gekrediteer het of wat hy reeds uitbetaal het, maar waarmee eersbedoelde tak of bedoelde ander bankinstelling of die Reserwebank nog nie 'n kliënt gedebiteer het nie, en ook die bedrag van 'n skatkis-

or members, a copy of every such statement, notice, report or other document and of any auditor's report sent or submitted with any such statement, certified in each case as a true copy by the said chief executive officer;

- (e) within a period of thirty days as from the date of any meeting of its shareholders or members, a copy of the minutes of such meeting, certified as correct by the said chief executive officer; and
- (f) within such period as the Registrar may determine, any additional returns or information which the Registrar may request the institution in writing to furnish.

(2) The regulations referred to in paragraphs (a), (b) and (c) may prescribe different forms for the statements and returns to be furnished by various classes of institutions.

(3) Of the statements furnished to the Registrar by any banking institution in terms of paragraph (b) of sub-section (1) in respect of the four quarters in any calendar year, at least one shall also be certified as true and fair by the auditor of the institution, and, if the Registrar so requires, any other such statement submitted by a particular institution in respect of any calendar year shall likewise be so certified.

(4) A banking institution shall at all times display in a conspicuous place in every building in the Union in which it carries on business, a copy of its last statement of assets and liabilities compiled in terms of paragraph (b) of sub-section (1).

(5) The Registrar shall compile from the statements furnished to him in terms of paragraph (b) of sub-section (1), quarterly composite statements for the various classes of banking institutions, in such form and containing such particulars as he may deem fit, and publish such composite statements in the *Gazette*.

Minimum
capital and
reserves.

14. (1) A banking institution (other than a discount house) shall, subject to the provisions of sub-sections (3) and (4), maintain in the Union a paid-up capital and unimpaired reserve funds together amounting to not less than—

- (a) two hundred thousand rand; or
- (b) six per cent of the amount of its liabilities to the public in the Union, other than liabilities under acceptances, plus ten per cent of the latter liabilities as shown in the last preceding quarterly statement furnished to the Registrar in terms of paragraph (b) of sub-section (1) of section *thirteen*,

whichever is the greater: Provided that for the purposes of the application of this sub-section—

- (i) a banking institution may deduct from its aforesaid liabilities, other than liabilities under acceptances, an amount equal to the amount of liquid assets it holds in excess of the amount required by this Act; and
- (ii) a commercial bank may deduct from its aforesaid liabilities, other than liabilities under acceptances, in addition to the amount referred to in paragraph (i), an amount equal to fifty per cent of the remittances in transit.

(2) For the purposes of the application of this section to a commercial bank, a remittance in transit shall mean the amount of a cheque or other order to pay drawn on one of its branches in the Union or on another banking institution in the Union or on the Reserve Bank, with which another branch in the Union of the commercial bank concerned has credited a client or which it has paid out but with which the first-mentioned branch or such other banking institution or the Reserve Bank has not yet debited a client, and includes the amount of a

order wat die handelsbank uitbetaal het, maar waarvoor hy nog nie terugbetaling van die Sekretaris van die Tesourie ontvang het nie.

(3) So 'n bankinstelling wat by die inwerking-treding van die Bankwysigingswet, 1964, nie aan die bepalings van sub-artikel (1) voldoen nie, moet, behoudens die bepalings van sub-artikel (4), in verhouding met sy verpligtings teenoor die publiek in die Unie (min die aftrekkings ingevolge voorbehoudsbepalings (i) en (ii) by sub-artikel (1) toegelaat en verpligtings uit hoofde van aksepte), soos aangegee in die jongste kwartaalstaat wat hy ingevolge paragraaf (b) van sub-artikel (1) van artikel dertien aan die Registrateur verstrek het, 'n gestorte kapitaal en onaangetaste reserwefondse in die Unie in stand hou wat tesame nie minder bedra nie as die bedrag volgens voorskrif van onderstaande tabel bepaal aan die hand van die bedrag van bedoelde verpligtings, te wete—

- (a) die gepaste bedrag in die tweede kolom van daardie tabel uiteengesit; of
- (b) die gepaste persentasie van die bedrag van vermelde verpligtings soos in die derde kolom van daardie tabel uiteengesit,
- na gelang van watter bedrag die grootste is, tesame met 'n addisionele bedrag gelyk aan tien persent van sy verpligtings uit hoofde van aksepte.

TABEL.

<i>Verpligtings teenoor publiek volgens jongste kwartaalstaat.</i>	<i>Minimum bedrag</i>	<i>Minimum persentasie</i>
R	R	
1,000,000 nie te bowe gaande nie	—	10
2,000,000 nie te bowe gaande nie	100,000	8
2,000,000 te bowe gaande	160,000	6

(4) So 'n bankinstelling wat by die inwerking-treding van die Bankwysigingswet, 1964, nie aan die bepalings van sub-artikel (1) of (3) voldoen nie, moet binne een jaar daarna aan laasgenoemde sub-artikel voldoen: Met dien verstande dat sodra 'n in sub-artikel (3) bedoelde instelling se gestorte kapitaal en onaangetaste reserwefondse die bedrag van tweehonderdduisend rand bereik, vermelde sub-artikel ten opsigte van hom verval, waarna sub-artikel (1) vir hom geld.

Kapitaal-voorskrif vir diskontohuise.

15. 'n Diskontohuis moet in die Unie 'n gestorte kapitaal en onaangetaste reserwefondse in stand hou wat tesame nie minder bedra nie as—

- (a) tweehonderdduisend rand; of
- (b) twee persent van die bedrag van sy verpligtings teenoor die publiek in die Unie soos aangegee in die jongste kwartaalstaat wat hy ingevolge paragraaf (b) van sub-artikel (1) van artikel dertien aan die Registrateur verstrek het, na gelang van watter bedrag die grootste is.

Minimum reserwesaldo.

16. 'n Bankinstelling (behalwe 'n diskontohuis) waarvan die korttermynverpligtings teenoor die publiek in die Unie, behalwe verpligtings uit hoofde van aksepte en lenings van ander bankinstellings, soos aangegee in die jongste maandopgawe wat hy ingevolge paragraaf (a) van sub-artikel (1) van artikel dertien aan die Registrateur verstrek het, die bedrag van vyfhonderdduisend rand te bowe gaan, moet 'n reserwesaldo gelyk aan minstens agt persent van vermelde verpligtings by die Reserwebank in stand hou.

Minimum likwiede bates.

17. (1) 'n Bankinstelling (behalwe 'n diskontohuis) moet in die Unie likwiede bates in stand hou tot 'n bedrag minstens gelyk aan die som van—

(a) dertig persent van sy korttermynverpligtings teenoor die publiek in die Unie, behalwe verpligtings uit hoofde van aksepte;

(b) twintig persent van sy middeltermynverpligtings teenoor die publiek in die Unie, behalwe verpligtings uit hoofde van aksepte;

(c) vyf persent van sy langtermynverpligtings teenoor die publiek in die Unie; en

warrant voucher which the commercial bank has paid out but for which it has not yet received repayment from the Secretary to the Treasury.

(3) Any such banking institution which at the commencement of the Banking Amendment Act, 1964, is not complying with the requirements of sub-section (1), shall, subject to the provisions of sub-section (4), maintain in the Union, in relation to its liabilities to the public in the Union (less the deductions allowed under provisos (i) and (ii) to sub-section (1) and liabilities under acceptances), as shown in the last preceding quarterly statement furnished to the Registrar in terms of paragraph (b) of sub-section (1) of section *thirteen*, a paid-up capital and unimpaired reserve funds together amounting to not less than the amount determined as provided in the table set out hereunder, according to the amount of such liabilities, namely—

- (a) the appropriate amount set out in the second column of that table; or
- (b) the appropriate percentage of the amount of the liabilities aforesaid, set out in the third column of that table,

whichever is the greater, together with an additional amount equal to ten per cent of its liabilities under acceptances.

TABLE.

<i>Liabilities to the public as shown in last preceding quarterly statement.</i>	<i>Minimum amount.</i>	<i>Minimum percentage.</i>
	R	
Not exceeding 1,000,000	—	10
Not exceeding 2,000,000	100,000	8
Exceeding 2,000,000	160,000	6

(4) Any such banking institution which at the commencement of the Banking Amendment Act, 1964, is not complying with the requirements of sub-section (1) or (3), shall comply with the latter sub-section within one year thereafter: Provided that as soon as the paid-up capital and unimpaired reserve funds of an institution referred to in sub-section (3) reach the amount of two hundred thousand rand, the said sub-section shall cease to apply in respect of such institution and thereafter sub-section (1) shall apply in respect thereof.

Capital requirement for discount houses.

15. A discount house shall maintain in the Union a paid-up capital and unimpaired reserve funds together amounting to not less than—

- (a) two hundred thousand rand; or
- (b) two per cent of the amount of its liabilities to the public in the Union, as shown in the last preceding quarterly statement furnished by it to the Registrar in terms of paragraph (b) of sub-section (1) of section *thirteen*,

whichever is the greater.

Minimum reserve balance.

16. A banking institution (other than a discount house) whose short-term liabilities to the public in the Union, other than liabilities under acceptances and loans from other banking institutions, as shown in the last preceding monthly return furnished by it to the Registrar in terms of paragraph (a) of sub-section (1) of section *thirteen* exceed the amount of five hundred thousand rand, shall maintain a reserve balance with the Reserve Bank amounting to not less than eight per cent of the said liabilities.

Minimum liquid assets.

17. (1) A banking institution (other than a discount house) shall maintain in the Union liquid assets amounting to not less than the aggregate of—

- (a) thirty per cent of its short-term liabilities to the public in the Union, other than liabilities under acceptances;
- (b) twenty per cent of its medium-term liabilities to the public in the Union, other than liabilities under acceptances;
- (c) five per cent of its long-term liabilities to the public in the Union; and

- (d) tien persent van sy verpligtings uit hoofde van aksepte,
soos aangegee in die jongste maandopgawe wat hy ingevolge paragraaf (a) van sub-artikel (1) van artikel dertien aan die Registrateur verstrek het: Met dien verstande dat by die toepassing van hierdie sub-artikel—
- (i) 'n handelsbank die bedrag in voorbehoudsbepaling (ii) by sub-artikel (1) van artikel veertien bedoel, van die in paragraaf (a) hiervan vermelde verpligtings kan aftrek; en
 - (ii) 'n bankinstelling van die in paragraawe (a), (b) en (c) bedoelde verpligtings, die bedrae kan aftrek wat aan hom verskuldig is ten opsigte van lenings deur hom toegestaan teen sekerheid van vaste deposito's wat onder daardie paragraawe val.
- (2) Die bepalinge van sub-artikel (1) tree, ten opsigte van 'n bankinstelling (behalwe 'n handelsbank) wat op die datum van inwerkingtreding van die Bankwysigingswet, 1964, bestaan, in werking een jaar na bedoelde datum: Met dien verstande dat—
- (a) 'n instelling wat om redes wat die Registrateur aanneemlik vind, aan die einde van bedoelde tydperk van een jaar nog nie die volle by daardie sub-artikel vereiste bedrag aan likwiede bates besit nie, by die Registrateur om verlenging van daardie tydperk aansoek kan doen, en die Registrateur dit ten opsigte van bedoelde instelling met hoogstens twaalf maande kan verleng; en
 - (b) die instelling gedurende bedoelde tydperk van een jaar of 'n verlenging daarvan te alle tye aan die vereistes insake likwiede bates moet voldoen wat voor vermelde inwerkingtreding vir hom gegeld het.
- (3) (a) Wanneer die Reserwebank dit in die nasionale ekonomiese belang wenslik ag, kan hy met die toestemming van die Tesourie van tyd tot tyd bepaal—
- (i) dat ten opsigte van die instellings van 'n bepaalde klas die in paragraawe (a) en (b) van sub-artikel (1) vermelde persentasies tot onderskeidelik hoogstens veertig en dertig verhoog of tot onderskeidelik hoogstens twintig en tien verlaag word; of
 - (ii) dat elke instelling van 'n besondere klas, benewens die likwiede bates deur sub-artikel (1) vereis, aanvullende likwiede bates in die Unie in stand moet hou wat minstens gelyk is aan persentasies deur die Reserwebank voorgeskryf, maar nie meer as sewentig persent nie van die bedrag waarmee die korttermynverpligtings teenoor die publiek of tagtig persent van die bedrag waarmee die middeltermynverpligtings teenoor die publiek wat deur die instelling in die Unie betaalbaar is (soos aangegee in die jongste maandopgawe wat hy ingevolge paragraaf (a) van sub-artikel (1) van artikel dertien aan die Registrateur verstrek het) die bedrag van sodanige verpligtings oorskry op 'n datum deur die Reserwebank bepaal en deur die Registrateur in 'n kennisgewing in die *Staatskoerant* vermeld.
- (b) Wanneer die Reserwebank kragtens paragraaf (a) 'n bepaling gemaak het, stel hy die Registrateur skriftelik daarvan in kennis, en die Registrateur moet so gou doenlik elke instelling van die klas waarop die bepaling betrekking het skriftelik van die bepaling in kennis stel en die bepaling in die *Staatskoerant* laat afkondig.
- (c) So 'n bepaling word van krag—
- (i) indien dit vir 'n vermindering voorsiening maak, onmiddellik; of
 - (ii) indien dit vir 'n vermeerdering voorsiening maak, vir elke besondere instelling op die eerste datum waarop sy hoofuitvoerende beampte en sy hoofreken-

(d) ten per cent of its liabilities under acceptances, as shown in the last preceding monthly return furnished by it to the Registrar in terms of paragraph (a) of sub-section (1) of section *thirteen*: Provided that for the purposes of this sub-section—

- (i) a commercial bank may effect the deduction referred to in proviso (ii) to sub-section (1) of section *fourteen* from the liabilities referred to in paragraph (a) hereof; and
- (ii) a banking institution may deduct from the liabilities referred to in paragraphs (a), (b) and (c) the amounts owing to it in respect of loans made by it against the security of fixed deposits included under the said paragraphs.

(2) The provisions of sub-section (1) shall in respect of a banking institution (other than a commercial bank) existing at the date of commencement of the Banking Amendment Act, 1964, come into operation one year after the said date: Provided that—

(a) an institution which for reasons acceptable to the Registrar does not yet have, at the end of the said period of one year, the full amount of liquid assets required by the said sub-section, may apply to the Registrar for an extension of that period, and the Registrar may extend it in respect of such institution by not more than twelve months; and

(b) during the said period of one year or any extension thereof, the institution shall at all times comply with the requirements relating to liquid assets which were applicable to it before the said commencement.

(3) (a) Whenever the Reserve Bank deems it desirable in the national economic interest, it may with the consent of the Treasury from time to time determine—

(i) that in respect of the institutions of a particular class the percentages mentioned in paragraphs (a) and (b) of sub-section (1) shall be increased to not more than forty and thirty respectively or decreased to not less than twenty and ten respectively; or

(ii) that every institution of a particular class shall maintain, in addition to the liquid assets required by sub-section (1), supplementary liquid assets in the Union at least equal to percentages prescribed by the Reserve Bank, but not exceeding seventy per cent of the amount by which the short-term liabilities to the public or eighty per cent of the amount by which the medium-term liabilities to the public payable by the institution in the Union (as shown in the last preceding monthly return furnished by it to the Registrar in terms of paragraph (a) of sub-section (1) of section *thirteen*) exceed the amount of such liabilities as at a date determined by the Reserve Bank and stated by the Registrar in a notice in the *Gazette*.

(b) Whenever the Reserve Bank has made a determination in terms of paragraph (a), it shall inform the Registrar thereof in writing, and the Registrar shall as soon as practicable give written notice of the determination to every institution of the class to which the determination applies and cause the determination to be published in the *Gazette*.

(c) Any such determination shall take effect—

(i) if it provides for a decrease, immediately; or

(ii) if it provides for an increase, on the first date, in the case of any particular institution, after the expiration of thirty days as from the date of publication of the determination in the *Gazette*, on which its chief executive officer and its chief

meester na die verstryking van dertig dae vanaf die datum van publikasie van die bepaling in die *Staatkoerant* 'n maandopgawe ten opsigte van die instelling ingevolge paragraaf (a) van sub-artikel (1) van artikel *dertien* sertifiseer.

- (d) Die Reserwebank kan te eniger tyd met toestemming van die Tesourie 'n bestaande bepaling wysig deur 'n persentasie wat hy ingevolge paragraaf (a) bepaal het, te vermeerder of te verminder.
- (e) Die bepalinge van paragrawe (b) en (c) is *mutatis mutandis* op so 'n wysiging van toepassing.
- (f) Ondanks enigiets in paragraaf (a) vervat, is geen bankinstelling verplig om gedurende enige maand van die jaar sy likwiede bates met 'n bedrag van meer as vier persent van die som van sy korttermyn- en sy middeltermynverplichings aan die einde van die laaste werkdag van die vorige maand aan te vul nie.

Minimum
voorge-
skrewe
beleggings.

18. 'n Bankinstelling (behalwe 'n diskontohuis) moet voorgeskrewe beleggings in die Unie in stand hou van 'n bedrag minstens gelyk aan vyftien persent van sy verplichings teenoor die publiek soos aangegee in die jongste maandopgawe wat hy ingevolge paragraaf (a) van sub-artikel (1) van artikel *dertien* aan die Registrateur verstrek het.

Tydperk vir
instandhou-
ding van
voorge-
skrewe
minima.

19. 'n Bankinstelling moet enige deur of kragtens artikel *veertien*, *vyftien*, *sestien*, *sewentien* of *agtien* voorgeskrewe minimum bedrag in stand hou te alle tye gedurende die tydperk vanaf die datum van sertifisering ingevolge paragraaf (a) of (c) van sub-artikel (1) van artikel *dertien* van die staat of opgawe aan die hand waarvan daardie bedrag bepaal word, tot die dag voor die datum waarop die eersvolgende sodanige staat of opgawe aldus gesertifiseer word.

Bankin-
stellings
moet 'n
gedekte
binnelandse
posisie
handhaaf.

20. (1) 'n Bankinstelling moet bates (afgesien van eise) wat in die Unie geleë is en bates bestaande uit eise wat in die geldeenheid van die Unie betaalbaar is, in stand hou waarvan die totale waarde nie minder is nie as die som van—

- (a) die bedrag van sy verplichings wat in die geldeenheid van die Unie betaalbaar is; en
- (b) die gestorte kapitaal en onaangetaste reserwefondse wat hy ingevolge artikel *veertien* of (in die geval van 'n diskontohuis) *vyftien* in stand moet hou, soos aangegee in die jongste kwartaalstate wat hy ingevolge paragrawe (b) en (c) van sub-artikel (1) van artikel *dertien* aan die Registrateur verstrek het:

Met dien verstande dat die Minister 'n bankinstelling op laasgenoemde se versoek van die voorgaande bepalinge van hierdie artikel kan vrystel in die mate en vir die tydperk en op die voorwaardes wat hy bepaal: Met dien verstande voorts dat 'n handelsbank van die vereistes van vermelde bepalinge vrygestel is—

- (i) ten einde in die seisoensbehoefte wat uit die uitvoerhandel van die Unie ontstaan, te kan voorsien, tot 'n bedrag hoogstens gelyk aan die bedrag in paragraaf (b) vermeld;
- (ii) ten einde aan lenings wat deur die Internasionale Bank vir Rekonstruksie en Ontwikkeling uitgereik of gewaarborg word, te kan deelneem, tot 'n bedrag hoogstens gelyk aan vyf persent van die bedrag in paragraaf (a) vermeld.

(2) Die verplichings van 'n bankinstelling wat in die geldeenheid van die Unie betaalbaar is, geniet voorrang teenoor alle ander verplichings oor die bates wat hy ingevolge sub-artikel (1) verplig is om in stand te hou.

Beperkings
op
deposito's.

21. (1) 'n Bankinstelling moet 'n vaste deposito op die vervaldag terugbetaal en nie vroeër nie, maar moet dit nie op die vervaldag terug te betaal nie waar die betrokke deposant hom vooraf skriftelik opdrag gegee het betreffende die wyse waarop die deposito of enige gedeelte daarvan by die instelling herbelê moet word.

accounting officer certify a monthly return in respect of the institution in terms of paragraph (a) of sub-section (1) of section *thirteen*.

- (d) With the consent of the Treasury, the Reserve Bank may at any time vary an existing determination by increasing or decreasing any percentage determined by it in terms of paragraph (a).
- (e) The provisions of paragraphs (b) and (c) shall apply *mutatis mutandis* to any such variation.
- (f) Notwithstanding anything contained in paragraph (a), no banking institution shall be required to augment its liquid assets during any month of the year by an amount in excess of four per cent of the aggregate of its short-term and its medium-term liabilities as at the close of the last working day of the preceding month.

Minimum prescribed investments.

18. A banking institution (other than a discount house) shall maintain in the Union prescribed investments of an amount not less than fifteen per cent of its liabilities to the public, as shown in the last preceding monthly return furnished by it to the Registrar in terms of paragraph (a) of sub-section (1) of section *thirteen*.

Period for maintenance of prescribed minima.

19. A banking institution shall maintain any minimum amount prescribed by or under section *fourteen, fifteen, sixteen, seventeen or eighteen* at all times during the period from the date of certification under paragraph (a) or (c) of sub-section (1) of section *thirteen* of the statement or return by reference to which that amount is determined, until the day preceding the date on which the next succeeding such statement or return is so certified.

Banking institutions must maintain a covered domestic position.

20. (1) A banking institution shall maintain assets (other than claims) situate in the Union and assets consisting of claims payable in the currency of the Union, of an aggregate value not less than the sum of—

- (a) the amount of its liabilities payable in the currency of the Union; and
- (b) the paid-up capital and unimpaired reserve funds which it is required to maintain in terms of section *fourteen* or (in the case of a discount house) *fifteen*, as shown in the last preceding quarterly statements furnished by it to the Registrar in terms of paragraphs (b) and (c) of sub-section (1) of section *thirteen*:

Provided that the Minister may exempt any banking institution, at its request, from the preceding provisions of this section to the extent and for the period and on the conditions determined by him: Provided further that a commercial bank shall be exempt from the requirements of the said provisions—

- (i) for the purpose of meeting seasonal demands which may arise out of the export trade of the Union, up to an amount not exceeding the amount set out in paragraph (b);
- (ii) for the purpose of participating in loans issued or guaranteed by the International Bank for Reconstruction and Development, up to an amount not exceeding five per cent of the amount set out in paragraph (a).

(2) The liabilities of a banking institution which are payable in the currency of the Union shall be a prior charge (as against all other liabilities) on the assets which it is required to maintain in terms of sub-section (1).

Restrictions on deposits.

21. (1) A banking institution shall repay a fixed deposit on due date and not earlier, but shall not be required to repay it on due date where the depositor concerned has previously instructed it in writing as to the manner in which such deposit or any portion thereof is to be reinvested with the institution.

(2) Waar 'n instelling 'n deposito, behalwe 'n spaardeposito, neem op die voorwaarde dat die deposito of 'n deel daarvan slegs na kennisgewing van 'n ooreengekome termyn terugbetaalbaar is, mag die instelling die deposito of 'n deel daarvan nie op korter kennisgewing terugbetaal nie.

(3) (a) 'n Bankinstelling neem nie spaardeposito's van 'n maatskappy met beperkte aanspreeklikheid aan nie, behalwe in die geval van 'n vereniging wat kragtens artikel *een-en-twintig* van die Maatskappyywet, 1926 (Wet No. 46 van 1926), gelisensieer is.

(b) Die bepalinge van paragraaf (a) is nie ten opsigte van spaarrekenings wat by die inwerkingtreding van die Bankwysigingswet, 1964, bestaan, van toepassing nie: Met dien verstande dat geen verdere bedrag, behalwe rente, op so 'n rekening gekrediteer mag word nie.

(4) (a) 'n Bankinstelling laat nie 'n enkele persoon toe om 'n kreditsaldo van meer as sesduisend rand op spaarrekening by hom te hou nie: Met dien verstande dat die bepalinge van hierdie sub-artikel 'n instelling nie belet om 'n spaarrekening met rente te krediteer nie.

(b) Waar 'n spaarrekening by die inwerkingtreding van die Bankwysigingswet, 1964, 'n kreditsaldo van meer as sesduisend rand het, hoef dié saldo nie op grond van die bepalinge van paragraaf (a) tot genoemde bedrag verminder te word nie: Met dien verstande dat—

(i) geen verdere bedrag, behalwe rente, op so 'n rekening gekrediteer mag word solank sy kreditsaldo genoemde bedrag oorskry nie; en

(ii) indien die saldo op so 'n rekening te eniger tyd tot sesduisend rand of minder daal, die perk by paragraaf (a) voorgeskryf ook op hom van toepassing is.

(5) 'n Instelling mag geen lening teen die sekerheid van 'n deposito wat die lener of 'n ander persoon by hom of by 'n ander bankinstelling of 'n bouvereniging gestort het, verstrek nie teen 'n rentekoers wat nie minstens een persent op die bedrag van die lening hoër is as die rentekoers wat op die betrokke deposito betaalbaar is nie.

(6) Ondanks die bepalinge van sub-artikels (1) en (2), kan 'n instelling na goedgekeurde 'n vaste deposito of 'n deposito wat aan kennisgewing van terugbetaling onderworpe is voor vervalddag terugbetaal—

(a) waar die deposito deel uitmaak van die bates in 'n insolvente of bestorwe boedel;

(b) waar die deposant onder kuratele geplaas is;

(c) waar die deposant onder geregtelike bestuur of in likwidasie geplaas is;

(d) waar die deposito deur 'n pensioenfonds benodig word om uitgestelde pensioenbetalings te maak;

(e) in enige geval na die verstryking van 'n tydperk van twaalf maande van die datum waarop die deposito by hom gemaak of laas herbelê is, indien die deposant hom minstens dertig dae kennis van opvraging gegee het; of

(f) in die ander gevalle wat die Registrateur goedgekeur, hetsy algemeen of in 'n bepaalde geval.

(7) Waar die perk by paragraaf (a) van sub-artikel (4) voorgeskryf, oorskry word as gevolg van die samesmelting van twee of meer instellings, of die oordrag van die bates en laste van een instelling aan 'n ander, is die bepalinge van paragraaf (b) van sub-artikel (4) *mutatis mutandis* van toepassing asof die betrokke spaarrekening by die inwerkingtreding van die Bankwysigingswet, 1964, bestaan het.

(2) Where any institution accepts a deposit other than a savings deposit on the condition that the deposit or any portion thereof will be repayable only after notice of an agreed period, the institution shall not repay the deposit or any portion thereof at shorter notice.

(3) (a) A banking institution shall not accept savings deposits from any company with limited liability, except in the case of an association licensed in terms of section *twenty-one* of the Companies Act, 1926 (Act No. 46 of 1926).

(b) The provisions of paragraph (a) shall not apply to savings accounts existing at the commencement of the Banking Amendment Act, 1964: Provided that no further amount other than interest shall be credited to such an account.

(4) (a) A banking institution shall not allow any one person to maintain with it a credit balance on savings account in excess of six thousand rand: Provided that nothing in this sub-section contained shall preclude an institution from crediting interest to a savings account.

(b) Where at the commencement of the Banking Amendment Act, 1964, a savings account shows a credit balance of more than six thousand rand, such balance shall not by reason of the provisions of paragraph (a) be required to be reduced to the said amount: Provided that—

(i) no further amount other than interest shall be credited to such account so long as it shows a credit balance exceeding the said amount; and

(ii) if the balance in such account is at any time reduced to six thousand rand or less, the limit prescribed by paragraph (a) shall also apply to it.

(5) A banking institution shall not grant a loan against the security of a deposit which it or any other banking institution or any building society holds to the credit of the borrower or any other person, at a rate of interest which is not at least one per cent on the amount of such loan higher than the rate payable in respect of such deposit.

(6) Notwithstanding the provisions of sub-sections (1) and (2), an institution may in its discretion repay before due date a fixed deposit or a deposit subject to notice—

(a) where such deposit forms part of the assets in an insolvent or deceased estate;

(b) where the depositor has been placed under curatorship;

(c) where the depositor has been placed under judicial management or in liquidation;

(d) where the deposit is required by a pension fund to effect deferred pension payments;

(e) in any case after the expiration of a period of twelve months from the date on which the deposit was made with it or was last reinvested, if the depositor has given it at least thirty days' notice of withdrawal; or

(f) in such other cases as the Registrar may approve either generally or in any particular case.

(7) Where the limit prescribed by paragraph (a) of sub-section (4) is exceeded as a result of the amalgamation of two or more institutions or the transfer of the assets and liabilities of any institution to another, the provisions of paragraph (b) of sub-section (4) shall *mutatis mutandis* apply as if the savings account in question had been in existence at the commencement of the Banking Amendment Act, 1964.

Beperking
op trans-
aksies van
diskonto-
huise.

22. (1) 'n Diskontohuis mag nie ander sekuriteite as bankaksepte, bank-geëndosseerde wissels, Unieskatkiesbewyse, effekte van die Regering wat binne drie jaar of vroeër verval, obligasies van die Landbank wat binne drie jaar of vroeër verval, wissels deur bedoelde bank uitgereik of ander korttermyn-sekuriteite of beleggings wat die Registrateur by kennisgewing in die *Staatskoerant* goedkeur, verdiskonteer of dit koop of daarin belê nie: Met dien verstande dat—

(a) 'n diskontohuis sekuriteite soortgelyk van aard aan die voormelde sekuriteite of aan die sekuriteite aldus goedgekeur, mag verdiskonteer of koop of daarin mag belê, maar sy besit aan sekuriteite van sodanige aard mag nie te eniger tyd meer as vyf persent van sy totale bates uitmaak nie; en

(b) die Registrateur 'n diskontohuis te eniger tyd kan gelas om op te hou om 'n bepaalde sekuriteit wat hy kragtens paragraaf (a) verkry het, te verdiskonteer, te koop of daarin te belê, of om binne redelike tyd sy besit aan so 'n sekuriteit van die hand te sit.

(2) 'n Diskontohuis mag geen lening aangaan nie, behalwe teen verpanding van sekuriteite in sub-artikel (1) vermeld, en ook nie by 'n ander persoon as 'n bankinstelling, 'n bouvereniging, 'n beherende mynmaatskappy, die Reserwebank, die Landbank of die Departement van Finansies of 'n instelling wat die Registrateur by kennisgewing in die *Staatskoerant* goedgekeur het nie: Met dien verstande dat hoogstens vyf persent van sy totale lenings te eniger tyd kan bestaan uit lenings wat hy sonder voormelde verpanding aangegaan het.

(3) 'n Diskontohuis kan onmiddellik opeisbare deposito's maak by die Nasionale Finansiële Korporasie, 'n ander diskontohuis of 'n ander instelling wat die Registrateur by kennisgewing in die *Staatskoerant* goedgekeur het: Met dien verstande dat bedoelde deposito's nie te eniger tyd in die geheel die som van sy gestorte aandeelkapitaal en onaangetaste reserwefondse, soos in sy jongste voorafgaande kwartaalstaat aangegee, mag oorskry nie.

Bankin-
stellings
vrygestel
van sekere
bepalings
van
Woekerwet.

23. (1) In sub-artikel (1) van artikel vyf van die Woekerwet, 1926 (Wet No. 37 van 1926), sluit die woord „skuldakte” nie ook 'n wissel in nie waar dié wissel deur die Reserwebank, die Landbank, die Nasionale Finansiële Korporasie of 'n bankinstelling verly of verdiskonteer word.

(2) Die bepaling van sub-artikel (1) van artikel sewe en artikels agt en tien van genoemde Wet is nie op die Reserwebank, die Landbank, die Nasionale Finansiële Korporasie of 'n bankinstelling van toepassing nie.”

Wysiging van
artikel 29 van
Wet 38 van 1942.

11. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig deur na die woord „bate” waar dit die tweede maal voorkom die woorde „of die voorgeskrewe belegging” in te voeg.

Vervanging van
artikel 30 van
Wet 38 van 1942,
soos gewysig deur
artikel 18 van
Wet 40 van 1955.

12. Artikel *dertig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Waardering 30. Vir die doeleindes van artikels *sewentien* en van effekte. *agtien* word 'n effek teen sy markwaarde gewaardeer, soos deur die sekretaris van die raad van Staatskuldkommissaris gesertifiseer.”

Invoeging van
artikels 32*bis* en
ter in Wet 38 van
1942.

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

„Bankin- 32*bis*. 'n Bankinstelling reik nie toonderaande uit nie.
stellings reik
nie toonder-
aande uit
nie.

Handels- 32*ter*. 'n Handelsbank dryf nie besigheid in die
banke doen
nie deur iemand wat nie voltyds in sy diens staan
middel van
agente sake
nie.”

Limitation
of trans-
actions of
discount
houses.

22. (1) A discount house shall not discount, buy or invest in any securities other than bank acceptances, bank-endorsed bills, Union treasury bills, stocks of the Government with a maturity of three years or less, debentures of the Land Bank with a maturity of three years or less, bills issued by the said bank or other short-term securities or investments approved by the Registrar by notice in the *Gazette*: Provided that—

- (a) a discount house may discount, buy or invest in securities of a nature similar to the aforesaid securities or to the securities so approved, but its holding of securities of the said nature shall at no time constitute more than five per cent of its total assets; and
- (b) the Registrar may at any time instruct a discount house to cease discounting, buying or investing in any particular security acquired by it in terms of paragraph (a), or to dispose of its holdings of such security within a reasonable period.

(2) A discount house shall not effect a loan otherwise than against the pledge of securities referred to in sub-section (1), or from any person other than a banking institution, a building society, a mining house, the Reserve Bank, the Land Bank, the Department of Finance or an institution approved by the Registrar by notice in the *Gazette*: Provided that not more than five per cent of its total loans may at any time consist of loans effected without the aforesaid pledge.

(3) A discount house may make demand deposits with the National Finance Corporation, another discount house or any other institution approved by the Registrar by notice in the *Gazette*: Provided that the said deposits shall not at any time exceed in the aggregate the sum of its paid-up share capital and unimpaired reserve funds as shown in its last preceding quarterly statement.

Banking
institutions
exempted
from certain
provisions
of Usury
Act.

23. (1) In sub-section (1) of section *five* of the Usury Act, 1926 (Act No. 37 of 1926), the words "instrument of debt" shall not include a bill of exchange when such bill is executed or discounted by the Reserve Bank, the Land Bank, the National Finance Corporation or a banking institution.

(2) The provisions of sub-section (1) of section *seven* and sections *eight* and *ten* of the said Act shall not apply to the Reserve Bank, the Land Bank, the National Finance Corporation or a banking institution."

11. Section *twenty-nine* of the principal Act is hereby amended by the insertion after the word "assets" where it occurs for the second time of the words "or the prescribed investment".

Amendment of
section 29 of
Act 38 of
1942.

12. The following section is hereby substituted for section *thirty* of the principal Act:

"Valuation of securities. 30. For the purposes of sections *seventeen* and *eighteen* a security shall be valued at its market value, as certified by the secretary of the board of Public Debt Commissioners."

Substitution
of section 30 of
Act 38 of 1942, as
amended by
section 18 of Act
40 of 1955.

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

"Banking
institutions
may not
issue bearer
shares.

32*bis*. A banking institution shall not issue bearer shares.

Insertion
of sections
32*bis* and
ter in Act
38 of 1942.

Commercial
banks not
to operate
through
agents.

32*ter*. A commercial bank shall not carry on any business in the Union through a person who is not its full-time servant."

Wysiging van
artikel 36 van
Wet 38 van 1942.

14. Artikel *ses-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „wat ingevolge die Wet op Koöperatiewe Verenigings, 1939 (Wet No. 29 van 1939), geregistreer is of as geregistreer beskou word, of 'n bankinstelling” en die voorbehoudsbepaling te skrap.

Wysiging van
artikel 37 van
Wet 38 van 1942,
soos gewysig deur
artikel 19 van
Wet 40 van 1955
en artikel 6 van
Wet 40 van 1959.

15. Artikel *sewe-en-dertig* van die Hoofwet word hierby gewysig—

- (a) deur sub-artikel (2) te skrap;
- (b) deur in sub-artikel (3) die woorde „of ingevolge voormelde Wet No. 29 van 1939” en die woorde „wat 'n regspersoon is” te skrap;
- (c) deur sub-artikel (6) te skrap; en
- (d) deur in sub-artikel (7) die woorde „'n bankinstelling wat ingevolge voormelde Wet No. 29 van 1939 geregistreer is of as geregistreer beskou word of” en die woorde „wat 'n regspersoon is” te skrap.

Wysiging van
artikel 38 van
Wet 38 van 1942,
soos gewysig deur
artikel 20 van
Wet 40 van 1955.

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

- (a) deur in paragraaf (g) van sub-artikel (1) na die woord „keur” die woorde „of sy vorige goedkeuring van die aanstelling van 'n ouditeur intrek” in te voeg;
- (b) deur in sub-artikel (2) die woorde „die Minister” deur die woord „hom” te vervang; en
- (c) deur sub-artikel (7) deur die volgende sub-artikel te vervang:
„(7) Waar die ouditeur van 'n bankinstelling 'n vennootskap is, verval die aanstelling van die ouditeur nie op grond van 'n verandering in die samestelling van die vennootskap nie solank minstens die helfte van die persone wat op die datum van die vennootskap se jongste aanstelling vennote daarin was, nog vennote daarin is.”.

Wysiging van
artikel 40 van
Wet 38 van 1942,
soos gewysig deur
artikel 21 van
Wet 40 van 1955.

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

- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:
„(1) Die bepalings van sub-artikels (1) en (2) van artikel *negentig bis*, sub-artikels (1), (2) en (4) van artikel *negentig ter* en sub-artikels (1) en (2) van artikel *nege-en-negentig* van die Maatskappywet, 1926 (Wet No. 46 van 1926), is, vir sover hulle toegepas kan word, *mutatis mutandis* van toepassing op elke direkteur, bestuurder, sekretaris of ander amptenaar of ouditeur van 'n bankinstelling: Met dien verstande dat die in vermelde sub-artikels bedoelde balansstaat, wins-en-verliesrekening en verslae binne drie maande na die einde van die boekjaar waarop hulle betrekking het in tweevoud aan die Registrateur voorgelê moet word.”;
- en
- (b) deur sub-artikel (3) te skrap.

Wysiging van
artikel 41 van
Wet 38 van 1942.

18. Artikel *een-en-veertig* van die Hoofwet word hierby gewysig deur die woorde „wat 'n regspersoon is en” te skrap.

Wysiging van
artikel 43 van
Wet 38 van 1942.

19. Artikel *drie-en-veertig* van die Hoofwet word hierby gewysig deur die woorde „met regspersoonlikheid” te skrap.

Wysiging van
artikel 44 van
Wet 38 van 1942,
soos gewysig deur
artikel 22 van
Wet 40 van 1955.

20. Artikel *vier-en-veertig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „wat 'n regspersoon is maar wat nie ingevolge die Wet op Koöperatiewe Verenigings, 1939 (Wet No. 29 van 1939), geregistreer is of as geregistreer beskou word nie” te skrap;
- (b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:
„(1)*bis* By die toepassing van die bepalings van sub-artikel (1)*bis* van artikel *honderd-en-dertien* van bedoelde Wet No. 46 van 1926 ten opsigte van 'n bankinstelling word hulle uitgelê asof voor die woorde „by die Meester” die woorde „by die Registrateur van Banke en”, na die woorde „en die” die woorde „Registrateur van Banke of die” en voor die woord „Meester”, waar dit die laaste keer voorkom die woorde „Registrateur van Banke of die” ingevoeg was.”;
- (c) deur sub-artikel (4) deur die volgende sub-artikels te vervang:

14. Section *thirty-six* of the principal Act is hereby amended by the deletion in sub-section (1) of the words "registered or deemed to be registered under the Co-operative Societies Act, 1939 (Act No. 29 of 1939), or a banking institution" and of the proviso. Amendment of section 36 of Act 38 of 1942.
15. Section *thirty-seven* of the principal Act is hereby amended— Amendment of section 37 of Act 38 of 1942, as amended by section 19 of Act 40 of 1955 and section 6 of Act 40 of 1959.
- (a) by the deletion of sub-section (2);
 - (b) by the deletion in sub-section (3) of the words "or under the said Act No. 29 of 1939" and the words "which is a corporate body";
 - (c) by the deletion of sub-section (6); and
 - (d) by the deletion in sub-section (7) of the words "a banking institution registered or deemed to be registered under the said Act No. 29 of 1939 or" and the words "which is a corporate body".
16. Section *thirty-eight* of the principal Act is hereby amended— Amendment of section 38 of Act 38 of 1942, as amended by section 20 of Act 40 of 1955.
- (a) by the insertion in paragraph (g) of sub-section (1) after the word "appointment" of the words "or withdraw his prior approval of the appointment of any auditor";
 - (b) by the substitution in sub-section (2) for the words "the Minister" of the word "him"; and
 - (c) by the substitution for sub-section (7) of the following sub-section:
 "(7) Where the auditor of a banking institution is a partnership the appointment of such auditor shall not lapse by reason of a change in the composition of the partnership, as long as not less than half the persons who were partners as at the date when the partnership was last appointed continue to be partners therein."
17. Section *forty* of the principal Act is hereby amended— Amendment of section 40 of Act 38 of 1942, as amended by section 21 of Act 40 of 1955.
- (a) by the substitution for sub-section (1) of the following sub-section:
 "(1) The provisions of sub-sections (1) and (2) of section *ninety bis*, sub-sections (1), (2) and (4) of section *ninety ter* and sub-sections (1) and (2) of section *ninety-nine* of the Companies Act, 1926 (Act No. 46 of 1926), shall, in so far as they can be applied, apply *mutatis mutandis* to every director, manager, secretary or other officer or auditor of a banking institution: Provided that the balance sheet, profit and loss account and reports referred to in the said sub-sections shall be furnished to the Registrar in duplicate within three months after the end of the financial year to which they relate."; and
 - (b) by the deletion of sub-section (3).
18. Section *forty-one* of the principal Act is hereby amended by the deletion of the words "which is a corporate body and". Amendment of section 41 of Act 38 of 1942.
19. Section *forty-three* of the principal Act is hereby amended by the deletion of the words "which is a corporate body". Amendment of section 43 of Act 38 of 1942.
20. Section *forty-four* of the principal Act is hereby amended— Amendment of section 44 of Act 38 of 1942, as amended by section 22 of Act 40 of 1955.
- (a) by the deletion in sub-section (1) of the words "which is a corporate body but which is not registered or deemed to be registered under the Co-operative Societies Act, 1939 (Act No. 29 of 1939)";
 - (b) by the insertion after sub-section (1) of the following sub-section:
 "(1)*bis* When the provisions of sub-section (1)*bis* of section *one hundred and thirteen* of the said Act No. 46 of 1926 are applied in connection with any banking institution, they shall be construed as if the words 'with the Registrar of Banks and' had been inserted before the words 'with the Master', the words 'Registrar of Banks or the' after the words 'and the', and the words 'Registrar of Banks or the' before the word 'Master' where it appears for the last time.";
 - (c) by the substitution for sub-section (4) of the following sub-sections:

„(4) By die likwidasië van 'n bankinstelling is 'n kontribuant nie op skuldvergelyking geregtig ten opsigte van skuld deur die instelling aan hom verskuldig nie.

(4)*bis* Ondanks die bepalings van die Maatskappywet, 1926 (Wet No. 46 van 1926), word niemand anders as 'n persoon wat die Registrateur aanbeveel het deur 'n Meester van die Hooggeregshof as likwidateur, voorlopige likwidateur, geregtelike bestuurder of voorlopige geregtelike bestuurder van 'n bankinstelling aangestel nie.”; en

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

„(7) 'n Hofbevel in die Unie uitgereik wat op die geregtelike bestuur of likwidasië van 'n bankinstelling betrekking het, het dieselfde uitwerking in die Gebied as in die Unie, en so 'n bevel in die Gebied uitgereik, het dieselfde uitwerking in die Unie as in die Gebied.”.

Wysiging van artikel 45 van Wet 38 van 1942.

21. Artikel *vyf-en-veertig* van die Hoofwet word hierby gewysig deur die woorde „na gelang van die geval” en die woorde „of die Registrateur van Koöperatiewe Verenigings” te skrap.

Wysiging van artikel 46 van Wet 38 van 1942.

22. Artikel *ses-en-veertig* van die Hoofwet word hierby gewysig deur sub-artikel (2) te skrap.

Wysiging van artikel 51 van Wet 38 van 1942, soos gewysig deur artikel 24 van Wet 40 van 1955.

23. Artikel *een-en-vyftig* van die Hoofwet word hierby gewysig deur sub-artikels (1), (2) en (2)*bis* deur die volgende sub artikels te vervang:

„(1) By betaling van die bedrag van vyftig sent kan enigiemand enige dokument wat ingevolge sub-artikel (2) van artikel *vier* of sub-artikel (1) van artikel *dertien* of artikel *vyf-en-dertig* of *sewe-en-dertig* deur 'n bepaalde bankinstelling aan die Registrateur verstrekkend is, insien en 'n afskrif daarvan maak.

(2) Die Registrateur verstrekkend aan 'n applikant 'n fotostatiese of met dubbelspasiëring getikte afskrif van of uittreksel uit so 'n voormelde dokument teen betaling deur die applikant van die bedrag van vyftig sent vir elke enkelfolio-bladsy of deel daarvan waaruit die afskrif of uittreksel bestaan.

(2)*bis* Die Registrateur verstrekkend aan 'n applikant teen betaling van 'n bedrag van vyf-en-twintig sent, 'n gesertifiseerde afskrif van enige registrasiesertifikaat of voorlopige registrasiesertifikaat of sertifikaat van naamsverandering deur hom uitgereik.”.

Wysiging van artikel 52 van Wet 38 van 1942, soos gewysig deur artikel 25 van Wet 40 van 1955.

24. Artikel *twee-en-vyftig* van die Hoofwet word hierby gewysig deur in sub-artikel (5) die woorde „*negentien* of *agt-en-twintig*” deur die woorde „*sestien*, *sewentien*, *agtien* of *twintig*” te vervang.

Wysiging van artikel 54*bis* van Wet 38 van 1942, soos ingevoeg deur artikel 2 van Wet 6 van 1961.

25. Artikel *vier-en-vyftig bis* van die Hoofwet word hierby gewysig met ingang van die datum van inwerkingtreding daarvan deur in sub-artikel (1) na die woord „Wet” waar dit die eerste keer voorkom die woorde „en enige wysiging daarvan” in te voeg.

Invoeging van artikel 54*ter* in Wet 38 van 1942.

26. Die volgende artikel word hierby na artikel *vier-en-vyftig bis* in die Hoofwet ingevoeg:

„Periodieke *54ter*. Die Minister benoem voor 1 Januarie 1971 en daarna van tyd tot tyd met tussenpose van hoogstens tien jaar 'n komitee om ondersoek in te stel na en aan hom verslag te doen oor wysigings aan hierdie Wet wat, na die komitee se mening, op grond van veranderde omstandighede wenslik geword het, of wat uit die administrasie van die Wet geblyk het wenslik te wees.”.

Aanpassing van opskrifte in Wet 38 van 1942.

27. Die Hoofwet word hierby gewysig—

(a) deur die volgende te skrap, te wete—

(i) die opskrifte „Hoofstuk II” en „Handelsbanke” wat onmiddellik bo artikel *dertien* verskyn;

(ii) die opskrifte „Hoofstuk III” en „Volksbanke” wat onmiddellik bo artikel *agtien* verskyn;

(iii) die opskrifte „Hoofstuk IV” en „Leningsbanke” wat onmiddellik bo artikel *ses-en-twintig* verskyn;

"(4) In the liquidation of a banking institution a contributory shall not have a right of set-off in respect of a debt due to him by the institution.

(4)*bis* Notwithstanding the provisions of the Companies Act, 1926 (Act No. 46 of 1926), no person other than a person recommended by the Registrar shall be appointed by a Master of the Supreme Court as liquidator, provisional liquidator, judicial manager or provisional judicial manager of a banking institution."; and

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

"(7) An order of court made in the Union and relating to the judicial management or winding-up of a banking institution shall have the same effect in the Territory as it has in the Union, and any such order made in the Territory shall have the same effect in the Union as it has in the Territory."

21. Section *forty-five* of the principal Act is hereby amended by the deletion of the words "or the Registrar of Co-operative Societies, as the case may be". Amendment of section 45 of Act 38 of 1942.

22. Section *forty-six* of the principal Act is hereby amended by the deletion of sub-section (2). Amendment of section 46 of Act 38 of 1942.

23. Section *fifty-one* of the principal Act is hereby amended by the substitution for sub-sections (1), (2) and (2)*bis* of the following sub-sections: Amendment of section 51 of Act 38 of 1942, as amended by section 24 of Act 40 of 1955.

"(1) On payment of a fee of fifty cents, any person may inspect and make a copy of any document furnished to the Registrar by any one banking institution in terms of sub-section (2) of section *four* or sub-section (1) of section *thirteen* or section *thirty-five* or *thirty-seven*.

(2) The Registrar shall furnish any applicant therefor with a photostatic or double-spaced type-written copy of, or extract from, any such document as aforesaid, on payment by the applicant of a fee of fifty cents for every single foolscap page or portion thereof of which the copy or extract consists.

(2)*bis* The Registrar shall furnish any applicant therefor, on payment of a fee of twenty-five cents, with a certified copy of any certificate of registration or provisional registration or any certificate of change of name issued by him."

24. Section *fifty-two* of the principal Act is hereby amended by the substitution in sub-section (5) for the words "*nineteen* or *twenty-eight*" of the words "*sixteen, seventeen, eighteen or twenty*". Amendment of section 52 of Act 38 of 1942, as amended by section 25 of Act 40 of 1955.

25. Section *fifty-four bis* of the principal Act is hereby amended with effect from the date of commencement thereof 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 54*bis* of Act 38 of 1942, as inserted by section 2 of Act 6 of 1961.

26. The following section is hereby inserted in the principal Act after section *fifty-four bis*: Insertion of section 54*ter* in Act 38 of 1942.

"Periodic review of Act.

54*ter*. Before 1st January, 1971, and thereafter from time to time at intervals of not more than ten years, the Minister shall appoint a committee to enquire into and report to him on amendments to this Act which, in the opinion of the committee, have become desirable by virtue of changed circumstances or which the administration of the Act has shown to be desirable."

27. The principal Act is hereby amended—

(a) by the deletion of the following, namely—

(i) the superscriptions "Chapter II" and "Commercial Banks" appearing immediately above section *thirteen*;

(ii) the superscriptions "Chapter III" and "People's Bank" appearing immediately above section *eighteen*;

(iii) the superscriptions "Chapter IV" and "Loan Banks" appearing immediately above section *twenty-six*;

Adjustment of certain superscriptions in Act 38 of 1942.

- (iv) die opskrifte „Hoofstuk V” en „Deposito-nemende Instellings” wat onmiddellik bo artikel *sewe-entwintig* verskyn; en
- (v) die opskrifte „Hoofstuk VI” en „Algemene Bepalings” wat onmiddellik bo artikel *nege-entwintig* verskyn; en
- (b) deur die volgende in te voeg, te wete—
 - (i) die opskrifte „Hoofstuk II” en „Registrasie” onmiddellik bo artikel *vier*;
 - (ii) die opskrifte „Hoofstuk III” en „Opgawes” onmiddellik bo artikel *dertien*;
 - (iii) die opskrifte „Hoofstuk IV” en „Finansiële Voor skrifte” onmiddellik bo artikel *veertien*; en
 - (iv) die opskrifte „Hoofstuk V” en „Algemene Bepalings” onmiddellik bo artikel *een-en-dertig*.

Herroeping van artikels 8*bis* en 8*ter* van Wet 29 van 1944, soos ingevoeg deur artikel 3 van Wet 45 van 1956 en artikel 4 van Wet 5 van 1961.

28. Artikels *agt bis* en *agt ter* van die Wet op die Suid-Afrikaanse Reserwebank, 1944 (Wet No. 29 van 1944), word hierby herroep.

Kort titel en inwerking-treding.

29. Hierdie Wet heet die Bankwysigingswet, 1964, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* vasstel.

- (iv) the superscriptions "Chapter V" and "Deposit-receiving Institutions" appearing immediately above section *twenty-seven*; and
- (v) the superscriptions "Chapter VI" and "General Provisions" appearing immediately above section *twenty-nine*; and
- (b) by the insertion of the following, namely—
 - (i) the superscriptions "Chapter II" and "Registration" immediately above section *four*;
 - (ii) the superscriptions "Chapter III" and "Returns" immediately above section *thirteen*;
 - (iii) the superscriptions "Chapter IV" and "Financial Requirements" immediately above section *fourteen*; and
 - (iv) the superscriptions "Chapter V" and "General Provisions" immediately above section *thirty-one*.

28. Sections *eight bis* and *eight ter* of the South African Reserve Bank Act, 1944 (Act No. 29 of 1944), are hereby repealed.

Repeal of sections *8bis* and *8ter* of Act 29 of 1944, as inserted by section 3 of Act 45 of 1956 and section 4 of Act 5 of 1961.

29. This Act shall be called the Banking Amendment Act, 1964, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.

No. 62, 1964.]

WET

Tot wysiging van die Bouverenigingswet, 1934.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Junie 1964.)

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

Wysiging van artikel 2 van Wet 62 van 1934, soos vervang deur artikel 2 van Wet 77 van 1961.

1. Artikel *twee* van die Bouverenigingswet, 1934 (hieronder die Hoofwet genoem), word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Die Minister kan insgelyks 'n beampte aanstel, die adjunk-registrateur van bouverenigings genoem, wat onderworpe aan die beheer en voorskrifte van die registrateur, enigiets kan doen wat die registrateur wettiglik kan doen.”

Wysiging van artikel 5 van Wet 62 van 1934, soos vervang deur artikel 6 van Wet 77 van 1961.

2. Artikel *vyf* van die Hoofwet word hierby gewysig deur sub-artikel (5) deur die volgende sub-artikel te vervang:

„(5) Geen vereniging mag gebruik maak van of na homself verwys by 'n ander naam dan die naam waaronder hy geregistreer is of 'n verkorting daarvan of 'n letterlike vertaling daarvan in die ander amptelike taal van die Unie wat deur die registrateur goedgekeur is nie, maar die bepaling van hierdie sub-artikel word nie so uitgelê dat dit 'n vereniging in die geregistreerde naam waarvan die uitdrukking 'bouvereniging', 'permanente', 'tydelike', 'onderlinge', 'building society', 'permanent', 'terminating', of 'mutual' voorkom, belet om 'n naam te gebruik bestaande uit sy geregistreerde naam wat verander is deur bedoelde uitdrukking daarin deur die ooreenstemmende uitdrukking in die ander amptelike taal van die Unie soos in hierdie Wet gebesig, te vervang nie.”

Wysiging van artikel 21 van Wet 62 van 1934, soos vervang deur artikel 22 van Wet 77 van 1961.

3. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) 'n Getroude of ongetroude vrou wat geld by 'n vereniging leen of die skuld van enige persoon by 'n vereniging waarborg of daarvoor borgstaan of dit oorneem of aanspreeklikheid vir die betaling daarvan aanvaar, word geag van die voordele van die *Senatusconsultum Velleianum* en die *Authentica si qua mulier* afstand te gedoen het vir sover hulle by ontstentenis van die afstanddoening sou gegeld het.”

Wysiging van artikel 22 van Wet 62 van 1934, soos gewysig deur artikel 2 van Wet 56 van 1937, artikel 1 van Wet 39 van 1941, artikel 5 van Wet 24 van 1942, artikel 6 van Wet 28 van 1943, artikel 3 van Wet 33 van 1946, artikel 21 van Wet 33 van 1949, artikel 2 van Wet 28 van 1955, artikel 3 van Wet 47 van 1960 en artikel 23 van Wet 77 van 1961.

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

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

„(e) kontant hou en deposito's en beleggings maak soos by artikel *vier-en-twintig* gemagtig;”;

(b) deur paragraaf (e)*bis* van daardie sub-artikel te skrap; en

(c) deur na paragraaf (i) van daardie sub-artikel die volgende paragrawe in te voeg:

„(i)*bis* in die geval van 'n permanente vereniging, lenings aan sy werknemers verstrek ter bestryding van opvoedkundige en geneeskundige uitgawes en vir die ander doeleindes wat die registrateur goedgekeur het;

(i)*ter* ongeag enigiets in die reëls van die vereniging vervat, lenings verstrek aan 'n opvoedkundige organisasie of inrigting deur die registrateur by kennisgewing in die *Staatskoerant* goedgekeur;

(i)*quater* alleen of saam met ander bouverenigings 'n versekeringsmaatskappy met beperkte aanspreeklikheid oprig wat kragtens die Maatskappywet, 1926 (Wet No. 46 van 1926), geregistreer moet word en waarvan die bedrywighede beperk moet word tot die daarstelling van versekering—

(a) ten opsigte van onroerende eiendom wat ten gunste van 'n vereniging verhipotekeer is of staan te word; of

No. 62, 1964.]

ACT

To amend the Building Societies Act, 1934.

(Afrikaans text signed by the State President.)

(Assented to 16th June, 1964.)

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

1. Section *two* of the Building Societies Act, 1934 (hereinafter referred to as the principal Act), is hereby amended by the substitution for sub-section (2) of the following sub-section:

“(2) The Minister may similarly appoint an officer to be styled the deputy registrar of building societies who may, subject to the control and directions of the registrar, do anything which may lawfully be done by the registrar.”.

Amendment of section 2 of Act 62 of 1934, as substituted by section 2 of Act 77 of 1961.
2. Section *five* of the principal Act is hereby amended by the substitution for sub-section (5) of the following sub-section:

“(5) No society shall use or refer to itself by a name other than the name under which it is registered or an abbreviation thereof or a literal translation thereof into the other official language of the Union approved by the registrar, but nothing in this sub-section shall be construed as prohibiting the use by any society in whose registered name the expression ‘building society’, ‘permanent’, ‘terminating’, ‘mutual’, ‘bouvereniging’, ‘permanente’, ‘tydelike’ or ‘onderlinge’ occurs, of a name which consists of its registered name modified by the substitution therein for the expression in question of the corresponding expression in the other official language of the Union as used in this Act.”.

Amendment of section 5 of Act 62 of 1934, as substituted by section 6 of Act 77 of 1961.
3. Section *twenty-one* of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-section:

“(3) Any married or unmarried woman who borrows money from any society or guarantees or stands surety for or takes over or assumes responsibility for the payment of the debt of any person to any society shall be deemed to have renounced the benefits of the *Senatusconsultum Velleianum* and the *Authentica si qua mulier*, in so far as they would but for the renunciation have applied.”.

Amendment of section 21 of Act 62 of 1934, as substituted by section 22 of Act 77 of 1961.
4. Section *twenty-two* of the principal Act is hereby amended—
 - (a) by the substitution for paragraph (e) of sub-section (1) of the following paragraph:

“(e) to hold cash and make deposits and investments as authorized by section *twenty-four*;”;

Amendment of section 22 of Act 62 of 1934, as amended by section 2 of Act 56 of 1937, section 1 of Act 39 of 1941, section 5 of Act 24 of 1942, section 6 of Act 28 of 1943, section 3 of Act 33 of 1946, section 21 of Act 33 of 1949, section 2 of Act 28 of 1955, section 3 of Act 47 of 1960 and section 23 of Act 77 of 1961.
 - (b) by the deletion of paragraph (e)*bis* of that sub-section; and
 - (c) by the insertion after paragraph (i) of that sub-section of the following paragraphs:

“(i)*bis* in the case of a permanent society, to grant loans to its employees for the purpose of defraying educational and medical expenses and for such other purposes as may have been approved by the registrar;

“(i)*ter* notwithstanding anything contained in the rules of the society, to grant loans to any educational organization or institution approved by the registrar by notice in the *Gazette*;

“(i)*quater* to establish or join with other building societies in establishing an insurance company with limited liability, to be registered under the Companies Act, 1926 (Act No. 46 of 1926), the activities of which shall be confined to effecting insurances—

 - (a) in respect of immovable property mortgaged or to be mortgaged to a society; or

- (b) om bykomende sekuriteit te voorsien vir die terugbetaling van 'n voorskot deur 'n vereniging teen sekuriteit van 'n verband oor onroerende eiendom verstrekk; of
- (c) ten opsigte van enige erkende soort risiko waarteen 'n vereniging homself in die gewone loop van sy besigheid verseker:

Met dien verstande dat—

- (i) behalwe met die toestemming van die Registrateur, geen ander persoon as 'n bouvereniging die geregistreerde eienaar of die genottrekker ten opsigte van enige aandeel in so 'n maatskappy mag wees nie en dat 'n bouvereniging of bouverenigings te alle tye die geregistreerde eienaar of eienaars en genottrekker of genottrekkers van die meerderheid van die aandele in so 'n maatskappy moet wees; en
- (ii) die akte van oprigting en statute van so 'n maatskappy, of enige wysiging daarvan, aan die voorafgaande goedkeuring van die registrateur en die registrateur van versekeringswese onderworpe is;”.

Vervanging van artikel 23 van Wet 62 van 1934, soos gewysig deur artikel 2 van Wet 39 van 1941, artikel 6 van Wet 24 van 1942, artikel 7 van Wet 28 van 1943 en artikel 24 van Wet 77 van 1961.

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

„Deposito's. 23. (1) 'n Vereniging neem nie geld op deposito aan wat per tjek, wissel of order by aanvraag onttrek kan word nie.

(2) 'n Vereniging neem nie spaardeposito's van 'n maatskappy met beperkte aanspreeklikheid aan nie, behalwe in die geval van 'n vereniging wat kragtens artikel *een-en-twintig* van die Maatskappyywet, 1926 (Wet No. 46 van 1926), gelisensieer is.

(3) Die bepalinge van sub-artikel (2) is nie van toepassing op spaarrekenings wat by die inwerking-treding van die Wysigingswet op Bouverenigings, 1964, bestaan nie, maar so 'n rekening word met geen verdere bedrae, behalwe rente, gekrediteer nie.

(4) 'n Vereniging laat niemand toe om by hom 'n kreditsaldo op spaarrekening te hou van meer as—
(a) tweeduisend rand indien die vereniging se totale bates aan die einde van die jongste voorafgaande boekjaar nie meer as vyfhonderdduisend rand bedra het nie; of

(b) sesduisend rand indien bedoelde bates aan die einde van daardie boekjaar meer as vyfhonderdduisend rand bedra het nie:

Met dien verstande dat die bepalinge van hierdie sub-artikel 'n vereniging nie belet om 'n spaarrekening met rente te krediteer nie.

(5) Waar die kreditsaldo op 'n spaarrekening by die inwerkingtreding van die Wysigingswet op Bouverenigings, 1964, die by sub-artikel (4) voorgeskrewe perk oorskry, hoef dit nie op grond van die bepalinge van vermelde sub-artikel verminder te word nie: Met dien verstande dat—

(i) so 'n rekening met geen verdere bedrag, behalwe rente, gekrediteer mag word so lank sy kreditsaldo genoemde perk oorskry nie; en

(ii) indien die saldo van so 'n rekening te eniger tyd benede vermelde perk daal, dié perk ook daarop van toepassing is.

(6) Waar die perk voorgeskryf by sub-artikel (4) oorskry word as gevolg van die samesmelting van twee of meer verenigings, of die oordrag van bates en laste van een vereniging aan 'n ander, is die bepalinge van sub-artikel (5) *mutatis mutandis* van toepassing asof die betrokke spaarrekening onmiddellik voor die inwerkingtreding van die Wysigingswet op Bouverenigings, 1964, bestaan het.

(7) Behalwe met skriftelike toestemming van die registrateur, wat in die algemeen of in bepaalde gevalle verleen kan word, en onderworpe aan die voorwaardes wat hy voorskryf, mag geen vereniging met totale bates soos in 'n item in die eerste kolom van die tabel hieronder uiteengesit, enige persoon toelaat om vaste deposito's te hou wat afgesien van rente in die geheel meer as die bedrag in die tweede kolom van daardie tabel teenoor bedoelde item uiteengesit, beloop nie:

- (b) to provide further security for the repayment of any advance made by a society on the security of a mortgage of immovable property; or
- (c) in respect of any recognized class of risk against which a society in the conduct of its business normally insures itself:

Provided that—

- (i) save with the consent of the Registrar, no person other than a building society shall be the registered or beneficial owner of any share in any such company and that a building society or building societies shall at all times be the registered and beneficial owner or owners of the majority of the shares in such company; and
- (ii) the memorandum and articles of association of any such company, or any amendment thereto, shall be subject to the prior approval of the registrar and the registrar of insurance;”.

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

“Deposits.

23. (1) A society shall not accept deposits of money subject to withdrawal by cheque, draft or order payable on demand.

(2) A society shall not accept savings deposits from any company with limited liability, except in the case of an association licensed in terms of section *twenty-one* of the Companies Act, 1926 (Act No. 46 of 1926).

(3) The provisions of sub-section (2) shall not apply to savings accounts existing at the commencement of the Building Societies Amendment Act, 1964, but no further amount other than interest shall be credited to any such account.

(4) A society shall not allow any one person to maintain with it a credit balance on savings account in excess of—

- (a) two thousand rand if the society's total assets as at the close of the last preceding financial year did not exceed five hundred thousand rand; or
- (b) six thousand rand if the said assets at the close of such financial year exceeded five hundred thousand rand:

Provided that nothing in this sub-section contained shall preclude a society from crediting interest to a savings account.

(5) Where the credit balance on a savings account at the commencement of the Building Societies Amendment Act, 1964, exceeds the limit prescribed by sub-section (4), such balance shall not by reason of the provisions of the said sub-section be required to be reduced: Provided that—

- (i) no further amount other than interest shall be credited to such account so long as it shows a credit balance exceeding the said limit; and
- (ii) if the balance in such account is at any time reduced to below the said limit, such limit shall also apply to it.

(6) Where the limit prescribed by sub-section (4) is exceeded as a result of an amalgamation of two or more societies or the transfer of assets and liabilities of any society to another society, the provisions of sub-section (5) shall *mutatis mutandis* apply as if the savings account in question had been in existence immediately before the commencement of the Building Societies Amendment Act, 1964.

(7) Save with the written consent of the registrar, which may be given either generally or specially, and subject to such conditions as he may prescribe, no society with total assets as set out in any item of the first column in the table hereunder, shall allow any one person to hold fixed deposits exceeding in the aggregate, exclusive of interest, the amount set out opposite that item in the second column of such table:

Substitution of section 23 of Act 62 of 1934, as amended by section 2 of Act 39 of 1941, section 6 of Act 24 of 1942, section 7 of Act 28 of 1943 and section 24 of Act 77 of 1961.

TABEL.

<i>Totale bates by die sluiting van die jongste voorafgaande boekjaar.</i>	<i>Maksimum totale vaste deposito's.</i>
Onder R200,000	R15,000
R200,000 en onder R500,000	R30,000
R500,000 en onder R2,000,000	R60,000
R2,000,000 en onder R10,000,000	R90,000
R10,000,000 en onder R20,000,000	R120,000
R20,000,000 en daarbo	R150,000

(8) Waar fondse op rekening van 'n *bona fide*-trust gedeponeer word, kan afsonderlike rekenings deur dieselfde trustee vir verskillende trusts geopen word, onderworpe in elke afsonderlike geval aan die perke in hierdie artikel voorgeskryf.

(9) 'n Vereniging moet 'n vaste deposito op die vervaldag terugbetaal en nie vroeër nie, maar hoef dit nie op die vervaldag terug te betaal nie waar die betrokke deposant hom vooraf skriftelik opdrag gegee het betreffende die wyse waarop die deposito of enige gedeelte daarvan by die vereniging herbelê moet word.

(10) Ongeag die bepalinge van sub-artikel (9), kan 'n vereniging na goeddunke 'n vaste deposito voor vervaldag terugbetaal—

- (a) waar die deposito deel uitmaak van die bates van 'n insolvente of bestorwe boedel;
- (b) waar die deposant onder kuratele geplaas is;
- (c) waar die deposant onder geregtelike bestuur of in likwidasië geplaas is;
- (d) waar die deposito deur 'n pensioenfonds benodig word om uitgestelde pensioenbetalings te maak;
- (e) in die geval van 'n vaste deposito wat as kol-laterale sekuriteit aan die vereniging gesedeer is;
- (f) in enige geval na die verstryking van 'n tydperk van twaalf maande vanaf die datum waarop die deposito by hom gemaak of laas herbelê is, indien die deposant hom minstens dertig dae kennis van opvraging gegee het; of
- (g) in die ander gevalle wat die registrateur goed-keur, hetsy in die algemeen of in 'n bepaalde geval.

(11) 'n Vereniging verstrek nie 'n lening teen sekuriteit van 'n vaste deposito wat die lener by hom het teen 'n rentekoers wat nie minstens een persent op die bedrag van die lening hoër is as die rentekoers wat op bedoelde deposito betaalbaar is nie.”.

Wysiging van artikel 23bis van Wet 62 van 1934, soos ingevoeg deur artikel 25 van Wet 77 van 1961.

6. Artikel drie-en-twintig bis van die Hoofwet word hierby gewysig—

- (a) deur sub-artikel (2) te skrap; en
- (b) deur sub-artikel (4) deur die volgende sub-artikel te vervang:

„(4) 'n Vereniging verpand nie enige bates as sekuriteit vir lenings of oortrekkings nie tensy hy, bo en behalwe bates aldus verpand, onbeswaarde bates besit ten bedrae van nie minder nie as die som van—

 - (a) al sy laste, uitgesonderd onbepaalde aandele en reserwes; en
 - (b) die bedrag van opbetaalde onbepaalde aandele-kapitaal en statutêre reserwe wat hy ingevolge sub-artikel (1) van artikel vyf-en-twintig bis moet hou.”.

Vervanging van artikel 23ter van Wet 62 van 1934, soos ingevoeg deur artikel 25 van Wet 77 van 1961.

7. Artikel drie-en-twintig ter van die Hoofwet word hierby deur die volgende artikel vervang:

„Minimum likwiede bates.

23ter. (1) (a) 'n Permanente vereniging moet in die Unie ten opsigte van sy verpligtings teenoor die publiek (uitgesonderd aandele vir 'n onbepaalde termyn deur hom uitgereik) likwiede bates in stand hou tot 'n bedrag van minstens die som van—

- (i) vyftien persent van sy korttermynverpligtings;

TABLE.

<i>Total assets as at the close of the last preceding financial year.</i>	<i>Maximum aggregate fixed deposits.</i>
Under R200,000	R15,000
R200,000 and under R500,000	R30,000
R500,000 and under R2,000,000	R60,000
R2,000,000 and under R10,000,000	R90,000
R10,000,000 and under R20,000,000	R120,000
R20,000,000 and over	R150,000

(8) Where funds are deposited for account of a *bona fide* trust, separate accounts may be opened by the same trustee for different trusts, subject in each individual case to the limits prescribed by this section.

(9) A society shall repay a fixed deposit on due date and not earlier, but shall not be required to repay it on due date where the depositor concerned has previously instructed it in writing as to the manner in which the deposit or any portion thereof is to be re-invested with the society.

(10) Notwithstanding the provisions of sub-section (9), a society may in its discretion repay a fixed deposit before due date—

- (a) where the deposit forms part of the assets in an insolvent or a deceased estate;
- (b) where the depositor has been placed under curatorship;
- (c) where the depositor has been placed under judicial management or in liquidation;
- (d) where the deposit is required by a pension fund to effect deferred pension payments;
- (e) in the case of a fixed deposit ceded to the society as collateral security;
- (f) in any case after the expiration of a period of twelve months from the date on which the deposit was made with it or was last re-invested with it if the depositor has given it at least thirty days' notice of withdrawal; or
- (g) in such other cases as the registrar may approve either generally or in any particular case.

(11) A society shall not grant a loan against the security of a fixed deposit which it holds to the credit of the borrower at a rate of interest which is not at least one per cent on the amount of such loan higher than the rate payable in respect of such deposit."

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

- (a) by the deletion of sub-section (2); and
- (b) by the substitution for sub-section (4) of the following sub-section:

"(4) A society shall not pledge any assets as security for loans or overdrafts unless its unencumbered assets apart from assets which have been so pledged amount to not less than the sum of—

- (a) all its liabilities excluding indefinite shares and reserves; and
- (b) the amount of paid-up indefinite share capital and statutory reserve which it is required to maintain in terms of sub-section (1) of section *twenty-five bis*."

Amendment of section 23bis of Act 62 of 1934, as inserted by section 25 of Act 77 of 1961.

7. The following section is hereby substituted for section *twenty-three ter* of the principal Act:

"Minimum liquid assets.

23ter. (1) (a) A permanent society shall maintain in the Union in respect of its liabilities to the public (excluding shares for an indefinite period issued by it), liquid assets amounting to not less than the aggregate of—

- (i) fifteen per cent of its short-term liabilities;

Substitution of section 23ter of Act 62 of 1934, as inserted by section 25 of Act 77 of 1961.

- (ii) tien persent van sy middeltermynverpligtings; en
- (iii) vyf persent van sy langtermynverpligtings, soos aangegee in die jongste maandopgawe wat hy ingevolge sub-artikel (1) van artikel *vier-en-veertig* aan die registrateur verstrek het: Met dien verstande dat 'n vereniging ten opsigte van sy verpligtings in die vorm van vaste deposito's, in plaas van 'n bedrag volgens voorgaande bepalings van hierdie paragraaf bereken, likwiede bates gelyk aan sewe en 'n halfpersent van die totale bedrag van al daardie deposito's in stand kan hou.
- (b) Die bepalings van paragraaf (a) tree ten opsigte van 'n vereniging wat op die datum van die inwerkingtreding van die Wysigingswet op Bouverenigings, 1964, bestaan, in werking een jaar na vermelde datum: Met dien verstande dat—
 - (i) 'n vereniging wat om vir die registrateur aanneemlike redes aan die einde van genoemde tydperk van een jaar nog nie die volle by paragraaf (a) voorgeskrewe bedrag aan likwiede bates besit nie, by die registrateur om verlenging van bedoelde tydperk aansoek kan doen, en die registrateur dit ten opsigte van so 'n vereniging met hoogstens twaalf maande kan verleng; en
 - (ii) die vereniging gedurende genoemde tydperk van een jaar en enige verlenging daarvan te alle tye moet voldoen aan die voorskrifte insake likwiede bates wat voor vermelde inwerkingtreding vir hom gegeld het.
- (2) Die verpligtings van 'n vereniging soos vir die doeleindes van sub-artikel (1) bereken, kan verminder word met—
 - (a) die bedrag verskuldig op lenings wat ooreenkomstig paragraaf (b) van sub-artikel (1) van artikel *vier-en-twintig* teen die sekuriteit van deposito's of aandele verstrek is; en
 - (b) die bedrag van voorskotte ingevolge 'n Staats-ondersteunde behuisingskema deur die Staat aan die vereniging verstrek.
- (3) 'n Vereniging mag nie likwiede bates wat vir die doeleindes van hierdie artikel gehou word, verpand of op 'n ander wyse beswaar nie.
- (4) Vir die doeleindes van hierdie artikel, word 'n effek teen sy markwaarde gewaardeer soos deur die sekretaris van die raad van Staatskuldkommissarisse gesertifiseer."

Invoeging van artikel 23 *quater* in Wet 62 van 1934.

8. Die volgende artikel word hierby na artikel *drie-en-twintig* *ter* in die Hoofwet ingevoeg:

„Minimum voorgeskrewe beleggings.

23quater. (1) 'n Permanente vereniging moet voorgeskrewe beleggings in stand hou ten bedrae van minstens tien persent van sy verpligtings teenoor die publiek met inbegrip van alle soorte aandele deur hom uitgereik, maar uitgesonderd die bedrag van voorskotte toegestaan maar nog nie uitbetaal nie, soos aangegee in die jongste maandopgawe wat hy ingevolge sub-artikel (1) van artikel *vier-en-veertig* aan die registrateur verstrek het.

(2) Die bepalings van sub-artikels (3) en (4) van artikel *drie-en-twintig ter* is *mutatis mutandis* ten opsigte van bedoelde beleggings van toepassing."

Wysiging van artikel 24 van Wet 62 van 1934, soos gewysig deur artikel 3 van Wet 39 van 1941, artikel 7 van Wet 24 van 1942, artikel 8 van Wet 28 van 1943, artikel 4 van Wet 33 van 1946, artikel 21 van Wet 33 van

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

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

„(1) Daardie deel van die fondse van 'n geregistreerde vereniging wat nie in die vorm van bates wat as likwiede bates of voorgeskrewe beleggings geld, gehou of vir 'n doel genoem in paragraaf (i)*bis* of (i)*ter* van sub-artikel (1) van artikel *twee-en-twintig* gebruik word nie, moet behoudens die bepalings van hierdie Wet in een of meer van die volgende sekuriteite belê word, en op geen ander wyse nie, te wete—

- (ii) ten per cent of its medium-term liabilities; and
 - (iii) five per cent of its long-term liabilities, as shown in the last preceding monthly return furnished by it to the registrar in terms of sub-section (1) of section *forty-four*: Provided that in respect of its liabilities in the form of fixed deposits a society may, instead of an amount calculated in accordance with the foregoing provisions of this paragraph maintain liquid assets equal to seven and one-half per cent of the aggregate amount of all such deposits.
- (b) The provisions of paragraph (a) shall in respect of a society existing at the date of commencement of the Building Societies Amendment Act, 1964, come into operation one year after the said date: Provided that—
- (i) a society which at the end of the said period of one year for reasons acceptable to the registrar, does not hold the full amount of liquid assets prescribed by paragraph (a), may apply to the registrar for an extension of that period and the registrar may extend it in respect of such society by not more than twelve months; and
 - (ii) the society shall during the said period of one year and any extension thereof at all times comply with the requirements relating to liquid assets which were applicable to it prior to the said commencement.

(2) The liabilities of a society as calculated for the purposes of sub-section (1) may be reduced by—

- (a) the amount owing on loans made against the security of deposits or shares in accordance with paragraph (b) of sub-section (1) of section *twenty-four*; and
- (b) the amount of advances made by the State to the society under any State-assisted housing scheme.

(3) A society shall not pledge or otherwise encumber any liquid assets held for the purposes of this section.

(4) For the purposes of this section a security shall be valued at its market value as certified by the secretary of the board of public debt commissioners.”

8. The following section is hereby inserted in the principal Act after section *twenty-three ter*:

Insertion of section *23quater* in Act 62 of 1934.

“Minimum prescribed investments.

23quater. (1) A permanent society shall maintain prescribed investments to an amount not less than ten per cent of its liabilities to the public inclusive of all classes of shares issued by it but excluding the amount of advances granted but not yet paid out, as shown in the last preceding monthly return furnished by it to the registrar in terms of sub-section (1) of section *forty-four*.

(2) The provisions of sub-sections (3) and (4) of section *twenty-three ter* shall *mutatis mutandis* apply in regard to such investments.”

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

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

“(1) Such portion of the funds of a registered society as is not held in the form of assets ranking as liquid assets or prescribed investments or used for any purpose mentioned in paragraph (i)*bis* or (i)*ter* of sub-section (1) of section *twenty-two*, shall, subject to the provisions of this Act, be invested in one or more of the following forms of security and in no other manner, that is to say—

Amendment of section 24 of Act 62 of 1934, as amended by section 3 of Act 39 of 1941, section 7 of Act 24 of 1942, section 8 of Act 28 of 1943, section 4 of Act 33 of 1946, section 21 of Act 33 of 1949, section 3 of Act 28 of 1955, section 4 of Act 47

1949, artikel
3 van Wet 28
van 1955, artikel
4 van Wet 47 van
1960, artikel
26 van Wet 77
van 1961 en
artikel 2 van
Wet 69 van
1963.

- (a) onderworpe aan die bepalings van hierdie artikel, in voorskotte of hervoorskotte aan lede en ander persone teen sekuriteit van 'n verminderbare of vastetermyn-verband op stedelike onroerende eiendom geleë binne die Unie;
- (b) in lenings aan deposante teen sekerheid van hulle deposito's by die vereniging en aan lede teen sekerheid van hulle aandele in die vereniging;
- (c) in aandele van die Nasionale Finansiële korporasie;
- (d) in aandele van 'n versekeringsmaatskappy opgerig kragtens paragraaf (i) *quater* van sub-artikel (1) van artikel twee-en-twintig;
- (e) in die geval van 'n tydelike vereniging, in deposito's by geregistreerde permanente verenigings of bankinstellings wat anders as voorlopig geregistreer is kragtens die Bankwet, 1942;
- (f) in enige ander deur die registrateur by kennisgewing in die *Staatskoerant* goedgekeurde sekuriteit.”;
- (b) deur paragraaf (b) van sub-artikel (1) *bis* deur die volgende paragraaf te vervang:

„(b) Die totaalbedrag van alle voorskotte op elkeen waarvan daar in die geheel meer as vyftienduise rand aan 'n vereniging verskuldig is, mag te gener tyd 'n bedrag gelyk aan vyf-en-twintig persent van die totale bates van die vereniging by die sluiting van die jongste voorafgaande kalenderkwartaal oorskry nie.”;
- (c) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) 'n Geregistreerde permanente vereniging mag nie teen sekerheid van 'n verminderbare verband op onroerende eiendom, meer voorskiet as vyf-en-sewentig persent van die redelik vasgestelde waarde van die verhipotekeerde eiendom of die oorgedraagde huurkontrak of lisensie en van die koste van oordrag van bedoelde eiendom vir sover daardie koste nie vier persent van die koopprys van bedoelde eiendom te bowe gaan nie: Met dien verstande dat indien kollaterale sekerheid gestel word, hy 'n bedrag mag voorskiet—

 - (a) van hoogstens die aldus vasgestelde waarde van bedoelde eiendom, huurkontrak of lisensie; en
 - (b) van hoogstens die som van—
 - (i) vyf-en-sewentig persent van die aldus vasgestelde waarde van bedoelde eiendom, huurkontrak of lisensie en bedoelde oordragkoste; plus
 - (ii) die waarde van die kollaterale sekerheid bereken volgens voorskrif van sub-artikel (5):

Met dien verstande voorts dat in die geval van eiendom wat aan die vereniging verhipotekeer was en wat deur hom ingekoop is weens die versuim van die skuldenaar of wat in eksekusie verkoop is of by insolvensie of kragtens magtiging van die skuldenaar verleen na sy versuim onder 'n verband, 'n vereniging, ondanks die bepalings van hierdie sub-artikel, aan 'n koper teen sekuriteit van 'n verminderbare verband 'n bedrag kan leen wat nie meer is nie as die bedrag verskuldig aan die vereniging deur die vorige eienaar ten tyde van die koop of verkoping, na gelang van die geval, en voorheen verseker deur die verhipotekering van bedoelde eiendom, plus die totaalbedrag van koste en preferente uitgawes deur die vereniging aangegaan ten opsigte van—

 - (i) geregtelike proses deur hom ingestel teen bedoelde eienaar vir die invordering van enige van die gelde verskuldig onder die verband as gevolg van die versuim aan die kant van bedoelde eienaar;
 - (ii) die verkryging van transport van die eiendom op sy naam; en
 - (iii) noodsaaklike reparasies of die aanlê van 'n rioolstelsel, lig of water of ander noodsaaklike dienste wat hy wettiglik verplig kan word om te voorsien op die versoek van 'n plaaslike bestuur of dergelike liggaam.”;
- (d) deur sub-artikel (4) deur die volgende sub-artikel te vervang:

„(4) 'n Geregistreerde permanente vereniging mag nie teen sekerheid van 'n vastetermyn-verband op onroerende eiendom meer voorskiet as ses-en-sestig en twee-derdes persent van die redelik vasgestelde

- (a) subject to the provisions of this section, in advances of 1960, section 26 of Act 77 of 1961 and section 2 of Act 69 of 1963, or readvances to members and others on the security of reducible or fixed term mortgage of urban immovable property situate within the Union;
 - (b) in loans to depositors on the security of their deposits with the society and to members on the security of their shares in the society;
 - (c) in stock of the National Finance Corporation;
 - (d) in shares of any insurance company established in terms of paragraph (i) *quater* of sub-section (1) of section *twenty-two*;
 - (e) in the case of a terminating society, on deposit with registered permanent societies or banking institutions registered otherwise than provisionally under the Banking Act, 1942;
 - (f) in any other security approved by the registrar by notice in the *Gazette*";
- (b) by the substitution for paragraph (b) of sub-section (1) *bis* of the following paragraph:
- "(b) The sum total of all advances on each of which there is owing to a society an aggregate sum in excess of fifteen thousand rand shall at no time exceed an amount equivalent to twenty-five per cent of the total assets of the society as at the close of the last preceding calendar quarter;"
- (c) by the substitution for sub-section (3) of the following sub-section:
- "(3) A registered permanent society shall not on the security of a reducible mortgage of immovable property advance more than seventy-five per cent of the value reasonably determined of the property hypothecated or the lease or licence ceded and of the costs of transfer of the said property in so far as such costs do not exceed four per cent of the purchase price of such property: Provided that if collateral security is furnished it may advance an amount—
- (a) not exceeding the value so determined of the said property, lease or licence; and
 - (b) not exceeding the sum of—
 - (i) seventy-five per cent of the value so determined of the said property, lease or licence and the said transfer costs; plus
 - (ii) the value of the collateral security calculated as provided in sub-section (5):
- Provided further that in the case of property which was mortgaged to the society and which has been purchased by it owing to the default of the debtor or which has been sold in execution or upon insolvency or under authority of the debtor granted subsequent to his default under a mortgage bond, a society may, notwithstanding the provisions of this sub-section, lend to a purchaser on the security of a reducible mortgage, an amount not exceeding the amount due to the society by the previous owner at the time of purchase or sale, as the case may be, and previously secured by the mortgage of the said property, plus the aggregate amount of costs and preferent charges incurred by the society in respect of—
- (i) legal proceedings instituted by it against such owner for the recovery of any of the moneys due under the mortgage bond resulting from default on the part of such owner;
 - (ii) obtaining transfer of the property into its name; and
 - (iii) essential repairs or the installation of sewerage, light or water, or other essential services which it may be legally required to provide at the instance of a local authority or similar body."

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

"(4) A registered permanent society shall not, on the security of a fixed term mortgage of immovable property advance more than sixty-six and two-thirds

waarde van die verhipotekeerde eiendom of die oorgedraagde huurkontrak of lisensie en van die koste van oordrag van vermeldde eiendom vir sover bedoelde koste nie vier persent van die koopprys van bedoelde eiendom te bowe gaan nie: Met dien verstande dat indien kollaterale sekerheid gestel word, hy 'n bedrag kan voorskiet—

(a) van hoogstens die aldus vasgestelde waarde van bedoelde eiendom, huurkontrak of lisensie; en

(b) van hoogstens die som van—

(i) ses-en-sestig en twee-derdes persent van die aldus vasgestelde waarde van bedoelde eiendom, huurkontrak of lisensie en bedoelde oordragkoste; plus

(ii) die waarde van die kollaterale sekerheid bereken volgens voorskrif van sub-artikel (5):

Met dien verstande voorts dat die totale bedrag aan sodanige voorskotte te gener tyd tien persent van die totale bates van die vereniging by die sluiting van sy jongste boekjaar mag oorskry nie: Met dien verstande voorts dat geen vereniging geld teen sekuriteit van 'n vastetermyn-verband op onroerende eiendom mag voorskiet voor die verstryking van twaalf maande vanaf die datum waarop hy geregistreer is nie.”; en

(e) deur die volgende sub-artikels by te voeg:

„(8) 'n Vereniging maak nie gedurende enige boekjaar voorskotte of hervoorskotte teen sekuriteit van verbande op onroerende eiendom wat vir besigheidsdoeleindes aangewend word of staan te word, wat in die geheel vyf persent van die totale bedrag aan voorskotte teen sekuriteit van verbande op onroerende eiendom gedurende daardie jaar deur die vereniging gemaak, te bowe gaan nie.

(9) By die toepassing van hierdie artikel word—

(a) die gebruik van onroerende eiendom vir die doeleindes van 'n gebou waarvan meer as vyftig persent van die vloeroppervlakte vir woondoeleindes of daarmee in verband staande doeleindes gebruik word, nie geag gebruik van daardie onroerende eiendom vir besigheidsdoeleindes uit te maak nie; en

(b) die gebruik van 'n gebou vir die doeleindes van 'n hotel, losieshuis of soortgelyke besigheid nie geag gebruik vir woondoeleindes uit te maak nie.”.

Wysiging van artikel 25 van Wet 62 van 1934, soos gewysig deur artikel 3 van Wet 56 van 1937, artikel 9 van Wet 24 van 1942, artikel 10 van Wet 28 van 1943 en artikel 30 van Wet 77 van 1961.

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

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

„(1) 'n Geregisteerde vereniging gee geen ander aandeel uit nie as—

(a) aandeel vir 'n onbepaalde termyn, wat opbetaalde aandeel moet wees en waarvan die aandeelhouer nie geregtig is om te eniger tyd aflossing te vorder nie en wat die vereniging geregtig is om, behoudens die bepalinge van hierdie artikel, na ses maande kennisgewing aan die aandeelhouer, af te los;

(b) vastetermyn-aandeel wat moet wees—

(i) opbetaalde aandeel uitgegee vir termyne van minstens vyf jaar;

(ii) subskripsie-aandeel bereken om na verloop van 'n termyn van minstens drie jaar te verval,

en waarvan die aandeelhouer nie geregtig is om voor verloop van die termyn van uitgifte of voor die vervaldag van die aandeel, na gelang van die geval, aflossing te vorder nie, en wat die vereniging nie geregtig is om voor verloop van die termyn van uitgifte of voor die vervaldag van die aandeel, na gelang van die geval, af te los nie: Met dien verstande dat die beperkings in sub-artikel (7) van artikel drie-en-twintig voorgeskrif *mutatis mutandis* van toepassing is op die uitreiking van sodanige aandeel: Met dien verstande voorts dat geen vereniging op of na die datum van inwerking-treding van die Wysigingswet op Bouverenigings, 1964, 'n subskripsie-aandeel aan 'n ander maatskappy met beperkte aanspreeklikheid as 'n vereniging wat kragtens artikel een-en-twintig van

per cent of the value reasonably determined of the property hypothecated or the lease or licence ceded and of the costs of transfer of the said property in so far as such costs do not exceed four per cent of the purchase price of such property: Provided that if collateral security is furnished, it may advance an amount—

(a) not exceeding the value so determined of the said property, lease or licence; and

(b) not exceeding the sum of—

(i) sixty-six and two-thirds per cent of the value so determined of the said property, lease or licence and the said transfer costs; plus

(ii) the value of the collateral security calculated as provided in sub-section (5):

Provided further that the aggregate amount of such advances shall at no time exceed ten per cent of the total assets of the society as at the close of its last financial year: Provided further that no society shall advance money on the security of a fixed term mortgage of immovable property until after the expiry of twelve months from the date upon which it was registered.”; and

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

“(8) A society shall not during any financial year grant advances or readvances upon the security of the mortgage of immovable property which is or is to be used for business purposes, to an amount exceeding in the aggregate five per cent of the total amount of advances upon the security of the mortgage of immovable property granted by the society during that year.

(9) For the purposes of this section—

(a) the use of immovable property for the purposes of any building of which more than fifty per cent of the floor area is used for residential purposes or purposes incidental thereto shall not be deemed to constitute use of such immovable property for business purposes; and

(b) the use of any building for purposes of an hotel or a boarding house or similar business shall not be deemed to constitute use for residential purposes.”.

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

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

“(1) A registered society shall not issue any shares other than—

(a) shares for an indefinite period, which shall be paid-up shares and of which the shareholder shall not be entitled at any time to demand redemption and which the society shall, subject to the provisions of this section, be entitled to redeem after six months' notice to the shareholder;

(b) fixed period shares, which shall be—

(i) paid-up shares issued for periods of not less than five years;

(ii) subscription shares calculated to mature after the expiry of a period of not less than three years,

and of which the shareholder shall not be entitled to demand redemption before the period of issue has expired or the share has matured, as the case may be, and which the society shall not be entitled to redeem before the period of issue has expired or the share has matured, as the case may be: Provided that in regard to the issue of such shares the limitations prescribed in sub-section (7) of section *twenty-three* shall *mutatis mutandis* apply: Provided further that no society shall on or after the date of commencement of the Building Societies Amendment Act, 1964, issue a subscription share to any limited liability company other than an association licensed in terms of section *twenty-one* of the

Amendment of section 25 of Act 62 of 1934, as amended by section 3 of Act 56 of 1937, section 9 of Act 24 of 1942, section 10 of Act 28 of 1943 and section 30 of Act 77 of 1961.

- die Maatskappywet, 1926 (Wet No. 46 van 1926), gelisensieer is, mag uitreik nie.”;
- (b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:
- „(1)*bis* 'n Vereniging mag nie voor die verloop van 'n termyn van een jaar vanaf die datum van uitreiking van 'n onbepaalde aandeel kennis gee van sy voorneme om daardie aandeel af te los nie.”;
- (c) deur sub-artikel (9) deur die volgende sub-artikel te vervang:
- „(9) Ondanks enigiets in hierdie artikel vervat, kan die geregistreerde eienaar van 'n aandeel in 'n vereniging na drie maande kennisgewing, aflossing van daardie aandeel verkry indien die vereniging dan instem om dit af te los: Met dien verstande dat so 'n aandeel nie voor die verloop van 'n termyn van agtien maande vanaf die datum van verkryging van daardie aandeel deur daardie aandeelhouer afgelos mag word nie: Met dien verstande voorts dat die termyn van agtien maande en die vereiste betreffende kennisgewing nie van toepassing is nie—
- (a) in die geval van 'n insolvente of bestorwe boedel van 'n geregistreerde eienaar;
- (b) waar die geregistreerde eienaar van die voorgenome vermindering van die dividendkoers ooreenkoms-tig sub-artikel (6) van artikel *vyf-en-twintig ter* verwittig is en hy gedurende die tydperk van die kennisgewing in vermelde sub-artikel genoem, om aflossing aansoek doen;
- (c) waar 'n aandeelhouer onder voogdyskap geplaas is;
- (d) waar die aandeelhouer onder geregtelike bestuur of in likwidasië geplaas is;
- (e) in die geval van 'n aandeel wat as kollaterale sekuriteit aan die vereniging gesedeer is; of
- (f) in die ander gevalle wat die registrateur in die algemeen of in 'n besondere geval goedkeur.”; en
- (d) deur die volgende sub-artikels by te voeg:
- „(17) Ondanks die bepalings van paragraaf (b) van sub-artikel (1), kan die raad van 'n vereniging na goed-dunke en op die wyse en in die omstandighede in die statute van die vereniging uiteengesit, die totale bedrag van die periodieke bydraes ten opsigte van 'n subskrip-sie-aandeel gemaak en enige opgelope diwidende, voor die vervaldag terugbetaal.
- (18) 'n Vereniging mag nie teen sekuriteit van 'n aan-deel deur hom uitgereik 'n lening verstrek teen 'n rente-koers wat nie minstens een persent op die bedrag van die lening hoër is as die koers waarteen diwidende op bedoelde aandeel betaalbaar is nie.”.

Wysiging van artikel 25*bis* van Wet 62 van 1934, soos ingevoeg deur artikel 31 van Wet 77 van 1961.

11. Artikel *vyf-en-twintig bis* van die Hoofwet word hierby gewysig—

- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:
- „(1) 'n Permanente vereniging moet 'n gestorte onbepaalde aandeel-kapitaal en statutêre reserwe in stand hou wat tesame nie minder bedra nie as vyf-en-twintig persent van die totaalbedrag van sy oorblywende gestorte aandeelkapitaal en van die deposito's, lenings en oortrekkings wat hy ontvang het maar nog nie terugbetaal het nie, soos aangegee in die jongste maandopgawe wat hy ingevolge sub-artikel (1) van artikel *vier-en-veertig* aan die registrateur verstrek het.”;
- (b) deur sub-artikel (2) te skrap;
- (c) deur in sub-artikel (3) die uitdrukking „sub-artikels (1) en (2)” deur die uitdrukking „sub-artikel (1)” te vervang;
- (d) deur sub-artikel (4) te skrap; en
- (e) deur sub-artikel (6) te skrap.

Wysiging van artikel 25*ter* van Wet 62 van 1934, soos ingevoeg deur artikel 31 van Wet 77 van 1961.

12. Artikel *vyf-en-twintig ter* van die Hoofwet word hierby gewysig—

- (a) deur sub-artikel (3) deur die volgende sub-artikel te vervang:
- „(3) Waar 'n vereniging voor die inwerkingtreding van hierdie artikel 'n aandeel uitgegee het onderworpe aan voorwaardes waardeur die in sub-artikel (2) be-doelde beperkings oorskry mag word, vervul bedoelde

- Companies Act, 1926 (Act No. 46 of 1926).";
- (b) by the insertion after sub-section (1) of the following sub-section:
- "(1)*bis* A society shall not give notice of its intention to redeem any indefinite share before the expiration of a period of one year from the date of issue of that share.";

- (c) by the substitution for sub-section (9) of the following sub-section:

"(9) Notwithstanding anything contained in this section the registered owner of any share in a society may upon giving three months' notice obtain redemption of that share if the society then agrees to redeem it: Provided that no such share shall be redeemed before the expiration of a period of eighteen months from the date of acquisition of that share by that shareholder: Provided further that the period of eighteen months and the requirement in regard to notice shall not apply—

- (a) in the case of an insolvent or deceased estate of a registered owner;
- (b) where the registered owner has been notified of the intended reduction of the dividend rate in terms of sub-section (6) of section *twenty-five ter* and he applies for redemption during the period of notice mentioned in the said sub-section;
- (c) where a shareholder has been placed under curatorship;
- (d) where the shareholder has been placed under judicial management or in liquidation;
- (e) in the case of a share ceded to the society as collateral security; or
- (f) in such other cases as the registrar may approve either generally or in any particular case."; and
- (d) by the addition of the following sub-sections:

"(17) Notwithstanding the provisions of paragraph (b) of sub-section (1) the board of a society may in its discretion and in the manner and under the circumstances set out in the rules of the society, repay before the date of maturity the aggregate amount of the periodical contributions made in respect of a subscription share and any accrued dividends.

(18) A society shall not grant a loan against the security of any share issued by it at a rate of interest which is not at least one per cent on the amount of such loan higher than the rate of dividend payable on such share."

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

Amendment of section 25*bis* of Act 62 of 1934, as inserted by section 31 of Act 77 of 1961.

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

"(1) A permanent society shall maintain a paid-up indefinite share capital and statutory reserve together amounting to not less than twenty-five per cent of the sum of its remaining paid-up share capital and of the deposits, loans and overdrafts it may have received but not yet repaid, as shown in the last preceding monthly return furnished by it to the registrar in terms of sub-section (1) of section *forty-four*.";

- (b) by the deletion of sub-section (2);
- (c) by the substitution in sub-section (3) for the expression "sub-sections (1) and (2)" of the expression "sub-section (1)";
- (d) by the deletion of sub-section (4); and
- (e) by the deletion of sub-section (6).

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

Amendment of section 25*ter* of Act 62 of 1934, as inserted by section 31 of Act 77 of 1961.

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

"(3) Where a society has issued a share prior to the commencement of this section subject to conditions whereby the limits referred to in sub-section (2) may be exceeded, such conditions shall lapse upon the

voorwaardes by verstryking van 'n tydperk van tien jaar vanaf die een-en-dertigste dag van Augustus 1959 of by die afsterwe van die persoon wat op die dertigste dag van Augustus 1959, die genottrekke van bedoelde aandeel was, na galang van watter die vroegste datum is.”;

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

„(6) Waar 'n vereniging ooreenkomstig sy statute ten tyde van die uitreiking van 'n onbepaalde of vaste-termyn-aandeel die diwidendkoers betaalbaar ten opsigte van daardie aandeel vasgestel het, het die vereniging, ongeag die voorwaardes waarop die aandeel uitgereik is, die reg om van tyd tot tyd die vasgestelde diwidendkoers aldus betaalbaar te verminder nadat hy minstens een maand skriftelike kennis van die voorgenome vermindering aan die aandeelhouer gegee het.”.

Invoeging van artikel 25 *quater* in Wet 62 van 1934.

13. Die volgende artikel word hierby na artikel *vyf-en-twintig ter* in die Hoofwet ingevoeg:

„Tydperk vir in-stand-houding van voorgeskrewe minima. 25*quater*. 'n Permanente vereniging moet enige minimum bedrag by artikel *drie-en-twintig ter, drie-en-twintig quater* of *vyf-en-twintig bis* voorgeskryf, in stand hou te alle tye gedurende die tydperk vanaf die datum van sertifisering, ingevolge sub-artikel (1) van artikel *vier-en-veertig*, van die maand-opgawe waarvolgens daardie bedrag vasgestel word tot die dag voor die datum waarop die eersvolgende maandopgawe aldus gesertifiseer word.”.

Wysiging van artikel 27*ter* van Wet 62 van 1934, soos ingevoeg deur artikel 34 van Wet 77 van 1961.

14. Artikel *sewe-en-twintig ter* van die Hoofwet word hierby gewysig deur aan die end van paragraaf (f) van sub-artikel (1) die woorde „of 'n persoon in die diens van so 'n agent” by te voeg.

Wysiging van artikel 29 van Wet 62 van 1934, soos gewysig deur artikel 11 van Wet 24 van 1942, artikel 15 van Wet 28 van 1943 en artikel 36 van Wet 77 van 1961.

15. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig deur sub-artikel (5) deur die volgende sub-artikel te vervang:

„(5) Kennis van jaarlikse en buitengewone algemene vergaderings van 'n vereniging moet aan alle lede, die registrator en die ouditeure van die vereniging in die kragtens die statute voorgeskrewe vorm en wyse gegee word, en moet die dag, uur en plek en die doel van die vergadering vermeld, en indien daar 'n voorneme bestaan om 'n wysiging, herroeping of aanvulling van die statute voor te stel, moet die kennisgewing 'n afskrif van elke sodanige wysiging, herroeping of aanvulling bevat: Met dien verstande dat waar die aanname van 'n nuwe stel statute voorgestel word, daar op genoegsame wyse aan voorgaande bepalings van hierdie sub-artikel en aan enige bepaling in die statute van die vereniging voldoen word indien die kennisgewing van die vergadering 'n verklaring bevat dat afskrifte van die voorgestelde nuwe statute ter insae beskikbaar is by elke takkantoor en agentskap van die vereniging en deur lede op aansoek verkrygbaar is.”.

Wysiging van artikel 30 van Wet 62 van 1934, soos vervang deur artikel 37 van Wet 77 van 1961.

16. Artikel *dertig* van die Hoofwet word hierby gewysig deur paragraaf (d) van sub-artikel (4) deur die volgende paragraaf te vervang:

„(d) die getal en die totale bedrag van alle voorskotte wat ooreenkomstig die bepalings van paragraaf (a) van sub-artikel (1) van artikel *vier-en-twintig* toegestaan is, afsonderlik geklassifiseer volgens die bedrag aan die vereniging verskuldig, soos volg, te wete—
(i) nie meer dan vyftienduisend rand nie;
(ii) meer dan vyftienduisend rand maar nie meer dan twintigduisend rand nie;
(iii) meer dan twintigduisend rand maar nie meer dan veertigduisend rand nie;
(iv) meer dan veertigduisend rand;”.

Wysiging van artikel 31 van Wet 62 van 1934, soos vervang deur artikel 38 van Wet 77 van 1961.

17. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig deur na sub-artikel (9) die volgende sub-artikel in te voeg:

„(9)*bis* Waar die ouditeur van 'n vereniging 'n vennootskap is, vervel die aanstelling van die ouditeur nie op grond van 'n verandering in die samestelling van die vennootskap nie solank minstens die helfte van die persone wat op die datum van die vennootskap se jongste aanstelling vennote daarin was, nog vennote daarin is.”.

expiry of a period of ten years from the thirty-first day of August, 1959, or upon the death of the person who was the beneficial owner of such share on the thirtieth day of August, 1959, whichever is the earlier date.”;

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

“(6) Where a society has, in terms of its rules, at the time of issue of any indefinite or fixed period share fixed the rate of dividend payable in respect of that share, the society shall, notwithstanding the terms on which the share has been issued, have the right from time to time to reduce the fixed rate of dividend so payable after giving the shareholder not less than one month’s written notice of the intended reduction.”.

13. The following section is hereby inserted in the principal Act after section *twenty-five ter*:

“Period for maintaining prescribed minima.

25quater. A permanent society shall maintain any minimum amount prescribed by section *twenty-three ter*, *twenty-three quater* or *twenty-five bis* at all times during the period from the date of certification in terms of sub-section (1) of section *forty-four* of the monthly return by reference to which that amount is determined, until the day preceding the date on which the next succeeding monthly return is so certified.”.

Insertion of section *25quater* in Act 62 of 1934.

14. Section *twenty-seven ter* of the principal Act is hereby amended by the addition at the end of paragraph (f) of sub-section (1) of the words “or any person in the employ of such an agent”.

Amendment of section *27ter* of Act 62 of 1934, as inserted by section 34 of Act 77 of 1961.

15. Section *twenty-nine* of the principal Act is hereby amended by the substitution for sub-section (5) of the following sub-section:

“(5) Notice of annual and special general meetings of a society shall be given to all members, the registrar and the auditors of the society in the form and manner prescribed by the rules, and shall specify the day, hour and place and the objects of the meeting, and if any alteration, rescission or addition to the rules is intended to be proposed shall contain a copy of every such alteration, rescission or addition: Provided that in the case of the intended adoption of a new set of rules it shall be sufficient compliance with the foregoing provisions of this sub-section and with any provision in the rules of a society if the notice of the meeting contains a statement to the effect that copies of the proposed new rules are available for inspection at every branch office and agency of the society and available to members on request.”.

Amendment of section 29 of Act 62 of 1934, as amended by section 11 of Act 24 of 1942, section 15 of Act 28 of 1943 and section 36 of Act 77 of 1961.

16. Section *thirty* of the principal Act is hereby amended by the substitution for paragraph (d) of sub-section (4) of the following paragraph:

“(d) the number and the aggregate amount of all advances made pursuant to the provisions of paragraph (a) of sub-section (1) of section *twenty-four*, to be classified separately as follows, in terms of the amount owing to the society, namely—

- (i) not exceeding fifteen thousand rand;
- (ii) exceeding fifteen thousand rand but not exceeding twenty thousand rand;
- (iii) exceeding twenty thousand rand but not exceeding forty thousand rand;
- (iv) exceeding forty thousand rand;”.

Amendment of section 30 of Act 62 of 1934, as substituted by section 37 of Act 77 of 1961.

17. Section *thirty-one* of the principal Act is hereby amended by the insertion after sub-section (9) of the following sub-section:

“(9)*bis* Where the auditor of a society is a partnership the appointment of such auditor shall not lapse by reason of a change in the composition of the partnership as long as not less than half the persons who were partners as at the date when the partnership was last appointed continue to be partners therein.”.

Amendment of section 31 of Act 62 of 1934, as substituted by section 38 of Act 77 of 1961.

Invoeging van artikel 40ter in Wet 62 van 1934.

18. Die volgende artikel word hierby na artikel *veertig bis* in die Hoofwet ingevoeg:

„Aanstelling van geregtelike bestuurder en likwidateur.

40ter. Ondanks die bepalings van die Maatskappywet, 1926 (Wet No. 46 van 1926), soos by artikels *ses-en-dertig* en *veertig* van hierdie Wet toegepas, stel 'n Meester van die Hooggeregshof niemand anders as 'n persoon deur die registrateur aanbeveel as geregtelike bestuurder, voorlopige geregtelike bestuurder, likwidateur of voorlopige likwidateur van 'n bouvereniging aan nie.”.

Wysiging van artikel 61 van Wet 62 van 1934, soos gewysig deur artikel 4 van Wet 56 van 1937, artikel 24 van Wet 24 van 1942, artikel 26 van Wet 28 van 1943, artikel 10 van Wet 33 van 1946, artikel 4 van Wet 28 van 1955 en artikel 66 van Wet 77 van 1961.

19. Artikel *een-en-sestig* van die Hoofwet word hierby gewysig—

- (a) deur die omskrywing van „bank of bankier” deur die volgende omskrywing te vervang:
„bank’ of bankier’ ’n bankinstelling wat anders as voorlopig geregistreer is kragtens die Bankwet, 1942 (Wet No. 38 van 1942), en wat ’n reserwesaldo by die Reserwebank in stand moet hou;”;
- (b) deur na die omskrywing van „direkteur” die volgende omskrywing in te voeg:
„diskontohuis’ ’n instelling wat kragtens die Bankwet, 1942 (Wet No. 38 van 1942), as ’n diskontohuis geregistreer is of geag word te wees;”;
- (c) deur na die omskrywing van „onbepaalde aandelekapitaal” die volgende omskrywings in te voeg:
„Landbank’ die Land- en Landboubank van Suid-Afrika;
„likwiede bates’ die totaalbedrag aan—
 - (a) Reserwebanknote en pasmunt;
 - (b) onmiddellik opeisbare deposito’s by ’n bank;
 - (c) onmiddellik opeisbare deposito’s by die Nasionale Finansiële korporasie;
 - (d) onmiddellik opeisbare lenings aan diskontohuise;
 - (e) Unieskatkissbewyse;
 - (f) effekte van die Regering waarvan die laaste aflosdatum binne drie jaar val;
 - (g) wissels deur die Landbank uitgereik;
 - (h) obligasies van die Landbank wat binne drie jaar verval; en
 - (i) die ander bates wat die registrateur vir die doeleindes van hierdie omskrywing by kennisgewing in die *Staatskoerant* goedkeur;”;
- (d) deur na die omskrywing van „likwidateur” die volgende omskrywings in te voeg:
„langtermynverpligting’, met betrekking tot een of ander datum, ’n verpligting wat na verloop van minstens ses maande vanaf daardie datum betaalbaar is of wat op daardie datum aan minstens ses maande kennis van opsegging onderworpe is voordat dit betaalbaar word;
„middeltermynverpligting’, met betrekking tot een of ander datum, ’n verpligting wat na verloop van ’n tydperk van minstens dertig dae maar minder as ses maande vanaf daardie datum betaalbaar is of wat op daardie datum aan minstens dertig dae maar minder as ses maande kennis van opsegging onderworpe is voordat dit betaalbaar word, maar met inbegrip van—
 - (a) die totale netto bedrag wat ’n vereniging moet uitbetaal ten opsigte van voorskotte toegestaan;
 - (b) die totale bedrag aan kontant by ’n vereniging ooreenkomstig sub-paragraaf (iii) van paragraaf (d) van sub-artikel (1) van artikel *twee-en-twintig* gedeponeer; en
 - (c) spaardeposito’s;”;
- (e) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:
„Minister’ die Minister van Finansies;”;
- (f) deur na die omskrywing van „verband op stedelike onroerende eiendom” die volgende omskrywing in te voeg:
„Nasionale Finansiële korporasie’ die Nasionale Finansiële korporasie van Suid-Afrika ingestel by artikel *twee* van die Wet op die Nasionale Finansiële korporasie, 1949 (Wet No. 33 van 1949);”;
- (g) deur na die omskrywing van „voorgeskrewe vorm” die volgende omskrywing in te voeg:
„voorgeskrewe beleggings’ die totaalbedrag aan—

18. The following section is hereby inserted in the principal Act after section *forty bis*:
 Insertion of section 40ter in Act 62 of 1934.
- “Appoint-
ment of
judicial
manager
and
liquidator.”
- 40ter. Notwithstanding the provisions of the Companies Act, 1926 (Act No. 46 of 1926), as applied by sections *thirty-six* and *forty* of this Act, no person other than a person recommended by the registrar shall be appointed by a Master of the Supreme Court as judicial manager, provisional judicial manager, liquidator or provisional liquidator of a building society.”.
19. Section *sixty-one* of the principal Act is hereby amended—
- (a) by the substitution for the definition of “bank or banker” of the following definition:
 “‘bank’ or ‘banker’ means a banking institution which is registered otherwise than provisionally under the Banking Act, 1942 (Act No. 38 of 1942), and which is required to maintain a reserve balance with the Reserve Bank;”;
- (b) by the insertion after the definition of “director” of the following definition:
 “‘discount house’ means an institution registered or deemed to be registered as a discount house under the Banking Act, 1942 (Act No. 38 of 1942);”;
- (c) by the insertion after the definition of “indefinite share capital” of the following definitions:
 “‘Land Bank’ means the Land and Agricultural Bank of South Africa;
 ‘liquid assets’ means the aggregate amount of—
 (a) Reserve Bank Notes and subsidiary coin;
 (b) deposits, withdrawable on demand, with a bank;
 (c) deposits, withdrawable on demand, with the National Finance Corporation;
 (d) loans to discount houses, repayable on demand;
 (e) Union Treasury bills;
 (f) stocks of the Government with a maturity, to the latest redemption date, of not more than three years;
 (g) bills issued by the Land Bank;
 (h) debentures of the Land Bank with a maturity of not more than three years; and
 (i) such other assets as the registrar may by notice in the *Gazette* approve for the purposes of this definition;”;
- (d) by the insertion after the definition of “liquidator” of the following definitions:
 “‘long-term liability’, in relation to any date, means a liability which is payable after the expiration of at least six months as from that date or which on that date is subject to at least six months’ notice before becoming payable;
 ‘medium-term liability’, in relation to any date, means a liability which is payable after the expiration of a period of not less than thirty days but less than six months as from that date, or which on that date is subject to not less than thirty-days’ but less than six months’ notice before becoming payable, but includes—
 (a) the aggregate net amount a society is committed to pay out in respect of advances granted;
 (b) the aggregate amount of cash deposited with a society in terms of sub-paragraph (iii) of paragraph (d) of sub-section (1) of section *twenty-two*; and
 (c) savings deposits;”;
- (e) by the substitution for the definition of “Minister” of the following definition:
 “‘Minister’ means the Minister of Finance;”;
- (f) by the insertion after the definition of “mortgage of urban immovable property” of the following definition:
 “‘National Finance Corporation’ means the National Finance Corporation of South Africa established by section *two* of the National Finance Corporation Act, 1949, (Act No. 33 of 1949);”;
- (g) by the insertion after the definition of “prescribed form” of the following definition:
 “‘prescribed investments’ means the aggregate amount of—
- Amendment of section 61 of Act 62 of 1934, as amended by section 4 of Act 56 of 1937, section 24 of Act 24 of 1942, section 26 of Act 28 of 1943, section 10 of Act 33 of 1946, section 4 of Act 28 of 1955 and section 66 of Act 77 of 1961.

- (a) likwiede bates;
 - (b) deposito's by 'n bank behalwe dié wat as likwiede bates geld;
 - (c) deposito's by 'n plaaslike bestuur binne die Unie;
 - (d) deposito's by die Nasionale Finansiële Korporasie en lenings aan diskontohuise behalwe deposito's of lenings wat as likwiede bates geld;
 - (e) effekte van die Regering behalwe dié wat as likwiede bates geld;
 - (f) obligasies of effekte deur die Regering gewaarborg;
 - (g) effekte van en lenings aan 'n plaaslike bestuur in die Unie;
 - (h) obligasies of effekte van die Randwaterraad of die Elektrisiteitsvoorsieningskommissie;
 - (i) obligasies van die Landbank behalwe dié wat as likwiede bates geld; en
 - (j) die ander beleggings wat die registrateur vir die doeleindes van hierdie omskrywing by kennisgewing in die *Staatskoerant* goedkeur;"
- (h) deur na die omskrywing van „regulasie” die volgende omskrywing in te voeg:
 „„spaarrekening” ’n rekening wat ’n deposant by ’n bouvereniging hou en waarop hy nie ’n groter kreditsaldo in stand mag hou en waaruit hy nie sonder toestemming van die vereniging ’n opvraging kan maak op korter kennis, volgens die bedrag opgevra, as wat die statute van die vereniging bepaal nie;”;
- (i) deur die omskrywing van „spaardeposito” deur die volgende omskrywing te vervang:
 „„spaardeposito” ’n kreditsaldo op ’n spaarrekening;”;
 en
- (j) deur na die omskrywing van „aandeelhouer” die volgende omskrywing in te voeg:
 „„korttermynverpligting” met betrekking tot een of ander datum, ’n verpligting wat binne dertig dae vanaf daardie datum betaalbaar is of wat op daardie datum aan minder as dertig dae kennis van opsegging onderworpe is voordat dit betaalbaar word;”.

Invoeging van artikel 62bis in Wet 62 van 1934.

20. (1) Die volgende artikel word hierby na artikel *twee-en-sestig* in die Hoofwet ingevoeg:

„Toepassing 62bis. Hierdie Wet en enige wysiging daarvan, wanneer dit ook al aangebring word of is, is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel waarna in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), verwys word.”.

(2) Sub-artikel (1) word geag op die datum van inwerking-treding van die Wysigingswet op Bouverenigings, 1946 (Wet No. 33 van 1946), in werking te getree het.

Invoeging van artikel 63bis in Wet 62 van 1934.

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

„Periodieke 63bis. Die Minister benoem voor 1 Januarie 1971 hersiening van Wet. en daarna van tyd tot tyd met tussenpose van hoogstens tien jaar ’n komitee om ondersoek in te stel na en aan hom verslag te doen oor wysigings van hierdie Wet wat, na die komitee se mening, op grond van veranderde omstandighede wenslik geword het, of wat uit die administrasie van die Wet geblyk het wenslik te wees.”.

Vervanging van die Eerste Bylae by Wet 62 van 1934, soos gewysig deur artikel 68 van Wet 77 van 1961.

22. Die Eerste Bylae by die Hoofwet word hierby deur die volgende bylae vervang:

- (a) liquid assets;
- (b) deposits with a bank other than those ranking as liquid assets;
- (c) deposits with a local authority within the Union;
- (d) deposits with the National Finance Corporation and loans to discount houses other than deposits or loans ranking as liquid assets;
- (e) stocks of the Government other than those ranking as liquid assets;
- (f) debentures or stock guaranteed by the Government;
- (g) stocks of and loans to any local authority in the Union;
- (h) debentures or stock of the Rand Water Board or the Electricity Supply Commission;
- (i) debentures of the Land Bank other than those ranking as liquid assets; and
- (j) such other investments as the registrar may by notice in the *Gazette* approve for the purposes of this definition;";

(h) by the insertion after the definition of "regulation" of the following definition:

"'savings account' means an account which a depositor maintains with a building society and in which he may not keep a larger credit balance and from which he may not, save with the consent of the society, make a withdrawal at shorter notice, in relation to the amount to be withdrawn, than is determined by the rules of the society;";

(i) by the substitution for the definition of "savings deposit" of the following definition:

"'savings deposit' means a credit balance in a savings account;"; and

(j) by the insertion after the definition of "shareholder" of the following definition:

"'short-term liability', in relation to any date, means a liability which is payable within thirty days as from that date or which on that date is subject to less than thirty days' notice before becoming payable;".

20. (1) The following section is hereby inserted in the principal Act after section *sixty-two*:

Insertion of section 62bis in Act 62 of 1934,

"Application to South-West Africa. 62bis. This Act and any amendment thereof, whensoever it may be or may have been enacted, shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)."

(2) Sub-section (1) shall be deemed to have come into operation on the date of commencement of the Building Societies Amendment Act, 1946 (Act No. 33 of 1946).

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

Insertion of section 63bis in Act 62 of 1934.

"Periodic review of Act. 63bis. Before 1st January, 1971, and thereafter from time to time at intervals of not more than ten years, the Minister shall appoint a committee to enquire into and report to him on amendments to this Act which in the opinion of the committee, have become desirable by virtue of changed circumstances or which the administration of the Act has shown to be desirable."

22. The following schedule is hereby substituted for the First Schedule of the principal Act:

Substitution of the First Schedule to Act 62 of 1934, as amended by section 68 of Act 77 of 1961.

„EERSTE BYLAE.

Voorgeskrewe gelde.

Vir die sertifikaat van registrasie van 'n vereniging	R10-00
Vir die sertifikaat van voorlopige registrasie van 'n vereniging	R10-00
Vir die sertifikaat van wysiging van statute.. ..	R1-00
Vir die sertifikaat van registrasie van 'n naamsverandering	R5-00
Vir die sertifikaat van registrasie van 'n kennisgewing van samesmelting of van oordrag van bates en laste	R1-00
Vir 'n kopie van enige van voormelde sertificate	R0-25
Vir elke dokument wat deur die registrateur gewaarmerk moet word en waarvoor geen ander gelde betaalbaar is nie.. .. .	R1-00
Vir elke besigtiging van dokumente (hetsy een of meer) in artikel vyf-en-vyftig van die Wet vermeld, met betrekking tot een en dieselfde vereniging	R0-50
Vir enige fotostatiese of met dubbelspasiëring getikte kopie of uittreksel deur die registrateur gemaak van enige van die dokumente in artikel vyf-en-vyftig van die Wet vermeld	R0-50

per enkel
folio-bladsy
of deel van 'n
folio-bladsy.

Vir die ondersoek van elke kopie gesertifiseer as 'n ware kopie van 'n dokument in die bewaring van die registrateur wanneer die kopie aldus gesertifiseer, nie deur die registrateur gemaak is nie (benewens die gelde vir die handtekening van die registrateur)	R1-00
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Geen gelde is betaalbaar vir enige dokument of kopie van 'n dokument aan 'n Staatsdepartement verskaf nie. Die registrateur kan afsien van die gelde in gevalle waar hy tevrede is dat die betrokke besigtiging, kopie of uittreksel verlang word ter bevordering van een of ander openbare belang.”.

Kort titel en
inwerkingtreding.

23. Hierdie Wet heet die Wysigingswet op Bouverenigings, 1964, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

"FIRST SCHEDULE.

Prescribed Fees.

For the certificate of registration of a society ..	R10-00
For the certificate of provisional registration of a society	R10-00
For the certificate of alteration of rules	R1-00
For the certificate of registration of a change of name	R5-00
For the certificate of registration of notice of an amalgamation or transfer of assets and liabilities	R1-00
For a copy of any of the aforementioned certificates	R0-25
For every document required to be authenticated by the registrar, and not chargeable with any other fee	R1-00
For every inspection of documents (whether one or more) referred to in section <i>fifty-five</i> of the Act, relating to one and the same society	R0-50
For any photostatic or double-spaced typewritten copy or extract made by the registrar from any of the documents referred to in section <i>fifty-five</i> of the Act	R0-50

per single
foolscap page
or portion of
a foolscap
page.

For the examination of every copy certified as a true copy of a document in the custody of the registrar when the copy so certified is not made by the registrar (in addition to the fee for the signature of the registrar) R1-00

No fee is payable for any document or copy of a document supplied to a public department.

The registrar may dispense with the fee in cases where he is satisfied that the inspection, copy or extract in question is desired for the purpose of furthering some public interest."

23. This Act shall be called the Building Societies Amendment Act, 1964, and shall come into operation on a date to be fixed by the State President by Proclamation in the *Gazette*.

Short title and
commencement.

No. 63, 1964.]

WET

Tot wysiging van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Junie 1964.)

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

Wysiging van
artikel 2 van
Wet 23 van 1934.

1. Artikel twee van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van „bank” deur die volgende omskrywing te vervang:

„bank’ beteken ’n handelsbank wat as sodanig kragtens die Bankwet, 1942 (Wet No. 38 van 1942), geregistreer is en enige ander bankinstelling wat die Minister van Justisie, na oorlegpleging met die Minister van Finansies en die presidente van die verskillende wetsgenootskappe, by kennisgewing in die *Staatskoerant* as ’n bank aangewys het vir die doeleindes van hierdie Wet;” en

(b) deur na die omskrywing van „bank” die volgende omskrywings in te voeg:

„bankinstelling’ beteken ’n bankinstelling wat kragtens die Bankwet, 1942, geregistreer is;

„bouvereniging’ beteken ’n bouvereniging wat kragtens die Bouverenigingswet, 1934 (Wet No. 62 van 1934), geregistreer is;”.

Vervanging van
artikel 4 van
Wet 23 van 1934,
soos gewysig deur
artikel 1 van
Wet 18 van 1956.

2. Artikel vier van die Hoofwet word hierby deur die volgende artikel vervang:

„Toelating
van
Prokureurs.

4. Enige geskikte en gepaste persoon van of bo die ouderdom van een-en-twintig jaar wat geslaag het in, of, ingevolge die bepalings van hierdie Wet, vrygestel is van enige van die eksamens bedoel in artikel tien en wat voldoen het aan die bepalings van hierdie Wet met betrekking tot diens onder leerkontrak kan, binne ’n tydperk van twee jaar vanaf die datum van voltooiing van so ’n leerkontrak of binne die verdere tydperk deur die hof ingevolge sub-artikel (3) van artikel negentien toegelaat, op die in hierdie Wet voorgeskrewe manier, by die hof aansoek doen om as prokureur toegelaat en ingeskryf te word, en, behoudens die bepalings van enige wet, laat die hof dan sodanige persoon as prokureur toe en skryf hom in tensy gronde tot bevrediging van die hof daarteen aangevoer word: Met dien verstande dat niemand aldus toegelaat en ingeskryf word nie tensy die hof oortuig is dat hy ’n Suid-Afrikaanse burger is of ’n persoon is wat wettiglik tot die Republiek vir permanente verblyf daarin toegelaat is en gewoonlik in die Republiek woonagtig is.”.

Wysiging van
artikel 5 van
Wet 23 van 1934.

3. Artikel vyf van die Hoofwet word hierby gewysig deur die woorde „deel van die” te skrap.

Wysiging van
artikel 7 van
Wet 23 van 1934.

4. Artikel sewe van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (1) die woord „behoorlike” deur die woord „gepaste” te vervang;

(b) deur sub-paragraaf (a) van paragraaf (2) deur die volgende sub-paragraaf te vervang:

„(a) indien hy te eniger tyd as ’n advokaat van die Hooggeregshof van Suid-Afrika toegelaat is, dat sy naam daarna op sy eie aansoek van die rol van advokate verwyder is en dat hy vir ’n ononderbroke tydperk van minstens ses maande onmiddellik voor die datum van sy aansoek om sodanige toelating op generlei wyse geassosieer was met of verbonde was aan die praktyk van so ’n advokaat nie, of regstreeks of onregstreeks as so ’n advokaat opgetree het nie; of”; en

No. 63, 1964.]

ACT

To amend the Attorneys, Notaries and Conveyancers Admission Act, 1934, and to provide for matters incidental thereto.

(English text signed by the State President.)
(Assented to 17th June, 1964.)

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

1. Section two of the Attorneys, Notaries and Conveyancers Admission Act, 1934 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of
section 2 of
Act 23 of 1934.

(a) by the substitution for the definition of "bank" of the following definition:

"'bank' means a commercial bank registered as such under the Banking Act, 1942 (Act No. 38 of 1942), and any other banking institution which the Minister of Justice has, after consultation with the Minister of Finance and the presidents of the several law societies, by notice in the *Gazette* designated as a bank for the purposes of this Act;"; and

(b) by the insertion after the definition of "bank" of the following definitions:

"'banking institution' means a banking institution registered under the Banking Act, 1942;

'building society' means a building society registered under the Building Societies Act, 1934 (Act No. 62 of 1934);".

2. The following section is hereby substituted for section four of the principal Act:

Substitution of
section 4 of
Act 23 of 1934,
as amended by
section 1 of
Act 18 of 1956.

"Admission of Attorneys. 4. Any fit and proper person, of or above the age of twenty-one years, who has passed, or is, in terms of the provisions of this Act, exempted from any of the examinations referred to in section ten and who has complied with the provisions of this Act in regard to service under articles, may, within a period of two years from the date of the completion of such articles or within the further period allowed by the court in terms of sub-section (3) of section nineteen, apply, in the manner prescribed by this Act, to the court to be admitted and enrolled as an attorney, and thereupon the court shall, subject to the provisions of any law, admit and enrol such person as an attorney unless cause to the contrary is shown to its satisfaction: Provided that no person shall be so admitted and enrolled unless the court is satisfied that he is a South African citizen or a person who has been lawfully admitted to the Republic for permanent residence therein and is ordinarily resident in the Republic."

3. Section five of the principal Act is hereby amended by the deletion of the words "this part of".

Amendment of
section 5 of
Act 23 of 1934.

4. Section seven of the principal Act is hereby amended—

Amendment of
section 7 of
Act 23 of 1934.

(a) by the substitution in the Afrikaans version of paragraph (1) for the word "behoorlike" of the word "gepaste";

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

"(a) if he has at any time been admitted as an advocate of the Supreme Court of South Africa, that his name was subsequently removed from the roll of advocates on his own application and that for a continuous period of not less than six months immediately before the date of his application for such admission he has in no way been associated or connected with the practice of, or acted directly or indirectly as such an advocate; or"; and

- (c) deur in sub-paragraaf (b) van paragraaf (2) die woorde „artikels *agt* en *nege*” deur die woorde „artikel *agt*” en die woorde „land, vrygewes, kolonie of gebied, na die geval mag wees, vermeld in genoemde artikels” deur die woorde „land of gebied in genoemde artikel bedoel” te vervang.

Vervanging van artikel 8 van Wet 23 van 1934, soos gewysig deur artikel 2 van Wet 18 van 1956.

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

„Sekere persone van diens onder leerkontrak vrygestel.

8. (1) Iemand wat wettiglik tot die Republiek vir permanente verblyf daarin toegelaat is en gewoonlik in die Republiek woonagtig is en wat toegelaat en ingeskryf is as „solicitor” of prokureur van die Hooggeregshof of Hoëhof van enige land of gebied wat vir die doeleindes van hierdie artikel goedgekeur is in enige regulasies kragtens artikel *dertig* uitgevaardig, word, as hy vir minstens vyf jaar as „solicitor” of prokureur, na gelang van die geval, in die land of gebied waarin hy aldus toegelaat en ingeskryf is, gepraktiseer het, van diens onder leerkontrak vrygestel.

(2) Iemand wat in die gebied Suidwes-Afrika as prokureur van die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika toegelaat en ingeskryf is, word van diens onder leerkontrak vrygestel.”.

Vervanging van artikel 9 van Wet 23 van 1934.

6. Artikel *nege* van die Hoofwet word hierby deur die volgende artikel vervang:

„Prokureurs wat in sekere lande of gebiede praktiseer, kan toegelaat word om in die Republiek te praktiseer.

9. Ondanks die bepalings van hierdie Wet, maar onderworpe aan die bepalings van artikel *agt-en-twintig*, kan iemand wat toegelaat en ingeskryf is as „solicitor” of prokureur van die Hooggeregshof of Hoëhof van enige land of gebied wat vir die doeleindes van hierdie artikel goedgekeur is in enige regulasies kragtens artikel *dertig* uitgevaardig, as prokureur in die Republiek toegelaat en ingeskryf word indien hy die hof oortuig—

- (a) dat hy ’n geskikte en gepaste persoon is om as prokureur in die Republiek toegelaat en ingeskryf te word;
- (b) dat hy as „solicitor” of prokureur toegelaat en ingeskryf is in ’n land of gebied wat goedgekeur is soos voormeld en dat geen verrigtinge hangende is om hom van die rol van „solicitors” of prokureurs te laat skrap of in sy praktyk te skors nie; en
- (c) dat hy in die land of gebied waarin hy aldus toegelaat en ingeskryf is, woonagtig is en daarin as „solicitor” of prokureur praktiseer.”.

Wysiging van artikel 10 van Wet 23 van 1934, soos vervang deur artikel 3 van Wet 18 van 1956 en gewysig deur artikel 11 van Wet 82 van 1959.

7. (1) Artikel *tien* van die Hoofwet word hierby gewysig—

- (a) deur in sub-paragraaf (iii) van paragraaf (a) die simbool „(f)” deur die uitdrukking „(e) van sub-artikel (1)” te vervang;
- (b) deur in paragraaf (b) die woorde „eksamen bedoel in paragraaf (a)” deur die woorde „eksamens bedoel in paragrawe (a), (b) en (c)” te vervang;
- (c) deur aan die end van paragraaf (b) die woord „en” by te voeg; en
- (d) deur die volgende paragraaf by te voeg:

„(c) behalwe in die geval van ’n in sub-artikel (1) van artikel *agt* bedoelde persoon wat vir ’n tydperk van minder as twee jaar in die Republiek woonagtig was, in eksamens in die Afrikaanse en in die Engelse taal geslaag het wat die in artikel *vyftien* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), bedoelde gemeenskaplike matrikulasieraad gesertifiseer het as gelyk aan of hoër as die een of die ander van die eksamens in genoemde tale wat afgeneem word by ’n in artikel *dertien* bedoelde matrikulasie-eksamen.”.

(2) Paragrawe (c) en (d) van sub-artikel (1) tree in werking op ’n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

- (c) by the substitution in sub-paragraph (b) of paragraph (2) for the words "sections *eight* and *nine*" of the words "section *eight*" and for the words "country, dominion, colony or territory as the case may be, mentioned in the said sections" of the words "country or territory referred to in the said section".

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

"Certain persons exempted from service under articles.

8. (1) Any person lawfully admitted to the Republic for permanent residence therein who is ordinarily resident in the Republic and who has been admitted and enrolled as a solicitor or attorney of the Supreme or High Court of any country or territory approved of for the purposes of this section in any regulations made under section *thirty* shall, if he has practised for at least five years as a solicitor or an attorney, as the case may be, in the country or territory in which he has been so admitted and enrolled, be exempted from service under articles.

(2) Any person who has, in the territory of South-West Africa, been admitted and enrolled as an attorney of the South-West Africa Division of the Supreme Court of South Africa, shall be exempted from service under articles."

6. The following section is hereby substituted for section *nine* of the principal Act:

Substitution of section 9 of Act 23 of 1934.

"Attorneys practising in certain countries or territories may be admitted to practise in the Republic.

9. Notwithstanding the provisions of this Act, but subject to the provisions of section *twenty-eight*, any person who has been admitted and enrolled as a solicitor or attorney of the Supreme or High Court of any country or territory approved of for the purposes of this section in any regulations made under section *thirty* may be admitted and enrolled as an attorney in the Republic upon satisfying the court—

- (a) that he is a fit and proper person to be admitted and enrolled as an attorney in the Republic;
- (b) that he has been admitted and enrolled as a solicitor or attorney in a country or territory approved of as aforesaid and that no proceedings are pending to have him struck off the roll of solicitors or attorneys or suspended from practice; and
- (c) that he is resident and practising as a solicitor or attorney in the country or territory in which he has been so admitted and enrolled."

7. (1) Section *ten* of the principal Act is hereby amended—

Amendment of section 10 of Act 23 of 1934, as substituted by section 3 of Act 18 of 1956 and amended by section 11 of Act 82 of 1959.

- (a) by the substitution in sub-paragraph (iii) of paragraph (a) for the symbol "(f)" of the expression "(e) of sub-section (1)";
- (b) by the substitution in paragraph (b) for the words "examination referred to in paragraph (a)" of the words "examinations referred to in paragraphs (a), (b) and (c)";
- (c) by the addition at the end of paragraph (b) of the word "and"; and
- (d) by the addition of the following paragraph:

"(c) except in the case of a person referred to in sub-section (1) of section *eight* who has been resident in the Republic for a period of less than two years, passed examinations in the Afrikaans and in the English language certified by the joint matriculation board referred to in section *fifteen* of the Universities Act, 1955 (Act No. 61 of 1955), to be equivalent or superior to one or other of the examinations in the said languages conducted at a matriculation examination referred to in section *thirteen*."

(2) Paragraphs (c) and (d) of sub-section (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Vervanging van artikel 12 van Wet 23 van 1934, soos gewysig deur artikel 5 van Wet 18 van 1956.

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

„Eksamens waarin in artikel 8 bedoelde persone moet slaag.

12. (1) Elkeen wat ingevolge artikel *agt* van diens onder leerkontrak vrygestel is, is, tot op 'n datum deur die Minister by kennisgewing in die *Staatskoerant* bepaal na oorlegpleging met die presidente van die verskillende wetsgenootskappe, vrygestel van die aflegging van die eksamens bedoel in paragraaf (a) van artikel *tien*: Met dien verstande dat, behalwe in die geval van 'n prokureur van die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika, van hom verlang kan word om in die spesiale eksamen te slaag wat voorgeskryf word by regulasie uitgevaardig kragtens paragraaf (b) van sub-artikel (1) van artikel *dertig*.

(2) Iemand wat van diens onder leerkontrak ingevolge artikel *agt* vrygestel is, kan by regulasie kragtens paragraaf (c) van sub-artikel (1) van artikel *dertig* uitgevaardig, vrygestel word van die vereiste om in enige praktiese eksamen, in paragraaf (a), (b) of (c) van artikel *sewe-en-twintig* bedoel of enige gedeelte daarvan, te slaag.”

Wysiging van artikel 13 van Wet 23 van 1934, soos gewysig deur artikel 6 van Wet 18 van 1956.

9. Artikel *dertien* van die Hoofwet word hierby gewysig—

- (a) deur aan die end van sub-paragraaf (ii) van paragraaf (c) die woord „of” te skrap; en
- (b) deur sub-paragraaf (iii) van genoemde paragraaf te skrap.

Wysiging van artikel 19 van Wet 23 van 1934, soos gewysig deur artikel 8 van Wet 18 van 1956.

10. Artikel *negentien* van die Hoofwet word hierby gewysig deur die volgende sub-artikels by te voeg:

„(5) Waar iemand wat enige tydperk gedien het onder 'n leerkontrak wat ingetrek of laat vaar is voordat dit voltooi is, aan al die vereistes vir 'n in die Eerste Bylae bedoelde graad voldoen het of geregtig is om deur enige afdeling van die Hooggeregshof van Suid-Afrika as advokaat toegelaat te word, kan die hof, op aansoek van sodanige persoon gedoen binne 'n tydperk van twee jaar vanaf die laaste dag van die tydperk aldus gedien en onderworpe aan die voorwaardes wat die hof oplê, beveel—

(a) dat, by die toepassing van hierdie Wet, die hele tydperk aldus gedien of dié deel daarvan wat die hof goedvind, bygevoeg moet word by enige tydperk deur sodanige persoon gedien, nadat hy aan sodanige vereistes voldoen het of aldus geregtig geword het, onder 'n leerkontrak wat aangegaan is nadat eersgenoemde leerkontrak ingetrek of laat vaar is en daarna word enige tydperk aldus bygevoeg, vir die doeleindes van sy toelating en inskrywing as prokureur, geag gedien te gewees het—

(i) nadat hy aan sodanige vereistes voldoen het of aldus geregtig geword het; en

(ii) onder die leerkontrak wat aangegaan is nadat eersgenoemde leerkontrak ingetrek of laat vaar is en aaneenlopend met enige tydperk daaronder gedien;

(b) indien die tydperk wat deur sodanige persoon onder eersgenoemde leerkontrak gedien is, gelyk is aan die tydperk of die tydperk oorskry wat hy, wanneer die aansoek gedoen word, ingevolge hierdie Wet onder leerkontrak sou moet dien, dat die tydperk aldus gedien, by die toepassing van hierdie Wet, as voldoende diens onder leerkontrak beskou moet word en daarna word enige tydperk aldus deur sodanige persoon gedien vir die doeleindes van sy toelating en inskrywing as prokureur geag gedien te gewees het na en onder 'n leerkontrak aangegaan nadat hy aan sodanige vereistes voldoen het of aldus geregtig geword het.

(6) Die hof kan, op aansoek van iemand wat onder leerkontrak dien en wat aan al die vereistes vir 'n in die Eerste Bylae bedoelde graad voldoen het of geregtig is om deur enige afdeling van die Hooggeregshof van Suid-Afrika as advokaat toegelaat te word en onderworpe aan die voorwaardes wat die hof oplê, beveel dat die hele of enige deel van die tydperk aldus gedien voordat sodanige persoon aan sodanige vereistes voldoen het of aldus geregtig geword het, vir die doeleindes van sy toelating en inskrywing as prokureur beskou moet word as gedien te gewees het na en onder 'n leerkontrak aangegaan nadat hy aan sodanige vereistes voldoen het of aldus geregtig geword het.”

11. Section *twenty-three* of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:

Amendment of section 23 of Act 23 of 1934, as amended by section 11 of Act 18 of 1956.

"(c) he has passed or is in terms of regulations made under paragraph (d) of sub-section (1) of section *thirty* exempted from the practical examination referred to in paragraph (d) of section *twenty-seven*."

12. Section *twenty-four* of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:

Amendment of section 24 of Act 23 of 1934, as amended by section 12 of Act 18 of 1956.

"(c) he has passed or is in terms of regulations made under paragraph (d) of sub-section (1) of section *thirty* exempted from the practical examination referred to in paragraph (e) of section *twenty-seven*."

13. The following section is hereby substituted for section *twenty-seven* of the principal Act:

Substitution of section 27 of Act 23 of 1934, as amended by section 14 of Act 18 of 1956.

"Practical examinations.

27. The Judge-President of a provincial division of the Supreme Court of South Africa may, after consultation with the president of the law society concerned, appoint one or more examiners for the purpose of arranging, controlling and conducting examinations in respect of—

- (a) the practice and procedure in the Supreme Court of South Africa and in magistrates' courts established under the Magistrates' Courts Act, 1944 (Act No. 32 of 1944);
- (b) the practical bookkeeping necessary for the keeping of the books of account referred to in sub-section (4) of section *thirty-three*;
- (c) the practice, functions and duties of an attorney;
- (d) the practice, functions and duties of a notary;
- (e) the law, practice and procedure of conveyancing."

14. (1) The following section is hereby inserted after section *twenty-eight* of the principal Act:

Insertion of section 28bis in Act 23 of 1934.

"Removal of attorneys from roll.

28bis. Notwithstanding anything to the contrary in any law contained any person who has been admitted and enrolled as an attorney under this Act may be struck off the roll or suspended from practice by the court at the instance of any law society concerned—

- (a) (i) if he has ceased to be a South African citizen; or
- (ii) in the case of a person who is not a South African citizen, if he has failed to obtain a certificate of naturalization in terms of the South African Citizenship Act, 1949 (Act No. 44 of 1949), within a period of six years from the date upon which he was admitted to the Republic for permanent residence therein, or within such further period as the court may for good cause allow; or
- (b) in the case of a person referred to in sub-section (1) of section *eight* who is exempted from the provisions of paragraph (c) of section *ten*, if he has failed to pass such examinations in the Afrikaans and the English languages as is referred to in the said paragraph within a period of two years after he was admitted and enrolled as an attorney or within such further period as the court may for good cause allow; or
- (c) in the case of a person admitted and enrolled in terms of section *nine*, if it appears to the court that he has ceased to be resident or practising as an attorney or solicitor in the country or territory in which he was admitted and enrolled upon his admission and enrolment in the Republic or if the country or territory in which he was so admitted and enrolled has ceased to be a country or territory approved of for the purposes of section *nine*; or
- (d) if the court is satisfied that he is not a fit and proper person to continue in practice as an attorney."

(2) Sub-paragraph (ii) of paragraph (a) of section *twenty-eight bis* of the principal Act, as inserted by sub-section (1) of this section, shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Vervanging van artikel 30 van Wet 23 van 1934, soos gewysig deur artikel 16 van Wet 18 van 1956, artikel 12 van Wet 82 van 1959 en artikel 4 van Wet 81 van 1962.

15. Artikel *dertig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Regulasies.

30. (1) Die Minister van Justisie kan na oorlegpleging, behalwe in die geval van regulasies kragtens paragraaf (g) of (h) uitgevaardig, met die Hoofregter van Suid-Afrika en na oorlegpleging met die presidente van die verskillende wetsgenootskappe en, in die geval van regulasies uitgevaardig kragtens paragraaf (b) of (e), ook na oorlegpleging met die verskillende universiteite in Suid-Afrika met regs fakulteite en die Raad vir die Erkenning van Regseksamens ingestel by artikel *sestien* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), regulasies uitgevaardig om vas te stel en voor te skrywe—

- (a) die lande of gebiede wat vir die doeleindes van artikel *agt* of *nege* goedgekeur word;
- (b) in watter eksamen, indien enige, in die beginsels van Romeins-Hollandse reg en statutereg van die Republiek iemand (behalwe 'n persoon wat as prokureur van die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika toegelaat en ingeskryf is) in artikel *agt* bedoel, moet slaag voordat hy as prokureur kragtens hierdie Wet toegelaat en ingeskryf word;
- (c) of iemand in artikel *agt* bedoel daarvan vrygestel word om te slaag of moet slaag in enige praktiese eksamen in paragraaf (a), (b) of (c) van artikel *sewe-en-twintig* bedoel of 'n gedeelte daarvan voordat hy kragtens hierdie Wet as prokureur toegelaat en ingeskryf word;
- (d) die omstandighede waaronder iemand, vir die doel van toelating as notaris of transportbesorger ingevolge artikel *drie-en-twintig* of *vier-en-twintig*, daarvan vrygestel word om te slaag in die praktiese eksamen bedoel in paragraaf (d) of (e) van artikel *sewe-en-twintig*;
- (e) die in sub-paragraaf (iii) van paragraaf (a) van artikel *tien* bedoelde graad in regte en die vereistes vir so 'n graad;
- (f) die regte, pligte en bevoegdhede van 'n ingevolge sub-artikel (9) van artikel *drie-en-dertig* aangestelde *curator bonis*;
- (g) die tyd wanneer en die wyse waarop enige in sub-artikel (3) van artikel *drie-en-dertig* bedoelde rente aan die in genoemde sub-artikel bedoelde Getrouheidswaarborg-fonds betaal moet word;
- (h) die handeling wat nie deur enige ander persoon as 'n prokureur, notaris of transportbesorger of 'n in artikel *twee-en-twintig* van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), bedoelde wetsagent verrig mag word nie.

(2) Regulasies kragtens paragraaf (h) van sub-artikel (1) uitgevaardig, kan voorsiening maak vir tydelike of permanente of gedeeltelike of algehele vrystelling van die verbodsbepalings daarin vervat ten opsigte van bepaalde persone of klasse persone of ten opsigte van enige vermelde aangeleentheid wat in verband staan met enige in sodanige regulasies vermelde handeling: Met dien verstande dat geen vrystelling wat permanent toegestaan is, gekanselleer of ingetrek word nie tensy sodanige kansellasië of intrekking by besluit van die Senaat en die Volksraad goedgekeur is.”

Wysiging van artikel 32 van Wet 23 van 1934, soos gewysig deur artikel 3 van Wet 19 van 1941 en artikel 5 van Wet 81 van 1962.

16. Artikel *twee-en-dertig* van die Hoofwet word hierby gewysig—

- (a) deur by sub-artikel (1) die woorde „of enige handeling verrig wat hy ingevolge enige kragtens paragraaf (h) van sub-artikel (1) van artikel *dertig* uitgevaardigde regulasie verbied is om te verrig nie” te voeg; en
- (b) deur na sub-artikel (1) *bis* die volgende sub-artikel in te voeg:

„(1) *ter* Ondanks andersluidende wetsbepalings, mag geen persoon behalwe 'n advokaat van die Hooggeregshof van Suid-Afrika of 'n prokureur of 'n in artikel *twee-en-twintig* van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), bedoelde wetsagent, vir of namens enige ander persoon verskyn nie in enige

15. The following section is hereby substituted for section *thirty* of the principal Act:

"Regulations.

30. (1) The Minister of Justice may, after consultation, except in the case of regulations made under paragraph (g) or (h), with the Chief Justice of South Africa and after consultation with the presidents of the several law societies and, in the case of regulations made under paragraph (b) or (e), also after consultation with the several universities in South Africa having faculties of law and the Board for the Recognition of Examinations in Law established by section *sixteen* of the Universities Act, 1955 (Act No. 61 of 1955), make regulations for the purpose of determining and prescribing—

- (a) the countries or territories which shall be approved of for the purposes of section *eight* or *nine*;
- (b) what examination, if any, in the principles of Roman Dutch law and statute law of the Republic, any person (other than a person who has been admitted and enrolled as an attorney of the South-West Africa Division of the Supreme Court of South Africa) referred to in section *eight* shall be required to pass before being admitted and enrolled as an attorney under this Act;
- (c) whether any person referred to in section *eight* shall be exempted from passing or shall be required to pass, any practical examination referred to in paragraph (a), (b) or (c) of section *twenty-seven* or any part thereof before being admitted and enrolled as an attorney under this Act;
- (d) the circumstances under which any person shall, for the purposes of admission as a notary or conveyancer under section *twenty-three* or *twenty-four*, be exempted from passing the practical examination referred to in paragraph (d) or (e) of section *twenty-seven*;
- (e) the degree in law referred to in sub-paragraph (iii) of paragraph (a) of section *ten* and the requirements for such a degree;
- (f) the rights, duties and powers of a *curator bonis* appointed under sub-section (9) of section *thirty-three*;
- (g) the time when and the manner in which any interest referred to in sub-section (3) of section *thirty-three* shall be paid over to the Fidelity Guarantee Fund referred to in the said sub-section;
- (h) the acts which shall not be performed by any person other than an attorney, notary or conveyancer or an agent referred to in section *twenty-two* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944).

(2) Regulations made under paragraph (h) of sub-section (1) may provide for exemptions either temporarily or permanently or partially or wholly from the prohibitions therein contained in respect of particular persons or classes of persons or in respect of any specified matter connected with any act mentioned in such regulations: Provided that no exemption granted permanently shall be cancelled or withdrawn unless such cancellation or withdrawal has been approved by resolution of the Senate and the House of Assembly."

Substitution of section 30 of Act 23 of 1934, as amended by section 16 of Act 18 of 1956, section 12 of Act 82 of 1959 and section 4 of Act 81 of 1962.

16. Section *thirty-two* of the principal Act is hereby amended—

- (a) by the addition to sub-section (1) of the words "or perform any act which he is in pursuance of any regulations made under paragraph (h) of sub-section (1) of section *thirty* prohibited from performing"; and
- (b) by the insertion after sub-section (1)*bis* of the following sub-section:

"(1)*ter* Notwithstanding anything to the contrary in any law contained, no person other than an advocate of the Supreme Court of South Africa or an attorney or an agent referred to in section *twenty-two* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), shall appear for or on behalf of any other person in

Amendment of section 32 of Act 23 of 1934, as amended by section 3 of Act 19 of 1941 and section 5 of Act 81 of 1962.

Vervanging van artikel 33 van Wet 23 van 1934, soos gewysig deur artikel 17 van Wet 18 van 1956 en artikel 7 van Wet 81 van 1962.

17. Artikel drie-en-dertig van die Hoofwet word hierby deur die volgende artikel vervang:

„Trustrekening en belegging van trustgelde.

verrigtinge of klasse verrigtinge wat kragtens die bepalings van een of ander wet plaasvind en wat deur die Minister van Justisie, na oorlegpleging met die presidente van die verskillende wetsgenootskappe, by kennisgewing in die *Staatskoerant* aangewys is.”.

33. (1) Elke praktiserende prokureur, notaris en transportbesorger moet 'n aparte trustrekening by 'n bank in die Republiek open en hou en moet daarin die gelde wat hy op rekening van enige persoon hou of ontvang, deponeer.

(2) (a) Ondanks die bepalings van sub-artikel (1), kan 'n prokureur, notaris of transportbesorger enige gelde wat in sodanige trustrekening gedeponeer is en wat nie onmiddellik vir een of ander bepaalde doel benodig is nie in 'n aparte spaar- of ander rentegewende rekening wat deur hom geopen is by enige bankinstelling of bouvereniging of enige instelling of klas instelling wat deur die Minister van Justisie, na oorlegpleging met die Minister van Finansies en die presidente van die verskillende wetsgenootskappe, by kennisgewing in die *Staatskoerant* aangewys is, belê.

(b) Sodanige spaar- of ander rentegewende rekening moet 'n verwysing na hierdie sub-artikel bevat.

(3) Enige rente op gelde aldus belê, moet deur die betrokke prokureur, notaris of transportbesorger betaal word aan die GetrouheidswaARBorg-fonds vir Prokureurs, Notarisse en Transportbesorgers wat kragtens die Toelating van Prokureurs Wysigings- en Regspraktisyns-getrouheidsfonds-wet, 1941 (Wet No. 19 van 1941), gestig is, op die tyd en die wyse voorgeskryf by regulasie kragtens artikel dertig uitgevaardig.

(4) Elke praktiserende prokureur, notaris of transportbesorger moet behoorlike rekeningboeke hou wat besonderhede en inligting bevat betreffende enige gelde deur hom ontvang, gehou of betaal vir of op rekening van enige persoon, enige gelde deur hom ingevolge sub-artikel (2) belê en enige rente op gelde aldus belê wat aan hom betaal word of waarmee hy gekrediteer word.

(5) Die raad van die wetsgenootskap van die provinsie waarin enige prokureur, notaris of transportbesorger praktiseer, kan self of deur sy benoemde en op sy eie koste die rekeningboeke van enige prokureur, notaris of transportbesorger ondersoek om homself te oortuig dat die bepalings van sub-artikels (1), (3) en (4) nagekom word: Met dien verstande dat indien by sodanige ondersoek bevind word dat sodanige prokureur, notaris of transportbesorger nie aan die bepalings van sub-artikel (1), (3) of (4) voldoen het nie sodanige raad die koste van sodanige ondersoek op sodanige prokureur, notaris of transportbesorger kan verhaal.

(6) By die toepassing van sub-artikels (4) en (5) sluit die uitdrukking „rekeningboeke” enige aantekening of dokument in wat betrekking het op enige gelde ingevolge sub-artikel (2) belê, of op enige in sub-artikel (3) bedoelde rente, of op 'n boedel van 'n oorlede persoon of 'n insolvente boedel of 'n boedel onder kuratorskap geplaas, ten opsigte waarvan 'n prokureur, notaris of transportbesorger die eksekuteur, trustee of kurator is of wat 'n prokureur, notaris of transportbesorger namens die eksekuteur, trustee of kurator van daardie boedel administreer.

(7) Geen bedrag wat op krediet van so 'n trust- of spaar- of ander rentegewende rekening in enige bank, bankinstelling of bouvereniging, of enige ingevolge sub-artikel (2) aangewese instelling staan, word as deel van die bates van die betrokke prokureur, notaris of transportbesorger beskou nie, en geen sodanige bedrag kan op instansie van 'n skuldeiser van so 'n prokureur, notaris of transportbesorger in beslag geneem word nie: Met dien verstande dat enige oorskot wat oorbly na betaling van die eise van alle persone wie se gelde in so 'n trustrekening gede-

any proceedings or classes of proceedings which are held under the provisions of any law and which have been designated by the Minister of Justice by notice in the *Gazette* after consultation with the presidents of the several law societies.”.

17. The following section is hereby substituted for section thirty-three of the principal Act;

“Trust account and investment of trust moneys.

33. (1) Every practising attorney, notary and conveyancer shall open and keep a separate trust account at a bank, in the Republic and shall deposit therein the moneys held or received by him on account of any person.

Substitution of section 33 of Act 23 of 1934, as amended by section 17 of Act 18 of 1956 and section 7 of Act 81 of 1962.

(2) (a) Notwithstanding the provisions of sub-section (1), any attorney, notary or conveyancer may invest in a separate savings or other interest-bearing account opened by him with any banking institution or building society, or any institution or class of institution designated by the Minister of Justice by notice in the *Gazette* after consultation with the Minister of Finance and the presidents of the several law societies, any moneys deposited in such trust account which are not immediately required for any particular purpose.

(b) Such savings or other interest-bearing account shall contain a reference to this sub-section.

(3) Any interest on moneys so invested shall be paid over by the attorney, notary or conveyancer concerned to the Attorneys, Notaries and Conveyancers Fidelity Guarantee Fund established under the Attorneys' Admission Amendment and Legal Practitioners' Fidelity Fund Act, 1941 (Act No. 19 of 1941), at the time and in the manner prescribed by regulation made under section *thirty*.

(4) Every practising attorney, notary or conveyancer shall keep proper books of account containing particulars and information of any moneys received, held or paid by him for or on account of any person, of any moneys invested by him in terms of sub-section (2) and of any interest on moneys so invested which is paid over or credited to him.

(5) The council of the law society of the province in which any attorney, notary or conveyancer is practising, may, by itself or through its nominee and at its own cost, inspect the books of account of any attorney, notary or conveyancer to satisfy itself that the provisions of sub-sections (1), (3) and (4) are being observed: Provided that if it is found upon such inspection that such attorney, notary or conveyancer has not complied with the provisions of sub-section (1), (3) or (4) such council may recover the cost of such inspection from such attorney, notary or conveyancer.

(6) For the purposes of sub-sections (4) and (5) the expression ‘books of account’ includes any record or document relating to any moneys invested in terms of sub-section (2), or to any interest referred to in sub-section (3), or to any estate of a deceased person or any insolvent estate or any estate placed under curatorship in respect of which any attorney, notary or conveyancer is the executor, trustee or curator or which any attorney, notary or conveyancer is administering on behalf of the executor, trustee or curator of that estate.

(7) No amount standing to the credit of such trust account or savings or other interest-bearing account in any bank, banking institution or building society, or any institution designated in terms of sub-section (2) shall be regarded as forming part of the assets of the attorney, notary or conveyancer concerned and no such amount shall be liable to attachment at the instance of any creditor of such attorney, notary or conveyancer: Provided that any excess remaining after payment of the claims of all persons whose moneys have, or should have, been deposited in such trust account or have been

poneer is, of daarin gedeponeer moes gewees het, of ingevolge sub-artikel (2) belê is, en van enige eis van die in sub-artikel (3) bedoelde Getrouheidswaarborgfonds ten opsigte van enige in genoemde sub-artikel bedoelde rente, geag word deel van die bates van so 'n prokureur, notaris of transportbesorger te wees.

(8) Op aansoek van die wetsgenootskap van die betrokke provinsie en as goeie gronde daarvoor aangevoer word, kan die hof 'n prokureur, notaris of transportbesorger verbied om op enige wyse op sy trust- of spaar- of ander rentegewende rekening te opereer en 'n *curator bonis* aanstel om so 'n trust- of spaar- of ander rentegewende rekening te beheer en te administreer, met die regte, pligte en bevoegdheide met betrekking daartoe wat die hof goedvind.

(9) (a) Indien 'n prokureur, notaris of transportbesorger te sterwe kom of insolvent raak of van sy boedel afstand doen of van die rol geskrap of in sy praktyk geskors word of deur 'n bevoegde hof onbevoeg verklaar word om sy eie sake te bestuur, of sy praktyk laat vaar, kan die Meester van die Hooggeregshof wat regsbevoegdheid het, op aansoek van die wetsgenootskap van die betrokke provinsie of van enigiemand wat 'n belang by so 'n prokureur, notaris of transportbesorger se trust- of spaar- of ander rentegewende rekening het, 'n *curator bonis* aanstel om bedoelde trust- of spaar- of ander rentegewende rekening te beheer en te administreer, met die regte, pligte en bevoegdheide voorgeskryf by regulasie kragtens paragraaf (f) van sub-artikel (1) van artikel dertig, wat bedoelde Meester goedvind.

(b) Iemand wat hom veronreg voel deur 'n beslissing van 'n Meester ingevolge paragraaf (a) kan, binne dertig dae na die beslissing aan hom bekend geword het, teen bedoelde beslissing appelleer na die hof wat regsbevoegdheid het, en die hof waarna aldus geappelleer word, kan die beslissing van die Meester bevestig of verander of die ander beslissing gee wat die Meester na sy oordeel behoort te gegee het.

(c) Geen bepaling van hierdie sub-artikel of van sub-artikel (7) of (8) word so uitgelê dat dit 'n prokureur, notaris of transportbesorger wat met 'n in paragraaf (a) van hierdie sub-artikel bedoelde prokureur, notaris of transportbesorger in vennootskap gepraktiseer het, belet om voort te gaan om op die trust- of spaar- of ander rentegewende rekening van die vennootskap te opereer nie.

(10) 'n Bank, bankinstelling of bouvereniging, of 'n ingevolge sub-artikel (2) aangewese instelling waar 'n prokureur, notaris of transportbesorger sodanige trust- of spaar- of ander rentegewende rekening hou, word nie, alleen weens die naam of beskrywing waaronder die rekening bekend staan, geag te weet dat die prokureur, notaris of transportbesorger nie geheel en al op alle gelde in enige sodanige rekening betaal of gekrediteer geregtig is nie: Met dien verstande dat geen bepaling van hierdie sub-artikel 'n bank, bankinstelling of bouvereniging, of 'n ingevolge sub-artikel (2) aangewese instelling onthef van enige aanspreeklikheid of verpligting waaronder hy afgesien van hierdie Wet sou staan nie.

(11) Ondanks die bepaling van sub-artikel (10), het of verkry 'n bank, bankinstelling of bouvereniging, of 'n ingevolge sub-artikel (2) aangewese instelling waar 'n prokureur, notaris of transportbesorger sodanige trust- of spaar- of ander rentegewende rekening hou, ten opsigte van enige aanspreeklikheid van die prokureur, notaris of transportbesorger teenoor sodanige bank, bankinstelling, bouvereniging of instelling wat nie 'n aanspreeklikheid is wat ontstaan het uit of in verband met enige sodanige rekening nie, geen verhaal of reg, hetsy by wyse van skuldvergelyking, teeneis, koste of andersins, op gelde wat op krediet van enige sodanige rekening staan nie.

invested in terms of sub-section (2), and of any claim by the Fidelity Guarantee Fund referred to in sub-section (3) in respect of any interest referred to in the said sub-section, shall be deemed to form part of the assets of such attorney, notary or conveyancer.

(8) Upon application made by the law society of the province concerned, and upon good cause shown, the court may prohibit any attorney, notary or conveyancer from operating in any way on his trust account or savings or other interest-bearing account and may appoint a *curator bonis* to control and administer such trust account or savings or other interest-bearing account with such rights, duties and powers, in relation thereto, as the court may deem fit.

(9) (a) Upon the death or insolvency of or the assignment of his estate by an attorney, notary or conveyancer or in the event of an attorney, notary or conveyancer being struck off the roll or being suspended from practice or being declared by a court of competent jurisdiction to be incapable of managing his own affairs, or abandoning his practice, the Master of the Supreme Court having jurisdiction may, upon application made by the law society of the province concerned or by any person having an interest in the trust account or savings or other interest-bearing account of such attorney, notary or conveyancer, appoint a *curator bonis* to control and administer such trust account or savings or other interest-bearing account, with such of the rights, duties and powers prescribed by regulation under paragraph (f) of sub-section (1) of section thirty, as the said Master may deem fit.

(b) Any person aggrieved by a decision of a Master under paragraph (a) may, within thirty days after the decision became known to him, appeal against that decision to the court having jurisdiction, and the court to which appeal is so made may confirm or vary the decision of the Master or give such other decision as in its opinion the Master ought to have given.

(c) Nothing in this sub-section or in sub-section (7) or (8) contained shall be construed as preventing any attorney, notary or conveyancer who was practising in partnership with an attorney, notary or conveyancer referred to in paragraph (a) of this sub-section, from continuing to operate on the trust account or savings or other interest-bearing account of the partnership.

(10) Any bank, banking institution or building society, or any institution designated in terms of sub-section (2) at which an attorney, notary or conveyancer keeps such trust account or savings or other interest-bearing account shall not by reason only of the name or style by which the account is distinguished, be deemed to have knowledge that the attorney, notary or conveyancer is not entitled absolutely to all moneys paid or credited to any such account: Provided that nothing in this sub-section contained shall relieve a bank, banking institution or building society, or an institution designated in terms of sub-section (2) from any liability or obligation under which it would be apart from this Act.

(11) Notwithstanding anything in sub-section (10) contained, a bank, banking institution or building society, or an institution designated in terms of sub-section (2) at which an attorney, notary or conveyancer keeps such trust account or savings or other interest-bearing account shall not, in respect of any liability of the attorney, notary or conveyancer to such bank, banking institution, building society or institution, not being a liability arising out of or in connection with any such account, have or obtain any recourse or right, whether by way of set off, counter-claim, charge or otherwise, against moneys standing to the credit of any such account.

(12) Geen bepaling van hierdie artikel word so uitgelê—

- (a) dat 'n bank, bankinstelling of bouvereniging, of 'n ingevolge sub-artikel (2) aangewese instelling enige reg wat bestaan by die inwerkingtreding van die Wysigingswet op die Toelating van Prokureurs, Notarisse en Transportbesorgers, 1964, ontnem word nie;
- (b) dat enige billike eis, retensiereg, teeneis, reg van skuldvergelyking of koste van enige aard wat 'n prokureur, notaris of transportbesorger kragtens die gemene reg of 'n wet het teen of op enige gelde deur hom op rekening van enige persoon gehou of ontvang, wegge neem of geraak word nie;
- (c) dat 'n prokureur, notaris of transportbesorger wat enige in sub-artikel (1) bedoelde gelde ingevolge sub-artikel (2) belê het van enige aanspreeklikheid ten opsigte daarvan onthef word nie.

(13) Enige prokureur, notaris of transportbesorger wat sub-artikel (1), (3) of (4) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand en is verder aan onprofessionele gedrag skuldig en kan van die rol geskrap of in sy praktyk geskors word.

(14) Enige bank, bankinstelling of bouvereniging, of enige ingevolge sub-artikel (2) aangewese instelling waar 'n prokureur, notaris of transportbesorger sodanige trust- of spaar- of ander rentegewende rekening hou, moet, wanneer aldus gelas deur die raad van die wetsgenootskap van die provinsie waarin sodanige prokureur, notaris of transportbesorger praktiseer, aan sodanige raad 'n ondertekende sertifikaat van balans verstrek waarin gesertifiseer word die bedrag wat op krediet (of debet as dit die geval is) van sodanige trust- of spaar- of ander rentegewende rekening in sodanige bank, bankinstelling, bouvereniging of instelling staan op die datum of datums wat deur die raad vermeld word.”.

Wysiging van Eerste Bylae by Wet 23 van 1934, soos gewysig deur artikel 18 van Wet 18 van 1956 en artikel 13 van Wet 82 van 1959.

18. Die Eerste Bylae by die Hoofwet word hierby gewysig—

- (a) deur paragraaf 3 te skrap;
- (b) deur paragraaf 4 deur die volgende paragraaf te vervang:

„4. In die geval van enige persoon wat toegelaat is of geregtig was om toegelaat te word as advokaat van die Hooggeregshof van Suid-Afrika of wat aan al die vereistes vir die graad in regte voorgeskryf by regulasie uitgevaardig kragtens paragraaf (e) van sub-artikel (1) van artikel *dertig* voldoen het, is die tydperk twee jaar.”; en

- (c) deur paragraaf 6 deur die volgende paragraaf te vervang:

„6. Behoudens die bepalings van artikels *negentien* en *vier-en-dertig* is enige tydperk van diens verrig voor die aflegging van een of ander van die eksamens of verkryging van enige graad hierin bedoel in elke geval van nül en gener waarde.”.

Voorbehoudsbepalings.

19. Tot op 'n datum deur die Minister van Justisie by kennisgewing in die Staatskoerant bepaal na oorlegpleging met die presidente van die wetsgenootskappe vermeld in die omskrywing van „wetsgenootskap” in artikel twee van die Hoofwet, bly die bepalings van die Hoofwet van toepassing asof hierdie Wet nie aangeneem is nie, ten opsigte van enige persoon bedoel in die voorbehoudsbepaling by artikel vier van die Hoofwet, soos deur artikel twee van hierdie Wet vervang, wat voor die inwerkingtreding van hierdie Wet by 'n universiteit as student ingeskryf het vir 'n graad waarna in sub-paragraaf (iii) van paragraaf (c) van artikel *dertien* van die Hoofwet verwys was op die dag onmiddellik voor die datum van skrapping daarvan deur artikel *nege* van hierdie Wet en op wie genoemde bepalings van toepassing sou gewees het as dit nie vir die bepalings van hierdie Wet was nie.

Kort titel.

20. Hierdie Wet heet die Wysigingswet op die Toelating van Prokureurs, Notarisse en Transportbesorgers, 1964.

(12) Nothing in this section contained shall be construed—

- (a) as depriving any bank, banking institution or building society, or any institution designated in terms of sub-section (2) of any right existing at the commencement of the Attorneys, Notaries and Conveyancers Admission Amendment Act, 1964;
- (b) as taking away or affecting any just claim, lien, counterclaim, right of set off, or charge of any kind which an attorney, notary or conveyancer may, at common law or under any statute, have against or upon any moneys held or received by him on account of any person;
- (c) as relieving any attorney, notary or conveyancer who has, in terms of sub-section (2), invested any moneys referred to in sub-section (1) of any liability in respect thereof.

(13) Any attorney, notary or conveyancer who contravenes sub-section (1), (3) or (4) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand, and shall further be guilty of unprofessional conduct and liable to be struck off the roll or suspended from practice.

(14) Any bank, banking institution or building society, or any institution designated in terms of sub-section (2) at which an attorney, notary or conveyancer keeps such trust account or savings or other interest-bearing account shall, whenever so required by the council of the law society of the province in which such attorney, notary or conveyancer is practising, furnish to such council a signed certificate of balance certifying the amount standing to the credit (or debit if such be the case) of such trust account or savings or other interest-bearing account in such bank, banking institution, building society or institution as at such date or dates as may be specified by the council.”

18. The First Schedule to the principal Act is hereby amended—

- (a) by the deletion of paragraph 3;
- (b) by the substitution for paragraph 4 of the following paragraph:
“4. In the case of any person who was admitted or was entitled to be admitted as an advocate of the Supreme Court of South Africa or who has satisfied all the requirements for the degree in law prescribed by regulation made under paragraph (e) of sub-section (1) of section *thirty*, the term shall be two years.”; and
- (c) by the substitution for paragraph 6 of the following paragraph:
“6. Subject to the provisions of sections *nineteen* and *thirty-four* in every case any period of service performed prior to the passing of any of the examinations or the obtaining of any degree herein referred to shall be null and of no effect.”

Amendment of First Schedule to Act 23 of 1934, as amended by section 18 of Act 18 of 1956 and section 13 of Act 82 of 1959.

19. The provisions of the principal Act shall, until a date fixed by the Minister of Justice by notice in the *Gazette* after consultation with the presidents of the law societies mentioned in the definition of “law society” in section *two* of the principal Act, continue to apply, as if this Act had not been passed, in respect of any person referred to in the proviso to section *four* of the principal Act, as substituted by section *two* of this Act, who had before the commencement of this Act enrolled at a university as a student reading for any degree referred to in sub-paragraph (iii) of paragraph (c) of section *thirteen* of the principal Act on the day immediately prior to the date of deletion thereof by section *nine* of this Act and to whom the said provisions would, but for the provisions of this Act, have applied.

Savings.

20. This Act shall be called the Attorneys, Notaries and Conveyancers Admission Amendment Act, 1964.

Short title.

No. 64, 1964.]

WET

Tot wysiging van die Polisiewet, 1958, en om voorsiening te maak vir ander aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Junie 1964.)

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

Wysiging van artikel 1 van Wet 7 van 1958, soos gewysig deur artikel 1 van Wet 53 van 1961.

1. Artikel *een* van die Polisiewet, 1958 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van „bevelvoerende offisier” deur die volgende omskrywings te vervang:
„afdeling” ’n gebied wat die Kommissaris met goedkeuring van die Minister as ’n afdeling by die toepassing van hierdie Wet bepaal;
„afdelingskommissaris” ’n offisier met of bo die rang van luitenant-kolonel deur die Kommissaris aangewys om oor ’n afdeling bevel te voer;”;
- (b) deur by die omskrywing van „die Mag” die woorde „en ook, behalwe by die toepassing van enige bepaling van hierdie Wet ten opsigte waarvan die Kommissaris onderworpe aan die voorskrifte van die Minister anders voorskryf, die Polisie-reserwe van Offisiere, die Reserwepolisiemag en spesiale konstabels” by te voeg;
- (c) deur by die omskrywing van „lid van die Mag” die woorde „en ook, behalwe by die toepassing van enige bepaling van hierdie Wet ten opsigte waarvan die Kommissaris onderworpe aan die voorskrifte van die Minister anders voorskryf, ’n lid van die Polisie-reserwe van Offisiere of die Reserwepolisiemag, terwyl hy in die Mag in diens geneem is, en ’n spesiale konstabel terwyl hy aldus in diens geneem is” by te voeg;
- (d) deur die omskrywing van „Polisie-beheergebied” te skrap;
- (e) deur die omskrywing van „Unie” deur die volgende omskrywings te vervang:
„Republiek” ook die gebied Suidwes-Afrika;
„Tesourie” die Minister van Finansies of ’n beampte in die Departement van Finansies wat deur bedoelde Minister gemagtig is om die een of ander van die werksaamhede wat in hierdie Wet aan die Tesourie opgedra word, te verrig.”.

Wysiging van artikel 3 van Wet 7 van 1958.

2. Artikel *drie* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „Goewerneur-generaal” deur die woord „Staatspresident” te vervang.

Wysiging van artikel 5 van Wet 7 van 1958.

3. Artikel *vyf* van die Hoofwet word hierby gewysig deur in paragraaf (a) die woord „Unie” deur die woord „Republiek” te vervang.

Wysiging van artikel 6 van Wet 7 van 1958.

4. Artikel *ses* van die Hoofwet word hierby gewysig deur in sub-artikel (3) die woord „Unie” deur die woord „Republiek” en die woord „Kroon” deur die woord „Staat” te vervang.

Wysiging van artikel 7 van Wet 7 van 1958.

5. Artikel *sewe* van die Hoofwet word hierby gewysig deur die woord „Goewerneur-generaal” waar dit ook al voorkom deur die woord „Staatspresident” en die woord „Unie” waar dit ook al voorkom deur die woord „Republiek” te vervang.

Wysiging van artikel 8 van Wet 7 van 1958, soos gewysig deur artikel 3 van Wet 53 van 1961.

6. Artikel *agt* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woord „Goewerneur-generaal” deur die woord „Staatspresident” te vervang.

No. 64, 1964.]

ACT

To amend the Police Act, 1958, and to provide for other incidental matters.

(Afrikaans text signed by the State President.)

(Assented to 17th June, 1964.)

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

1. Section *one* of the Police Act, 1958 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the deletion of the definition of “commanding officer”;
 - (b) by the insertion after the definition of “Commissioner” of the following definitions:

“‘division’ means any area which the Commissioner, acting with the approval of the Minister, determines to be a division for the purposes of this Act;

‘divisional commissioner’ means any commissioned officer of or above the rank of lieutenant-colonel designated by the Commissioner to command a division;”;
 - (c) by the addition to the definition of “member of the Force” of the words “and includes, except for the purposes of any provision of this Act in respect of which the Commissioner may subject to the directions of the Minister otherwise prescribe, any member of the Police Reserve of Officers or the Reserve Police Force while employed in the Force and any special constable while so employed”;
 - (d) by the deletion of the definition of “Police control area”;
 - (e) by the insertion after the definition of “regulation” of the following definitions:

“‘Republic’ includes the territory of South-West Africa;

‘Treasury’ means the Minister of Finance or any officer in the Department of Finance authorized by the said Minister to perform any of the functions assigned to the Treasury in this Act;”;
 - (f) by the addition to the definition of “the Force” of the words “and includes, except for the purposes of any provision of this Act in respect of which the Commissioner may subject to the directions of the Minister otherwise prescribe, the Police Reserve of Officers, the Reserve Police Force and special constables”;
 - (g) by the deletion of the definition of “Union”.
2. Section *three* of the principal Act is hereby amended by the substitution in sub-section (1) for the word “Governor-General” of the words “State President”. Amendment of section 3 of Act 7 of 1958.
3. Section *five* of the principal Act is hereby amended by the substitution in paragraph (a) for the word “Union” of the word “Republic”. Amendment of section 5 of Act 7 of 1958.
4. Section *six* of the principal Act is hereby amended by the substitution in sub-section (3) for the word “Crown” of the word “State” and for the word “Union” of the word “Republic”. Amendment of section 6 of Act 7 of 1958.
5. Section *seven* of 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”. Amendment of section 7 of Act 7 of 1958.
6. Section *eight* of the principal Act is hereby amended by the substitution in sub-section (2) for the word “Governor-General” of the words “State President”. Amendment of section 8 of Act 7 of 1958, as amended by section 3 of Act 53 of 1961.

Wysiging van artikel 9 van Wet 7 van 1958, soos gewysig deur artikel 1 van Wet 43 van 1958 en artikel 4 van Wet 53 van 1961.

7. Artikel *nege* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „vyftig pond” deur die woorde „honderd rand” te vervang;
- (b) deur in sub-artikel (2) die woorde „vyf pond” deur die woorde „tien rand” en die woord „soldy” deur die woorde „salaris of loon” te vervang;
- (c) deur sub-artikels (4) en (5) deur die volgende artikels te vervang:

„(4) 'n Offisier wat 'n lid van die Mag ingeolge hierdie artikel vonnis, stuur onverwyld die relaas van die verrigtinge in die saak aan die afdelingskommissaris van die afdeling waarin daardie lid dien of 'n ander offisier met of bo die rang van luitenant-kolonel deur die Kommissaris aangewys, en bedoelde afdelingskommissaris of ander offisier kan die skuldigbevinding nietig verklaar of die vonnis bekragtig of verminder.

(5) 'n Skuldigbevinding of vonnis deur 'n offisier is nie van krag nie tensy dit bekragtig is en, waar 'n vonnis verminder word, die betrokke afdelingskommissaris of ander offisier met of bo die rang van luitenant-kolonel die bedrag van die boete wat die veroordeelde moet betaal, vasgestel het.”.

Wysiging van artikel 10 van Wet 7 van 1958.

8. Artikel *tien* van die Hoofwet word hierby gewysig deur die woord „Goewerneur-generaal” waar dit ook al voorkom deur die woord „Staatspresident” te vervang.

Wysiging van artikel 15 van Wet 7 van 1958 soos gewysig deur artikel 2 van Wet 43 van 1958 en artikel 5 van Wet 53 van 1961.

9. Artikel *vyftien* van die Hoofwet word hierby gewysig—

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

„(1) 'n Lid van die Mag wat in sy amp geskors is, is nie ten opsigte van die tydperk van sy skorsing geregtig op enige salaris, loon, toelae, voorreg of voordeel waarop hy andersins as so 'n lid geregtig sou gewees het nie, maar die Minister kan na goeddunke gelas dat daar gedurende die tydperk van skorsing van so 'n lid, behalwe 'n tydperk waartydens hy gevangenisstraf uitgedien het ingeolge 'n vonnis wat nie by appèl tersyde gestel is nie, aan hom sy volle salaris of loon en toelaes of 'n deel daarvan betaal word of aan hom die voorregte en voordele toegestaan word wat die Minister gelas.

(2) Indien besluit word om 'n lid van die Mag wat in sy amp geskors is, nie te ontslaan nie, word aan daardie lid ten opsigte van die tydperk van sy skorsing, behalwe 'n tydperk van skorsing waartydens hy gevangenisstraf uitgedien het ingeolge 'n vonnis wat nie by appèl tersyde gestel is nie, sy volle salaris of loon en toelaes betaal en al die voorregte en voordele verleen waarop hy as 'n lid van die Mag geregtig sou gewees het indien hy nie geskors was nie: Met dien verstande dat indien so 'n lid in rang verlaag word, daar ten opsigte van bedoelde tydperk aan hom die salaris of loon en toelaes betaal moet word wat geld vir die rang waartoe hy verlaag word, maar indien ten opsigte van daardie tydperk ingeolge sub-artikel (1) aan hom hoër salaris, loon of toelaes betaal is as die salaris of loon en toelaes wat geld vir die rang waartoe hy verlaag word, is hy nie verplig om die verskil terug te betaal nie.”.

- (b) deur in sub-artikel (3) na die woord „Kommissaris” die woorde „of 'n ander offisier met of bo die rang van luitenant-kolonel” in te voeg.

Wysiging van artikel 17 van Wet 7 van 1958, soos gewysig deur artikel 6 van Wet 53 van 1961.

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

„(1) 'n Lid van die Mag wat nie 'n offisier is nie, kan uit die Mag ontslaan of afgedank word of in rang verlaag word indien na ondersoek volgens voorskrif van die regulasies aangaande sy geskiktheid om in die Mag te bly of om sy rang te behou, die Kommissaris of die afdelingskommissaris van die afdeling waarin so 'n lid dien of 'n ander offisier

7. Section *nine* of the principal Act is hereby amended—
- (a) by the substitution in sub-section (1) for the words "fifty pounds" of the words "one hundred rand";
 - (b) by the substitution in sub-section (2) for the words "five pounds" of the words "ten rand" and for the word "pay" of the words "salary or wages";
 - (c) by the substitution for sub-sections (4) and (5) of the following sub-sections:

Amendment of section 9 of Act 7 of 1958, as amended by section 1 of Act 43 of 1958 and section 4 of Act 53 of 1961.

"(4) Any commissioned officer who sentences any member of the Force under this section, shall forthwith transmit the record of the proceedings in the case to the divisional commissioner of the division in which that member is serving or any other commissioned officer of or above the rank of lieutenant-colonel designated by the Commissioner, and such divisional commissioner or other officer may quash the conviction or confirm or reduce the sentence.

(5) No conviction or sentence by a commissioned officer shall have any force or effect unless it has been confirmed and, where a sentence is reduced, the amount of the fine to be paid by the person convicted has been determined by the divisional commissioner or other commissioned officer of or above the rank of lieutenant-colonel concerned."

8. Section *ten* of the principal Act is hereby amended by the substitution for the word "Governor-General" wherever it occurs of the words "State President".

Amendment of section 10 of Act 7 of 1958.

9. Section *fifteen* of the principal Act is hereby amended—
- (a) by the substitution for sub-sections (1) and (2) of the following sub-sections:

Amendment of section 15 of Act 7 of 1958, as amended by section 2 of Act 43 of 1958 and section 5 of Act 53 of 1961.

"(1) A member of the Force who has been suspended from office, shall not in respect of the period of his suspension be entitled to any salary, wages, allowance, privilege or benefit to which he would otherwise have been entitled as such a member, but the Minister may in his discretion direct that during the period of suspension of such a member, not being a period during which he is serving a term of imprisonment in pursuance of a sentence which is not set aside on appeal, there be paid to him the whole or a portion of his salary or wages and allowances or be granted to him such privileges and benefits as the Minister may direct.

(2) If it is decided not to discharge a member of the Force who has been suspended from office, such member shall in respect of the period of his suspension, not being a period of suspension during which he was serving a term of imprisonment in pursuance of a sentence which has not been set aside on appeal, be paid his full salary or wages and allowances and be granted all the privileges and benefits to which he would but for his suspension have been entitled as a member of the Force: Provided that if such a member is reduced in rank, he shall in respect of such period be paid the salary or wages and allowances applicable to the rank to which he is reduced, but if in respect of such period he was in terms of sub-section (1) paid any salary, wages or allowances in excess of the salary or wages and allowances applicable to the rank to which he is reduced, he shall not be obliged to refund the excess."

- (b) by the insertion in sub-section (3) after the word "Commissioner" of the words "or any other commissioned officer of or above the rank of lieutenant-colonel".

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

Amendment of section 17 of Act 7 of 1958, as amended by section 6 of Act 53 of 1961.

"(1) A member of the Force who is not a commissioned officer, may be discharged or dismissed from the Force or be reduced in rank if after enquiry in manner prescribed by the regulations, as to his fitness to remain in the Force or to retain his rank, the Commissioner or the divisional commissioner of the division in which such member is

deur die Kommissaris aangewys van oordeel is dat hy ongeskik is om in die Mag te bly of, al na die geval, om sy rang te behou.”.

Wysiging van artikel 19 van Wet 7 van 1958.

11. Artikel *negentien* van die Hoofwet word hierby gewysig deur die woorde „vyftig pond” deur die woorde „honderd rand” te vervang.

Wysiging van artikel 22 van Wet 7 van 1958.

12. Artikel *twee-en-twintig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woord „Goewerneur-generaal” deur die woord „Staatspresident” te vervang en na die woorde „so ’n lid” die woorde „of wat besondere dienste aan die Mag bewys het,” in te voeg.

Wysiging van artikel 23 van Wet 7 van 1958.

13. Artikel *drie-en-twintig* van die Hoofwet word hierby gewysig deur die woorde „vyf-en-twintig pond” deur die woorde „vyftig rand” te vervang.

Wysiging van artikel 24 van Wet 7 van 1958.

14. Artikel *vier-en-twintig* van die Hoofwet word hierby gewysig deur die woorde „vyftig pond” deur die woorde „honderd rand” te vervang.

Wysiging van artikel 25 van Wet 7 van 1958.

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

- (a) deur in sub-artikel (1) die woorde „vyftig pond” deur die woorde „honderd rand” te vervang;
- (b) deur in sub-artikel (2) die woord „soldy” deur die woorde „salaris, loon” en die woorde „vyf-en-twintig pond” deur die woorde „vyftig rand” te vervang.

Wysiging van artikel 26 van Wet 7 van 1958, soos gewysig deur artikel 7 van Wet 53 van 1961.

16. Artikel *ses-en-twintig* van die Hoofwet word hierby gewysig deur die woorde „vyftig pond” deur die woorde „honderd rand” te vervang.

Wysiging van artikel 27 van Wet 7 van 1958.

17. Artikel *sewe-en-twintig* van die Hoofwet word hierby gewysig deur die woorde „honderd pond” deur die woorde „tweehonderd rand” te vervang.

Wysiging van artikel 28 van Wet 7 van 1958.

18. Artikel *agt-en-twintig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „vyftig pond” deur die woorde „honderd rand” te vervang.

Wysiging van artikel 33 van Wet 7 van 1958, soos gewysig deur artikel 8 van Wet 53 van 1961.

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

- (a) deur in sub-artikel (1) die woord „Goewerneur-generaal” deur die woord „Staatspresident” te vervang;
- (b) deur paragraaf (a) van sub-artikel (1) deur die volgende paragraaf te vervang:
 - „(a) die inlywing, opleiding, bevordering, standplaas, oorplasing, verlof, bedanking, afdanking, ontslag, skorsing of verlaging in rang van lede van die Mag;”;
- (c) deur na paragraaf (b) van sub-artikel (1) die volgende paragraaf in te voeg:
 - „(b) *bis* die instelling, bestuur en beheer van ’n fonds om voorsiening te maak vir geneeskundige, tandheelkundige en hospitaal-behandeling van lede van die Mag wat op of na die eerste dag van Januarie, 1964, met pensioen afgetree het of aftree, en hul gesinne en van die gesinne van lede van die Mag wat op of na bedoelde datum te sterwe gekom het of sterf, die klas van lede van die Mag of ander persone wat lede van die fonds is of kan word, die skaal of totale bedrag van bydraes (indien enige) wat deur enige bepaalde klas van lede van die fonds daartoe gelewer moet word, die beëindiging van lidmaatskap van die fonds, die regte, voorregte en verpligtinge van lede van die fonds, en oor die algemeen alle aangeleenthede wat redelikerwys vir die reëling en werking van die fonds nodig is;”;
- (d) deur paragraaf (c) van sub-artikel (1) deur die volgende paragraaf te vervang:
 - „(c) die getalsterkte en verspreiding van die Mag, die instelling van polisiedistrikte en -stasies, en die diensvoorwaardes en die verskillende afdelings, takke, grade, range, aanwysings en aanstellings in die Mag of in sodanige distrikte of by sodanige stasies;”;

serving or any other commissioned officer designated by the Commissioner is of opinion that he is unfit to remain in the Force or to retain his rank, as the case may be."

11. Section *nineteen* of the principal Act is hereby amended by the substitution for the words "fifty pounds" of the words "one hundred rand". Amendment of section 19 of Act 7 of 1958.

12. Section *twenty-two* of the principal Act is hereby amended by the substitution in sub-section (2) for the word "Governor-General" of the words "State President" and the addition to the said sub-section of the words "or who has rendered exceptional services to the Force". Amendment of section 22 of Act 7 of 1958.

13. Section *twenty-three* of the principal Act is hereby amended by the substitution for the words "twenty-five pounds" of the words "fifty rand". Amendment of section 23 of Act 7 of 1958.

14. Section *twenty-four* of the principal Act is hereby amended by the substitution for the words "fifty pounds" of the words "one hundred rand". Amendment of section 24 of Act 7 of 1958.

15. Section *twenty-five* of the principal Act is hereby amended— Amendment of section 25 of Act 7 of 1958.

- (a) by the substitution in sub-section (1) for the words "fifty pounds" of the words "one hundred rand";
- (b) by the substitution in sub-section (2) for the word "pay" of the words "salary, wages" and for the words "twenty-five pounds" of the words "fifty rand".

16. Section *twenty-six* of the principal Act is hereby amended by the substitution for the words "fifty pounds" of the words "one hundred rand". Amendment of section 26 of Act 7 of 1958, as amended by section 7 of Act 53 of 1961.

17. Section *twenty-seven* of the principal Act is hereby amended by the substitution for the words "one hundred pounds" of the words "two hundred rand". Amendment of section 27 of Act 7 of 1958.

18. Section *twenty-eight* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "fifty pounds" of the words "one hundred rand". Amendment of section 28 of Act 7 of 1958.

19. Section *thirty-three* of the principal Act is hereby amended— Amendment of section 33 of Act 7 of 1958, as amended by section 8 of Act 53 of 1961.

- (a) by the substitution in sub-section (1) for the word "Governor-General" of the words "State President";
- (b) by the substitution for paragraph (a) of sub-section (1) of the following paragraph:

"(a) the enrolment, training, promotion, posting, transfer, leave of absence, resignation, discharge, dismissal, suspension or reduction of members of the Force;"

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

"(b)*bis* the establishment, management and control of a fund to provide for medical, dental and hospital treatment of members of the Force who retired or retire on pension on or after the first day of January, 1964, and their families and of the families of members of the Force who died or die on or after the said date, the class of members of the Force or other persons who shall be or may become members of the fund, the scale or aggregate amount of contributions (if any) to be made to the fund by any particular class of members thereof, the termination of membership of the fund, the rights, privileges and obligations of members of the fund, and generally all matters reasonably necessary for the regulation and operation of such fund;"

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

"(c) the numerical establishment and distribution of the Force, the establishment of police districts and stations, and the conditions of service and the various divisions, branches, grades, ranks, designations and appointments in the Force or in such districts or at such stations;"

- (e) deur in paragraaf (d) van sub-artikel (1) na die woord „rekrute” waar dit ook al voorkom die woord „studente” in te voeg;
- (f) deur paragraaf (g) van sub-artikel (1) deur die volgende paragraaf te vervang:
„(g) die aftrekkings wat van die salarisse, lone of toelaes van lede van die Mag gemaak moet word;”;
- (g) deur paragrawe (l) en (m) van sub-artikel (1) deur die volgende paragrawe te vervang:
„(l) die voorsiening van voorrade, wapens, ammunisie, saals en toebehore, voer en ander uitrustingsartikels en van vervoermiddels en trek- of ander diere benodig vir die Mag en die versorging, veilige bewaring en instandhouding daarvan;
(m) die uitoefening van hul bevoegdhede en die verrigting van hul pligte en werksaamhede deur lede van die Mag;”;
- (h) deur paragraaf (p) van sub-artikel (1) deur die volgende paragraaf te vervang:
„(p) die drag en kleding van die Mag en die beheer of beskikking oor uniform- of uitrustingsstukke deur lede van die Mag;”;
- (i) deur die volgende paragrawe by sub-artikel (1) te voeg:
„(v) die behoud van rang by aftrede of bedanking uit die Mag en die toekenning van ererange;
(w) oor die algemeen alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die doelstellings van hierdie Wet te verwesenlik.”;
- (j) deur sub-artikel (2) deur die volgende sub-artikels te vervang:
„(2) Verskillende regulasies kan uitgevaardig word met betrekking tot verskillende klasse of kategorieë van lede van die Mag.
(3) ’n Regulasie wat verbeterde diensvoorwaardes vir lede van die Mag voorskryf, kan met terugwerkende krag uitgevaardig word.
(4) Regulasies kragtens paragraaf (b)bis van sub-artikel (1) kan voorsiening maak vir voordele ten opsigte van geneeskundige, tandheelkundige en hospitaal-behandeling op die grondslag wat kragtens hierdie Wet ten opsigte van lede van die Mag en hul gesinne geld, teen betaling vir bedoelde voordele uit ’n deur of kragtens bedoelde regulasies ingestelde fonds, op die grondslag wat in bedoelde regulasies vermeld word of ooreenkomstig bedoelde regulasies bepaal word.”.

Wysiging van artikel 34 van Wet 7 van 1958, soos gewysig deur artikel 9 van Wet 53 van 1961.

20. Artikel vier-en-dertig van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (2) al die woorde na die woord „instel” te skrap;
- (b) deur sub-artikels (3) en (4) deur die volgende sub-artikels te vervang:
„(3) Die Kommissaris of ’n offisier wat op sy gesag handel, kan ’n lid van die Reserwepolisiemag beveel om hom vir diens in die Mag aan te meld op ’n bepaalde tyd en plek en so ’n lid wat in gebreke bly om so ’n bevel na te kom, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met die in sub-artikel (1) van artikel nege voorgeskrewe strawwe.
(4) Die Kommissaris of ’n offisier wat op sy gesag handel, kan te eniger tyd ’n spesiale konstabel of lid van die Reserwepolisiemag uit die Mag ontslaan.”.

Invoeging van artikels 34bis en 34ter in Wet 7 van 1958.

21. (1) Die volgende artikels word hierby in die Hoofwet na artikel vier-en-dertig ingevoeg:

„Polisie-reserwe van Offisiere.

34bis. (1) Daar word hierby ’n Polisie-reserwe van Offisiere ingestel, bestaande uit alle persone wat by aftrede met pensioen of bedanking uit die Mag voor of na die inwerkingtreding van die Wysigingswet op Polisie, 1964, offisiërsrang behou het of behou of aan wie ere-offisiërsrang toegeken is of word.

(2) Die Kommissaris of ’n offisier wat op sy gesag handel, kan ’n lid van die Polisie-reserwe van Offisiere in die Mag in diens neem en kan te eniger tyd die dienste van so ’n lid wat aldus in diens geneem is, beëindig.

- (e) by the insertion in paragraph (d) of sub-section (1) after the word "recruits" wherever it occurs, of the word "students";
- (f) by the substitution for paragraph (g) of sub-section (1) of the following paragraph:
 "(g) the stoppages to be made from the salaries, wages or allowances of members of the Force;"
- (g) by the substitution for paragraphs (l) and (m) of sub-section (1) of the following paragraphs:
 "(l) the provision of stores, arms, ammunition, saddlery, forage and other articles of equipment and of means of transport and draught or other animals required for the Force, and the care, safe custody and maintenance thereof;
 (m) the exercise of their powers and the performance of their duties and functions by members of the Force;"
- (h) by the substitution for paragraph (p) of sub-section (1) of the following paragraph:
 "(p) the dress and clothing of the Force, and the control or disposal of any article of uniform or equipment by any member of the Force;"
- (i) by the addition to sub-section (1) of the following paragraphs:
 "(v) the retention of rank on retirement or resignation from the Force and the award of honorary ranks;
 (w) generally all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved."
- (j) by the substitution for sub-section (2) of the following sub-sections:
 "(2) Different regulations may be made with reference to different classes or categories of members of the Force.
 (3) Any regulation prescribing improved conditions of service for members of the Force may be made with retrospective effect.
 (4) Regulations under paragraph (b)bis of sub-section (1) may provide for benefits in respect of medical, dental and hospital treatment on the basis applicable in respect of members of the Force and their families under this Act, subject to payment for such benefits from a fund established by or under such regulations, on such basis as may be specified in or determined in accordance with such regulations."

20. Section thirty-four of the principal Act is hereby amended—

- (a) by the deletion in sub-section (2) of all the words after the word "Force" where it occurs for the first time;
- (b) by the substitution for sub-sections (3) and (4) of the following sub-sections:
 "(3) The Commissioner or any commissioned officer acting under his authority may order any member of the Reserve Police Force to report for service in the Force at a specified time and place and any such member who fails to comply with any such order shall be guilty of an offence and liable on conviction to the penalties prescribed in sub-section (1) of section nine.
 (4) The Commissioner or any commissioned officer acting under his authority may at any time discharge from the Force any special constable or member of the Reserve Police Force."

Amendment of section 34 of Act 7 of 1958, as amended by section 9 of Act 53 of 1961.

21. (1) The following sections are hereby inserted in the principal Act after section thirty-four:

"Police Reserve of Officers.

34bis. (1) There is hereby established a Police Reserve of Officers, consisting of all persons who on retirement on pension or resignation from the Force before or after the commencement of the Police Amendment Act, 1964, retained or retain commissioned rank or were or are awarded honorary commissioned rank.

(2) The Commissioner or any commissioned officer acting under his authority may employ any member of the Police Reserve of Officers in the Force and may at any time terminate the services of any such member so employed.

Insertion of sections 34bis and 34ter in Act 7 of 1958.

Besoldi-
ging van lede
van die Mag
en diens-
voorwaardes
van sekere
lede.

34ter. (1) Aan alle lede van die Mag behalwe lede van die Reserwepolisiemag wat by ooreenkoms geen besoldiging vir hul dienste ontvang nie, word salarisse, lone of toelaes betaal ooreenkomstig die bepalings van die Staatsdienswet, 1957 (Wet No. 54 van 1957).

(2) Die Kommissaris kan behoudens die regulasies, op aanbeveling van die Staatsdienskommissie en met goedkeuring van die Tesourie, diensvoorwaardes ten opsigte van die Polisiereserwe van Offisiere, die Reserwepolisiemag en spesiale konstabels voorskryf.

(3) Lede van die Reserwepolisiemag wat geen besoldiging vir hul dienste in die Mag ontvang nie, word nie omrede van die feit dat hulle geen sodanige vergoeding ontvang nie, geag nie in diens van die Staat te wees nie."

(2) Die salarisse, lone of toelaes wat by die inwerkingtreding van hierdie Wet aan persone wat kragtens die Hoofwet in diens geneem is, betaalbaar sou gewees het indien hierdie Wet nie aangeneem was nie, word geag aan daardie persone betaalbaar te wees ooreenkomstig die bepalings van die Staatsdienswet, 1957 (Wet No. 54 van 1957).

(3) Lede van die kragtens sub-artikel (2) van artikel vier-*endertig* van die Hoofwet ingestelde Reserwepolisiemag wat voor die inwerkingtreding van hierdie Wet, toe hulle deur 'n offisier van die Suid-Afrikaanse Polisie daartoe opgeroep was, enige pligte verrig het wat 'n lid van die Suid-Afrikaanse Polisie kon verrig het, word, ondanks die feit dat hulle geen besoldiging vir die verrigting van bedoelde pligte ontvang het nie, geag lede van die Suid-Afrikaanse Polisie te gewees het terwyl hulle bedoelde pligte verrig het.

Kort titel en
datum van
inwerkingtreding.

22. Hierdie Wet heet die Wysigingswet op Polisie, 1964, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Remuneration of members of the Force and conditions of service of certain members.

34ter. (1) All members of the Force other than members of the Reserve Police Force who by agreement receive no remuneration for their services, shall be paid salaries, wages or allowances in accordance with the provisions of the Public Service Act, 1957 (Act No. 54 of 1957).

(2) The Commissioner may, subject to the regulations, on the recommendation of the Public Service Commission and with the approval of the Treasury, prescribe conditions of service in respect of the Police Reserve of Officers, the Reserve Police Force and special constables.

(3) Members of the Reserve Police Force who receive no remuneration for their services in the Force, shall not by reason of the fact that they receive no such remuneration be regarded as not being in the service of the State."

(2) The salaries, wages or allowances which would at the commencement of this Act have been payable to persons employed under the principal Act if this Act had not been passed, shall be deemed to be payable to such persons in accordance with the provisions of the Public Service Act, 1957 (Act No. 54 of 1957).

(3) Members of the Reserve Police Force established under sub-section (2) of section *thirty-four* of the principal Act, who, prior to the commencement of this Act, when called up for the purpose by a commissioned officer of the South African Police performed any duties which a member of the South African Police could have performed, shall, notwithstanding the fact that they received no remuneration for performing such duties, be deemed to have been members of the South African Police while performing such duties.

22. This Act shall be called the Police Amendment Act, 1964, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Short title and date of commencement.

No. 65, 1964.]

WET

Tot wysiging van die Wet op Koöperatiewe Verenigings, 1939.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Junie 1964.)*

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

Wysiging van
artikel 6 van
Wet 29 van
1939, soos gewysig
deur artikel 3 van
Wet 44 van 1960.

1. Artikel *ses* van die Wet op Koöperatiewe Verenigings, 1939 (hieronder die Hoofwet genoem), word hierby gewysig deur in paragraaf (*d*) van sub-artikel (1) na die woord „om” die woorde „landbougereedskap en -masjinerie,” in te voeg.

Wysiging van
artikel 7 van
Wet 29 van 1939,
soos gewysig
deur artikel 4 van
Wet 44 van 1960.

2. Artikel *sewe* van die Hoofwet word hierby gewysig deur in paragraaf (*d*) van sub-artikel (1) na die woord „om” die woorde „landbougereedskap en -masjinerie,” in te voeg.

Kort titel en
inwerkingtreding.

3. Hierdie Wet heet die Wysigingswet op Koöperatiewe Verenigings, 1964, en word geag op die eerste dag van September 1939 in werking te getree het.

No. 65, 1964.]

ACT

To amend the Co-operative Societies Act, 1939.

(English text signed by the State President.)
(Assented to 17th June, 1964.)

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

1. Section *six* of the Co-operative Societies Act, 1939 (herein-
5 after referred to as the principal Act), is hereby amended by the insertion in paragraph (*d*) of sub-section (1) after the word "treat" of the words "agricultural implements and machinery,". Amendment of section 6 of Act 29 of 1939, as amended by section 3 of Act 44 of 1960.
2. Section *seven* of the principal Act is hereby amended by the insertion in paragraph (*d*) of sub-section (1) after the word
10 "treat" of the words "agricultural implements and machinery,". Amendment of section 7 of Act 29 of 1939, as amended by section 4 of Act 44 of 1960.
3. This Act shall be called the Co-operative Societies Amend- Short title and
ment Act, 1964, and shall be deemed to have come into operation commencement.
on the first day of September, 1939.

No. 66, 1964.]

WET

Tot wysiging van die Bemarkingswet, 1937.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Junie 1964.)

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

Wysiging van artikel 2 van Wet 26 van 1937, soos gewysig deur artikel 2 van Wet 50 van 1946, artikel 2 van Wet 45 van 1951, artikel 12 van Wet 37 van 1958 en artikel 2 van Wet 47 van 1962.

Wysiging van artikel 18 van Wet 26 van 1937, soos gewysig deur artikel 3 van Wet 19 van 1938, artikel 3 van Wet 12 van 1941, artikel 23 van Wet 46 van 1945, artikel 10 van Wet 50 van 1946, artikel 13 van Wet 45 van 1951, artikel 5 van Wet 34 van 1961, artikel 5 van Wet 47 van 1962 en artikel 2 van Wet 57 van 1963.

1. Artikel twee van die Bemarkingswet, 1937 (hieronder die Hoofwet genoem), word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Daar is 'n raad met die naam die Nasionale Bemarkingsraad, bestaande uit 'n voorsitter en vier ander lede wat almal deur die Staatspresident aangestel word, en van wie hy een as ondervoorsitter aanwys vir 'n tydperk wat hy bepaal.”.

2. Artikel agtien van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (e) van sub-artikel (1) die woorde wat sub-paragraaf (i) daarvan voorafgaan, deur die volgende woorde te vervang: „voorsiening maak vir die oplegging, met die Minister se goedkeuring, deur die betrokke beherende raad, op die basis wat dié raad mag bepaal, van 'n heffing op 'n produk waarop die skema betrekking het, of op so 'n produk van 'n bepaalde klas (wat omskryf kan word op 'n wyse beoog in paragraaf (b) van sub-artikel (7) of op 'n ander wyse), graad of kwaliteitstandaard, of op so 'n produk, klas, graad of kwaliteitstandaard daarvan wat geproduseer is of verkoop word in 'n bepaalde gebied of 'n bepaalde gedeelte van 'n gebied waarin die skema van toepassing is, watter heffing—”;

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

„(a) 'n Skema moet, behoudens die by paragrawe (b), (c), (d) en (e) bepaalde, voorsiening maak vir die aanstelling op sy beherende raad van hoogstens een amptenaar in of die Departement van Landbou-ekonomie en -bemarking of die Departement van Landbou-tegniese Dienste, en van lede om persone te verteenwoordig wat die produk waarop die skema betrekking het, produseer, asook dié klasse persone wat met daardie produk as 'n besigheid handel, of dié klasse verbruikers daarvan of dié klasse persone wat enige ander belang, hetsy direk of indirek, by die produk het, wat die Minister na raadpleging met die bemarkingsraad bepaal, en moet die prosedure voorskryf wat ten opsigte van die nominasie van bedoelde lede gevolg moet word.”;

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

„(3) Behoudens die bepalings van sub-artikel (6)bis, indien 'n skema betrekking het op 'n produk wat die onderwerp is of geag word die onderwerp te wees van 'n Wet genoem in die Bylae by hierdie Wet, moet die ingevolge daardie Wet ingestelde raad, behalwe in die geval van 'n in artikel sewentien bis bedoelde skema, die skema uitvoer: Met dien verstande dat, met inagneming van die bepalings van sub-artikel (2), die samestelling van daardie raad deur bedoelde skema gewysig kan word op die wyse wat die Minister goedkeur.”;

No. 66, 1964.]

ACT

To amend the Marketing Act, 1937.

(Afrikaans text signed by the State President.)

(Assented to 17th June, 1964.)

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

1. Section *two* of the Marketing Act, 1937 (hereinafter referred to as the principal Act), is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) There shall be a council to be known as the National Marketing Council which shall consist of a chairman and four other members, all of whom shall be appointed by the State President, and one of whom shall be designated by him as deputy chairman for such period as he may determine.”.

Amendment of section 2 of Act 26 of 1937, as amended by section 2 of Act 50 of 1946, section 2 of Act 45 of 1951, section 12 of Act 37 of 1958 and section 2 of Act 47 of 1962.

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

(a) by the substitution in paragraph (e) of sub-section (1) for the words preceding sub-paragraph (i) thereof of the following words: “provide for the imposition, with the approval of the Minister, by the regulatory board concerned, on such basis as such board may determine, of a levy on any product to which the scheme relates, or on any such product of a particular class (which may be defined in a manner contemplated in paragraph (b) of sub-section (7) or otherwise), grade or standard of quality, or on any such product, class, grade or standard of quality thereof produced or sold in a particular area or particular portion of any area in which the scheme applies, which levy—”;

Amendment of section 18 of Act 26 of 1937, as amended by section 3 of Act 19 of 1938, section 3 of Act 12 of 1941, section 23 of Act 46 of 1945, section 10 of Act 50 of 1946, section 13 of Act 45 of 1951, section 5 of Act 34 of 1961, section 5 of Act 47 of 1962 and section 2 of Act 57 of 1963.

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

“(a) A scheme shall, subject to the provisions of paragraphs (b), (c), (d) and (e), provide for the appointment to its regulatory board of not more than one officer either in the Department of Agricultural Economics and Marketing or in the Department of Agricultural Technical Services and of members to represent persons who produce the product to which the scheme relates, and such classes of persons dealing in the course of trade with, or of consumers of, or of persons having any other interest, whether directly or indirectly, in such product, as the Minister may after consultation with the marketing council determine, and shall prescribe the procedure to be followed in respect of the nomination of such members.”;

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

“(3) Subject to the provisions of sub-section (6)*bis*, if a scheme relates to a product which is or is deemed to be the subject of an Act specified in the Schedule to this Act, the board established under that Act shall, except in the case of a scheme referred to in section *seventeen bis*, administer that scheme: Provided that, subject to the provisions of sub-section (2), the constitution of the said board may be modified by the said scheme in such manner as may be approved by the Minister.”;

- (d) deur in sub-artikel (3)*bis* na die woord „word”, waar dit die tweede maal voorkom, die woorde „behoudens die bepalings van sub-artikel (6)*bis*,” in te voeg;
- (e) deur na sub-artikel (6) die volgende sub-artikel in te voeg:
- „(6)*bis* Ondanks andersluidende bepalings van hierdie Wet, indien die Mielie- en Kafferkringreëlinskema, afgekondig by proklamasie No. R.113 van 1961, ophou om betrekking te hê op kafferkring en kafferkringprodukte, kan enige ander skema wat daarna betrekking het op kafferkring of ’n kafferkringprodukt maar nie op mielies of ’n mielieprodukt nie, voorsiening maak vir die uitvoering van sodanige ander skema deur ’n ander beherende raad as die Raad van Beheer oor die Mielienywerheid ingestel kragtens artikel *een* van die Mielie-Reëlins Wysigingswet, 1935 (Wet No. 59 van 1935), en kan ook bepaal in hoeverre—
- (a) kennisgewings, verbodsbepalings, voorskrifte, besluite of vasstellings wat kragtens genoemde Mielie- en Kafferkringreëlinskema ten opsigte van kafferkring of ’n kafferkringprodukt uitgevaardig, opgelê, geneem of gedoen is, van krag bly; en
- (b) gelde in ’n fonds wat kragtens genoemde Mielie- en Kafferkringreëlinskema ingestel is, oorgedra word na ’n fonds wat kragtens sodanige ander skema ingestel is.”; en
- (f) deur aan die end van sub-paragraaf (vii) van paragraaf (b) van sub-artikel (7) die woord „of” by te voeg en die volgende sub-paragraawe by genoemde paragraaf te voeg:
- „(viii) na gelang daardie produk verkoop word aan of deur die raad wat bedoelde skema uitvoer of verkoop word anders as aan of deur sodanige raad; of
- (ix) na gelang daardie produk, indien dit bestem is om uit die Republiek uitgevoer te word, oor land, oor see of deur die lug aldus uitgevoer word.”.

Wysiging van artikel 19 van Wet 26 van 1937, soos gewysig deur artikel 5 van Wet 19 van 1938, artikel 4 van Wet 12 van 1941, artikel 12 van Wet 50 van 1946, artikel 16 van Wet 45 van 1951 en artikel 7 van Wet 34 van 1961.

3. (1) Artikel *negentien* van die Hoofwet word hierby gewysig deur paragraaf (n) van sub-artikel (2) deur die volgende paragraaf te vervang:

„(n) om met die Minister se goedkeuring ’n spesiale heffing te lê op so ’n produk of op so ’n produk van ’n bepaalde klas (wat omskryf kan word op ’n wyse beoog in paragraaf (b) van sub-artikel (7) van artikel *agtien* of op ’n ander wyse), graad of kwaliteitstandaard, of op so ’n produk, klas, graad of kwaliteitstandaard daarvan wat geproduseer is of verkoop word in ’n bepaalde gebied of ’n bepaalde gedeelte van ’n gebied waarin die skema van toepassing is, vir die doeleindes van watter heffing die bepalings van paragraaf (e) van sub-artikel (1) en sub-artikel (1)*ter* van artikel *agtien mutatis mutandis* van toepassing is;”.

- (2) Paragraaf (n) van sub-artikel (2) van artikel *negentien* van die Hoofwet soos dit bestaan het vóór die vervanging daarvan deur sub-artikel (1) van hierdie artikel, word geag gewysig te gewees het, met ingang vanaf 18 Junie 1951, deur die invoeging van die woorde „en sub-artikel (1)*ter*” na die uitdrukking „sub-artikel (1)”.

Wysiging van artikel 20 van Wet 26 van 1937, soos gewysig deur artikel 6 van Wet 19 van 1938, artikel 5 van Wet 12 van 1941, artikel 13 van Wet 50 van 1946, artikel 17 van Wet 45 van 1951, artikel 8 van Wet 34 van 1961 en artikel 6 van Wet 47 van 1962.

4. (1) Artikel *twintig* van die Hoofwet word hierby gewysig—

- (a) deur aan die end van paragraaf (d)*bis* van sub-artikel (1) die volgende woorde by te voeg: „en, indien ’n heffing vermeld in paragraaf (e) van sub-artikel (1) van artikel *agtien* of ’n spesiale heffing vermeld in paragraaf (n) van sub-artikel (2) van artikel *negentien* nie betaalbaar is nie ten opsigte van die klas produk ten opsigte waarvan so ’n vrystelling verleen is, ook op voorwaarde dat ’n bedrag geld wat deur die raad met die Minister se goedkeuring bepaal word, ten opsigte van enige eenheid of hoeveelheid daarvan aan die raad betaal word deur die persone, op die tye en op die wyse deur die raad bepaal, maar wat hoogstens soveel is as die bedrag van die hoogste sodanige heffing en die hoogste sodanige spesiale heffing wat betaalbaar is ten opsigte van ’n eenderse eenheid of hoeveelheid van enige klas van daardie produk wat aan of deur die raad verkoop word”;

- (d) by the insertion in sub-section (3)*bis*, after the word "shall", of the words "subject to the provisions of sub-section (6)*bis*,";
- (e) by the insertion after sub-section (6) of the following sub-section:

"(6)*bis* Notwithstanding anything to the contrary contained in this Act, if the Mealie and Kaffircorn Control Scheme published by Proclamation No. R.113 of 1961 ceases to relate to kaffircorn and kaffircorn products, any other scheme which thereafter relates to kaffircorn or a kaffircorn product but not to mealies or any mealie product may provide for the administration of such other scheme by a regulatory board other than the Mealie Industry Control Board established under section one of the Mealie Control Amendment Act, 1935 (Act No. 59 of 1935), and may also provide for the extent to which—

- (a) any notices, prohibitions, requirements, decisions or determinations issued, imposed, taken or made under the said Mealie and Kaffircorn Control Scheme in respect of kaffircorn or a kaffircorn product, shall continue in force; and
 - (b) any moneys in any fund established under the said Mealie and Kaffircorn Control Scheme shall be transferred to any fund established under such other scheme.";
- (f) by the addition at the end of sub-paragraph (vii) of paragraph (b) of sub-section (7) of the word "or" and by the addition to the said paragraph of the following sub-paragraphs:
- "(viii) according to whether such product is sold to or through the board which administers that scheme or is sold otherwise than to or through such board; or
 - (ix) according to whether such product, if it is intended to be exported from the Republic, is so exported by land, or by sea, or by air;".

3. (1) Section *nineteen* of the principal Act is hereby amended by the substitution for paragraph (n) of sub-section (2) of the following paragraph:

"(n) with the approval of the Minister, to impose a special levy on any such product, or on any such product of a particular class (which may be defined in a manner contemplated in paragraph (b) of sub-section (7) of section *eighteen* or otherwise), grade or standard of quality, or on any such product, class, grade or standard of quality thereof produced or sold in a particular area or particular portion of any area in which the scheme applies, for the purposes of which levy the provisions of paragraph (e) of sub-section (1) and sub-section (1)*ter* of section *eighteen* shall *mutatis mutandis* apply;".

Amendment of section 19 of Act 26 of 1937, as amended by section 5 of Act 19 of 1938, section 4 of Act 12 of 1941, section 12 of Act 50 of 1946, section 16 of Act 45 of 1951 and section 7 of Act 34 of 1961.

(2) Paragraph (n) of sub-section (2) of section *nineteen* of the principal Act as it existed prior to its substitution by sub-section (1) of this section, shall be deemed to have been amended, with effect from the eighteenth day of June, 1951, by the insertion after the expression "sub-section (1)" of the words "and sub-section (1)*ter*."

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

- (a) by the addition at the end of paragraph (d)*bis* of sub-section (1) of the following words: "and, if a levy referred to in paragraph (e) of sub-section (1) of section *eighteen* or a special levy referred to in paragraph (n) of sub-section (2) of section *nineteen* is not payable in respect of the class of the product in respect of which such an exemption was granted, also on condition that an amount of money determined by the board with the approval of the Minister be paid to the board in respect of any unit or quantity thereof by such persons, at such times and in such manner as the board may determine, but not exceeding the amount of the highest such levy and the highest such special levy payable in respect of an equal unit or quantity of any class of that product which is sold to or through the board";

Amendment of section 20 of Act 26 of 1937, as amended by section 6 of Act 19 of 1938, section 5 of Act 12 of 1941, section 13 of Act 50 of 1946, section 17 of Act 45 of 1951, section 8 of Act 34 of 1961 and section 6 of Act 47 of 1962.

- (b) deur aan die end van paragraaf (f) van genoemde sub-artikel (1) die volgende woorde by te voeg: „of om enige hoeveelheid, klas of graad van sodanige produk in 'n land of gebied buite die Republiek te verkoop of van die hand te sit teen 'n laer prys as die prys wat aldus daarvoor vasgestel of bereken is”;
- (c) deur paragraaf (g) van genoemde sub-artikel (1) deur die volgende paragraaf te vervang:

„(g) om met goedkeuring van die Minister die aankoop of verkoop van so 'n produk of van 'n klas of graad daarvan te belet, behalwe onder permit wat na goeddunke deur die raad uitgereik word en wat deur die raad ingetrek kan word as die houer daarvan 'n voorwaarde daarin genoem of 'n bepaling van die skema of van 'n regulasie kragtens hierdie Wet uitgevaardig, oortree het of versuim het om daaraan te voldoen: Met dien verstande dat wanneer 'n verbod opgelê word kragtens 'n bepaling wat ingevolge hierdie paragraaf in 'n skema beliggaam is en die betrokke raad weier om dié permit uit te reik of dit intrek, die applikant of houer, na gelang van die geval, die reg het om na die Minister teen die besluit van die raad te appelleer, en dat die Minister sodanige besluit na oorweging kan bekragtig, ter syde stel of wysig”;

- (d) deur in sub-artikel (4) *ter* voor die woord „maksimum”, waar dit die tweede maal voorkom, die woorde „klas, graad of” in te voeg; en
- (e) deur na sub-artikel (7) die volgende sub-artikels in te voeg:

„(8) 'n Beherende raad moet met geld wat uit hoofde van die bepalings van paragraaf (d) *bis* van sub-artikel (1) aan hom betaal is, handel slegs op die wyse wat die Minister goedkeur.

(9) Ondanks andersluidende bepalings van enige wet, is 'n beherende raad onthef van die verpligting om 'n lisensie te verkry en om lisensieregte of -gelde te betaal ten opsigte van die uitoefening deur hom van 'n bedrywigheid beoog in die Wet op Lisensies, 1962 (Wet No. 44 van 1962).

(10) 'n Beherende raad is bevoeg om aansoek te doen om 'n lisensie ingevolge artikel *twee* van die Landbou-pakhuiswet, 1930 (Wet No. 42 van 1930), en enige sodanige lisensie wat aan hom uitgereik word, kan benewens betrekking te hê op die produk of produkte waarop die skema betrekking het wat hy uitvoer, ook betrekking hê op 'n soort of soorte landbouprodukte waarop sodanige skema nie betrekking het nie, en 'n beherende raad wat 'n landbou-pakhuishouer ingevolge genoemde Wet is, kan ten opsigte van die landbou-produkte vermeld in so 'n lisensie wat aan hom uitgereik is, as landbou-pakhuishouer vir die doeleindes van genoemde Wet optree.”.

(2) Sub-artikel (9) van artikel *twintig* van die Hoofwet soos ingevoeg deur paragraaf (e) van sub-artikel (1) van hierdie artikel word geag in werking te getree het op die datum van inwerkingtreding van genoemde Wet: Met dien verstande dat geen lisensieregte of -gelde wat vóór die inwerkingtreding van hierdie Wet deur 'n beherende raad betaal is, uit hoofde van die bepalings van hierdie sub-artikel terugbetaal word nie.

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

„Appel na Minister.

20*bis*. Iemand wat ontevrede is met 'n besluit van 'n beherende raad in verband met enige aangeleentheid betreffende sy registrasie deur daardie raad ingevolge bevoegdheid kragtens paragraaf (a) *ter* van sub-artikel (1) van artikel *negentien* of paragraaf (l) van sub-artikel (1) gelees met sub-artikels (4) *bis* en (4) *ter* van artikel *twintig* aan bedoelde raad verleen, kan binne negentig dae nadat hy of sy verteenwoordiger van sodanige besluit in kennis gestel is, teen sodanige besluit by die Minister appel aanteken, en die Minister kan, na oorweging van so 'n appel, en na oorlegpleging met die bemarkingsraad, bedoelde besluit bekragtig, tersyde stel of wysig of in verband daarmee die bevel uitreik wat hy goedvind.”.

Vervanging van artikel 20*bis* van Wet 26 van 1937, soos ingevoeg deur artikel 18 van Wet 45 van 1951 en gewysig deur artikel 9 van Wet 34 van 1961.

- (b) by the addition at the end of paragraph (f) of the said sub-section (1) of the following words: "or from selling or disposing of any quantity, class or grade of such product in any country or territory outside the Republic at a price below a price so fixed or calculated therefor";
- (c) by the substitution for paragraph (g) of the said sub-section (1) of the following paragraph:
 "(g) with the approval of the Minister to prohibit the purchase or sale of such product or of any class or grade thereof except under permit the issue of which shall be in the discretion of the board and which may be cancelled by the board if the holder thereof has contravened or failed to comply with any condition specified therein or any provision of the scheme or of any regulation made under this Act: Provided that whenever a prohibition is imposed under a provision embodied in a scheme in pursuance of this paragraph and the board concerned refuses to issue, or cancels, such permit, the applicant or holder, as the case may be, shall have a right of appeal to the Minister against the decision of that board, and that the Minister may after consideration confirm, set aside or vary such decision;"

- (d) by the insertion in sub-section (4)*ter* before the word "maximum", where it appears for the second time, or the words "class, grade or"; and

- (e) by the insertion after sub-section (7) of the following sub-sections:

"(8) Any moneys paid to a regulatory board by virtue of the provisions of paragraph (d)*bis* of sub-section (1) shall be dealt with by it only in such manner as the Minister may approve.

(9) Notwithstanding anything to the contrary in any law contained, a regulatory board shall be exempt from the duty to obtain any licence and to pay any licence duties or fees in respect of the carrying on by it of any activity contemplated in the Licences Act, 1962 (Act No. 44 of 1962).

(10) A regulatory board shall have the power to apply for a licence in terms of section *two* of the Agricultural Warehouse Act, 1930 (Act No. 42 of 1930), and any such licence issued to it may, in addition to relating to the product or products to which the scheme administered by it relates, also relate to agricultural products of a kind or kinds to which such scheme does not relate, and a regulatory board which is an agricultural warehouseman in terms of the said Act may, in respect of the agricultural products referred to in such a licence issued to it, act as an agricultural warehouseman for the purposes of the said Act."

(2) Sub-section (9) of section *twenty* of the principal Act as inserted by paragraph (e) of sub-section (1) of this section shall be deemed to have come into operation on the date of commencement of the said Act: Provided that no licence duties or fees paid by a regulatory board prior to the commencement of this Act, shall be refunded by virtue of the provisions of this sub-section.

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

"Appeal
to
Minister.

20*bis*. Any person who is dissatisfied with a decision of a regulatory board in connection with any matter relating to his registration by that board in pursuance of powers vested in it by virtue of paragraph (a)*ter* of sub-section (1) of section *nineteen* or paragraph (1) of sub-section (1) read with sub-sections (4)*bis* and (4)*ter* of section *twenty*, may, within ninety days after he or his representative has been notified of such decision, appeal to the Minister against such decision, and the Minister may, after consideration of any such appeal, and after consultation with the marketing council, confirm, set aside or vary such decision or make such order in connection therewith as he may deem fit."

Substitution of
section 20*bis*
of Act 26 of
1937, as inserted
by section 18 of
Act 45 of 1951
and amended by
section 9 of
Act 34 of 1961.

Vervanging van artikel 36 van Wet 26 van 1937, soos gewysig deur artikel 24 van Wet 50 van 1946 en artikel 26 van Wet 45 van 1951.

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

„Verpakking 36. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* die verkoping belet van 'n in die proklamasie vermelde produk in 'n gebied of op 'n plek insgelyks vermeld, hetsy in die algemeen of vir 'n bepaalde doel, of vir 'n ander doel as 'n bepaalde doel, tensy dit op 'n by regulasie voorgeskrewe wyse verpak of volgens graad gemerk is.

(2) So 'n proklamasie kan van die bepalings daarvan vrystel enige hoeveelheid van so 'n produk ten opsigte waarvan 'n beampte van die Departement van Landbou-ekonomie en -bemarking in die proklamasie vermeld, skriftelik goedgekeur het dat dit, onderworpe aan die voorwaardes deur hom bepaal, as 'n proefneming verkoop word, en ten opsigte waarvan sodanige voorwaardes nagekom is.”.

Wysiging van artikel 37 van Wet 26 van 1937, soos vervang deur artikel 25 van Wet 50 van 1946 en gewysig deur artikel 27 van Wet 45 van 1951.

7. Artikel *sewe-en-dertig* van die Hoofwet word hierby gewysig—

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

„(c) van so 'n produk, of enige materiaal of stof wat gebruik word of vermoedelik bestem is vir gebruik by die vervaardiging, produksie, verwerking of behandeling daarvan, en van enige produk, materiaal of stof waarop ingevolge paragraaf (g) beslag gelê is, monsters neem, en sodanige monsters ondersoek, ontleed of gradeer of laat ondersoek, ontleed of gradeer, en enige pakket of houer wat 'n hoeveelheid van so 'n produk, materiaal of stof bevat of vermoedelik bevat, oopmaak;” en

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

„(3) Teen so 'n rojering, gradering, merk, hergradering, oormerk of lasgewing kan op die by regulasie voorgeskrewe wyse deur of ten behoeve van die eienaar van die produk in hoër beroep gegaan word, en die beslissing van die persoon of persone wat oor die appèl beslis, is afdoende.”.

Invoeging van artikel 37bis in Wet 26 van 1937.

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

„Verbod op oprigting of uitbreiding van fasiliteite vir die massahantering of -opberging van produkte. 37bis. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* die oprigting of uitbreiding van fasiliteite vir die meganiese massahantering of die massa-opberging van enige produk verbied, behalwe op gesag van 'n permit uitgereik deur die Sekretaris onderworpe aan die voorwaardes wat hy goedvind, met inbegrip van voorwaardes betreffende die kapasiteit van sodanige fasiliteite en die plek waar hulle geleë moet wees.

(2) So 'n proklamasie kan bepaal dat dit slegs van toepassing is op sodanige fasiliteite of uitbreidings wat die perke in die proklamasie vermeld, oorskry.”.

Wysiging van artikel 38 van Wet 26 van 1937, soos vervang deur artikel 26 van Wet 50 van 1946 en gewysig deur artikel 28 van Wet 45 van 1951.

9. Artikel *agt-en-dertig* van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) 'n verbod kragtens sub-artikel (3) van artikel *nege-entwintig* of artikel *drie-en-dertig*, *ses-en-dertig* of *sewe-en-dertig bis* oortree, of 'n voorwaarde van 'n permit vermeld in artikel *sewe-en-dertig bis* oortree of versuim om daaraan te voldoen; of”.

Wysiging van artikel 43 van Wet 26 van 1937, soos gewysig deur artikel 14 van Wet 12 van 1941, artikel 29 van Wet 50 van 1946, artikel 31 van Wet 45 van 1951, artikel 20 van Wet 34 van 1961 en artikel 9 van Wet 47 van 1962.

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

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

„(f) die tyd en wyse waarop 'n appèl kragtens paragraaf (a)bis van sub-artikel (2) van artikel *negentien*, paragraaf (g) van sub-artikel (1) van artikel *twintig*, artikel *twintig bis*, sub-artikel (3) van artikel *drie-en-dertig* of artikel *sewe-en-dertig* voortgesit moet word, die sekerheid (as daar is) wat met betrekking tot so 'n appèl, behalwe 'n appèl kragtens paragraaf (a)bis van sub-artikel (2) van artikel *negentien*, gestel moet

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

"Packing and marking of products.

36. (1) The State President may, by proclamation in the *Gazette*, prohibit the sale of any product specified in the proclamation, in any area or at any place likewise specified, either generally or for a specified purpose or for a purpose other than a specified purpose, unless it is packed, or marked according to grade, in a manner prescribed by regulation.

(2) Any such proclamation may exempt from the provisions thereof any quantity of such product in respect of which an officer of the Department of Agricultural Economics and Marketing specified in the proclamation has approved in writing that subject to the conditions determined by him, it be sold as an experiment, and in respect of which such conditions have been compiled with."

Substitution of section 36 of Act 26 of 1937, as amended by section 24 of Act 50 of 1946 and section 26 of Act 45 of 1951.

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

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

"(c) take samples of any such product or any material or substance used or suspected to be intended for use in the manufacture, production, processing or treatment thereof, and of any product, material or substance seized in terms of paragraph (g), and examine, analyse or grade such samples or cause them to be examined, analysed or graded, and open any package or container which contains or is suspected to contain any quantity of any such product, material or substance;" and

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

"(3) Any such cancellation, grading, marking, regrading, remarking or direction shall be subject to appeal by or on behalf of the owner of such product in the manner prescribed by regulation, and the decision of the person or persons who decide the appeal shall be final."

Amendment of section 37 of Act 26 of 1937, as substituted by section 25 of Act 50 of 1946 and amended by section 27 of Act 45 of 1951.

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

"Prohibition of erection or extension of facilities for handling or storage in bulk of products.

37bis. (1) The State President may by proclamation in the *Gazette* prohibit the erection or extension of any facilities for the mechanical handling in bulk or storage in bulk of any product, except under the authority of a permit issued by the Secretary subject to such conditions as he deems fit, including conditions relating to the capacity of such facilities and the place where they shall be located.

(2) Any such proclamation may provide that it shall only apply to such facilities or extensions that exceed the limits stated in the proclamation."

Insertion of section 37bis in Act 26 of 1937.

9. Section *thirty-eight* of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

"(a) contravenes any prohibition under sub-section (3) of section *twenty-nine* or section *thirty-three*, *thirty-six* or *thirty-seven bis*, or contravenes or fails to comply with any condition of a permit referred to in section *thirty-seven bis*; or"

Amendment of section 38 of Act 26 of 1937, as substituted by section 26 of Act 50 of 1946 and amended by section 28 of Act 45 of 1951.

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

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

"(f) the time and manner in which an appeal under paragraph (a)bis of sub-section (2) of section *nineteen*, paragraph (g) of sub-section (1) of section *twenty*, section *twenty bis*, sub-section (3) of section *thirty-three* or section *thirty-seven* shall be prosecuted, the security (if any) to be lodged in connection with any such appeal (other than an appeal under paragraph (a)bis of sub-section (2) of section *nineteen*), the disposal

Amendment of section 43 of Act 26 of 1937, as amended by section 14 of Act 12 of 1941, section 29 of Act 50 of 1946, section 31 of Act 45 of 1951, section 20 of Act 34 of 1961 and section 9 of Act 47 of 1962.

word, die beskikking oor aldus gestelde sekerheid, en die beampte van die Departement van Landbou-
 ekonomie en -bemarking wat die persoon of
 persone moet aanwys of 'n ander sodanige
 beampte kan benoem om die persoon of persone
 aan te wys deur wie oor 'n appèl kragtens artikel
sewe-en-dertig beslis moet word;"; en

- (b) deur die woorde in genoemde sub-artikel (1) wat op
 paragraaf (h) daarvan volg, deur die volgende woorde
 te vervang:

„Verskillende regulasies kan uitgevaardig word ten
 opsigte van verskillende produkte en ten opsigte van
 produkte wat onder die nasionale merk bedoel in
 artikel *vier-en-dertig* verkoop word, en produkte wat
 nie onder daardie merk verkoop word nie, en ten
 opsigte van produkte wat bestem is om vir 'n bepaalde
 doel gebruik te word en produkte wat nie bestem is om
 vir daardie doel gebruik te word nie, en ten opsigte van
 produkte wat produsente verkoop aan of deur 'n
 beherende raad of persone deur sodanige raad aange-
 wys en produkte wat produsente verkoop anders
 as aan of deur 'n beherende raad of persone deur die
 raad aangewys, en ten opsigte van produkte wat as
 'n proefneming verkoop kan word soos by sub-artikel
 (2) van artikel *ses-en-dertig* bepaal, en produkte wat
 nie aldus verkoop word nie, en die regulasies kan
 verskil na gelang van die land of gebied waarheen
 'n produk uitgevoer word, en na gelang 'n produk
 oor land, oor see of deur die lug uitgevoer word.”.

Vervanging van
 sekere uit-
 drukings in
 Wet 26 van 1937.

11. 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.

Kort titel.

12. Hierdie Wet heet die Wysigingswet op Bemarking, 1964.

of any security so lodged, and the officer of the Department of Agricultural Economics and Marketing who shall designate or may nominate another such officer to designate the person or persons by whom an appeal under section *thirty-seven* shall be decided;"; and

- (b) by the substitution for the words in the said sub-section (1) following paragraph (h) thereof of the following words:

"Different regulations may be made in respect of different products and in respect of products sold under the national mark referred to in section *thirty-four* and products not sold under that mark, and in respect of products intended to be used for a specified purpose and products not intended to be used for that purpose, and in respect of products which producers sell to or through a regulatory board or persons designated by such board and products which producers sell otherwise than to or through a regulatory board or persons designated by such a board, and in respect of products which may be sold as an experiment as provided by sub-section (2) of section *thirty-six* and products which are not so sold, and the regulations may differ according to the country or territory to which a product is exported, and according to whether a product is exported by land, or by sea, or by air."

11. 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".

Substitution of certain expressions in Act 26 of 1937.

12. This Act shall be called the Marketing Amendment Act, 1964.

Short title

No. 67, 1964.]

WET

Tot samevatting van die wette op die reëling van die werwing, indiensneming, huisvesting, voeding en gesondheidstoestande van Bantoe-arbeiders.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Junie 1964.)

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

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

- (i) „afhanklike” ’n afhanklike binne die bedoeling van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936); (xi)
- (ii) „arbeidsagent” iemand wat self of deur middel van lopers Bantoes vir indiensneming deur iemand anders binne of buite die Republiek vir werk of arbeid van enige aard werf, en ook ’n werknemer wat Bantoes aldus werf vir indiensneming deur sy werkgewer of deur ’n lid van ’n groep persone by wie hy in diens staan; (xv)
- (iii) „arbeidsburo” ’n arbeidsburo ingevolge hierdie Wet of die regulasies ingestel; (xvi)
- (iv) „attesterende beampte” ’n Bantoesakekommissaris of ’n beampte deur die Direkteur of in die algemeen of in die besonder aangewys om die bevoegdheid uit te oefen en die pligte te vervul wat by hierdie Wet of die regulasies aan ’n attesterende beampte toegewys word; (iii)
- (v) „Bantoe” ’n Bantoe soos omskryf in artikel een van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), en by die toepassing van hierdie Wet en die regulasies word vermoed dat iemand wat volgens voorkoms klaarblyklik ’n lid van ’n inboorlingras of -stam van Afrika is, ’n Bantoe is, tensy bewys word dat hy inderdaad nie so ’n lid is nie en nie gewoonlik daarvoor deurgaang nie; (v)
- (vi) „Bantoe-arbeider”—
 - (a) ’n Bantoe vir diensverrigting in ’n myn of bedryf gewerf of aldaar in diens of werksaam; en
 - (b) ’n Bantoe gewerf vir diensverrigting of in diens in ’n werksaamheid of gebied of onder toestande ten opsigte waarvan die Minister, nadat hy minstens drie maande vooraf van sy voorneme om dit te doen by kennisgewing in die *Staatskoerant* kennis gegee het, by dergelike kennisgewing verklaar het dat ’n Bantoe wat vir diensverrigting in bedoelde werksaamheid of gebied of onder bedoelde toestande gewerf of in diens is, ’n Bantoe-arbeider is vir die doeleindes van hierdie Wet; (vii)
- (vii) „Bantoesakekommissaris” ook ’n addisionele en ’n assistent-Bantoesakekommissaris en, ten opsigte van ’n distrik of gebied ten opsigte waarvan geen Bantoesakekommissaris aangestel is nie, ’n landdros of ’n addisionele of ’n assistent-landdros met regsbevoegdheid in daardie distrik of gebied; (vi)
- (viii) „bedryf” enige plek, behalwe ’n myn of ’n gedeelte van ’n myn, waar daar masjinerie is, en ook ’n bedryf onder die beheer van die Regering, met inbegrip van die Spoorwegadministrasie en ’n provinsiale administrasie; (xxxi)
- (ix) „Direkteur” die Direkteur van Bantoe-arbeid kragtens artikel twee aangestel; (xii)
- (x) „geleider” iemand in diens van ’n arbeidsagent of werkgewer om oor Bantoe-arbeiders onderweg na hul bestemmings vir diensverrigting toesig te hou of hulle geleide te doen; (x)
- (xi) „gemagtigde beampte” ’n gemagtigde beampte binne die bedoeling van die Stadsgebiedewet; (iv)
- (xii) „geneeskundige beampte” ’n geneeskundige beampte in die voltydse diens van die Departement van Gesondheid; (xviii)
- (xiii) „geregistreer” geregistreer soos voorgeskryf; (xxv)
- (xiv) „Hoofbantoesakekommissaris” ook ’n assistent-Hoofbantoesakekommissaris; (viii)

No. 67, 1964.]

ACT

To consolidate the laws regulating the recruiting, employment, accommodation, feeding and health conditions of Bantu labourers.

(English text signed by the State President.)
(Assented to 17th June, 1964.)

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

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

- (i) "advance" includes any sum of money in cash or any substitute therefor in any form whatsoever, supplied to a Bantu upon the condition that he shall repay or make good the same by his labour or out of the wages to be received by him under a contract of service with any employer, or upon the condition, expressed or implied, that he or any dependant of his shall enter into or continue in any employment; (xxviii)
- (ii) "aid centre" means an aid centre referred to in section twenty-five; (xv)
- (iii) "attesting officer" means a Bantu affairs commissioner or any officer designated, either generally or specially, by the Director to exercise the powers and perform the duties assigned to an attesting officer by this Act or the regulations; (iv)
- (iv) "authorized officer" means an authorized officer within the meaning of the Urban Areas Act; (xi)
- (v) "Bantu" means a Bantu as defined in section one of the Population Registration Act, 1950 (Act No. 30 of 1950), and for the purposes of this Act and the regulations a person who in appearance obviously is a member of an aboriginal race or tribe of Africa, shall be presumed to be a Bantu unless it is proved that he is not in fact and is not generally accepted as such a member; (v)
- (vi) "Bantu affairs commissioner" includes an additional and an assistant Bantu affairs commissioner and, in respect of any district or area in respect of which no Bantu affairs commissioner has been appointed, a magistrate, an additional or an assistant magistrate having jurisdiction in such district or area; (vii)
- (vii) "Bantu labourer" means—
 - (a) a Bantu recruited for employment, employed or working on any mine or works; and
 - (b) a Bantu recruited for employment or employed in an occupation or area or under conditions in respect of which the Minister has, after giving not less than three months' prior notice in the *Gazette* of his intention to do so, by like notice declared that a Bantu recruited for employment or employed in such occupation or area or under such conditions shall be a Bantu labourer for the purposes of this Act; (vi)
- (viii) "chief Bantu affairs commissioner" includes an assistant chief Bantu affairs commissioner; (xiv)
- (ix) "compound manager" means any person (other than a person supervising Bantu labourers at their work) having the superintendence and control of fifty or more Bantu labourers; (xvi)
- (x) "conductor" means any person employed by a labour agent or employer for the purpose of supervising or escorting Bantu labourers proceeding for labour to their destinations; (x)
- (xi) "dependant" means a dependant within the meaning of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936); (i)
- (xii) "Director" means the Director of Bantu Labour appointed under section two; (ix)

- (xv) „hulpsentrum” ’n in artikel *vyf-en-twintig* bedoelde hulpsentrum; (ii)
- (xvi) „kampongbestuurder” iemand anders as ’n persoon belas met die toesig oor Bantoe-arbeiders by hul werk, wat toesig en beheer oor vyftig of meer Bantoe-arbeiders uitoefen; (ix)
- (xvii) „loper” ’n Bantoe wat by ’n arbeidsagent of werkgewer in diens is om Bantoes vir hom te werf of byeen te bring of om by die werwing van arbeid as bode op te tree; (xxvii)
- (xviii) „masjinerie” ’n enjin, stoomketel of toestel of kombinasie van toestelle wat gebruik word of bestem is om gebruik te word vir die opwekking, ontwikkeling, ontvangs, opgaring, omsetting, transformering of oorbring van enige vorm van krag of energie, of om persone, materiaal of minerale te vervoer, maar nie ook ’n enjin, stoomketel, toestel of kombinasie van toestelle wat gebruik word of bestem is om gebruik te word vir private huishoudelike doeleindes of in enige boerderywerkzaamhede (met inbegrip van die bewerking van ’n boerderyproduk) gedryf deur ’n *bona fide*-boer wat nie ’n maatskappy of ander regs persoon is nie; (xvii)
- (xix) „mineraal” ’n stof wat op natuurlike wyse in of op die aarde aangetref word en wat deur ’n geologiese proses gevorm is of daaraan onderhewig was, maar nie ook water en grond nie, tensy dit vir die produsering of ekstrahering van ’n produk van kommersiële waarde gebruik word; (xx)
- (xx) „Minister” die Minister van Bantoe-administrasie en -ontwikkeling; (xxi)
- (xxi) „myn” ’n uitgraving in die aarde, hetsy enige werkzaamhede daarin voortgesit word al dan nie, wat gemaak is met die doel om na ’n mineraal te soek of ’n mineraal te win, en enige plek waar ’n mineraal-afsetting ontgin word, en ook ’n plek by of in die nabyheid van ’n myn, volgens die voorgaande bepalings van hierdie omskrywing, waar enige gebou, bouwerk, mynhoop, dam, masjinerie of toestel deur die eienaar van so ’n myn gebruik word of vir gebruik bestem is vir enige van die volgende doeleindes wat met sy mynbouwerkzaamhede in verband staan, te wete—
 - (a) die soek na of win van ’n mineraal;
 - (b) die vergruising, reduksie, bereiding, konsentrering of smelting van ’n mineraal;
 - (c) die produsering van ’n produk van kommersiële waarde, behalwe ’n klei- of erdewerkproduk of sement, uit ’n mineraal; of
 - (d) die ekstrahering, konsentrering of raffinering van ’n bestanddeel van ’n mineraal; (xix)
- (xxii) „regulasie” ’n regulasie wat ingevolge hierdie Wet uitgevaardig en van krag is; (xxvi)
- (xxiii) „Sekretaris” die Sekretaris van Bantoe-administrasie en -ontwikkeling en ook enige ander beampte in die Staatsdiens wat op sy gesag optree; (xxviii)
- (xxiv) „Stadsgebiedewet” die Bantoes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945); (xxix)
- (xxv) „stedelike plaaslike bestuur” ’n stedelike plaaslike bestuur soos in artikel *een* van die Stadsgebiedewet omskryf; (xxx)
- (xxvi) „voorgeskrewe gebied” ’n voorgeskrewe gebied soos in artikel *een* van die Stadsgebiedewet omskryf; (xxiii)
- (xxvii) „voorgeskryf”, behalwe soos in die omskrywing van „voorgeskrewe gebied” bepaal, deur hierdie Wet of ’n regulasie voorgeskryf; (xxii)
- (xxviii) „voorskot” ook ’n bedrag geld in kontant of enigiets wat die plek daarvan neem, van watter aard ook al, wat aan ’n Bantoe voorsien word op voorwaarde dat hy dit moet terugbetaal of vergoed deur sy arbeid of uit die loon deur hom ingevolge ’n dienskontrak met ’n werkgewer ontvang te word, of op die uitdruklike of stilswyende voorwaarde dat hy of een van sy afhanklikes in diens moet gaan of bly; (i)
- (xxix) „werf” Bantoes verkry, in diens neem of voorsien, of onderneem of poog om Bantoes te verkry, in diens te neem of te voorsien, vir diensverrigting in werk van watter aard ook al binne of buite die Republiek; (xxiv)

- (xiii) "employee", when used with reference to a Bantu, means any Bantu employed by or working for any employer and receiving or being entitled to receive any remuneration, and any other Bantu who in any manner assists in the carrying on or conducting of the business of an employer; (xxx)
- (xiv) "employer", in relation to a Bantu, means the person to whom such Bantu is or is required to be registered under this Act or the regulations, and includes any person who employs or provides work for such Bantu and remunerates or expressly or tacitly undertakes to remunerate him in money or in kind or both in money and in kind, or who permits such Bantu in any manner to assist him in the carrying on or conducting of his business; and "employ", "employed" and "employment", in relation to a Bantu, have corresponding meanings; (xxx)
- (xv) "labour agent" means a person who by himself or through runners recruits Bantu for the purpose of being employed by any other person in work or labour of any kind within or outside the Republic, and includes any employee who so recruits Bantu for employment by his employer or by any member of a group of persons by whom he is employed; (ii)
- (xvi) "labour bureau" means a labour bureau established under this Act or the regulations; (iii)
- (xvii) "machinery" means any engine, boiler or appliance or combination of appliances used or intended to be used for generating, developing, receiving, storing, converting, transforming or transmitting any form of power or energy, or for conveying persons, material or minerals, but does not include any engine, boiler, appliance or combination of appliances used or intended to be used for private domestic purposes or in any farming operations (including the processing of any farming product) conducted by a *bona fide* farmer other than a company or other corporate body; (xviii)
- (xviii) "medical officer" means any medical officer in the full-time employment of the Department of Health; (xii)
- (xix) "mine" means any excavation in the earth, whether or not any work is being carried on therein, made for the purpose of searching for or winning any mineral, and any place where any mineral deposit is being worked, and includes any place at or near a mine in terms of the preceding provisions of this definition where any building, construction, dump, dam, machinery or appliance is used or intended to be used by the owner of such a mine for any of the following purposes incidental to his mining operations, namely—
- (a) searching for or winning a mineral;
 - (b) crushing, reducing, dressing, concentrating or smelting a mineral;
 - (c) producing a product of commercial value, other than a clay or an earthenware product or cement, from a mineral; or
 - (d) extracting, concentrating or refining any constituent of a mineral; (xxi)
- (xx) "mineral" means any substance occurring naturally in or on the earth, which has been formed by or subjected to a geological process, but does not include water and earth unless used for the production or extraction of a product of commercial value; (xix)
- (xxi) "Minister" means the Minister of Bantu Administration and Development; (xx)
- (xxii) "prescribed", save as provided in the definition of "prescribed area", means prescribed by this Act or any regulation; (xxvii)
- (xxiii) "prescribed area" means a prescribed area as defined in section one of the Urban Areas Act; (xxvi)
- (xxiv) "recruiting" means procuring, engaging or supplying or undertaking or attempting to procure, engage or supply Bantu for employment in work of any kind within or outside the Republic; (xxix)
- (xxv) "registered" means registered as prescribed; (xiii)
- (xxvi) "regulation" means a regulation made and in force under this Act; (xxii)

- (xxx) „werkgewer”, met betrekking tot 'n Bantoe, die persoon by wie dié Bantoe kragtens hierdie Wet of die regulasies geregistreer is of moet word, en ook iemand wat dié Bantoe in diens het of aan hom werk verskaf en hom beloon of uitdruklik of stilswyend onderneem om hom te beloon, hetsy in kontant of in natura of sowel in kontant as in natura, of wat dié Bantoe toelaat om hom op enige wyse te help om sy besigheid voort te sit of te dryf; en „diens”, „in diens neem”, „in diens” en „diensverrigting”, met betrekking tot 'n Bantoe, het ooreenstemmende betekenis; (xiv) (xxxi) „werknemer”, waar dit met betrekking tot 'n Bantoe gebesig word, 'n Bantoe wat by 'n werkgewer in diens is of vir hom werk en wat beloning ontvang of daarop geregtig is, en enige ander Bantoe wat op enige wyse help om die besigheid van 'n werkgewer voort te sit of te dryf. (xiii)

Aanstelling van
Direkteur,
Assistent-direk-
teur en
Addisionele
Direkteurs van
Bantoe-arbeid.

2. Die Minister kan, behoudens die wetsbepalings op die Staatsdiens—

- (a) 'n beamppte aanstel wat die Direkteur van Bantoe-arbeid heet, om die bevoegdhede uit te oefen en die pligte te verrig wat by hierdie Wet en die regulasies aan die Direkteur toegewys word;
- (b) 'n beamppte aanstel wat die Assistent-direkteur van Bantoe-arbeid heet en wat sodanige bevoegdhede en pligte van die Direkteur kan uitoefen en verrig as wat die Direkteur aan bedoelde beamppte toewys;
- (c) vir enige gebied 'n beamppte aanstel wat Addisionele Direkteur van Bantoe-arbeid heet en wat met betrekking tot daardie gebied sodanige bevoegdhede en pligte van die Direkteur uitoefen en verrig as wat die Minister of die Sekretaris handelende op gesag van die Minister aan bedoelde beamppte toewys.

Arbeidsagente,
kampongbestuur-
ders, geleiders
en lopers
moet gelisensieer
wees.

3. Niemand mag die beroep van arbeidsagent, kampongbestuurder, geleider of loper beoefen of in daardie hoedanigheid optree nie, tensy hy by lisensie of permit ingevolge hierdie Wet daartoe gemagtig is en ooreenkomstig die voorwaardes van sy lisensie en die bepalinge van hierdie Wet en die regulasies sy beroep uitoefen en handel.

Werkgewerswerf-
lisensies.

4. (1) Behoudens die bepalinge van sub-artikel (2), mag niemand Bantoes vir diensverrigting vir of namens hom binne of buite die Republiek werf nie, tensy hy die houer is van 'n kragtens hierdie Wet uitgereikte werkgewerswerflisensie en ooreenkomstig die voorwaardes van sy lisensie en die bepalinge van hierdie Wet en die regulasies werf.

(2) So 'n lisensie word nie vereis in die geval van iemand wat of persoonlik of deur sy werknemer Bantoes werf om vir of namens hom diens te verrig nie—

- (a) indien hy hulle by 'n arbeidsburo of 'n deur die Minister goedgekeurde ander plek werf;
- (b) indien hy, in die geval van Bantoes gewerf vir diensverrigting in die boerdery, daartoe gemagtig is deur 'n permit om te werf wat uitgereik is deur die Bantoesakekommissaris van die gebied waarin bedoelde Bantoes gewerf word en ooreenkomstig die voorwaardes daarvan optree;
- (c) indien bedoelde Bantoes gewerf word deur bemiddeling van iemand wat die houer van 'n arbeidsagentslisensie is.

Diskresie by
die uitreiking
van werwings-
permitte.

5. (1) Die uitreiking, weiering of intrekking van of die voorwaardes verbonde aan 'n in paragraaf (b) van sub-artikel (2) van artikel vier bedoelde permit om te werf, berus, behoudens enige algemene of besondere opdragte deur die Minister in verband daarmee gegee, by die diskresie van die betrokke Bantoesakekommissaris, onderworpe aan die reg van appèl na die Minister.

(2) Die houer van so 'n permit moet dié permit op versoek van 'n gemagtigde beamppte vir insae oorle.

Beperkings op
uitreiking van
sekere lisensies
en lopers-
permitte.

6. (1) 'n Arbeidsagentslisensie of werkgewerswerflisensie word nie in die naam van 'n maatskappy, vennootskap of vereniging van persone uitgereik nie.

(2) Geen arbeidsagentslisensie of loperspermit word uitgereik nie aan iemand wat—

- (a) 'n prokureur of wetsagent is;
- (b) 'n geregsbode is;
- (c) onder die ouderdom van een-en-twintig jaar is;

- (xxvii) "runner" means any Bantu employed by a labour agent or employer to canvass or collect Bantu on his behalf or to act as a messenger in connection with the recruiting of labour; (xvii)
- (xxviii) "Secretary" means the Secretary for Bantu Administration and Development and includes any other officer in the public service acting under his authority; (xxiii)
- (xxix) "Urban Areas Act" means the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945); (xxiv)
- (xxx) "urban local authority" means an urban local authority as defined in section one of the Urban Areas Act; (xxv)
- (xxxi) "works" means any place, other than a mine or part of a mine, where there is any machinery, and includes any works under the control of the Government, including the Railway Administration and any provincial administration. (viii)

2. The Minister may, subject to the laws governing the public service, appoint—

Appointment of Director, Assistant Director and Additional Directors of Bantu Labour.

- (a) an officer to be styled the Director of Bantu Labour, who shall exercise the powers and perform the duties assigned to the Director by this Act and the regulations;
- (b) an officer to be styled the Assistant Director of Bantu Labour, who may exercise such powers and perform such duties of the Director as may be assigned to such officer by the Director;
- (c) for any area an officer to be styled Additional Director of Bantu Labour, who may in relation to such area exercise such powers and perform such duties of the Director as may be assigned to such officer by the Minister or by the Secretary acting under the Minister's authority.

3. No person shall exercise the calling of or act as a labour agent, compound manager, conductor or runner unless he is authorized thereto by licence or permit under this Act and exercises his calling and acts in accordance with the conditions of his licence and the provisions of this Act and the regulations.

Labour agents, compound managers, conductors and runners to be licensed.

4. (1) Subject to the provisions of sub-section (2), no person shall recruit Bantu for employment by him or on his behalf within or outside the Republic, unless he is the holder of an employer's recruiting licence issued under this Act and recruits in accordance with the conditions of his licence and the provisions of this Act and the regulations.

Employers' recruiting licences.

(2) No such licence shall be required by any person who either personally or through his employee recruits Bantu for employment by him or on his behalf—

- (a) if he recruits them at a labour bureau or any other place approved by the Minister;
- (b) if, in the case of Bantu recruited for employment in farming, he is authorized thereto by and acts in accordance with the conditions of a permit to recruit issued by the Bantu affairs commissioner of the area in which such Bantu are recruited; or
- (c) if such Bantu are recruited through a person who is the holder of a labour agent's licence.

5. (1) Subject to any general or specific directions which may be given by the Minister, the granting, refusal or cancellation of or the conditions attaching to any permit to recruit referred to in paragraph (b) of sub-section (2) of section four shall be in the discretion of the Bantu affairs commissioner concerned, subject to a right of appeal to the Minister.

Discretion as to issue of permits to recruit.

(2) The holder of any such permit shall produce that permit for inspection on demand by an authorized officer.

6. (1) No labour agent's licence or employer's recruiting licence shall be issued in the name of a company, partnership or association of persons.

Restrictions on issue of certain licences and runners' permits.

(2) No labour agent's licence or runner's permit shall be issued to any person who is—

- (a) an attorney or a law agent;
- (b) a messenger of the court;
- (c) under the age of twenty-one years;

- (d) die houer is van 'n lisensie om sterk drank te verkoop;
 - (e) in diens is van 'n departement van die Regering (met inbegrip van die Spoorwegadministrasie en enige provinsiale administrasie) of 'n instelling, raad of liggaam 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), bedoel; of
 - (f) die werknemer is van iemand in enige van die voorgaande paragrawe van hierdie sub-artikel bedoel.
- (3) Indien die houer van 'n arbeidsagentslisensie of loperspermit 'n in sub-artikel (2) bedoelde persoon word, vervall die betrokke lisensie of permit en moet dit onverwyld vir intrekking aan die Direkteur afgegee word.

Algemene diskresie by die uitreiking van lisensies.

7. Die toestaan, weiering, endossering of hernuwing van 'n lisensie ingevolge hierdie Wet geskied na goeëdunke van die Direkteur, maar onderworpe aan 'n reg van appèl na die Minister: Met dien verstande dat die hernuwing van 'n bestaande lisensie nie geweier word nie, tensy stappe ingevolge die bepaling van artikel twaalf gedoen word.

Voorwaardes van en gelde vir lisensies.

8. (1) 'n Lisensie ingevolge hierdie Wet moet op die voorgeskrewe wyse aangevra en in die voorgeskrewe vorm uitgereik word en moet die voorgeskrewe besonderhede bevat, en vervall op die een-en-dertigste dag van Desember van die jaar waarin dit uitgereik word.

(2) Die gelde ten opsigte van lisensies betaalbaar, is soos volg, te wete—

- (a) dertig rand in die geval van 'n arbeidsagentslisensie: Met dien verstande dat ten opsigte van so 'n lisensie op of na die eerste dag van Julie in enige jaar uitgereik, die lisensiegeld vyftien rand bedra;
- (b) twee rand in die geval van 'n kampongbestuurderslisensie of 'n geleiderslisensie; en
- (c) vier rand in die geval van 'n werkgewerswerflisensie.

(3) 'n Arbeidsagent mag nie sonder toestemming van die Direkteur vir meer as een werkgewer van Bantoes optree nie, en die naam en adres van elke werkgewer ten opsigte van wie toestemming aldus verleen is, moet op die lisensie aangeteken word: Met dien verstande dat waar 'n arbeidsagent optree as die werknemer van 'n groep werkgewers geregistreer kragtens regulasies ingevolge paragraaf (f) van sub-artikel (1) van artikel agt-en-twintig uitgevaardig, die Direkteur daardie feit, asook die naam waaronder bedoelde groep geregistreer is, op die lisensie kan laat aanteken in plaas van die name en adresse van die individuele werkgewers wat aan daardie groep behoort.

(4) (a) 'n Arbeidsagentslisensie of 'n werkgewerswerflisensie word slegs ten opsigte van 'n Bantoesakekommissaris se gebied uitgereik, en moet die gebied vermeld waarvoor dit uitgereik word, en die houer van 'n arbeidsagentslisensie of werkgewerswerflisensie mag in geen ander gebied werf nie, tensy sy lisensie op die voorgeskrewe wyse ten opsigte van daardie ander gebied geëndosseer is.

(b) Vir elke ingevolge paragraaf (a) vereiste endossement is 'n bedrag van vier rand betaalbaar.

(5) Geen lisensie word oorgedra nie en niemand mag gebruik maak of poog om gebruik te maak van 'n lisensie wat aan iemand anders uitgereik is nie.

(6) 'n Lisensie word op die voorgeskrewe wyse vir kansellering afgegee binne een maand na die vervaldatum daarvan of, in die geval van 'n lisensie wat ingevolge hierdie Wet opgeskort of ingetrek verklaar word, so gou moontlik nadat dit aldus opgeskort of ingetrek verklaar is.

(7) Die gelisensieerde moet sy lisensie op versoek van 'n gemagtigde beamppte vir insae oorlê.

(8) Indien daar tot bevrediging van die Direkteur bewys word dat 'n lisensie verlore geraak het, word 'n duplikaat daarvan op die voorgeskrewe wyse en teen betaling van die voorgeskrewe gelde uitgereik.

(9) 'n Lisensie verleen nie aan die gelisensieerde die alleenreg om in 'n Bantoesakekommissaris se gebied te werf nie.

(10) Die Direkteur kan op aansoek deur 'n maatskappy, vennootskap of vereniging van persone, 'n werkgewerswerflisensie wat aan iemand namens bedoelde maatskappy, vennootskap of vereniging van persone uitgereik is, na goeëdunke by endossement, wat gratis geskied, aan iemand anders oordra wat deur bedoelde maatskappy, vennootskap of vereniging van persone aangewys is en namens hom optree.

- (d) the holder of a licence for the sale of intoxicating liquor;
- (e) in the service of any department of the Government (including the Railway Administration and any provincial administration) or any institution, council or body referred to 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); or
- (f) an employee of a person referred to in any of the preceding paragraphs of this sub-section.

(3) If the holder of a labour agent's licence or runner's permit becomes such a person as is referred to in sub-section (2), the licence or permit in question shall lapse and shall be surrendered forthwith to the Director for cancellation.

7. The granting, refusal, endorsement or renewal of any licence under this Act shall be in the discretion of the Director, subject to a right of appeal to the Minister: Provided that the renewal of an existing licence shall not be refused unless proceedings are taken under the provisions of section *twelve*. Discretion as to the issue of licences generally.

8. (1) Any licence under this Act shall be applied for in the prescribed manner, and shall be issued in the prescribed form and contain the prescribed particulars, and shall expire on the thirty-first day of December of the year in which it is issued. Conditions of and fees for licences.

(2) The fees payable in respect of licences shall be as follows, namely—

- (a) thirty rand in the case of a labour agent's licence: Provided that in respect of any such licence issued on or after the first day of July in any year, the fee shall be fifteen rand;
- (b) two rand in the case of a compound manager's licence or a conductor's licence; and
- (c) four rand in the case of an employer's recruiting licence.

(3) A labour agent shall not without the consent of the Director act for more than one employer of Bantu, and the name and address of each employer in respect of whom such consent has been given shall be inserted in the licence: Provided that where a labour agent acts as the employee of a group of employers registered in terms of any regulations made under paragraph (f) of sub-section (1) of section *twenty-eight*, the Director may cause that fact, together with the name under which that group is registered, to be inserted in the licence instead of the names and addresses of the individual employers belonging to that group.

(4) (a) A labour agent's licence or an employer's recruiting licence shall be issued only in respect of a Bantu affairs commissioner's area and shall specify the area for which it is issued, and no holder of a labour agent's licence or an employer's recruiting licence shall recruit in any other area unless his licence is endorsed in the prescribed manner in respect of such other area.

(b) For each endorsement required under paragraph (a) there shall be payable a fee of four rand.

(5) No licence shall be transferred and no person shall use or attempt to use a licence issued to any other person.

(6) A licence shall be surrendered in the prescribed manner within one month after its expiration or, in the case of a licence which is declared suspended or cancelled under this Act, as soon as possible after it has been so declared suspended or cancelled.

(7) The licensee shall produce his licence for inspection on demand by an authorized officer.

(8) If the loss of a licence is proved to the satisfaction of the Director, a duplicate thereof shall be issued in the prescribed manner on payment of the prescribed fee.

(9) A licence shall not grant to the licensee the sole right of recruiting in any Bantu affairs commissioner's area.

(10) The Director may in his discretion, on the application of any company, partnership or association of persons, by endorsement transfer free of charge to a person designated by and acting on behalf of such company, partnership or association of persons, any employer's recruiting licence issued to any other person on behalf of such company, partnership or association of persons.

Voorwaardes van en gelde vir loperspermitte.

9. (1) (a) Die houer van 'n arbeidsagents- of werkgewerswerflisensie kan lopers in diens neem, mits hy op die voorgeskrewe wyse ten opsigte van elke loper in sy diens 'n permit van die Bantoesakekommissaris verkry het.

(b) 'n Loperspermit word na goeëddunke deur die betrokke Bantoesakekommissaris uitgereik.

(2) 'n Loperspermit moet die gebied van die Bantoesakekommissaris vermeld waarin die loper diens mag verrig, en geen loper oefen sy beroep in meer as een sodanige gebied uit of tree vir meer as een arbeidsagent of houer van 'n werkgewerswerflisensie op nie.

(3) 'n Loperspermit moet in die voorgeskrewe vorm wees en die voorgeskrewe besonderhede bevat en 'n bedrag van ses rand is ten opsigte van elke sodanige permit betaalbaar.

(4) 'n Loperspermit verval op die een-en-dertigste dag van Desember van die jaar waarin dit uitgereik word: Met dien verstande dat indien 'n arbeidsagents- of werkgewerswerflisensie opgeskort of ingetrek word, elke loperspermit in verband met bedoelde lisensie uitgereik, geag word insgelyks opgeskort of ingetrek te wees en op die voorgeskrewe wyse ingelewer en mee gehandel moet word.

(5) Waar 'n werkgewerswerflisensie kragtens sub-artikel (10) van artikel *agt* oorgedra word, kan die houer van 'n loperspermit wat in verband met dié lisensie uitgereik is, met toestemming van die Bantoesakekommissaris, wat behoorlik op bedoelde permit geëndosseer moet word, optree namens die persoon aan wie die lisensie oorgedra is.

(6) 'n Loper moet op versoek van 'n gemagtigde beampte die loperspermit wat aan dié loper uitgereik is, vir insae oorlê.

(7) Indien daar tot bevrediging van die Bantoesakekommissaris bewys word dat 'n loperspermit verlore geraak het, word 'n duplikaat daarvan teen betaling van die voorgeskrewe gelde uitgereik.

(8) Indien 'n loper aan 'n oortreding skuldig bevind word, kan sy permit deur die Bantoesakekommissaris van die gebied ten opsigte waarvan bedoelde permit uitgereik is, ingetrek word, onderworpe aan 'n reg van appèl na die Hoofbantoesakekommissaris, wie se beslissing afdoende is.

(9) Indien die Bantoesakekommissaris oortuig is dat 'n loperspermit ingetrek behoort te word, kan dit deur hom op aansoek deur die houer van die lisensie of deur die loper aan of ten opsigte van wie dit uitgereik is, ingetrek word.

Aanspreeklikheid van agent of werkgewer vir handeling van loper.

10. Die houer van 'n lisensie ingevolge hierdie Wet is aanspreeklik vir elke handeling of voorstelling deur 'n loper in sy diens binne die bestek van sy werksaamhede verrig of gedoen, en strafbaar met die voorgeskrewe strawwe ten opsigte daarvan asof hy self dié handeling verrig of dié voorstelling gedoen het.

Plig van werkgewer om kampongbestuurder aan te stel.

11. (1) 'n Werkgewer moet ten opsigte van elke kampong of ander plek wat vir die huisvesting van vyftig of meer Bantoe-arbeiders gebruik word 'n kampongbestuurder aanstel.

(2) Geen kampongbestuurder mag vir meer as een werkgewer optree nie.

Intrekking of opskorting van lisensies.

12. (1) (a) Indien die houer van 'n lisensie kragtens hierdie Wet uitgereik, aan 'n misdryf, met inbegrip van 'n misdryf ingevolge hierdie Wet of 'n regulasie, skuldig bevind word, bring die hof wat dié houer skuldig bevind het dit onder die aandag van die Minister, wat daarop kan gelas dat die lisensie ingetrek word.

(b) Bedoelde hof kan die betrokke lisensie in afwagting van die Minister se besluit aangaande die intrekking daarvan opskort.

(2) (a) Indien die houer van so 'n lisensie verdink word van wangedrag wat met die deur sy lisensie veroorloofde beroep of bedrywighede in verband staan of dit kan beïnvloed, kan die Bantoesakekommissaris van die gebied waarin dié houer sy besigheid dryf of *mero motu* of op versoek van die Direkteur 'n volledige ondersoek in die saak instel.

(b) Die dag vir so 'n ondersoek vasgestel en die aard van die beweerde wangedrag word binne die voorgeskrewe tyd aan bedoelde houer meegedeel, en bedoelde houer is geregtig om aangehoor te word en getuies op te roep om vir hom te getuig.

(c) Vir die doeleindes van so 'n ondersoek kan die Bantoesakekommissaris dieselfde bevoegdhede met betrekking tot die dagvaarding van getuies en die afneem van getuienis uitoefen as wat regtens in strafsake by hom berus.

9. (1) (a) The holder of a labour agent's or an employer's recruiting licence may employ runners provided he has in the prescribed manner obtained from the Bantu affairs commissioner a permit in respect of each runner employed. Conditions of and fees for runners' permits.
- (b) The issue of any runner's permit shall be in the discretion of the Bantu affairs commissioner concerned.
- (2) A runner's permit shall specify the Bantu affairs commissioner's area in which the runner shall be employed, and no runner shall exercise his calling in more than one such area or for more than one labour agent or holder of an employer's recruiting licence.
- (3) A runner's permit shall be in such form and shall contain such particulars as may be prescribed, and a fee of six rand shall be payable in respect of every such permit.
- (4) A runner's permit shall expire on the thirty-first day of December of the year in which it is issued: Provided that if a labour agent's licence or an employer's recruiting licence is suspended or cancelled, every runner's permit issued in connection with such licence shall be deemed to be similarly suspended or cancelled and shall be surrendered and dealt with in the manner prescribed.
- (5) Where an employer's recruiting licence is transferred in terms of sub-section (10) of section eight, the holder of any runner's permit issued in connection with such licence may, with the consent of the Bantu affairs commissioner duly endorsed on such permit, act for the person to whom such licence has been transferred.
- (6) A runner shall on demand by an authorized officer produce for inspection the runner's permit issued to such runner.
- (7) If the loss of a runner's permit is proved to the satisfaction of the Bantu affairs commissioner, a duplicate thereof shall be issued on payment of the fee prescribed.
- (8) If a runner is convicted of any offence, his permit may be cancelled by the Bantu affairs commissioner of the area in respect of which such permit was issued, subject to a right of appeal to the chief Bantu affairs commissioner whose decision shall be final.
- (9) If the Bantu affairs commissioner is satisfied that a runner's permit should be cancelled, it may be cancelled by him on application by the holder of the licence or by the runner to or in respect of whom it was issued.
10. The holder of a licence under this Act shall be responsible for every act done or representation made within the scope of his employment by any runner employed by him, and liable to the penalties prescribed in respect thereof as if he himself had done such act or made such representation. Liability of agent or employer for act of runner.
11. (1) An employer shall appoint a compound manager in respect of every compound or other place used for the housing of fifty or more Bantu labourers. Duty of employer to appoint compound manager.
- (2) No compound manager shall act for more than one employer.
12. (1) (a) If the holder of any licence issued under this Act is convicted of any offence, including an offence under this Act or any regulation, the conviction shall be brought to the notice of the Minister by the court convicting such holder and thereupon the Minister may direct the cancellation of the licence. Cancellation or suspension of licences.
- (b) The said court may suspend the licence in question pending the Minister's decision in regard to the cancellation thereof.
- (2) (a) If the holder of any such license is suspected of any misconduct connected with or which may affect his calling or activities authorized by that licence, the Bantu affairs commissioner of the area wherein such holder carries on his business may either *mero motu* or at the request of the Director make a full enquiry into the matter.
- (b) The day appointed for any such enquiry and the nature of the misconduct alleged shall be notified to such holder within the time prescribed, and such holder shall be entitled to be heard and to call witnesses on his behalf.
- (c) For the purposes of any such enquiry the Bantu affairs commissioner may exercise the same powers with regard to the summoning of witnesses and the taking of evidence as are conferred upon him by law in criminal cases.

- (d) Na die verhoor kan die Bantoesakekommissaris die betrokke lisensie opskort en moet hy 'n volledige verslag aan die Direkteur stuur.
- (e) Die Minister kan by ontvangs van so 'n verslag gelas dat die betrokke lisensie ingetrek word of vir 'n deur hom bepaalde tydperk opgeskort word of dat dit herstel word, en kan, waar herstel gelas word, die spesiale voorwaardes ten opsigte van die lisensie opleë wat hy goedvind.

Dienskontrakte
en die
attestering
daarvan.

13. (1) Die houer van 'n arbeidsagentslisensie of 'n werk-gewerswerflisensie of 'n permit om te werf, moet persoonlik 'n skriftelike kontrak aangaan met elke Bantoe wat deur hom gewerf word, en elke sodanige kontrak moet, behoudens die bepalings van paragraaf (a) van sub-artikel (6), die naam van die werkgever vermeld en deur 'n attesterende beamppte geattesteer word in die Bantoesakekommissaris se gebied waarin die Bantoe gewerf is, behalwe waar die skriftelike goedkeuring van die Direkteur in die geval van die houer van 'n arbeidsagents- of werk-gewerswerflisensie of, in die geval van die houer van 'n werwingspermit, van die Bantoesakekommissaris wat die permit uitgereik het, verkry is dat bedoelde kontrak in 'n ander Bantoesakekommissaris se gebied geattesteer kan word: Met dien verstande dat—

- (a) die bepalings van hierdie sub-artikel nie van toepassing is nie in die geval van 'n houer van 'n werk-gewerswerflisensie of van 'n werwingspermit ten opsigte van Bantoes wat blykbaar ouer as agtien jaar is en wat gewerf word in die Bantoesakekommissaris se gebied waarin hulle gaan werk;
- (b) die Minister kan vereis dat die houer van 'n arbeidsagentslisensie of werk-gewerswerflisensie of werwingspermit enige kontrak aangegaan met 'n Bantoe wat nog nie agtien jaar oud is nie, moet laat attesteer in die Bantoesakekommissaris se gebied waarin dié Bantoe woon.
- (2) (a) Die houer van 'n arbeidsagentslisensie of werk-gewerswerflisensie of werwingspermit kan by die attestering van 'n kontrak verteenwoordig word deur iemand wat 'n spesiale volmag daartoe van bedoelde houer verkry het en wat skriftelik deur die Direkteur goedgekeur is.
- (b) So iemand moet, indien die attesterende beamppte dit verlang, bewys lewer van sy bevoegdheid om die kontrak te onderteken.
- (3) Geen kontrak word geattesteer nie—
 - (a) tensy die attesterende beamppte oortuig is dat die bedinge en voorwaardes daarvan ten volle deur die betrokke Bantoe verstaan word;
 - (b) indien dit aangegaan is tussen enigiemand en 'n Bantoe in stryd met 'n bepaling van hierdie Wet of die regulasies deur of ten behoeve van so iemand gewerf;
 - (c) indien dit aangegaan is met 'n Bantoe wat blykbaar onder die ouderdom van agtien jaar is, behalwe vir arbeid van 'n aard en onder voorwaardes deur die Minister goedgekeur;
 - (d) in 'n bepaalde deel van 'n Bantoesakekommissaris se gebied, indien dit aangegaan is met 'n Bantoe gewerf deur die houer van 'n arbeidsagentslisensie, werk-gewerswerflisensie of werwingspermit uitgereik onderworpe aan die voorwaarde dat die houer daarvan nie binne daardie gedeelte van bedoelde gebied mag werf nie.
- (4) Die bepalings van paragraaf (d) van sub-artikel (3) geld slegs in die gebiede van Bantoesakekommissarisse waar die Minister bedoelde bepalings by kennisgewing in die *Staatskoerant* van toepassing verklaar het.
- (5) 'n Kontrak geattesteer tussen enigiemand en 'n Bantoe in stryd met 'n bepaling van hierdie Wet of die regulasies deur of namens hom gewerf, is nietig.
- (6) (a) 'n Arbeidsagent in die voorbehoudsbepaling by sub-artikel (3) van artikel *agt* bedoel, kan met 'n Bantoe deur hom gewerf 'n kontrak aangaan waarvolgens bedoelde Bantoe hom verbind om in diens te gaan by 'n onbepaalde lid van die groep werk-gewers by wie bedoelde arbeidsagent in diens staan.
- (b) 'n Bantoe wat 'n in paragraaf (a) bedoelde kontrak aangegaan het, en wat sonder wettige rede in gebreke bly of weier om volgens die kontrak diens te aanvaar of in gebreke bly of weier om diens te aanvaar by die lid van bedoelde groep werk-gewers aan wie hy toegewys

- (d) After the hearing the Bantu affairs commissioner may suspend the licence in question and shall furnish the Director with a full report.
- (e) The Minister may upon receipt of any such report order that the licence in question be cancelled or be suspended for a period specified by him or be restored, and may where restoration is ordered impose such special conditions in respect of the licence as he may think fit.

13. (1) The holder of a labour agent's licence or an employer's recruiting licence or a permit to recruit shall personally enter into a written contract with every Bantu recruited by him, and every such contract shall, save as is provided in paragraph (a) of sub-section (6), state the name of the employer and be attested by an attesting officer in the Bantu affairs commissioner's area in which the Bantu has been recruited, except where (in the case of a holder of a labour agent's licence or an employer's recruiting licence) the approval in writing of the Director or (in the case of a holder of a permit to recruit) of the Bantu affairs commissioner who issued such permit has been obtained for such contract to be attested in another Bantu affairs commissioner's area: Provided that—

Contracts of employment and attestation thereof.

- (a) the provisions of this sub-section shall not apply in the case of a holder of an employer's recruiting licence or of a permit to recruit in respect of Bantu who are apparently over the age of eighteen years and are recruited in the Bantu affairs commissioner's area in which they are to be employed;
- (b) the Minister may require the holder of any labour agent's licence or employer's recruiting licence or permit to recruit to cause the attestation of any contract entered into with a Bantu who has not attained the age of eighteen years, to be effected in the Bantu affairs commissioner's area in which such Bantu resides.
- (2) (a) The holder of a labour agent's licence or an employer's recruiting licence or a permit to recruit may be represented at the attestation of a contract by any person who holds a special power of attorney for that purpose from such holder and who has been approved in writing by the Director.
- (b) Any such person shall, if so required by the attesting officer, produce proof of his authority to subscribe the contract.
- (3) No contract shall be attested—
 - (a) unless the attesting officer is satisfied that the terms and conditions thereof are fully understood by the Bantu concerned;
 - (b) if it is between any person and any Bantu recruited by or on behalf of such person in contravention of any provision of this Act or the regulations;
 - (c) if it has been entered into with a Bantu apparently under the age of eighteen years, except for employment of such a nature and under such conditions as may be approved by the Minister;
 - (d) in any specified portion of a Bantu affairs commissioner's area, if it has been entered into with a Bantu recruited by the holder of any labour agent's licence, employer's recruiting licence or permit to recruit issued subject to the condition that the holder thereof shall not recruit within that portion of the said area.
- (4) The provisions of paragraph (d) of sub-section (3) shall apply only in Bantu affairs commissioners' areas to which the Minister has by notice in the *Gazette* declared the said provisions to be applicable.
- (5) Any contract attested between any person and any Bantu recruited by him or on his behalf in contravention of any provision of this Act or the regulations shall be of no force or effect.
- (6) (a) Any labour agent referred to in the proviso to sub-section (3) of section *eight* may enter into a contract with any Bantu recruited by him in terms of which such Bantu undertakes to enter the service of any unspecified member of the group of employers by whom such labour agent is employed.
- (b) A Bantu who has entered into such a contract as is mentioned in paragraph (a), and who without lawful cause fails or refuses to enter upon his contract of service or fails or refuses to enter the service of the member of such group of employers to whom he

word deur daardie groep of deur iemand wat wettiglik namens daardie groep optree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande: Met dien verstande dat so 'n Bantoe sower doenlik ten tyde van die toewysing die geleentheid gegun moet word om aan te dui aan watter lid van die groep werkgewers wat arbeid nodig het hy verkies om toegewys te word.

- (c) Indien 'n Bantoe ooreenkomstig so 'n kontrak in die diens getree het van 'n lid van die groep werkgewers aan wie hy volgens voorskrif van paragraaf (b) toegewys is, word daardie kontrak daarna vir alle doeleindes geag 'n dienskontrak te wees tussen daardie Bantoe en die persoon in wie se diens hy getree het.
- (d) Die bepalinge van sub-artikel (3) van artikel vyftien is *mutatis mutandis* ten opsigte van verrigtings ingevolge paragraaf (b) van hierdie sub-artikel van toepassing.
- (7) Elke attesterende beampte word geag 'n „proper officer” vir die attesting van dienskontrakte ingevolge die „Master and Servants Law, 1880” (Wet No. 13 van 1880), van Transvaal, te wees.

Diverse oortredings in verband met werwing.

14. Niemand mag, ongeag of hy die houer van 'n lisensie of permit ingevolge hierdie Wet is al dan nie—

- (a) van 'n Bantoe-kaptein, indoena, hoofman of eienaar van grond waarop Bantoes woon enige konsessie of kontrak of belofte, met betrekking tot die voorsiening deur homself of deur sy mense van Bantoes vir diens, hetsy binne of buite die Republiek, verkry of poog om dit te verkry nie, en 'n konsessie, kontrak of belofte wat aldus verkry word, is nietig;
- (b) deur middel van 'n valse voorstelling aangaande die aard, bedinge of voorwaardes van diens of enige daarmee in verband staande omstandighede van wesenlike belang, 'n Bantoe oorhaal om hom vir diens te verbind nie;
- (c) deur die aanbidding van 'n hoër loon of groter voordele of deur ander lokmiddels, 'n wettiglik gewerfde Bantoe oorhaal of poog om hom oor te haal om te dros of te ontken dat hy aldus gewerf is of 'n dan bestaande en bindende dienskontrak, hetsy skriftelik al dan nie, te verbreek of te ontken nie;
- (d) 'n Bantoe wat na sy wete uit sy diens gedros het of sy diens wederregtelik verlaat het, huisves, versteek of help om hom te huisves of te versteek of hom in diens neem nie;
- (e) 'n perseel waarop Bantoes wat in diens is, gehuisves word, of private eiendom vir werwingsdoeleindes betree nie, behalwe met voorafgaande skriftelike toestemming van die werkgewer van Bantoes wat op bedoelde perseel gehuisves word of van die eienaar of bewoner van bedoelde private eiendom;
- (f) 'n Bantoe op 'n spoorweg of op 'n spoorwegstasie werf nie;
- (g) sterk drank aan 'n Bantoe verkoop, gee of verskaf met die doel om Bantoe-arbeiders te verkry nie.

Misdrywe deur Bantoe-arbeiders by wyse van kontrakbreuk.

15. (1) 'n Bantoe-arbeider wat—

- (a) sonder wettige rede van die plek waar hy in diens is, dros of afwesig bly of versuim om ingevolge sy dienskontrak diens te aanvaar of die bedinge van dié kontrak na te kom;
- (b) opsetlik en wederregtelik iets doen of nalaat met die gevolg of waarskynlike gevolg dat iemand beseer of eiendom beskadig kan word;
- (c) versuim om werk te doen wat binne sy diensplig val, of deur die gebruik van dagga of ander gewoontevormende verdowingsmiddels of deur gedurende werkure dronk te word of te wees, dit buite sy vermoë stel om sy werk behoorlik te doen;
- (d) weier om 'n wettige bevel van sy werkgewer of iemand wat wettiglik oor hom gestel is, te gehoorsaam, of beledigende taal of skeldtaal besig teenoor sy werkgewer of iemand wat wettiglik oor hom gestel is;
- (e) nadat hy 'n diensooreenkoms, hetsy mondelings of skriftelik, met 'n arbeidsagent of houer van 'n werkgewerswerflisensie aangegaan het, en nadat hy 'n voor-skot ten opsigte daarvan ontvang het, 'n ander voor-skot van 'n ander arbeidsagent of houer van 'n werk-

may be allotted by the said group or by any person lawfully acting on behalf of the said group, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand, or, in default of payment, to imprisonment for a period not exceeding three months: Provided that any such Bantu shall as far as is practicable be given an opportunity to indicate at the time of allotment to which member of the group of employers who requires labour he wishes to be allotted.

- (c) If a Bantu has in pursuance of any such contract entered the service of any member of the group of employers to whom he has been allotted as provided in paragraph (b), that contract shall thereafter for all purposes be deemed to be a contract of service between such Bantu and the person whose service he has entered.

- (d) The provisions of sub-section (3) of section *fifteen* shall *mutatis mutandis* apply in respect of any proceedings under paragraph (b) of this sub-section.

(7) Every attesting officer shall be deemed to be a proper officer for the attestation of contracts of service under the Master and Servants Law, 1880 (Law No. 13 of 1880), of the Transvaal.

14. No person shall, whether or not he is the holder of a licence or permit under this Act—

Miscellaneous offences in regard to recruiting.

- (a) obtain or attempt to obtain from any Bantu chief, induna, headman or owner of land on which Bantu reside, any concession or contract or promise with regard to the supply by himself or his people of Bantu for employment either within or outside the Republic, and any concession, contract or promise so obtained shall be void;
- (b) induce any Bantu to engage himself for employment by means of any misrepresentation as to the nature, terms or conditions of the employment or any material circumstances connected therewith;
- (c) by offering higher wages or greater benefits or other inducements, persuade or attempt to persuade any Bantu who has been lawfully recruited, to desert or repudiate having been so recruited or to break or repudiate any then existing and binding contract of service, whether in writing or not;
- (d) harbour, conceal or assist in harbouring or concealing or employ any Bantu who to his knowledge has deserted or unlawfully absented himself from service;
- (e) for the purpose of recruiting enter upon any premises where Bantu in employment are housed or any private property without the previous consent in writing of the employer of Bantu housed on such premises or of the owner or occupier of such private property;
- (f) recruit any Bantu on any railway or on any railway station;
- (g) sell, give or supply intoxicating liquor to any Bantu for the purpose of securing Bantu labourers.

15. (1) Any Bantu labourer who—

Offences by Bantu labourers in breach of contract.

- (a) without lawful cause deserts or absents himself from his place of employment or fails to enter upon or carry out the terms of his contract of employment;
- (b) wilfully and unlawfully does or omits to do anything the doing or omission whereof causes or is likely to cause injury to persons or property;
- (c) neglects to perform any work which it is his duty to perform or unfits himself for the proper performance of his work through the use of dagga or other habit-forming drugs or by having become or being intoxicated during working hours;
- (d) refuses to obey any lawful command of his employer or any person lawfully placed in authority over him or uses insulting or abusive language to his employer or any person lawfully placed in authority over him;
- (e) after having entered into an agreement of service, whether oral or in writing, with a labour agent or holder of an employer's recruiting licence, and after having received an advance in respect thereof, accepts another advance from another labour agent or holder

gewerswerflisensie aanneem op grond van 'n verbintenis om ingevolge 'n ander dienskontrak diens te aanvaar voordat hy sy dienstermyn ingevolge eersbedoelde ooreenkoms voltooi het, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(2) Indien 'n Bantoe-arbeider wat weens 'n oortreding ingevolge sub-artikel (1) skuldig bevind word, nie by sy werkgever in skuld staan vir enige geld of vir kontant aan hom voorgeskiet nie, kan die hof wat hom skuldig bevind na goeddunke die dienskontrak met bedoelde Bantoe-arbeider vernietig.

(3) By verrigtings ingevolge hierdie artikel kan 'n op die voorgeskrewe wyse gesertifiseerde afskrif van 'n behoorlik geattesteerde kontrak of 'n ander geregistreerde dokument waaruit die bestaan van 'n dienskontrak blyk, oorgelê word, en is dit *prima facie*-bewys van wat in die kontrak beding word.

Weerhouding van loon van Bantoe-werknemers.

16. (1) 'n Werkgever wat, behalwe met die skriftelike toestemming van die Direkteur of 'n beamppte in die Staatsdiens skriftelik deur die Direkteur gemagtig om sodanige toestemming te verleen, of wanneer hy andersins volgens wet of by bevel van 'n gereghof daartoe gemagtig is—

- (a) die loon aan 'n Bantoe in sy diens verskuldig of 'n deel daarvan aan iemand anders as dié Bantoe betaal;
- (b) die loon van 'n Bantoe in sy diens of 'n deel daarvan weerhou sonder redelike en aanneembare gronde om te glo dat bedoelde loon of deel daarvan nie verskuldig is nie; of
- (c) iets van die loon van 'n Bantoe in sy diens aftrek, is aan 'n misdryf skuldig.

(2) Iemand wat 'n Bantoe in diens het en wat, behalwe met skriftelike toestemming van die Direkteur of 'n in sub-artikel (1) bedoelde beamppte, dié Bantoe se loon of 'n deel daarvan weerhou wanneer dit verskuldig word, op grond daarvan dat die Bantoe tot uitstel van betaling van bedoelde loon of deel daarvan ingestem het, is aan 'n misdryf skuldig.

(3) Die Direkteur of beamppte kan sy toestemming ingevolge sub-artikel (1) of (2) verleen onderworpe aan die voorwaardes wat hy wenslik ag, en iemand wat versuim om aan so 'n voorwaarde te voldoen, is aan 'n misdryf skuldig.

(4) By 'n strafsak ingevolge hierdie artikel kan die hof, benewens die straf wat hy oplê, teen die werkgever 'n vonnis verleen vir die bedrag van die loon waarvoor wederregtelik beskik is of wat wederregtelik weerhou of afgetrek is en vir die koste van die saak, en die vonnis het dieselfde krag en uitwerking en kan op dieselfde wyse ten uitvoer gelê word asof dit in 'n siviele geding verleen is, en die hof kan bowendien na goeddunke die dienskontrak met die betrokke Bantoe vernietig indien bedoelde Bantoe nie by die werkgever in skuld staan vir enige geld of vir kontant aan hom voorgeskiet nie.

Aanstelling en pligte van inspekteurs van Bantoe-arbeiders.

17. (1) Die Minister of (indien hy deur die Minister daartoe gemagtig is) die Sekretaris kan, behoudens die wetsbepalings op die Staatsdiens, inspekteurs van Bantoe-arbeiders aanstel, wie se plig dit is—

- (a) om kampongs of ander plekke wat deur Bantoe-arbeiders bewoon word, te inspekteer en aan die Direkteur verslag te doen van enige oortreding van of versuim om te voldoen aan 'n bepaling van hierdie Wet of die regulasies;
- (b) om ondersoek in te stel aangaande enige grief waarvoor Bantoe-arbeiders kla, en dit indien nodig te verhelp, of dit anders by die Direkteur aan te meld;
- (c) om die ander pligte te verrig wat hierdie Wet of die regulasies of die Direkteur hulle opdra; en
- (d) om oor die algemeen die belange en welsyn van Bantoe-arbeiders te bevorder.

(2) 'n Bantoesakekommissaris kan in die gebied ten opsigte waarvan hy sy amp beklee, al die pligte uitvoer wat inspekteurs van Bantoe-arbeiders by sub-artikel (1) of die regulasies opgedra word, en moet bedoelde pligte uitvoer indien die Sekretaris aldus gelas, en kan in bedoelde gebied al die bevoegdhede uitoefen wat by sub-artikel (1) van artikel agtien aan inspekteurs van Bantoe-arbeiders verleen word.

Bevoegdhede van inspekteurs.

18. (1) 'n Inspekteur van Bantoe-arbeiders kan—

- (a) ten einde die pligte hom by hierdie Wet of die regulasies of deur die Direkteur opgedra, uit te voer, 'n kampong of ander plek wat deur Bantoe-arbeiders bewoon word of 'n plek waar Bantoe-arbeiders in diens is, betree;

of an employer's recruiting licence in consideration of entering upon any other contract of service before he has completed his term of service under the first-mentioned agreement,

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or, in default of payment, to imprisonment for a period not exceeding three months.

(2) If a Bantu labourer convicted of an offence under sub-section (1) is not indebted to his employer for any money or for cash advanced to him, the court convicting him may in its discretion cancel the contract of employment with such Bantu labourer.

(3) In any proceedings under this section a copy certified in the prescribed manner of any duly attested contract or other registered document evidencing the employment may be produced and shall thereupon be *prima facie* evidence of the terms of the contract.

16. (1) Any employer who, save with the written consent of the Director or an officer of the public service authorized by the Director in writing to give such consent, or when otherwise authorized thereto by any law or by order of any court—

Withholding of wages from Bantu employees.

(a) pays the whole or any part of the wages due to any Bantu employed by him to any person other than such Bantu;

(b) withholds the wages of any Bantu employed by him or any portion thereof without reasonable and probable cause for believing that such wages or portion thereof is not due; or

(c) makes any deduction from the wages of any Bantu employed by him,

shall be guilty of an offence.

(2) Any person who employs any Bantu and who, save with the written consent of the Director or an officer referred to in sub-section (1), withholds the wages of such Bantu or any portion thereof when it becomes due, on the ground that the Bantu has agreed that the payment of such wages or portion thereof shall be deferred, shall be guilty of an offence.

(3) The Director or officer may give his consent in terms of sub-section (1) or (2) subject to such conditions as he may deem desirable, and any person who fails to comply with any such condition shall be guilty of an offence.

(4) In any criminal proceedings under this section the court may, in addition to any penalty which it may impose, give judgment against the employer for the amount of wages wrongfully disposed of, withheld or deducted and for the costs of the proceedings, and the judgment shall be of the same force and effect and be executable in the same manner as if it had been given in a civil action, and the court may in addition in its discretion cancel the contract of employment with the Bantu concerned if such Bantu is not indebted to such employer for any money or for cash advanced to him.

17. (1) The Minister or (if authorized thereto by the Minister) the Secretary may, subject to the laws governing the public service, appoint inspectors of Bantu labourers whose duty it shall be—

Appointment and duties of inspectors of Bantu labourers.

(a) to inspect compounds or other places occupied by Bantu labourers and to report to the Director any contravention of or failure to comply with any provision of this Act or the regulations;

(b) to inquire into and redress, if necessary, or otherwise to report to the Director any grievance complained of by Bantu labourers;

(c) to perform such other duties as may be imposed upon them by this Act or the regulations or by the Director; and

(d) generally to promote the interests and welfare of Bantu labourers.

(2) A Bantu affairs commissioner may in the area for which he holds office perform all such duties as are imposed upon inspectors of Bantu labourers by sub-section (1) or the regulations, and shall, if the Secretary so directs, perform the said duties, and may in such area exercise all such powers as are by sub-section (1) of section *eighteen* conferred upon inspectors of Bantu labourers.

18. (1) An inspector of Bantu labourers may—

Powers of inspectors.

(a) for the purpose of carrying out the duties imposed upon him by this Act or the regulations or by the Director enter any compound or other place occupied by Bantu labourers or any place at which Bantu labourers are employed;

- (b) 'n Bantoe-arbeider ondervra, en van 'n werkgewer of iemand wat oor 'n Bantoe-arbeider beheer uitoefen die inligting en hulp eis wat hy vir die behoorlike uitvoering van sy pligte nodig het;
- (c) 'n saak verhoor waarin beweer word dat 'n Bantoe-arbeider enige van die volgende oortredings begaan het, te wete, dat hy—
 - (i) versuim het om werk wat binne sy diensplig val, te doen; of
 - (ii) deur die gebruik van dagga of 'ander gewoontevormende verdowingsmiddels of deur gedurende werkure dronk te word of te wees, dit buite sy vermoë gestel het om sy werk behoorlik te doen; of
 - (iii) geweier het om 'n wettige bevel van sy werkgewer of iemand wat wettiglik oor hom gestel is, te gehoorsaam; of
 - (iv) beledigende taal of skeldtaal gebesig het teenoor sy werkgewer of iemand wat wettiglik oor hom gestel is; of
 - (v) 'n reël vir die goeie orde, tug of gesondheid in 'n kampong of gesinshuisvesting vir Bantoe-arbeiders voorgeskryf, oortree het; of
 - (vi) sonder wettige gronde van die plek waar hy in diens is, weggebly het, behalwe waar dit beweer word dat hy vir 'n langer tydperk as een dag aldus weggebly het.

(2) By die skuldigbevinding van 'n Bantoe-arbeider aan 'n in paragraaf (c) van sub-artikel (1) bedoelde oortreding, kan die inspekteur die oortreder met 'n waarskuwing of berisping ontslaan of hom 'n boete van hoogstens twee rand oplê, en kan hy ten einde 'n opgelegde boete te verhaal, die Bantoe-arbeider se werkgewer van die bedrag daarvan in kennis stel, waarop die werkgewer, onderworpe aan die voorwaardes wat die inspekteur oplê, die bedrag waarvan hy aldus in kennis gestel is, weerhou van enige loon wat aan bedoelde Bantoe-arbeider verskuldig is of word en dit ten bate van die Gekonsolideerde Inkomstefonds moet oorbetal aan 'n beampte wat aangestel is om dit te ontvang.

(3) Die bepalinge van hierdie artikel word nie uitgelê asof dit 'n hof sy regsbevoegdheid ontnem om 'n in paragraaf (c) van sub-artikel (1) genoemde oortreding te verhoor en om enige ander by hierdie Wet of die regulasies voorgeskrewe straf vir daardie oortreding op te lê nie.

Dagvaarding van
getuies en
beheer van
verrigtings.

19. (1) (a) Ten einde sy regsbevoegdheid ingevolge paragraaf (c) van sub-artikel (1) van artikel *agtien* uit te oefen, kan 'n inspekteur van Bantoe-arbeiders 'n Bantoe-arbeider wat na bewering 'n in daardie paragraaf bedoelde oortreding gepleeg het, voor hom laat bring en enigiemand as getuie dagvaar.
 - (b) 'n Dagvaarding deur 'n inspekteur uitgereik, moet sover moontlik in die vorm wees wat in strafsake in 'n landdroshof gebruik word, en word bestel deur 'n persoon deur wie en op die wyse waarop 'n dagvaarding om te verskyn en getuienis af te lê in so'n hof bestel word.
 - (c) 'n Aldus gedagvaarde persoon wat sonder redelike verskoning versuim om aan die vereistes van die dagvaarding te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.
 - (d) Die inspekteur van Bantoe-arbeiders moet op versoek van die Bantoe-arbeider wat verhoor word, enige getuie dagvaar wat hy redelikerwys vir sy verdediging nodig het.
- (2) (a) 'n Inspekteur kan by 'n verhoor kragtens paragraaf (c) van sub-artikel (1) van artikel *agtien* deur hom gehou, 'n getuie 'n eed oplê of van hom 'n plegtige verklaring afneem.
 - (b) 'n Getuie wat weier om beëdig te word of om 'n plegtige verklaring af te lê of wat, nadat hy beëdig is of 'n plegtige verklaring afgelê het, versuim om na die beste van sy wete of oortuiging alle vrae wettiglik aan hom gestel, te beantwoord, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of gevangenisstraf vir 'n tydperk van hoogstens drie maande.
 - (3) 'n Inspekteur moet by 'n verhoor voor hom die getuienis skriftelik opteken en sy bevinding en enige opgelegde vonnis te boek stel.

- (b) question any Bantu labourer, and demand from any employer or person in charge of any Bantu labourer such information and assistance as he may require for the proper carrying out of his duties;
- (c) try any case in which it is alleged that a Bantu labourer has committed any of the following offences, namely, that he has—
 - (i) neglected to perform any work which it was his duty to perform; or
 - (ii) unfitted himself for the proper performance of his work through the use of dagga or other habit-forming drugs or by having become or having been intoxicated during working hours; or
 - (iii) refused to obey any lawful command of his employer or any person lawfully placed in authority over him; or
 - (iv) used insulting or abusive language to his employer or any person lawfully placed in authority over him; or
 - (v) committed a breach of any rule prescribed for the good order, discipline or health in any compound or married quarters of Bantu labourers; or
 - (vi) without lawful cause absented himself from his place of employment, except where it is alleged that he so absented himself for a longer period than one day.

(2) On finding any Bantu labourer guilty of any such offence as is mentioned in paragraph (c) of sub-section (1), the inspector may discharge the offender with a caution or reprimand or impose upon him a fine not exceeding two rand, and may for the purpose of recovering any fine imposed notify the amount to the Bantu labourer's employer who shall, subject to such conditions as may be imposed by the inspector, withhold the amount so notified from any wages which are or may become due to such Bantu labourer and pay it over for the benefit of the Consolidated Revenue Fund to such officer as may be appointed to receive it.

(3) Nothing in this section contained shall be construed as depriving a court of jurisdiction to try any such offence as is mentioned in paragraph (c) of sub-section (1) and to impose therefor any other penalty prescribed for such offence by this Act or the regulations.

19. (1) (a) For the purpose of exercising his jurisdiction under paragraph (c) of sub-section (1) of section *eighteen*, an inspector of Bantu labourers may cause any Bantu labourer who is alleged to have committed any offence mentioned in that paragraph to be brought before him and may subpoena any person as a witness. Subpoenaing of witnesses and conduct of proceedings.
- (b) Any subpoena issued by an inspector shall as far as possible be in the form in use in criminal proceedings in a magistrate's court and shall be served by such person and in such manner as a subpoena to attend and give evidence in such a court is served.
 - (c) Any person so subpoenaed who fails, without reasonable excuse, to comply with the terms of the subpoena shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or, in default of payment, to imprisonment for a period not exceeding three months.
 - (d) The inspector of Bantu labourers shall at the instance of the Bantu labourer being tried, subpoena any witness he may reasonably require for the purposes of his defence.

- (2) (a) An inspector may at any trial held by him under paragraph (c) of sub-section (1) of section *eighteen* administer an oath to or take an affirmation from any witness.
- (b) Any witness who refuses to be sworn or to make an affirmation or, having been sworn or having made an affirmation, fails to answer to the best of his knowledge or belief all questions lawfully put to him, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or imprisonment for a period not exceeding three months.
- (3) An inspector shall at any trial before him take down the evidence in writing and record his finding and any sentence imposed.

- (4) (a) Daar kan teen die bevinding en vonnis van 'n inspekteur appél aangeteken word by die Bantoesakekommissaris van die gebied waarin die betrokke Bantoe-arbeider in diens is, mits kennis met vermelding van die gronde van appél binne een-en-twintig dae na die datum van die vonnis skriftelik aan die inspekteur gegee word.
- (b) Die inspekteur moet bedoelde kennisgewing binne sewe dae na ontvangs daarvan aan die Bantoesakekommissaris stuur tesame met die notule van die verrigtings en die opmerkings wat hy wil voorlê.

Fasiliteite deur werkgewers aan inspekteurs, geneeskundige beamptes en Bantoesakekommissarisse verleen te word.

20. (1) 'n Werkgewer van of persoon wat oor Bantoe-arbeiders gestel is, moet alle redelike fasiliteite verleen aan 'n inspekteur van Bantoe-arbeiders of 'n geneeskundige beampte by die uitvoering van die pligte hom by hierdie Wet of die regulasies opgelê, en aan 'n Bantoesakekommissaris by die uitvoering van die pligte hom by sub-artikel (2) van artikel sewentien opgelê.

(2) 'n Werkgewer of persoon wat versuim om aan die bepalings van sub-artikel (1) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Instelling van arbeidsburo's.

21. (1) Daar word hierby—

- (a) 'n sentrale arbeidsburo in die kantoor van die Direkteur ingestel;
- (b) 'n streeksarbeitsburo onder die bestuur van 'n beampte wat die streeksarbeitskommissaris heet, ten opsigte van elke Hoofbantoesakekommissaris se gebied ingestel;
- (c) 'n distriksarbeitsburo ingestel—
- (i) in die kantoor van elke Bantoesakekommissaris vir daardie Bantoesakekommissaris se regsgebied;
 - (ii) in die kantoor van elke landdros, gedetasjeerde addisionele of assistent-landdros of spesiale vrederegter, vir daardie landdros, gedetasjeerde addisionele of assistent-landdros of spesiale vrederegter se regsgebied;
 - (iii) in die kantoor van enige Bantoesakekommissaris, landdros, gedetasjeerde addisionele of assistent-landdros of spesiale vrederegter deur die Minister by kennisgewing in die *Staatskoerant* bepaal, vir die gebied in bedoelde kennisgewing vermeld; en
- (d) ten opsigte van elke voorgeskrewe gebied 'n plaaslike arbeidsburo ingestel wat, behoudens die bepalings van artikel twee-en-twintig van die Stadsgebiedewet, bestuur word deur 'n beampte wat die munisipale arbeids-beampte heet.

(2) Die Minister kan, op versoek van 'n stedelike plaaslike bestuur, by kennisgewing in die *Staatskoerant* die betrokke plaaslike arbeidsburo die bevoegdhede en werksaamhede van 'n distriksarbeitsburo opdra tot uitsluiting van enige distriksarbeitsburo in enige gebied in bedoelde kennisgewing vermeld, ongeag of bedoelde gebied binne die regsgebied van daardie stedelike plaaslike bestuur val al dan nie.

(3) Behoudens die bepalings van sub-artikel (2), het 'n distriksarbeitsburo ingestel—

- (a) in die kantoor van 'n Bantoesakekommissaris, behalwe waar die Minister by kennisgewing in die *Staatskoerant* anders bepaal, regsbevoegdheid tot uitsluiting van enige ander distriksarbeitsburo in sy regsgebied ingestel;
- (b) in die kantoor van 'n landdros, behalwe waar die Minister by kennisgewing in die *Staatskoerant* anders bepaal, regsbevoegdheid tot uitsluiting van enige ander distriksarbeitsburo in die kantoor van 'n gedetasjeerde addisionele of assistent-landdros of spesiale vrederegter in sy regsgebied ingestel;
- (c) in die kantoor van 'n Bantoesakekommissaris, landdros, gedetasjeerde addisionele of assistent-landdros of spesiale vrederegter, ingevolge 'n kennisgewing kragtens sub-paragraaf (iii) van paragraaf (c) van sub-artikel (1), regsbevoegdheid tot uitsluiting van enige ander distriksarbeitsburo ingestel in die gebied in die kennisgewing vermeld.

(4) 'n Distriksarbeitsburo word, behoudens die opdragte van die Bantoesakekommissaris, deur 'n beampte bekend as die distriksarbeitsbeampte bestuur.

- (4) (a) An appeal shall lie to the Bantu affairs commissioner of the area in which the Bantu labourer concerned is employed, against the finding and sentence of an inspector, provided notice stating the grounds of appeal is given in writing to the inspector within twenty-one days after the date of the sentence.
- (b) The inspector shall within seven days of receiving any such notice transmit it to the Bantu affairs commissioner together with the record of the proceedings and such observations as he may wish to offer.

20. (1) An employer or person in charge of Bantu labourers shall afford every reasonable facility to an inspector of Bantu labourers or a medical officer for the carrying out of the duties imposed upon him by this Act or the regulations, and to any Bantu affairs commissioner for the carrying out of the duties imposed upon him by sub-section (2) of section *seventeen*.

Facilities to be afforded to inspectors, medical officers and Bantu affairs commissioners by employers.

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

21. (1) There is hereby established—

Establishment of labour bureaux.

- (a) a central labour bureau in the office of the Director;
- (b) a regional labour bureau, which shall be managed by an officer to be known as the regional labour commissioner, in respect of every chief Bantu affairs commissioner's area;
- (c) a district labour bureau—
- (i) in the office of every Bantu affairs commissioner for the area of jurisdiction of such Bantu affairs commissioner;
 - (ii) in the office of every magistrate, detached additional or assistant magistrate or special justice of the peace, for the area of jurisdiction of such magistrate, detached additional or assistant magistrate or special justice of the peace;
 - (iii) in the office of any Bantu affairs commissioner, magistrate, detached additional or assistant magistrate or special justice of the peace determined by the Minister by notice in the *Gazette*, for the area specified in such notice; and
- (d) in respect of every prescribed area, a local labour bureau which shall, subject to the provisions of section *twenty-two* of the Urban Areas Act, be managed by an officer to be known as the municipal labour officer.

(2) The Minister may, at the request of an urban local authority, by notice in the *Gazette* confer on the local labour bureau concerned the powers and functions of a district labour bureau to the exclusion of any district labour bureau in any area specified in such notice, whether or not such area falls within the jurisdiction of such urban local authority.

(3) Subject to the provisions of sub-section (2), a district labour bureau established—

- (a) in the office of a Bantu affairs commissioner shall, except where the Minister otherwise determines by notice in the *Gazette*, have jurisdiction to the exclusion of any other district labour bureau established in its area of jurisdiction;
- (b) in the office of a magistrate shall, except where the Minister otherwise determines by notice in the *Gazette*, have jurisdiction to the exclusion of any other district labour bureau established in the office of a detached additional or assistant magistrate or special justice of the peace in its area of jurisdiction;
- (c) in the office of a Bantu affairs commissioner, magistrate, detached additional or assistant magistrate or special justice of the peace under any notice in terms of sub-paragraph (iii) of paragraph (c) of sub-section (1), shall have jurisdiction to the exclusion of any other district labour bureau established in the area specified in such notice.

(4) A district labour bureau shall, subject to the directions of the Bantu affairs commissioner, be managed by an officer to be known as the district labour officer.

(5) Behalwe vir sover hierdie Wet of die regulasies anders bepaal, het 'n distriksarbeidsbeampte nie regsbevoegdheid ten opsigte van enige van die bevoegdhede of werksaamhede wat regtens deur 'n munisipale arbeidsbeampte ten opsigte van die voorgeskrewe gebied waarvoor sy plaaslike arbeidsburo ingestel is, uitgeoefen kan word nie.

(6) By afkondiging van 'n kennisgewing ingevolge sub-artikel (3) van artikel *nege bis* van die Stadsgebiedewet waarby verklaar word dat 'n stadsgebied soos in daardie Wet omskryf nie meer 'n voorgeskrewe gebied geag word nie, hou die plaaslike arbeidsburo in daardie stadsgebied op om te bestaan, en word die bevoegdhede en werksaamhede wat tevore deur die plaaslike arbeidsburo in daardie gebied uitgeoefen of verrig is, deur die regsbevoegde distriksarbeidsburo uitgeoefen of verrig, en word enige aan bedoelde distriksarbeidsburo betaalbare gelde of boetes in die Gekonsolideerde Inkomstefonds gestort.

(7) Die Minister kan te eniger tyd na oorlegpleging met die betrokke stedelike plaaslike bestuur, by kennisgewing in die *Staatskoerant* verklaar dat 'n plaaslike arbeidsburo vir 'n voorgeskrewe gebied afgeskaf is, en daarop hou daardie buro op om te bestaan en word die bevoegdhede en werksaamhede wat tevore deur die plaaslike arbeidsburo in daardie gebied uitgeoefen of verrig is, deur die regsbevoegde distriksarbeidsburo uitgeoefen of verrig, en word enige aan bedoelde distriksarbeidsburo betaalbare gelde of boetes in die Gekonsolideerde Inkomstefonds gestort en enige aantekeninge deur bedoelde plaaslike arbeidsburo gehou na bedoelde distriksarbeidsburo oorgeplaas.

(8) 'n Kennisgewing ingevolge sub-artikel (2) of sub-artikel (7) kan te eniger tyd na oorlegpleging met die betrokke stedelike plaaslike bestuur deur die Minister by kennisgewing in die *Staatskoerant* gewysig of herroep word.

(9) 'n Beampte wat 'n arbeidsburo bestuur, word by die toepassing van die Strafproseswet, 1955 (Wet No. 56 van 1955), geag 'n vredesbeampte te wees.

Bevoegdhede en werksaamhede van arbeidsburo's.

22. (1) 'n Beampte wat 'n arbeidsburo bestuur, verrig die werksaamhede en oefen die bevoegdhede uit wat voorgeskryf is.

(2) 'n Streeksarbeidskommissaris het, benewens enige ander voorgeskrewe bevoegdhede, die bevoegdheid om op alle redelike tye enige arbeidsburo in sy gebied en enige perseel in sy gebied waarop daar Bantoes is, te inspekteer.

(3) Dit is deel van die pligte van 'n streeksarbeidskommissaris om met die Bantoesakekommissaris, landdroste, gedetasjeerde addisionele of assistent-landdroste, spesiale vrederegters en stedelike plaaslike bestuure in sy gebied te beraadslaag, en om in verband met enige aangeleentheid rakende die indiensneming van Bantoes en die doeltreffende funksionering van die arbeidsburo's ondersoek in te stel.

(4) 'n Streeksarbeidskommissaris het op alle redelike tye toegang tot die aantekeninge, boeke en rekeninge van 'n arbeidsburo in sy gebied.

(5) 'n Distriks- of munisipale arbeidsbeampte moet—

- (a) sy buro ooreenkomstig hierdie Wet en die regulasies en enige wettige voorskrifte wat hy van tyd tot tyd van die streeksarbeidskommissaris of die Direkteur ontvang, beheer en bestuur;
- (b) die aantekeninge en registers hou en die opgawes en inligting verstrek wat die Direkteur van tyd tot tyd vereis;
- (c) met ander arbeidsbeamptes, werkgewers en erkende liggame saamwerk om die doeltreffende funksionering van sy buro te verseker.

(6) 'n Distriks- of munisipale arbeidsbeampte met regsbevoegdheid in 'n gebied geleë buite 'n afgesonderde Bantoegebied of 'n oopgestelde gebied soos omskryf in die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), kan, benewens enige ander voorgeskrewe bevoegdhede of werksaamhede wat hy uitgeoefen of verrig—

- (a) enige ingevolge paragraaf (d) van sub-artikel (1) van artikel *tien* van die Stadsgebiedewet vereiste vergunning om in 'n voorgeskrewe gebied te wees, verleen of weier, maar met inagneming van enige regulasies kragtens paragraaf (u) van sub-artikel (1) van artikel *agt-en-twintig* van hierdie Wet uitgevaardig, in die geval van 'n Bantoe met wie deur 'n arbeidsburo volgens voorskrif van sodanige regulasies handel moet word;

(5) A district labour officer shall not, save as is otherwise provided by this Act or the regulations, have jurisdiction in respect of any of the powers or functions legally exercisable by a municipal labour officer in respect of the prescribed area for which his local labour bureau has been established.

(6) Upon the publication of any notice under sub-section (3) of section *nine bis* of the Urban Areas Act declaring that an urban area as defined in that Act shall no longer be deemed to be a prescribed area, the local labour bureau in such urban area shall cease to exist, and the powers and functions previously exercised or performed by the local labour bureau in such area shall be exercised or performed by the district labour bureau having jurisdiction, and any fees or fines payable to such district labour bureau shall be credited to the Consolidated Revenue Fund.

(7) The Minister may at any time after consultation with the urban local authority concerned, by notice in the *Gazette* declare a local labour bureau for any prescribed area to be abolished, and thereupon such bureau shall cease to exist and the powers and functions previously exercised or performed by the local labour bureau in such area shall be exercised or performed by the district labour bureau having jurisdiction, and any fees or fines payable to such district labour bureau shall be credited to the Consolidated Revenue Fund, and any records kept by such local labour bureau shall be transferred to such district labour bureau.

(8) Any notice under sub-section (2) or sub-section (7) may at any time after consultation with the urban local authority concerned be amended or revoked by the Minister by notice in the *Gazette*.

(9) An officer who manages a labour bureau shall be deemed to be a peace officer for the purposes of the Criminal Procedure Act, 1955 (Act No. 56 of 1955).

22. (1) An officer who manages a labour bureau shall exercise such powers and perform such functions as may be prescribed. Powers and functions of labour bureaux.

(2) A regional labour commissioner shall, in addition to any other powers which may be prescribed, have the power at all reasonable times to inspect any labour bureau in his area and any premises within his area upon which there are Bantu.

(3) It shall be part of the duties of a regional labour commissioner to confer with the Bantu affairs commissioners, magistrates, detached additional or assistant magistrates, special justices of the peace and urban local authorities in his area, and to enquire into any matter affecting the employment of Bantu and the efficient functioning of the labour bureaux.

(4) A regional labour commissioner shall have access at all reasonable times to the records, books and accounts of a labour bureau in his area.

(5) A district or municipal labour officer shall—

- (a) control and conduct his bureau in terms of this Act and the regulations and any lawful instructions which he may from time to time receive from the regional labour commissioner or the Director;
- (b) maintain such records and registers and furnish such returns and information as may be required from time to time by the Director;
- (c) co-operate with other labour officers, employers and recognized bodies to ensure the efficient functioning of his bureau.

(6) A district or municipal labour officer having jurisdiction in an area situated outside a scheduled Bantu area or a released area as defined in the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), may, in addition to exercising or performing any other powers or functions which may be prescribed—

- (a) grant or refuse any permission required under paragraph (d) of sub-section (1) of section *ten* of the Urban Areas Act to be in a prescribed area, but with due regard to any regulations made under paragraph (u) of sub-section (1) of section *twenty-eight* of this Act in the case of a Bantu who is required to be dealt with by a labour bureau as provided in such regulations;

(b) weier om die indiensneming of die verdere indienshouding van 'n Bantoe in die gebied van die betrokke arbeidsburo te magtig, en by skriftelike kennisgewing aan die betrokke werkgewer 'n dienskontrak met dié Bantoe aangegaan, vernietig of laat vernietig, as hy oortuig is—

- (i) dat die dienskontrak met dié Bantoe nie *bona fide* is nie; of
- (ii) dat dié Bantoe geen vergunning kragtens enige Wet het om in die gebied van die betrokke arbeidsburo te wees nie; of
- (iii) dat dié Bantoe nie van die verpligting onthef is om volgens 'n vroeëre dienskontrak of plakkerdiensbodekontrak diens te verrig nie; of
- (iv) dat dié Bantoe geen vergunning kragtens hierdie Wet of enige ander wet het om diens te aanvaar nie; of
- (v) dat dié Bantoe weier om hom aan 'n geneeskundige ondersoek deur 'n geneeskundige beampte te onderwerp of, nadat hy geneeskundig ondersoek is, nie gesond verklaar en soos voorgeskryf geënt is nie, of daar bevind word dat hy aan 'n veneriese siekte of aan tuberkulose of aan 'n ander kwaal of siekte ly wat volgens die oordeel van die geneeskundige beampte vir die openbare gesondheid gevaarlik is; of
- (vi) dat bedoelde indiensneming of verdere indienshouding die veiligheid van die Staat of van die publiek of van 'n deel van die publiek skaad of waarskynlik sal skaad of die handhawing van die openbare orde bedreig of waarskynlik sal bedreig; of
- (vii) dat 'n verwyderingsbevel kragtens 'n wet teen dié Bantoe uitgevaardig is;

(c) 'n Bantoe toelaat om op die voorgeskrewe voorwaardes as 'n los arbeider te werk of vir eie rekening in 'n winsgewende bedrywigheid of as 'n onafhanklike aannemer werk te verrig, en vereis dat 'n Bantoe wat aldus as 'n los arbeider werksaam is, werk by die dag op die voorgeskrewe voorwaardes moet aanvaar.

(7) 'n Distriks- of munisipale arbeidsbeampte weier nie, op enige van die gronde in sub-paragraaf (vi) van paragraaf (b) van sub-artikel (6) vermeld, vergunning om 'n Bantoe in diens te neem of verder in diens te hou nie, en vernietig nie op so 'n grond 'n dienskontrak met 'n Bantoe aangegaan nie en laat dit nie op so 'n grond vernietig nie, behalwe met instemming van die Sekretaris.

(8) 'n Bantoe aan wie 'n munisipale arbeidsbeampte vergunning geweier het om in 'n voorgeskrewe gebied diens te aanvaar of in diens te wees, of wie se dienskontrak deur so 'n beampte vernietig is, kan na enige hulpsentrum wat beskikbaar is of na die distriksarbeitsbeampte in wie se gebied die betrokke plaaslike arbeidsburo geleë is, verwys word, en die beampte in beheer van so 'n hulpsentrum of so 'n distriksarbeitsbeampte kan aan bedoelde Bantoe geskikte werk of in sy gebied of in enige ander gebied aanbied, of kan met inagneming van dié Bantoe se gesinsbande of ander verbintenisse of verpligtings, bedoelde Bantoe en sy afhanklikes aansê om die voorgeskrewe gebied te verlaat binne 'n tydperk deur die betrokke beampte bepaal.

(9) Die in sub-artikel (6) bedoelde bevoegdhede of werksaamhede of enige ander bevoegdhede of werksaamhede wat deur 'n munisipale of distriksarbeitsbeampte uitgeoefen of verrig kan word, kan ten opsigte van enige Bantoe wat binne 'n in sub-artikel (1) van artikel *tien* van die Stadsgebiedewet bedoelde kategorie val, uitgeoefen of verrig word: Met dien verstande dat 'n Bantoe wat binne enige van bedoelde kategorieë val en wat kragtens sub-artikel (8) aangesê word om 'n voorgeskrewe gebied te verlaat en wat versuim om aan so 'n aansegging te voldoen, nie meer geag word ingevolge sub-artikel (1) van artikel *tien* van die Stadsgebiedewet vergunning te hê om in dié voorgeskrewe gebied te bly nie.

(10) 'n Aansegging kragtens sub-artikel (8), waarby 'n Bantoe in 'n voorgeskrewe gebied wat uit hoofde van die bepalings van paragraaf (a) of (b) van sub-artikel (1) van artikel *tien* van die Stadsgebiedewet geregtig is om in daardie gebied te wees, aangesê word om bedoelde gebied te verlaat, het geen krag of uitwerking tensy dit deur die Hoofbantoesakekommissaris bekragtig is nie.

(11) Ondanks andersluidende bepalings van hierdie artikel—

(b) refuse to sanction the employment or the continued employment of any Bantu in the area of the labour bureau in question, and by notice in writing to the employer concerned cancel or cause to be cancelled any contract of employment entered into with such Bantu, if he is satisfied—

- (i) that the contract of employment with such Bantu is not *bona fide*; or
 - (ii) that such Bantu is not permitted under any law to be in the area of the labour bureau in question; or
 - (iii) that such Bantu has not been released from the obligation of rendering service under an earlier contract of employment or labour tenant contract; or
 - (iv) that such Bantu is not permitted by this Act or any other law to take up employment; or
 - (v) that such Bantu refuses to submit himself to medical examination by a medical officer or, having been medically examined, has not been passed as healthy and vaccinated as prescribed or is found to be suffering from venereal disease or from tuberculosis or from any other ailment or disease which in the opinion of the medical officer is dangerous to public health; or
 - (vi) that such employment or continued employment impairs or is likely to impair the safety of the State or of the public or of a section of the public or threatens or is likely to threaten the maintenance of public order; or
 - (vii) that an order of removal has under any law been made against such Bantu;
- (c) permit a Bantu to work as a casual labourer or to carry on any work on his own account in any remunerative activity or as an independent contractor under the conditions prescribed, and require any Bantu so working as a casual labourer to take employment by the day under such conditions as may be prescribed.

(7) A district or municipal labour officer shall not refuse to sanction the employment or continued employment of any Bantu, or cancel or cause to be cancelled any contract of employment entered into with any Bantu, on any of the grounds mentioned in sub-paragraph (vi) of paragraph (b) of sub-section (6), except with the concurrence of the Secretary.

(8) Any Bantu who is refused permission by a municipal labour officer to take up or be in employment in a prescribed area, or whose contract of employment has been cancelled by such an officer, may be referred to any aid centre which may be available or to the district labour officer in whose area the local labour bureau in question is situated, and the officer in charge of any such aid centre or any such district labour officer may offer such Bantu suitable work either in his area or in any other area or may, with due regard to the family ties or other obligations or commitments of such Bantu, require such Bantu and his dependants to leave such prescribed area within a period determined by the officer concerned.

(9) The powers or functions referred to in sub-section (6) or any other powers or functions which may be exercised or performed by a municipal or district labour officer, may be exercised or performed in respect of any Bantu falling within any of the categories referred to in sub-section (1) of section *ten* of the Urban Areas Act: Provided that a Bantu falling within any of the said categories who is required under sub-section (8) to leave a prescribed area and who fails to comply with such order, shall no longer be deemed to be permitted under sub-section (1) of section *ten* of the Urban Areas Act to remain in the prescribed area.

(10) No requirement under sub-section (8), whereby a Bantu in a prescribed area who is by virtue of the provisions of paragraph (a) or (b) of sub-section (1) of section *ten* of the Urban Areas Act entitled to be in that area, is required to leave such area, shall have any force or effect unless it has been confirmed by the chief Bantu affairs commissioner.

(11) Notwithstanding anything to the contrary in this section contained—

- (a) kan 'n streeksarbeidskommissaris gelas dat 'n beslissing of bevel van 'n munisipale of distriksarbeidsbeampte binne 'n voorgeskrewe tydperk aan die Hoofbantoesakekommissaris vir hersiening voorgelê moet word, en in afwagting van bedoelde Hoofbantoesakekommissaris se besluit, gelas dat die toepassing van bedoelde beslissing of bevel opgeskort word, en in so 'n geval word die toepassing daarvan geag aldus opgeskort te wees;
- (b) het 'n munisipale of distriksarbeidsbeampte geen regsbevoegdheid ingevolge hierdie artikel ten opsigte van 'n voorgeskrewe kategorie van Bantoes nie: Met dien verstande dat die bewyslas dat hy binne so 'n kategorie val by die betrokke Bantoe berus;
- (c) kan die Minister by kennisgewing in die *Staatskoerant* ten opsigte van alle voorgeskrewe gebiede of enige voorgeskrewe gebied bepaal dat enige van of al die bevoegdhede en werksaamhede van 'n munisipale arbeidsbeampte ten opsigte van 'n kategorie van werkgewers of Bantoes in die kennisgewing omskryf, uitgeoefen of verrig moet word deur die distriksarbeidsbeampte in wie se gebied die betrokke plaaslike arbeidsburo geleë is.

Appel na en
hersiening deur
Hoofbantoesakekommissaris.

23. (1) Iemand wat hom deur 'n besluit of bevel van 'n munisipale of distriksarbeidsbeampte veronreg ag, kan binne 'n voorgeskrewe tydperk en op die voorgeskrewe wyse teen bedoelde besluit of bevel by die Hoofbantoesakekommissaris appel aanteken of vereis dat dié besluit of bevel deur die Hoofbantoesakekommissaris hersien moet word.

(2) (a) Die Hoofbantoesakekommissaris kan 'n besluit of bevel waarteen appel aangeteken word of wat hy moet hersien, hetsy ingevolge sub-artikel (1) van hierdie artikel of ingevolge paragraaf (a) van sub-artikel (11) van artikel *twee-en-twintig*, by bevel bekragtig, wysig of tersyde stel, of die ander bevel gee wat hom billik blyk, en so 'n bevel deur die Hoofbantoesakekommissaris word daarop geag die bevel van die betrokke munisipale of distriksarbeidsbeampte te wees.

(b) Die beslissing van die Hoofbantoesakekommissaris by so 'n appel of hersiening is afdoende.

(3) Die Bantoesakekommissaris wat in 'n gebied regsbevoeg is, kan by 'n appel deur 'n Bantoe teen 'n bevel om dié gebied te verlaat of 'n versoek deur 'n Bantoe dat so 'n bevel hersien moet word, na goeddunke aan dié Bantoe vergunning verleen om in afwagting van die Hoofbantoesakekommissaris se beslissing oor die appel of by die hersiening in die betrokke gebied te bly.

(4) Behalwe soos in sub-artikel (3) bepaal, word die toepassing van 'n besluit of bevel waarteen geappelleer of wat op hersiening geneem word, nie deur die aantekening van 'n appel na of 'n versoek om 'n hersiening deur 'n Hoofbantoesakekommissaris ingevolge sub-artikel (1), opgeskort nie.

Sekere gelde
in voorgeskrewe gebiede
betaalbaar.

24. (1) Iemand (met inbegrip van die Staat, waarby die Spoorwegaadministrasie en 'n provinsiale administrasie inbegrepe is) wat 'n dienskontrak wat ingevolge artikel *agt* van die Bantoes (Afskaffing van Passe en Koördinerings van Dokumenten) Wet, 1952 (Wet No. 67 van 1952), aangemeld moet word, met 'n manlike Bantoe aangaan vir diensverrigting in 'n voorgeskrewe gebied, of vereis dat so 'n Bantoe in die loop van sy diensverrigting in meer as een voorgeskrewe gebied diens moet doen, moet ten opsigte van elke Bantoe aldus in diens aan die plaaslike arbeidsburo of, waar daar nie so 'n buro bestaan nie, aan die distriksarbeidsburo binne wie se regsgebied bedoelde Bantoe in die loop van enige maand hoofsaaklik diens doen, of, waar daar tussen twee of meer arbeidsburo's 'n geskil daartrent ontstaan, aan die buro deur die Sekretaris bepaal, benewens enige ander betaalbare gelde, 'n maandelikse bedrag betaal wat teen 'n voorgeskrewe skaal, maar hoogstens twintig sent per maand, bereken word, en wat vir verskillende gebiede of vir verskillende kategorieë van werk kan verskil: Met dien verstande dat geen gelde deur 'n bepaalde werkgewer ten opsigte van meer as een voorgeskrewe gebied ten opsigte van dieselfde Bantoe vir dieselfde maand betaalbaar is nie: Met dien verstande voorts dat waar gelde ten opsigte van 'n kategorie van Bantoes bedoel in 'n kennisgewing gepubliseer ingevolge paragraaf (c) van sub-artikel (11) van artikel *twee-en-twintig* deur 'n werkgewer betaalbaar is, dié gelde aan die distriksarbeidsburo ten bate van die Gekonsolideerde Inkomstefonds betaal moet word.

- (a) a regional labour commissioner may require that any decision or order by a municipal or district labour officer be submitted for review to the chief Bantu affairs commissioner within a period prescribed, and may pending the decision of such chief Bantu affairs commissioner direct that the operation of such decision or order be suspended, in which event the operation thereof shall be deemed to be so suspended;
- (b) a municipal or district labour officer shall not have any jurisdiction under this section in respect of a prescribed class of Bantu: Provided that the onus of proof that he falls within such class shall be upon the Bantu concerned;
- (c) the Minister may by notice in the *Gazette* determine in respect of any or all prescribed areas that any or all of the powers and functions of a municipal labour officer in respect of any class of employers or Bantu defined in such notice, shall be exercised or performed by the district labour officer in whose area the local bureau concerned is situated.

23. (1) Any person who is aggrieved by any decision or order of a municipal or district labour officer, may within a period and in the manner prescribed, appeal to the chief Bantu affairs commissioner against such decision or order or require that such decision or order be reviewed by the chief Bantu affairs commissioner.

Appeal to and review by chief Bantu affairs commissioner.

- (2) (a) The chief Bantu affairs commissioner may by order confirm, vary or rescind any decision or order appealed against or which he is required to review, either under sub-section (1) of this section or under paragraph (a) of sub-section (11) of section *twenty-two*, or make such other order as appears to him to be equitable, and any such order by the chief Bantu affairs commissioner shall thereupon be deemed to be the order of the municipal or district labour officer concerned.
- (b) The decision of the chief Bantu affairs commissioner on any such appeal or review shall be final.
- (3) The Bantu affairs commissioner having jurisdiction in any area may, in the event of an appeal against any order to leave that area or a request that any such order be reviewed, being lodged by a Bantu, in his discretion grant permission to such Bantu to remain in the said area pending the decision of the chief Bantu affairs commissioner on such appeal or review.
- (4) The noting of an appeal to or a request for review by a chief Bantu affairs commissioner under sub-section (1) shall not, save as is provided in sub-section (3), suspend the operation of any decision or order appealed against or taken on review.

24. (1) Any person (including the State, with which is included the Railway Administration and any provincial administration) who enters into a contract of employment which is required to be notified under section *eight* of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952), with a Bantu male for employment in a prescribed area, or requires such a Bantu in the course of his employment to serve in more than one prescribed area, shall in respect of every Bantu so employed pay to the local labour bureau or, where there is no such bureau, to the district labour bureau within whose area of jurisdiction such Bantu is primarily employed in the course of any month or, where there is a dispute in this regard between two or more labour bureaux, to the bureau determined by the Secretary, in addition to any other moneys which may be payable, a monthly fee which shall be at such a rate, not exceeding twenty cents per month, as may be prescribed and which may differ for different areas or for different classes of employment: Provided that no such fee shall be payable by any particular employer in respect of more than one prescribed area in respect of the same Bantu for the same month: Provided further that where any fee is payable by an employer in respect of a class of Bantu referred to in a notice published under paragraph (c) of sub-section (11) of section *twenty-two*, such fee shall be payable to the district labour bureau as a credit to the Consolidated Revenue Fund.

Certain fees to be paid in prescribed areas.

(2) 'n Manlike Bantoe aan wie vergunning verleen is om in 'n voorgeskrewe gebied as 'n los arbeider te werk of om vir eie rekening in 'n winsgewende bedrywigheid of as 'n onafhanklike aannemer werk te verrig, moet aan die arbeidsburo wat bedoelde vergunning verleen het 'n maandelikse bedrag van twintig sent betaal.

(3) Die Minister kan by kennisgewing in die *Staatskoerant* enige kategorie van werkgewers van betaling van die in sub-artikel (1) bedoelde maandelikse gelde vrystel ten opsigte van alle Bantoes of 'n vermelde kategorie van Bantoes by werkgewers van daardie kategorie in diens.

(4) Iemand wat die bepalings van sub-artikel (1) of (2) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig, en die hof wat hom skuldig bevind kan, benewens enige ander straf wat die hof oplê, die betaling van enige nog kragtens hierdie artikel verskuldigde gelde beveel, en, as dit nie betaal word nie, 'n lasbrief vir die invordering daarvan uitreik.

Toelating van
Bantoes tot
hulpentrums.

25. (1) (a) 'n Bantoe wat in hegtenis geneem of skuldig bevind word op 'n aanklag van oortreding van of versuim om te voldoen aan bepalings van hierdie Wet of van die Stadsgebiedewet of van die Bantoes (Afskaffing van Passe en Koördinerende van Dokumente) Wet, 1952 (Wet No. 67 van 1952), of van die regulasies daarkragtens uitgevaardig, wat die Minister by kennisgewing in die *Staatskoerant* bepaal, kan, ondanks die bepalings van hierdie Wet of ander wetsbepalings, tot 'n hulpentrum deur of vir 'n arbeidsburo ingestel en deur die Direkteur goedgekeur, toegelaat en op die voorgeskrewe wyse mee gehandel word.

(b) 'n Hulpentrum word bestuur deur 'n beampte in die diens van die Staat of, in die geval van 'n hulpentrum vir 'n plaaslike arbeidsburo ingestel, deur 'n beampte in die diens van die betrokke stedelike plaaslike bestuur wat skriftelik deur die Sekretaris goedgekeur is.

(2) Die bepalings van artikel *sewe-en-twintig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), is *mutatis mutandis* van toepassing ten opsigte van 'n Bantoe ingevolge sub-artikel (1) tot 'n hulpentrum toegelaat, en vir dié doel word 'n verwysing in bedoelde artikel na 'n polisie-stasie ook as 'n verwysing na 'n hulpentrum uitgelê.

(3) (a) Die Bantoesakekommissaris van die gebied waarin 'n hulpentrum geleë is, kan in daardie hulpentrum 'n hof hou en het, ondanks enige ander wetsbepalings, regsbevoegdheid ten opsigte van enige in sub-artikel (1) bedoelde misdryf, met inbegrip van 'n misdryf buite sy regsgebied gepleeg.

(b) 'n Hulpentrum word geag 'n plek te wees wat kragtens sub-artikel (3) van artikel *nege* van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), aangewys is vir die periodieke sitting van die hof van 'n Bantoesakekommissaris wat regsbevoegdheid besit in die gebied waarin bedoelde hulpentrum geleë is.

(4) 'n Bantoesakekommissaris of 'n beampte kragtens paragraaf (b) van sub-artikel (1) goedgekeur om 'n hulpentrum te bestuur, kan, ondanks die bepalings van hierdie Wet of ander wetsbepalings, benewens enige ander voorgeskrewe of in hierdie artikel vermelde bevoegdhede, ten opsigte van 'n Bantoe wat tot so 'n hulpentrum toegelaat is of in 'n gevangenis of 'n polisie-sel of -opsluitplek aangehou word weens 'n oortreding in paragraaf (a) van sub-artikel (1) bedoel, hetsy hy aan dié oortreding skuldig bevind is al dan nie—

(a) vertoë rig dat geen strafsak teen dié Bantoe ten opsigte van 'n in paragraaf (a) van sub-artikel (1) bedoelde oortreding ingestel word nie;

(b) na behoorlike ondersoek en met inagneming van die gesinsbande of ander verbintenisse of verpligtings van dié Bantoe, 'n bevel uitreik wat hom billik blyk aangaande die indiensplasing van dié Bantoe of die uitreiking aan hom van die nodige dokumente of die verlening aan hom van die nodige vergunning of aangaande die repatriasie van dié Bantoe en sy afhanklikes na sy verblyfplek of laaste woonplek of na 'n neder-setting, rehabilitasieskema of ander plek deur bedoelde Bantoesakekommissaris of beampte aangewys;

(c) al die bevoegdhede uitoefen waarmee 'n hof ingevolge sub-artikel (1) van artikel *driehonderd twee-en-veertig* van die Strafproseswet, 1955, bekleed is,

en word by die toepassing van die Strafproseswet, 1955, geag 'n vredesbeampte te wees.

(2) Any Bantu male who is permitted to work in a prescribed area as a casual labourer or to carry on any work on his own account in any remunerative activity or as an independent contractor, shall pay to the labour bureau which granted such permission a monthly fee of twenty cents.

(3) The Minister may by notice in the *Gazette* exempt any class of employers from the payment of the monthly fee referred to in sub-section (1) in respect of all or any specified class of Bantu employed by that class of employers.

(4) Any person who contravenes or fails to comply with the provisions of sub-section (1) or (2) shall be guilty of an offence, and the court convicting him may, in addition to any other punishment which it may impose, order the payment of any fees still payable under this section and may in default of payment issue a warrant for the recovery thereof.

25. (1) (a) Any Bantu who is arrested or convicted on a charge of having contravened or failed to comply with such of the provisions of this Act or of the Urban Areas Act or of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952), or of the regulations made thereunder, as may be specified by the Minister by notice in the *Gazette*, may, notwithstanding the provisions of this Act or any other law, be admitted to an aid centre established by or for a labour bureau and approved by the Director and be dealt with in the manner prescribed.

Admission of Bantu to aid centres.

(b) An aid centre shall be managed by an officer in the employ of the State or, in the case of an aid centre established for a local labour bureau, by an officer in the employ of the urban local authority concerned who has been approved in writing by the Secretary.

(2) The provisions of section *twenty-seven* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply in respect of any Bantu admitted under sub-section (1) to an aid centre, and for that purpose any reference in the said section to a police station shall be construed as including a reference to an aid centre.

(3) (a) The Bantu affairs commissioner of the area in which an aid centre is situated may hold a court in such aid centre and shall, notwithstanding the provisions of any other law, have jurisdiction in respect of any offence referred to in sub-section (1), including an offence committed outside his area of jurisdiction.

(b) An aid centre shall be deemed to be a place designated under sub-section (3) of section *nine* of the Bantu Administration Act, 1927 (Act No. 38 of 1927), for the periodical sitting of the court of a Bantu affairs commissioner having jurisdiction in the area in which such aid centre is situated.

(4) A Bantu affairs commissioner or an officer approved under paragraph (b) of sub-section (1) to manage an aid centre may, notwithstanding the provisions of this Act or any other law, in addition to any other powers prescribed or referred to in this section, in respect of any Bantu admitted to such aid centre or detained in a prison or a police cell or lock-up on account of an offence referred to in paragraph (a) of sub-section (1), whether or not he has been convicted of such offence—

(a) make representations that no criminal proceedings be instituted against such Bantu in respect of any offence referred to in paragraph (a) of sub-section (1);

(b) after due inquiry and with due regard to the family ties or other obligations or commitments of such Bantu, make such order as may appear to him to be just in regard to the placing in employment of such Bantu or the issue to him of the requisite documents or the granting to him of the requisite permission or in regard to the repatriation of such Bantu and his dependants to his home or last place of residence or to a settlement, rehabilitation scheme or any other place indicated by such Bantu affairs commissioner or officer;

(c) exercise all such powers as are conferred on a court under sub-section (1) of section *three hundred and fifty-two* of the Criminal Procedure Act, 1955,

and shall be deemed to be a peace officer for purposes of the Criminal Procedure Act, 1955.

(5) 'n Hulpseentrum word by die toepassing van sub-artikel (4) van artikel vyf van die Bantoes (Afskaffing van Passe en Koördinerende van Dokumente) Wet, 1952, geag 'n ontvangsdepot te wees.

(6) Die bepalings van hierdie artikel word nie uitgelê asof dit—

- (a) magtiging vir die aanhouding van 'n Bantoe in 'n hulpseentrum verleen nie; of
- (b) belet dat 'n Bantoe wat werkloos is of wat wederregtelik in 'n gebied is, op sy eie versoek tot 'n hulpseentrum toegelaat word nie.

Vreemde Bantoes
buite voorge-
skrewe gebiede.

26. (1) 'n Bantoe wat nie in die Republiek of in die gebied Suidwes-Afrika gebore is nie, mag geen deel van 'n distrik buite 'n voorgeskrewe gebied binnegaan of daarin wees of bly nie, en niemand mag so 'n Bantoe in so 'n deel van 'n distrik in diens neem of hou nie, behalwe met skriftelike vergunning van die Sekretaris of iemand deur hom daartoe gemagtig, wat die voorwaardes kan opleë wat hy goedvind.

(2) 'n Bantoe wat in stryd met die bepalings van sub-artikel (1) 'n deel van 'n distrik binnegaan of daarin is of bly, en iemand wat in stryd met bedoelde bepalings 'n Bantoe in so 'n deel van 'n distrik in diens neem of hou, is aan 'n misdryf skuldig en strafbaar, by 'n eerste veroordeling, met 'n boete van hoogstens vyftig rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande, en by 'n tweede of latere veroordeling weens 'n dergelyke oortreding in dieselfde gebied binne 'n tydperk van twee jaar, met 'n boete van minstens vyftig rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van minstens drie maande of met sowel daardie boete as daardie gevangenisstraf of met daardie gevangenisstraf sonder die keuse van 'n boete.

(3) By verrigtings ten opsigte van 'n oortreding van sub-artikel (2)—

- (a) word 'n Bantoe wat te eniger tyd op 'n perseel in die betrokke deel van 'n distrik gevind word onder omstandighede wat aanleiding gee tot 'n redelike vermoede dat hy op die perseel in diens is, geag in die diens van die eienaar, huurder of okkupeerder van daardie perseel in bedoelde deel van daardie distrik te wees, tensy die teendeel bewys word;
- (b) word die betrokke Bantoe geag 'n Bantoe te wees vir wie dit ingevolge sub-artikel (1) verbode is om die betrokke deel van die distrik binne te gaan of daarin te wees of te bly, tensy die teendeel bewys word.

(4) Die bepalings van artikel *veertien* van die Stadsgebiedewet is *mutatis mutandis* van toepassing ten opsigte van iemand wat ingevolge sub-artikel (2) van hierdie artikel skuldig bevind is, en vir die doeleindes van sodanige toepassing word 'n verwysing in bedoelde artikel *veertien* na sub-artikel (2) of (3) van artikel *twaalf* van bedoelde Wet as 'n verwysing na sub-artikel (2) van hierdie artikel uitgelê.

(5) Die bepalings van artikel *dertien* van die Stadsgebiedewet is *mutatis mutandis* van toepassing ten opsigte van 'n in sub-artikel (1) van hierdie artikel bedoelde Bantoe, en vir die doeleindes van sodanige toepassing word 'n verwysing in bedoelde artikel *dertien* na artikel *twaalf* van bedoelde Wet as 'n verwysing na sub-artikel (1) van hierdie artikel uitgelê.

Vasstelling van
ouderdom.

27. Wanneer ingevolge hierdie Wet of die regulasies 'n geskil ontstaan oor die vraag of 'n Bantoe 'n bepaalde ouderdom bereik het al dan nie, word die aangeleentheid verwys na 'n distriksgeneesheer wie se beslissing daarvoor afdoende is.

Regulasies.

28. (1) Die Staatspresident kan regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie, in verband met enige van of al die ondervermelde aangeleenthede, te wete—

- (a) die wyse waarop en vorm waarin aansoek om 'n lisensie of permit ingevolge hierdie Wet gedoen moet word, die besonderhede wat op elke sodanige aansoek verstrekt moet word, die voorwaardes waaronder so 'n lisensie of permit uitgereik kan word, die vorm van 'n lisensie of permit en die besonderhede wat daarin uiteengesit moet word;
- (b) die uitreiking, in geval van verlies, van duplikate van lisensies en permitte, en die gelde wat daarvoor betaal moet word;

(5) An aid centre shall, for the purposes of sub-section (4) of section five of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952, be deemed to be a reception depot.

(6) Nothing in this section contained shall be construed as—

- (a) authorizing the detention of a Bantu in an aid centre; or
- (b) preventing any Bantu who is unemployed or who is in an area unlawfully from being admitted to an aid centre at his own request.

26. (1) A Bantu not born in the Republic or in the territory of South-West Africa shall not enter, be or remain in any part of any district outside a prescribed area, and no person shall employ or continue to employ any such Bantu within any such part of any district without the written permission of the Secretary or a person authorized thereto by him, who may impose such conditions as he may deem fit.

Foreign Bantu
outside
prescribed
areas.

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

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

- (a) any Bantu who is at any time found on any premises in the part of a district concerned in circumstances giving rise to a reasonable suspicion that he is employed on such premises, shall be deemed to be in the employ of the owner, lessee or occupier of such premises in such part of that district, unless the contrary is proved;
- (b) it shall be presumed that the Bantu concerned is a Bantu who is under sub-section (1) prohibited from entering, being or remaining in the part of the district in question, unless the contrary is proved.

(4) The provisions of section fourteen of the Urban Areas Act shall *mutatis mutandis* apply in respect of any person convicted under sub-section (2) of this section, and for the purposes of such application any reference in the said section fourteen to sub-section (2) or (3) of section twelve of the said Act shall be construed as a reference to sub-section (2) of this section.

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

27. Whenever under this Act or the regulations any dispute arises as to whether or not a Bantu has attained a certain age, the matter shall be referred to a district surgeon whose decision thereon shall be final.

Determination
of age.

28. (1) The State President may make regulations, not inconsistent with this Act, as to all or any of the following matters, namely—

Regulations.

- (a) the manner and form in which application shall be made for any licence or permit under this Act, the particulars to be furnished upon every such application, the conditions upon which any such licence or permit may be issued, the form of any licence or permit and the particulars to be set forth therein;
- (b) the issue, in case of loss, of duplicate licences and permits, and the fees to be paid therefor;

- (c) die registrasie en inspeksie van lisensies en permitte en die afgee van opgeskorte of ingetrekke lisensies en permitte;
- (d) die verlyding, attestasie en behoorlike uitvoering of intrekking van kontrakte met Bantoes, die oordrag, hernuwing en verandering van sodanige kontrakte, en die tydperk waarin sodanige kontrakte geattesteer moet word;
- (e) die gebiede ten opsigte waarvan geen arbeidsagentslisensies of geen werkgewerswerflisensies uitgereik mag word of waarin geen werwing op gesag van sodanige lisensies mag geskied nie of die gebiede of soorte werk waarin geen Bantoe op gesag van sodanige lisensies gewerf, in diens mag wees nie;
- (f) die stigting van werkgewersgroepe vir die werwing van Bantoes deur werkgewers van Bantoes in die boerderybedryf, landbou, tuinbou, besproeiingswerksaamhede of mynbou; die registrasie van sodanige groepe deur die Direkteur en die intrekking van so 'n registrasie; die toelating van persone as lede van sodanige groepe en hul uitsetting daaruit; die beperking van die aantal persone wat tot sodanige groepe kan behoort en die gebiede ten opsigte waarvan sodanige groepe gestig kan word; die stel van sekerheid deur sodanige groepe vir die nakoming deur hul lede van die bedinge en voorwaardes van dienskontrakte aangegaan met Bantoes deur arbeidsagente in die diens van bedoelde groepe gewerf; en oor die algemeen die bestuur van die sake van sodanige groepe;
- (g) die reëling en beperking van die bedrag van 'n voorskot of krediet wat deur iemand wat 'n Bantoe in diens het of wil neem of sy agent, aan 'n Bantoe gedoen of verstrekk kan word, die koers waarteen rente daarop bereken kan word en die terugbetaling en invordering van so 'n voorskot of krediet;
- (h) die voorwaardes waarop en omstandighede waaronder die Direkteur of 'n deur hom skriftelik daartoe gemagtigde beamppte in die Staatsdiens vergunning kan verleen vir afrekkings deur werkgewers van Bantoes, van die loon van sodanige Bantoes;
- (i) die binnekoms van Bantoes buite die Republiek gewerf om daarin in diens geneem te word, en hul terugsending na hul woonplekke by beëindiging van hul kontrakte;
- (j) die behandeling van en beskikking oor of terugstuur na hul woonplekke of na 'n afgesonderde Bantoegebied of 'n oopgestelde gebied soos in die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), omskryf, van Bantoes (met inbegrip van hul afhanklikes) wie se dienskontrakte wettiglik ontbind of anders beëindig is of wat deur 'n bevoegde gesag na so 'n gebied beveel is, of van Bantoes (met inbegrip van hul afhanklikes) wat geneeskundig ongeskik vir diens verklaar is, en die indiensplasing en die aanhouding van sodanige Bantoes in bedoelde gebiede;
- (k) die huisvesting van Bantoes onder dienskontrak, die vervoer van Bantoes na plekke waar hulle diens moet verrig en die beheer oor Bantoes gedurende hul verblyf in voorgeskrewe gebiede of in gebiede wat nie voorgeskrewe gebiede is nie of in hulpsentrums;
- (l) die geneeskundige ondersoek en inenting van Bantoe-arbeiders en hul vrouens en gesinne, en die maatreëls wat geneem moet word om die oorbring of verspreiding van besmetlike of aansteeklike siektes deur hulle te voorkom;
- (m) die behoorlike huisvesting (ooreenkomstig bouplanne deur die Direkteur goedgekeur), voeding en behandeling van Bantoe-arbeiders, die huisvesting van die gesinne van sodanige arbeiders deur werkgewers wat gesinshuisvesting verskaf, die verpleging van die siekes of beseerdes, die betreding en inspeksie van persele waarin Bantoe-arbeiders woon, en sanitêre voorsorgsmaatreëls elders as in ondergrondse werkplekke in 'n myn;
- (n) die beheer oor die ligging en oprigting (ooreenkomstig terrein- of bouplanne deur die Direkteur goedgekeur) van kampongs, gesinshuisvesting of ander huisvesting, hospitale, begraafplase of ander fasiliteite vir Bantoes of vir die welsyn van Bantoes, die wyse en vorm van aansoek om die oprigting daarvan, die besonderhede wat by elke aansoek verstrekk moet word en die voorwaardes en omstandighede waaronder so 'n aansoek deur die Direkteur teogestaan of van die hand gewys

- (c) the registration and inspection of licences and permits and the surrender of suspended or cancelled licences and permits;
- (d) the execution, attestation and proper enforcement or cancellation of contracts with Bantu, the transfer, renewal and alteration of any such contracts, and the time within which any such contracts shall be attested;
- (e) the areas in respect of which no labour agents' licences or no employers' recruiting licences may be issued or in which no recruiting may take place under the authority of such licences or the areas or classes of employment in which no Bantu recruited under the authority of such licences may be employed;
- (f) the formation of groups of employers for the purpose of the recruitment of Bantu by employers of Bantu in farming, agriculture, horticulture, irrigation or mining; the registration by the Director of such groups and the cancellation of any such registration; the admission of persons to such groups as members and their expulsion therefrom; the limitation of the number of persons who may belong to such groups and the areas in respect of which such groups may be formed; the giving of security by such groups for compliance by their members with the terms and conditions of contracts of service entered into with Bantu recruited by labour agents employed by such groups; and generally, the conduct of the affairs of such groups;
- (g) the regulation and limitation of the amount of any advance or credit that may be made or given to a Bantu by any person who employs or intends to employ any Bantu, or his agent, the rate of interest chargeable thereon and the repayment and collection of such advance or credit;
- (h) the conditions and circumstances under which the Director or an officer of the public service authorized thereto by him in writing, may consent to deductions being made by employers of Bantu from the wages of such Bantu;
- (i) the entry of Bantu recruited from outside the Republic for employment therein, and their return to their homes on the termination of their contracts;
- (j) the treatment and disposal or return to their homes or to a scheduled Bantu area or released area as defined in the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), of Bantu (including their dependants) whose contracts of employment have been legally cancelled or have otherwise terminated or who have been ordered to such area by a competent authority, or of Bantu (including their dependants) declared medically unfit for employment, and the placing in employment and the detention of such Bantu in such areas;
- (k) the accommodation of Bantu under contract of employment, the conveyance of Bantu to their places of employment and the control of Bantu during their sojourn in prescribed areas or in areas which are not prescribed areas or in aid centres;
- (l) the medical examination and vaccination of Bantu labourers and their wives and families, and the measures to be taken to prevent the introduction or spread of infectious or contagious diseases by them;
- (m) the proper housing (in accordance with building plans approved by the Director), feeding and treatment of Bantu labourers, the housing of the families of such labourers by employers who provide married quarters, the care of the sick or injured, the entry upon and inspection of premises in which Bantu labourers reside, and sanitary precautions in places other than the underground workings of a mine;
- (n) the control of the siting and establishment (in accordance with site or building plans approved by the Director) of compounds, married quarters or other accommodation, hospitals, cemeteries or other facilities for Bantu or for the welfare of Bantu, the manner and form in which application shall be made for the establishment thereof, the particulars to be furnished upon every such application and the conditions and circumstances under which any such application may be granted or refused by the Director and the

kan word en die sloping van 'n gebou of bouwerk wat nie ooreenkomstig sodanige goedgekeurde planne opgerig is nie of wat so vervalte, sleg opgerig of vuil is dat dit volgens die Direkteur se oordeel skadelik of gevaarlik vir die gesondheid is of die verspreiding van aansteeklike siektes sou kan bevorder;

- (o) die reëling van en beheer oor kampongs en die huisvesting vir gesinne van Bantoe-arbeiders, die reg van toegang tot en verblyf in sodanige kampongs of huisvesting en die voorskrifte wat vir die handhawing van die goeie orde, tug en gesondheid daarin gehoorsaam moet word;
- (p) die bevoegdhede en pligte van kampongbestuurders in kampongs en die gesinshuisvesting vir Bantoe-arbeiders (met inbegrip van die bevoegdheid om 'n Bantoe wat 'n misdryf begaan of na hul vermoede 'n misdryf begaan of begaan het, in hegtenis te neem en aan te hou en om na gevaarlike wapens, sterk drank, gis, uitgeloopte graan, met inbegrip van gegruisde of gemaalde uitgeloopte graan, waarvan die invoer of besit in die betrokke kampong of gesinshuisvesting 'n oortreding ingevolge 'n wet is, dagga of ander gewoontevormende verdowingsmiddele, te soek en dit verbeurd te verklaar of te vernietig), en die delegering deur kampongbestuurders van hul bevoegdhede aan persone wat onder hul toesig optree en skriftelik deur die Bantoesakekommissaris van die gebied waarin die betrokke kampong geleë is, goedgekeur is;
- (q) die verbod op of beperking of reëling van die invoer of verskaffing of besit in 'n kampong of gesinshuisvesting of op 'n myn of bedryf van gis, uitgeloopte graan, met inbegrip van gegruisde of gemaalde uitgeloopte graan, of 'n stof wat by die vervaardiging van Bantoebier gebruik kan word en waarop die Staatspresident die bepalings van hierdie paragraaf by proklamasie in die *Staatskoerant* van toepassing verklaar;
- (r) die beskikking oor of distribusie van die bates van oorede Bantowerknemers of van onopgeëiste gelde verskuldig of persoonlike besittings wat behoort aan Bantoes wie se verblyfplekke nie bekend is nie;
- (s) die vasstelling van leges om die koste te dek van dienste in verband met 'n aangeleentheid in hierdie artikel vermeld en die invordering en afdwing van sodanige leges;
- (t) die hou deur werkgewers, werkgewersgroepe geregistreer ingevolge die regulasies uitgevaardig kragtens paragraaf (f) van hierdie sub-artikel, arbeidsagente en kampongbestuurders van die boeke en rekenings en die indien van die opgawes betreffende Bantoe-arbeid wat die Direkteur van tyd tot tyd vereis, en die inspeksie van sodanige boeke en rekenings deur die Direkteur of 'n beampte deur hom daartoe aangestel;
- (u) die bestuur van en beheer oor arbeidsburo's; die bevoegdhede, pligte en werksaamhede van beamptes aangestel vir die bestuur van of beheer oor so 'n buro; die vorms wat deur arbeidsburo's gebruik moet word; die vrywillige of verpligte registrasie van Bantoes by 'n arbeidsburo; die kategorieë van Bantoes met wie daar deur so 'n buro gehandel moet word; die kategorieë van werkgewers aan wie Bantoes deur so 'n buro vir diensverrigting beskikbaar gestel kan word en die wyse waarop en die voorwaardes waaronder sodanige Bantoes in diens geplaas moet word; die gelde wat vir enige diens deur 'n arbeidsburo verrig, betaal moet word; die registrasie by 'n arbeidsburo van alle gereelde werkgewers van Bantoes, en die aanmelding by so 'n buro deur so 'n werkgewer van vakatures in sy diens vir Bantoes; die soek na of die aanvaarding van werk deur Bantoes; die beweging van Bantoes van gebiede wat nie voorgeskrewe gebiede is nie na voorgeskrewe gebiede of van een na 'n ander voorgeskrewe gebied; die uitreiking van bevels aan sodanige Bantoes om so 'n gebied te verlaat; die tydperk waarin en die wyse waarop besonderhede betreffende dienskontrakte en plakkerdiensbodekontrakte en die ander in artikel *agt* van die Bantoes (Afskaffing van Passe en Koördinerings van Dokumente) Wet, 1952 (Wet No. 67 van 1952), bedoelde besonderhede, die datum van beëindiging van sodanige kontrakte en die datum van verlating van diens onder sodanige kontrakte aangemeld moet word; die voorwaardes waaronder 'n Bantoe toegelaat kan word om vir eie rekening in 'n winsgewende bedrywigheid of

demolition of any building or structure not erected in accordance with such approved plans or which is so dilapidated, defectively constructed or dirty that in the opinion of the Director it is injurious or dangerous to health or is liable to favour the spread of infectious disease;

- (o) the regulation and control of compounds and the married quarters of Bantu labourers, the right of entry into and residence in such compounds or quarters and the rules to be observed therein for the maintenance of good order, discipline and health;
- (p) the powers and duties of compound managers in compounds and the married quarters of Bantu labourers (including the power to arrest and detain any Bantu committing or suspected by them of committing or of having committed an offence, and to search for, to confiscate or to destroy dangerous weapons, intoxicating liquor, yeast, sprouted grain, including crushed or ground sprouted grain, whereof the introduction into or possession in the compound or married quarters concerned is an offence under any law, dagga or other habit-forming drugs), and the delegation by compound managers of their powers to persons acting under them who have been approved in writing by the Bantu affairs commissioner of the area in which the compound in question is situated;
- (q) the prohibition, restriction or regulation of the introduction into or supply or possession in any compound or married quarters or on any mine or works of yeast, sprouted grain, including crushed or ground sprouted grain, or any substance which is capable of being used in the manufacture of Bantu beer and to which the State President may by proclamation in the *Gazette* declare the provisions of this paragraph to be applicable;
- (r) the disposal or distribution of the assets of deceased Bantu employees or of unclaimed moneys due or personal effects belonging to Bantu whose whereabouts are unknown;
- (s) the fixing of fees to cover the cost of services in connection with any of the matters in this section mentioned, and the collection and enforcement of such fees;
- (t) the keeping by employers, groups of employers registered in terms of the regulations made under paragraph (f) of this sub-section, labour agents and compound managers of such books and accounts and the rendering of such returns concerning Bantu labour, as may be required by the Director from time to time, and the inspection of any of such books and accounts by the Director or any officer appointed by him thereto;
- (u) the management and control of labour bureaux; the powers, duties and functions of officers appointed for the management or control of any such bureau; the forms to be used by labour bureaux; the voluntary or compulsory registration with a labour bureau of Bantu; the classes of Bantu to be dealt with by any such bureau; the classes of employers to whom Bantu may be made available by any such bureau for employment and the manner in which and the conditions under which such Bantu shall be placed in employment; the fees to be paid for any service rendered by any labour bureau; the registration with a labour bureau of all regular employers of Bantu, and the notification to such bureau by any such employer of vacancies in his service for Bantu; the seeking or taking up of employment by Bantu; the movement of Bantu from areas which are not prescribed areas to prescribed areas or from one prescribed area to another; the making of orders on such Bantu to leave any such area; the period and the manner in which particulars relative to contracts of employment and labour tenants' contracts and the other particulars referred to in section *eight* of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952), the date of termination of such contracts and the date of desertion from employment under such contracts shall be advised; the conditions under which a Bantu may be permitted to work on his own account in any remunerative activity or as an inde-

as 'n onafhanklike aannemer te werk; die hou van registers, met inbegrip van registers van Bantoes wat begeer om in diens te tree en van persone wat Bantoes vir diens nodig het; die aantekening van gegewens en die verstrekking van statistiese opgawes deur arbeidsburo's; die wyse waarop of vorm waarin 'n munisipale of distriksarbeidsbeampte die in artikel twee-en-twintig bedoelde bevoegdhede moet uitoefen; die aantekening van besonderhede betreffende arbeidsburo-aangeleenthede en die maak van inskrywings in 'n in die Bantoes (Afskaffing van Passe en Koördinerings van Dokumente) Wet, 1952, bedoelde bewysboek of uitkenbewys of in 'n in die „Wet tot Regeling van de Toelating van Personen tot de Unie, 1913” (Wet No. 22 van 1913), bedoelde paspoort, permit, identifikasiebewys of ander reisdokument; die dokumente wat deur 'n vroulike Bantoe wat begerig is om in diens te tree, getoon moet word; die prosedure wat gevolg moet word wanneer en die omstandighede waaronder 'n Bantoe (hetsy hy gewerf is al dan nie) van 'n ander gebied in die gebied van 'n plaaslike of distriksarbeidsburo ingevoer mag word, waarby 'n voorwaarde inbegrepe kan wees wat die arbeidsagent wat sodanige Bantoe werf of die persoon wat sodanige invoering verlang, verplig om sekerheid tot bevrediging van die betrokke munisipale of distriks-beampte te stel dat dié Bantoe by die beëindiging van die dienskontrak met hom aangegaan of aangegaan te word na sy verblyfplek of laaste woonplek teruggestuur sal word; die verstrekking deur werkgewers van Bantoes of deur eienaars, huurders of okkupeerders van grond, wanneer deur 'n arbeidsburo daartoe aangesê, van opgawes of statistieke of inligting betreffende Bantoes op sodanige grond in diens of woonagtig; die voorwaardes waaronder en die prosedure waarvolgens 'n Bantoe wat nie toegelaat is om in 'n gebied te wees of te woon of in diens te wees nie, uit daardie gebied verwyder kan word of aangesê kan word om daardie gebied te verlaat; en oor die algemeen enige aangeleentheid in verband met die behoorlike instandhouding van en beheer oor en die behoorlike funksionering van arbeidsburo's: Met dien verstande dat geen Bantoe ingevolge 'n kragtens hierdie paragraaf uitgevaardigde regulasie toestemming geweier mag word om weer 'n gebied binne te kom na 'n afwesigheid daaruit van nie meer as twaalf maande nie, met die doel om diens te aanvaar, indien 'n vakature bestaan, by die werkgewer by wie dié Bantoe laas in daardie gebied in diens was voordat hy die gebied verlaat het, of, indien bedoelde vakature nie meer bestaan nie, en indien die Bantoesakekommissaris geen beswaar het nie, by enige ander werkgewer in daardie gebied;

- (v) die bevoegdhede en pligte van inspekteurs;
- (w) die stigting van hulpsentrums, die kategorieë van Bantoes met wie daar by sodanige hulpsentrums gehandel moet word, die bevoegdhede, pligte en werksaamhede van beamptes vir die bestuur van of beheer oor so 'n hulpsentrum aangestel; die wyse waarop en die omstandighede waaronder 'n Bantoe tot 'n hulpsentrum toegelaat kan word; en die beheer, huisvesting, voeding, geneeskundige ondersoek, behandeling van en beskikking oor Bantoes wat in sodanige hulpsentrums gehuisves word;
- (x) die stigting van jeugsentrums vir die ontvangs van Bantoes bo die ouderdom van vyftien jaar en onder die ouderdom van een-en-twintig jaar wat deur 'n bevoegde gesag daarheen beveel of verwys word; die kategorieë van Bantoes wat by sodanige sentrums opgeneem moet word; die vrywillige verblyf of verpligte aanhouding van Bantoes by sodanige sentrums; en die beheer, huisvesting, voeding, geneeskundige ondersoek, opleiding, behandeling en indiensplasing van Bantoes wat tot sodanige sentrums toegelaat is;
- (y) die wyse waarop en die tydperk waarin appêle na die Hoofbantoesakekommissaris kragtens hierdie Wet of die regulasies aangeteken en voortgesit moet word of 'n besluit van 'n munisipale of distriksarbeidsbeampte deurgestuur moet word om deur 'n Hoofbantoesakekommissaris hersien te word;
- (z) die stigting, bestuur van en beheer oor versendingsagentskappe, spaarskemas of ander skemas deur

pendent contractor; the maintenance of records, including records of Bantu desiring to take up employment and of persons requiring the services of Bantu; the recording of data and the rendition of statistical returns by labour bureaux; the manner or form in which a municipal or district labour officer shall exercise the powers referred to in section *twenty-two*; the recording of particulars relevant to labour bureau matters and the making of entries in any reference book or document of identification referred to in the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952, or in a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913); the documents to be produced by a female Bantu wishing to take up employment; the procedure to be followed when and the circumstances under which a Bantu (whether recruited or otherwise) may be introduced into the area of a local or district labour bureau from another area, which may include a condition requiring the labour agent recruiting such Bantu or the person desiring such introduction, to give security to the satisfaction of the municipal or district labour officer concerned that at the termination of the contract of employment entered into with or to be entered into with such Bantu, such Bantu will be returned to his home or last place of residence; the rendering by employers of Bantu or by owners, lessees or occupiers of land, when so required by a labour bureau, of returns or statistics of or information relative to Bantu in employment or resident on such land; the conditions under which and the procedure whereby a Bantu who is not permitted to be or to reside or to be employed in any area, may be removed from or be ordered to leave such area; and generally any matter connected with the proper maintenance and control and proper functioning of labour bureaux: Provided that a Bantu shall not under any regulation made in terms of this paragraph be refused permission to re-enter an area after an absence therefrom of not more than twelve months, for the purpose of taking up employment, if a vacancy exists, with the employer by whom such Bantu was last employed in such area before leaving such area, or, if such vacancy has ceased to exist, and if the Bantu affairs commissioner has no objection, with any other employer in such area;

- (v) the powers and duties of inspectors;
- (w) the establishment of aid centres, the classes of Bantu to be dealt with at such aid centres, the powers, duties and functions of officers appointed for the management or control of any such aid centre; the manner and circumstances in which a Bantu may be admitted to an aid centre; and the control, housing, feeding, medical examination, treatment and disposal of Bantu housed in such aid centres;
- (x) the establishment of youth centres for the reception of Bantu over the age of fifteen years and under the age of twenty-one years ordered or directed thereto by a competent authority; the classes of Bantu to be admitted to such centres; the voluntary residence or compulsory detention of Bantu at such centres; and the control, housing, feeding, medical examination, training, treatment and placing in employment of Bantu admitted to such centres;
- (y) the manner in which and the period within which appeals to the chief Bantu affairs commissioner under this Act or the regulations shall be noted and prosecuted or a decision of a municipal or district labour officer shall be submitted for review by a chief Bantu affairs commissioner;
- (z) the establishment, management and control of remittance agencies, savings schemes or other schemes

werkgewers of werwingsorganisasies of arbeidsagente bestuur ten behoewe van Bantoes in hul diens of deur hulle gewerf;

- (aa) die bewaring van geld gedeponeer by die Direkteur of by iemand wat Bantoes in diens het en die terugbetaling van daardie geld of die versending van geld of van lone aan Bantoes verskuldig, na hul tuistes;
- (bb) die bestelling van kennisgewings of ander dokumente;
- (cc) die vrystelling van Bantoes of van verskillende kategorieë van Bantoes of van werkgewers of van verskillende kategorieë van werkgewers van die bepalings van 'n regulasie kragtens hierdie sub-artikel uitgevaardig;
- (dd) enige aangeleentheid wat kragtens hierdie Wet by regulasie voorgeskryf moet of kan word; en
- (ee) oor die algemeen vir die beter uitvoering van die doeleindes en oogmerke van hierdie Wet.

(2) Verskillende regulasies kan ten opsigte van verskillende gebiede en ten opsigte van verskillende kategorieë van Bantoes of werkgewers of ten opsigte van verskillende soorte werk uitgevaardig word.

(3) Die regulasies kan vir 'n oortreding daarvan of versuim om daaraan te voldoen, strawwe voorskryf wat 'n boete van honderd rand of, by wanbetaling, gevangenisstraf vir 'n tydperk van ses maande nie te bowe gaan nie, en daaglikse boetes kan vir 'n voortdurende oortreding of nie-voldoening voorgeskryf word en hoër strawwe kan vir 'n tweede of latere oortreding of nie-voldoening voorgeskryf word.

Opskorting van munisipale verordeninge ten opsigte van 'n myn of bedryf.

29. Die Staatspresident kan by proklamasie in die *Staatskoerant* die toepassing van 'n verordening wat deur die raad van 'n munisipaliteit of ander plaaslike bestuur uitgevaardig is en wat betrekking het op 'n aangeleentheid wat by regulasie gereël word, ten opsigte van 'n myn of bedryf opskort, maar geen geregtelike stappe wat op die datum van die opskorting ingevolge die opgeskorte verordening gedoen is, word daardeur geraak nie: Met dien verstande dat geen proklamasie wat so 'n verordening opskort sonder voorafgaande raadpleging met bedoelde raad of ander plaaslike bestuur uitgereik word nie.

Werwing in die Republiek vir diens buite die Republiek kan verbied word.

30. Die Staatspresident kan by proklamasie in die *Staatskoerant* die werwing binne die Republiek of 'n gedeelte daarvan, deur arbeidsagente of werkgewers, van Bantoes vir werkverrigting buite die Republiek verbied, en iemand wat Bantoes in stryd met so 'n proklamasie werf, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sowel daardie boete as daardie gevangenisstraf.

Algemene strafbepalings.

31. (1) Iemand wat deur 'n doen of late 'n bepaling van hierdie Wet of 'n regulasie oortree of versuim om daaraan te voldoen, is, waar geen straf uitdruklik voorgeskryf word nie, by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens ses maande, en, in die geval van 'n voortdurende oortreding, met 'n bykomende boete van hoogstens twintig rand of, by wanbetaling, 'n eweredige tydperk van bykomende gevangenisstraf vir elke dag wat die oortreding voortduur: Met dien verstande dat die duur van so 'n eweredige tydperk van bykomende gevangenisstraf in geen geval ses maande te bowe gaan nie.

(2) 'n Oortreding van of versuim om te voldoen aan 'n bepaling van hierdie Wet kan verhoor word en die maksimum strawwe, uitgesonderd dié in artikel *dertig* vermeld, kan opgelê word deur die hof van 'n Bantoesakekommissaris of landdros.

Toepassing van Wet op Suidwes-Afrika.

32. Die Staatspresident kan, by proklamasie in die *Staatskoerant*, en onderworpe aan die voorwaardes, wysigings en uitsonderings in die proklamasie voorgeskryf, enige van die bepalings van hierdie Wet op die gebied Suidwes-Afrika of 'n gedeelte daarvan toepas, en ingeval die bepalings aldus toegepas in stryd is met die bepalings van enige in die gebied of bedoelde gedeelte daarvan geldende wet, geld die aldus toegepaste bepalings.

Herroeping van wette.

33. (1) Die wette in die Bylae by hierdie Wet vermeld, word hierby herroep vir sover in die derde kolom van bedoelde Bylae aangedui.

(2) 'n Proklamasie, regulasie, kennisgewing, goedkeuring, magtiging, opgawe, sertifikaat, dokument, aanstelling, lisensie, permit, registrasie of kontrak uitgereik, gemaak, uitgevaardig,

conducted by employers or recruiting organizations or labour agents on behalf of Bantu employed or recruited by them;

- (aa) the custody of any moneys deposited with the Director or with any person who employs Bantu and the repayment of such moneys or the remittance of moneys or of any wages due to such Bantu, to their homes;
- (bb) the service of notices or other documents;
- (cc) the exemption of Bantu or of different classes of Bantu or of employers or of different classes of employers from the provisions of any regulation made under this sub-section;
- (dd) any matter required or permitted by this Act to be prescribed by regulation; and
- (ee) generally for the better carrying out of the objects and purposes of this Act.

(2) Different regulations may be made in respect of different areas and in respect of different classes of Bantu or employers or in respect of different classes of employment.

(3) The regulations may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of one hundred rand or, in default of payment, imprisonment for a period of six months, and daily penalties may be prescribed for a continuing contravention or non-compliance and increased penalties may be prescribed for a second or subsequent contravention or non-compliance.

29. The State President may by proclamation in the *Gazette* in respect of any mine or works suspend the operation of any bye-law made by the council of any municipality or other local authority and relating to any matter dealt with by regulation, but no legal proceedings which at the date of the suspension have been taken under the suspended bye-law shall be affected thereby: Provided that no proclamation suspending any such bye-law shall be issued without prior consultation with such council or other local authority.

Suspension of municipal bye-law in respect of any mine or works.

30. The State President may, by proclamation in the *Gazette*, prohibit the recruiting by labour agents or employers of Bantu within the Republic or any part thereof for employment outside the Republic, and any person who recruits Bantu in contravention of any such proclamation shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or, in default of payment, to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

Recruiting in the Republic for employment outside the Republic may be prohibited.

31. (1) Any person who by any act or omission contravenes or fails to comply with any provision of this Act or any regulation shall, where no penalty is specially prescribed, be liable on conviction to a fine not exceeding one hundred rand or, in default of payment, to imprisonment for a period not exceeding six months, and, in the case of a continuing offence, to an additional fine not exceeding twenty rand or, in default of payment, a proportionate period of additional imprisonment for each day during which the offence continues: Provided that the duration of any such proportionate period of additional imprisonment shall in no case exceed six months.

General penalties.

(2) Every contravention of or failure to comply with this Act may be tried and the maximum penalties, except those mentioned in section *thirty*, may be imposed by any Bantu affairs commissioner's court or magistrate's court.

32. The State President may, by proclamation in the *Gazette*, and subject to such conditions, modifications and exceptions as may be prescribed in the proclamation, apply any of the provisions of this Act to the territory of South-West Africa or any portion thereof, and, in the event of any conflict between the provisions so applied and the provisions of any law in force in the said territory or such portion thereof, the provisions so applied shall prevail.

Application of Act to South-West Africa.

33. (1) The laws mentioned in the Schedule to this Act are hereby repealed to the extent set out in the third column of that Schedule.

Repeal of laws.

(2) Any proclamation, regulation, notice, approval, authority, return, certificate, document, appointment, licence, permit, registration or contract issued, made, promulgated, given,

gegee, verleen, aangegaan of geattesteer en enige stappe gedoen kragtens 'n bepaling van 'n by sub-artikel (1) herroepe wet, word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgereik, gemaak, uitgevaardig, gegee, verleen, aangegaan, geattesteer of gedoen te wees.

Kort titel
en inwerking-
treding.

34. Hierdie Wet heet die Wet op Bantoe-arbeid, 1964, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Bylae.

WETTE HERROEP.

Nommer en jaar van Wet.	Titel van Wet.	In hoeverre herroep.
Wet No. 15 van 1911.	„Bantoe-arbeid Regelingswet, 1911.”	Die geheel.
Wet No. 46 van 1937.	Wet tot Wysiging van die Wette op Bantoes, 1937.	Artikel <i>drie-en-dertig</i> .
Wet No. 56 van 1949.	Wet tot Wysiging van die Wette op Bantoes, 1949.	Artikels <i>een</i> tot en met <i>sestien</i> .
Wet No. 54 van 1952.	Wet tot Wysiging van die Bantoe-wette, 1952.	Artikels <i>een</i> tot en met <i>sewen-tien</i> .
Wet No. 36 van 1957.	Wysigingswet op Bantoewetgewing, 1957.	Artikels <i>een</i> tot en met <i>een-en-twintig</i> .
Wet No. 76 van 1963.	Wysigingswet op Bantoewetgewing, 1963.	Artikel <i>een</i> .
Wet No. 42 van 1964.	Wysigingswet op Bantoewetgewing, 1964.	Artikels <i>een</i> tot en met <i>dertien</i> .

granted, entered into or attested and any action taken under any provision of a law repealed by sub-section (1) shall be deemed to have been issued, made, promulgated, given, granted, entered into, attested or taken under the corresponding provision of this Act.

34. This Act shall be called the Bantu Labour Act, 1964, Short title and and shall come into operation on a date to be fixed by the commencement. State President by proclamation in the *Gazette*.

Schedule.

LAWS REPEALED.

Number and year of Law.	Title or Subject of Law.	Extent of Repeal.
Act No. 15 of 1911.	The Bantu Labour Regulation Act, 1911.	The whole.
Act No. 46 of 1937.	Bantu Laws Amendment Act, 1937.	Section <i>thirty-three</i> .
Act No. 56 of 1949.	Bantu Laws Amendment Act, 1949.	Sections <i>one</i> to <i>sixteen</i> , inclusive.
Act No. 54 of 1952.	Bantu Laws Amendment Act, 1952.	Sections <i>one</i> to <i>seventeen</i> , inclusive.
Act No. 36 of 1957.	Bantu Laws Amendment Act, 1957.	Sections <i>one</i> to <i>twenty-one</i> , inclusive.
Act No. 76 of 1963.	Bantu Laws Amendment Act, 1963.	Section <i>one</i> .
Act No. 42 of 1964.	Bantu Laws Amendment Act, 1964.	Sections <i>one</i> to <i>thirteen</i> , inclusive.

No. 68, 1964.]

WET

Tot wysiging van die Nedersettingswet, 1956.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Junie 1964.)

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

Wysiging van artikel 2 van Wet 21 van 1956, soos gewysig deur artikel 17 van Wet 66 van 1963.

Wysiging van artikel 3 van Wet 21 van 1956, soos gewysig deur artikel 2 van Wet 13 van 1959 en artikel 17 van Wet 66 van 1963.

Vervanging van artikel 6 van Wet 21 van 1956.

Wysiging van artikel 7 van Wet 21 van 1956, soos gewysig deur artikel 3 van Wet 13 van 1959 en artikel 17 van Wet 66 van 1963.

Vervanging van artikel 11 van Wet 21 van 1956, soos gewysig deur artikel 4 van Wet 13 van 1959.

Wysiging van artikel 12 van Wet 21 van 1956, soos gewysig deur artikel 17 van Wet 66 van 1963.

Vervanging van artikel 13 van Wet 21 van 1956, soos gewysig deur artikel 17 van Wet 66 van 1963.

1. Artikel twee van die Nedersettingswet, 1956 (hieronder die Hoofwet genoem), word hierby gewysig deur die woord „Staatspresident”, oral waar dit voorkom, deur die woord „Minister” te vervang.

2. Artikel drie van die Hoofwet word hierby gewysig—
(a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Die voorsitter en die ander deur die Minister daartoe aangestelde lid van die raad beklee hul amp, behoudens die bepalings van sub-artikel (4) van artikel twee en sub-artikel (2) van hierdie artikel, vir 'n tydperk van hoogstens vyf jaar deur die Minister ten opsigte van elk so 'n voorsitter of lid by sy aanstelling bepaal, maar tree in elke geval af op die tweede dag van Julie in die jaar waarin daardie tydperk verstryk.”; en

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

3. Artikel ses van die Hoofwet word hierby deur die volgende artikel vervang:

„Besoldiging en toelaes van lede van raad.

6. Behoudens die voorwaardes en beperkings wat voorgeskryf word, word daar aan die voorsitter en elke ander lid van die raad, indien hy nie 'n amptenaar in die Staatsdiens is nie, die besoldiging en toelaes betaal wat die Minister in oorleg met die Minister van Finansies bepaal.”.

4. Artikel sewe van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (1) die woord „Staatspresident”, waar dit vir die tweede keer voorkom, deur die woord „Minister” te vervang; en

(b) deur in paragraaf (b) van sub-artikel (3) die woord „Staatspresident” deur die woord „Minister” te vervang.

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

„Besoldiging en toelaes van lede van plaaslike rade.

11. Behoudens die voorwaardes en beperkings wat voorgeskryf word, word daar aan 'n lid van 'n plaaslike raad wat nie 'n amptenaar in die Staatsdiens of 'n lid van die raad is nie, die besoldiging en toelaes betaal wat die Minister in oorleg met die Minister van Finansies bepaal.”.

6. Artikel twaalf van die Hoofwet word hierby gewysig—

(a) deur paragraaf (c) te skrap; en

(b) deur in paragraaf (d) die woorde „of veertien deur die Staatspresident” deur die woorde „deur die Minister” te vervang.

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

„Afdanking van lede van raad of 'n plaaslike raad.

13. Die Minister kan te eniger tyd 'n lid van die raad of 'n plaaslike raad uit sy amp afdank.”.

No. 68, 1964.]

ACT

To amend the Land Settlement Act, 1956.

(Afrikaans text signed by the State President.)
(Assented to 17th June, 1964.)

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

1. Section *two* of the Land Settlement Act, 1956 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the words "State President", wherever they occur, of the word "Minister". Amendment of section 2 of Act 21 of 1956, as amended by section 17 of Act 66 of 1963.
2. Section *three* of the principal Act is hereby amended—
 - (a) by the substitution for sub-section (1) of the following sub-section:

"(1) The chairman and the other member of the board appointed as such by the Minister shall, subject to the provisions of sub-section (4) of section *two* and sub-section (2) of this section, hold office for a period not exceeding five years to be determined by the Minister in respect of each such chairman or member on appointment, but shall in every case retire on the second day of July in the year in which such period terminates."; and
 - (b) by the substitution in sub-section (2) for the words "State President" of the word "Minister". Amendment of section 3 of Act 21 of 1956, as amended by section 2 of Act 13 of 1959 and section 17 of Act 66 of 1963.
3. The following section is hereby substituted for section *six* of the principal Act: Substitution of section 6 of Act 21 of 1956.

6. Subject to such conditions and limitations as may be prescribed, there shall be paid to the chairman and each other member of the board, if he is not an officer in the public service, such remuneration and allowances as the Minister in consultation with the Minister of Finance may determine."

Remuneration and allowances of members of the board.
4. Section *seven* of the principal Act is hereby amended—
 - (a) by the substitution in sub-section (1) for the words "State President", where they occur for the second time, of the word "Minister"; and
 - (b) by the substitution in paragraph (b) of sub-section (3) for the words "State President" of the word "Minister". Amendment of section 7 of Act 21 of 1956, as amended by section 3 of Act 13 of 1959 and section 17 of Act 66 of 1963.
5. The following section is hereby substituted for section *eleven* of the principal Act: Substitution of section 11 of Act 21 of 1956, as amended by section 4 of Act 13 of 1959.

11. Subject to such conditions and limitations as may be prescribed, there shall be paid to a member of a local board who is not an officer in the public service or a member of the board, such remuneration and allowances as the Minister in consultation with the Minister of Finance may determine."

Remuneration and allowances of members of local boards.
6. Section *twelve* of the principal Act is hereby amended—
 - (a) by the deletion of paragraph (c); and
 - (b) by the substitution in paragraph (d) for the words "State President under section *thirteen* or *fourteen*" of the words "Minister under section *thirteen*". Amendment of section 12 of Act 21 of 1956, as amended by section 17 of Act 66 of 1963.
7. The following section is hereby substituted for section *thirteen* of the principal Act: Substitution of section 13 of Act 21 of 1956, as amended by section 17 of Act 66 of 1963.

13. The Minister may remove a member of the board or a local board from his office at any time."

Removal from office of members of the board or a local board.

Wysiging van artikel 14 van Wet 21 van 1956, soos gewysig deur artikel 17 van Wet 66 van 1963.

Wysiging van artikel 15 van Wet 21 van 1956.

Vervanging van artikel 20 van Wet 21 van 1956, soos gewysig deur artikel 6 van Wet 13 van 1959, artikel 5 van Wet 28 van 1960 en artikel 3 van Wet 66 van 1963.

8. Artikel *veertien* van die Hoofwet word hierby gewysig—
- (a) deur in sub-artikel (1) die woorde „met of sonder dwangarbeid” te skrap; en
 - (b) deur in sub-artikel (2) die woorde na die woord „en” deur die woorde „by skuldigbevinding strafbaar met ’n boete van hoogstens honderd rand” te vervang.

9. Artikel *vyftien* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „honderd pond” deur die woorde „tweehonderd rand” te vervang en die woorde „met of sonder dwangarbeid” te skrap.

10. Artikel *twintig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Voorwaarde van verkryging van grond ten behoeve van applikant wat deel van koopprys betaal.

20. (1) Iemand wat—
- (a) aan die vereistes van artikel *ses-en-twintig* voldoen en wat verlang dat grond verkry en ingevolge hierdie artikel aan hom toegeken word; of
 - (b) aan die gemelde vereistes voldoen en die geregistreerde eienaar van grond is en wat verlang—
 - (i) dat sy grond en enige ander grond gelyktydig aldus verkry en aan hom toegeken word; of
 - (ii) dat sy grond aldus verkry en tesame met enige Staatsgrond aan hom toegeken word; of
 - (c) ’n huurder is en wat verlang dat grond verkry en by sy hoeve gevoeg word,
- kan by die Sekretaris van Lande of ’n ander deur die Minister aangewese amptenaar ’n skriftelike aansoek indien waarby versoek word dat grond wat deur middel van ’n plan of andersins in die aansoek beskryf word, vir nedersettingsdoeleindes ten behoeve van hom deur die Minister verkry word.
- (2) (a) ’n Aansoek ingevolge sub-artikel (1) moet die besonderhede bevat wat die Minister vereis, en moet—
- (i) in die geval van grond wat van iemand anders as die applikant verkry moet word, vergesel gaan van ’n opsie deur die eienaar daarvan ten gunste van die Minister verleen om die grond teen ’n daarin vermelde prys te koop (waarvan die Minister kan afsien indien die grond anders dan by private ooreenkoms verkry moet word), ’n onderneming deur die applikant om onverwyld minstens een-tiende van dié koopprys by te dra, en ’n verklaring deur die applikant in die vorm in die Eerste Bylae uiteengesit; en
 - (ii) in die geval van grond wat van die applikant verkry moet word, vergesel gaan van ’n opsie deur die applikant ten gunste van die Minister verleen om die grond teen ’n daarin vermelde prys te koop, en ’n onderneming deur die applikant om onverwyld minstens een-tiende van dié koopprys by te dra.
- (b) ’n Applikant wat in ’n by paragraaf (a) vereiste verklaring in die vorm in die Eerste Bylae uiteengesit, ’n verklaring doen wat in ’n wesentlike opsig vals is, met die wete dat dit vals is, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete van hoogstens tweehonderd rand of, by wanbetaling, met gevangenisstraf vir ’n tydperk van hoogstens ses maande.
- (3) (a) Die Minister kan verlang dat ’n applikant ten opsigte van grond wat van iemand anders verkry moet word, beëdigde verklarings onderskeidelik deur hom en die verkoper afgelê, moet verstrek waarin die koopprys wat vir die grond betaal is of moet word, vermeld word, asook dat geen ander teenprestasie as daardie koopprys en sodanige addisionele teenprestasie, as daar is, wat die Minister mag goedgekeur het, ten opsigte van die koop van die grond, van die applikant aan die verkoper of van die verkoper aan die applikant oorgegaan het of sal oorgeaan nie.

8. Section *fourteen* of the principal Act is hereby amended—
- (a) by the deletion in sub-section (1) of the words “with or without compulsory labour”; and
 - (b) by the substitution in sub-section (2) for the words following the word “and” of the words “liable on conviction to a fine not exceeding one hundred rand”.
- Amendment of section 14 of Act 21 of 1956, as amended by section 17 of Act 66 of 1963.
9. Section *fifteen* of the principal Act is hereby amended by the substitution in sub-section (2) for the words “one hundred pounds” of the words “two hundred rand” and the deletion in that sub-section of the words “with or without compulsory labour”.
- Amendment of section 15 of Act 21 of 1956.
10. The following section is hereby substituted for section *twenty* of the principal Act:
- Substitution of section 20 of Act 21 of 1956, as amended by section 6 of Act 13 of 1959, section 5 of Act 28 of 1960 and section 3 of Act 66 of 1963.
- “Conditions of acquisition of land on behalf of applicant paying part of purchase price.
20. (1) Any person who—
- (a) complies with the requirements of section *twenty-six* and who desires that land be acquired and allotted to him under this section; or
 - (b) complies with the said requirements and is the registered owner of land and who desires—
 - (i) that his land and any other land be simultaneously so acquired and allotted to him; or
 - (ii) that his land be so acquired and allotted to him with any State land; or
 - (c) is a lessee and who desires that land be acquired and added to his holding,
- may in writing lodge with the Secretary for Lands or any other officer designated by the Minister, an application requesting that land described by plan or otherwise in the application be acquired on his behalf by the Minister for settlement purposes.
- (2) (a) An application under sub-section (1) shall contain such particulars as the Minister may require, and shall—
- (i) in the case of land to be acquired from a person other than the applicant, be accompanied by an option to purchase the land at a price specified therein (which may be dispensed with by the Minister if the land is to be acquired otherwise than by private treaty) granted by the owner thereof in favour of the Minister, an undertaking by the applicant to contribute forthwith not less than one-tenth of such purchase price, and a statement by the applicant in the form set out in the First Schedule; and
 - (ii) in the case of land to be acquired from the applicant, be accompanied by an option granted by the applicant in favour of the Minister to purchase the land at a price stated therein, and an undertaking by the applicant to contribute forthwith not less than one-tenth of such purchase price.
- (b) An applicant who in any declaration required under paragraph (a) in the form set out in the First Schedule, makes a statement which is false in any material particular, knowing the same to be false, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or, in default of payment, to imprisonment for a period not exceeding six months.
- (3) (a) The Minister may require an applicant to furnish in respect of land to be acquired from any other person affidavits by himself and the seller respectively, stating the purchase price paid or to be paid for the land and declaring that no consideration, other than such purchase price and such additional consideration, if any, as may have been approved by the Minister, has passed or will pass from the applicant to the seller or from the seller to the applicant in respect of the purchase of the land.

(b) Enige onderneming deur 'n applikant om aan 'n verkoper 'n teenprestasie benewens bedoelde koopprys te betaal, is nietig, tensy die Minister die betaling van daardie addisionele teenprestasie op aanbeveling van die raad goedgekeur het.

(c) Iemand wat in 'n beëdigde verklaring ingevolge hierdie sub-artikel deur die Minister verlang, 'n valse verklaring doen met die wete dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe volgens wet vir die misdaad van meened bepaal.

(4) Na oorweging van so 'n aansoek en van die beëdigde verklarings, as daar is, ingevolge sub-artikel (3) verstrek, kan die Minister, by betaling deur die applikant van die inspeksiegelde deur die Minister in oorleg met die Minister van Finansies bepaal, 'n verslag van een of meer lede van die raad of 'n plaaslike raad omtrent die grond waarop die aansoek betrekking het, verkry.

(5) 'n Verslag ingevolge sub-artikel (4) verstrek, moet besonderhede bevat aangaande—

(a) die waarde van die grond;

(b) die geskiktheid daarvan vir nedersettingsdoeleindes;

(c) die aard en waarde van enige verbeterings daarop;

(d) die aard en omvang van die bestaande water-voorraad daarop, en of 'n voldoende water-voorraad vir nedersettingsdoeleindes waarskynlik geredelik verkrygbaar sal wees al dan nie.

(6) Wanneer die raad na oorweging van al die stukke in verband met 'n aansoek ingevolge hierdie artikel, die aankoop aanbeveel het van die grond waarop die aansoek betrekking het, en—

(a) in die geval van 'n aansoek deur 'n huurder, gesertifiseer het dat die toevoeging van bedoelde grond tot die betrokke hoewe nodig is sodat die hoewe aan daardie huurder 'n redelik toereikende bestaan kan bied; of

(b) in die geval van 'n aansoek deur 'n geregistreerde eienaar van grond, gesertifiseer het dat die addisionele grond wat ingevolge die aansoek verkry moet word, of, na gelang van die geval, die betrokke Staatsgrond nodig is sodat die grond aan die applikant 'n redelik toereikende bestaan kan bied,

kan die Minister daardie grond aankoop uit geld wat die Parlement vir die aankoop van grond vir nedersettingsdoeleindes bewillig het, mits—

(i) die applikant 'n bedrag deur die Minister bepaal en gelyk aan minstens een-tiende van die koopprys wat die Minister vir daardie grond moet betaal, of, indien so 'n bedrag nie bepaal is nie, 'n bedrag gelyk aan minstens een-tiende van bedoelde koopprys, by die Minister gestort het; of

(ii) die applikant tot bevrediging van die Minister bewys verstrek het dat 'n bedrag deur die Minister bepaal en gelyk aan minstens een-tiende van bedoelde koopprys, of, indien so 'n bedrag nie bepaal is nie, 'n bedrag gelyk aan minstens een-tiende van bedoelde koopprys deur die applikant aan die verkoper op bedoelde koopprys betaal is; of

(iii) in die geval van 'n aansoek deur 'n geregistreerde eienaar van grond, daar 'n bedrag deur die Minister bepaal en gelyk aan minstens een-tiende van bedoelde koopprys, of, indien so 'n bedrag nie bepaal is nie, 'n bedrag gelyk aan een-tiende van bedoelde koopprys, uit die koopprys van grond wat van die applikant verkry moet word, beskikbaar sal wees om deur die Minister aangewend te word as die applikant se bydrae tot eersgenoemde koopprys, en sodanige bedrag aldus aangewend word.

(7) Die Minister kan na goeddunke maar behoudens die regte van die applikant se krediteure die koopprys van grond wat hy ingevolge hierdie artikel van die applikant verkry het of enige gedeelte daarvan namens die applikant aanwend ter

(b) Any undertaking by an applicant to pay any consideration to a seller in addition to the said purchase price shall be void, unless the payment of such additional consideration has been approved by the Minister on the recommendation of the board.

(c) Any person who in an affidavit required by the Minister under this sub-section, makes any false statement knowing it to be false, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of perjury.

(4) After consideration of any such application and of the affidavits, if any, furnished under sub-section (3), the Minister may, on payment by the applicant of the inspection fees determined by the Minister in consultation with the Minister of Finance, obtain a report on the land to which the application relates from one or more members of the board or a local board.

(5) A report furnished under sub-section (4) shall contain particulars as to—

- (a) the value of the land;
- (b) the suitability thereof for settlement purposes;
- (c) the nature and value of any improvements thereon;
- (d) the nature and extent of the existing water supply thereon and whether or not an adequate water supply for settlement purposes is likely to be readily obtainable.

(6) Whenever after consideration of all the documents in connection with an application under this section, the board has recommended the purchase of the land to which the application relates, and—

- (a) in the case of an application by a lessee, has certified that the inclusion of such land in the holding in question is necessary in order that the holding may afford a reasonably adequate subsistence to that lessee; or
- (b) in the case of an application by a registered owner of land, has certified that the additional land to be acquired in terms of the application or, as the case may be, the State land in question is necessary in order to afford the applicant a reasonably adequate subsistence from such land,

the Minister may purchase such land out of moneys appropriated by Parliament for the purchase of land for settlement purposes, provided—

- (i) the applicant has deposited with the Minister an amount determined by the Minister, being not less than one-tenth of the purchase price to be paid by the Minister for such land, or, if no such amount has been determined, an amount not less than one-tenth of such purchase price; or
- (ii) the applicant has furnished proof to the satisfaction of the Minister that an amount determined by the Minister, being not less than one-tenth of such purchase price, or, if no such amount has been determined, an amount not less than one-tenth of such purchase price has been paid on account of such purchase price to the seller by the applicant; or
- (iii) in the case of an application by a registered owner of land, an amount determined by the Minister, being not less than one-tenth of such purchase price, or, if no such amount has been determined, an amount equal to one-tenth of such purchase price will be available, out of the purchase price of land to be acquired from the applicant, for the purpose of being applied by the Minister as the applicant's contribution towards the first-mentioned purchase price, and such amount is so applied.

(7) The Minister may at his discretion but subject to the rights of the applicant's creditors, on behalf of the applicant apply the purchase price of land acquired from the applicant under this section, or any portion thereof, in reduction of the purchase

vermindering van die koopprys van die hoewe ingevolge hierdie artikel aan hom toegeken of van enige ander geldelike verpligtings van die applikant.

(8) Sodra die aankoop afgehandel en transport van die grond op naam van die Regering verkry is, word daardie grond, onderworpe aan die bepalings van hierdie Wet, onder huurkontrak aan die applikant toegeken, of, in die geval van grond aangekoop op aansoek van 'n huurder van 'n bestaande hoewe, by daardie hoewe gevoeg, teen 'n koopprys gelyk aan die som van—

- (a) die koopprys deur die Minister betaal;
- (b) die transportkoste en die opmetingskoste, as daar is; en
- (c) ander uitgawes in verband met die aankoop, transport en toekenning van die grond deur die Minister aangegaan.

(9) Indien 'n in paragraaf (b) van sub-artikel (1) bedoelde persoon aan wie grond ingevolge hierdie artikel toegeken is, die in artikel *drie-en-dertig* bedoelde opsie om te koop ten opsigte van daardie grond uitoefen, is geen herereg of seëlreg betaalbaar nie ten opsigte van dié deel van die toekenningsprys van daardie grond wat die koopprys verteenwoordig van grond vir die doeleindes van sodanige toekenning van sodanige persoon verkry.

(10) Waar grond ingevolge hierdie artikel op aansoek van 'n huurder van 'n bestaande hoewe aangekoop is—

- (a) word die grond geag in die huurkontrak van die oorspronklike hoewe ingesluit te wees en deel van daardie hoewe uit te maak, en word daardie kontrak geëndosseer soos in sub-artikel (7) van artikel *nege-en-dertig* bepaal;
- (b) word die koopprys soos ingevolge sub-artikel (8) bepaal, min die bedrag deur bedoelde huurder tot daardie koopprys bygedra, vanaf die datum waarop die grond aan die Regering getranspoteer was, by die koopprys van bedoelde oorspronklike hoewe gevoeg; en
- (c) word die huurgeld of paalemente van die koopprys en rente, na gelang van die geval, wat ten opsigte van die hoewe betaalbaar is, vanaf bedoelde datum dienooreenkomstig verhoog: Met dien verstande dat—

- (i) indien die oorspronklike hoewe voor die inwerkingtreding van die Wysigingswet op Nedersetting, 1964, toegeken is, huurgeld ten opsigte van bedoelde grond betaalbaar is teen 'n koers gelyk aan die rente op die koopprys daarvan bereken teen die toepaslike koers;

- (ii) indien die oorspronklike hoewe na bedoelde inwerkingtreding toegeken is, huurgeld ten opsigte van bedoelde grond op die koopprys daarvan bereken word teen die koers waarteen huurgeld op die koopprys van die oorspronklike hoewe bereken word;

- (iii) rente ten opsigte van die koopprys van bedoelde grond betaalbaar is teen die toepaslike koers.

(11) Indien—

- (a) die huurkontrak van 'n hoewe wat ingevolge hierdie artikel toegeken is, of van 'n bestaande hoewe waarby ingevolge hierdie artikel aangekoopte grond gevoeg is, kragtens hierdie Wet gekanselleer word weens oortreding van die bepalings daarvan of die voorwaardes van die huurkontrak, of versuim om daaraan te voldoen; of
- (b) so 'n huurkontrak kragtens artikel *agt-en-vyftig* of *nege-en-vyftig* beëindig word; of
- (c) van so 'n huurkontrak afstand gedoen word en die afstanddoening deur die Minister aanvaar word,

word die bedrag wat ingevolge sub-artikel (6) bygedra is tot die koopprys van die aldus toegekende hoewe of van die grond aldus by bedoelde bestaande hoewe gevoeg, na gelang van die geval, aan die Staat verbeur."

price of the holding allotted to him under this section or of any other pecuniary liabilities of the applicant.

(8) As soon as the purchase has been completed and transfer of the land to the Government has been obtained, such land shall, subject to the provisions of this Act, be allotted upon lease to the applicant or, in the case of land purchased in pursuance of an application by a lessee of an existing holding, added to that holding, at a purchase price equal to the aggregate amount of—

- (a) the purchase price paid by the Minister;
- (b) the costs of transfer and the survey fees if any; and
- (c) other expenditure incurred by the Minister in connection with the purchase, transfer and allotment of the land.

(9) If any person referred to in paragraph (b) of sub-section (1) to whom land has been allotted under this section, exercises the option of purchase referred to in section *thirty-three* in respect of such land, no transfer duty or stamp duty shall be payable in respect of that portion of the allotment price of such land which represents the purchase price of any land required from that person for the purpose of such allotment.

(10) Where any land has been purchased under this section on the application of a lessee of an existing holding—

- (a) the land shall be deemed to be included in the lease of the original holding and to form part of that holding, and that lease shall be endorsed as provided in sub-section (7) of section *thirty-nine*;
- (b) the purchase price as determined in terms of sub-section (8), less the amount contributed towards that purchase price by such lessee, shall be added to the purchase price of such original holding as from the date of transfer of the land to the Government; and
- (c) the rent or instalments of purchase price and interest, as the case may be, payable in respect of the holding shall be increased accordingly as from the said date: Provided that—
 - (i) if the original holding has been allotted before the commencement of the Land Settlement Amendment Act, 1964, rent in respect of the said land shall be payable at a rate equal to the interest on the purchase price thereof calculated at the appropriate rate;
 - (ii) if the original holding has been allotted after such commencement, rent in respect of the said land shall be calculated on the purchase price thereof at the rate at which rent is calculated on the purchase price of the original holding;
 - (iii) interest in respect of the purchase price of the said land shall be payable at the appropriate rate.

(11) If—

- (a) the lease of a holding allotted under this section, or of an existing holding to which any land purchased under this section has been added, is cancelled in terms of this Act for any breach of or non-compliance with the provisions thereof or the conditions of the lease; or
 - (b) any such lease is terminated under section *fifty-eight* or *fifty-nine*; or
 - (c) any such lease is surrendered and the surrender is accepted by the Minister,
- the amount contributed in terms of sub-section (6) towards the purchase price of the holding so allotted or the land so added to such existing holding, as the case may be, shall be forfeited to the State.”.

Wysiging van artikel 21 van Wet 21 van 1956, soos gewysig deur artikel 7 van Wet 13 van 1959, artikel 6 van Wet 28 van 1960 en artikel 4 van Wet 66 van 1963.

11. Artikel een-en-twintig van die Hoofwet word hierby gewysig—

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

„(2) (a) Indien die eienaar van die betrokke grond te eniger tyd voordat 'n transportakte ten opsigte van daardie grond aan die Regering gepasseer word, die Minister in kennis stel dat hy 'n bepaalde gedeelte van daardie grond wil behou, kan die Minister—

- (i) onderworpe aan die voorwaardes wat hy bepaal, daardie of 'n ander gedeelte van bedoelde grond van die onteining uitsluit, indien die ligging daarvan volgens sy oordeel nie die aanleg, werking of instandhouding van die besproeiingswerke in verband waarmee die betrokke besproeiingsgebied omskryf was, sal belemmer nie, of die doeleindes waarvoor die grond nodig is, sal benadeel nie;
- (ii) in plaas van die eienaar toe te laat om 'n deel van bedoelde grond te behou, of daarbenewens, op aanbeveling van die raad, en onderworpe aan die bepalinge van hierdie Wet en van enige ander toepaslike wetsbepalinge op nedersetting, aan hom 'n hoewe laat toeken op enige nedersetting wat op die betrokke grond of elders gestig is of staan te word, al is daardie hoewe nie volgens voorskrif van hierdie Wet vir toekenning aangebied nie.

(b) Die Minister kan—

- (i) met toestemming van 'n eienaar van grond waarvan enige gedeelte volgens voorskrif van hierdie artikel van onteining uitgesluit is, op naam van die Regering transport neem van die hele oppervlakte van die grond, met inbegrip van bedoelde gedeelte, wat die onderwerp van die onteining is, en daarna 'n grondbrief of 'n transportakte van bedoelde gedeelte ten gunste van daardie eienaar laat uitreik of passeer; of
- (ii) die kennisgewing ingevolge sub-artikel (1) aan daardie eienaar ten opsigte van die betrokke grond verstrek, deur 'n gewysigde kennisgewing vervang waarin daardie grond, met uitsluiting van bedoelde gedeelte, en die vergoeding daarvoor aangebied, duidelik en op volledige wyse vermeld word en wat geag word op die datum van eersgenoemde kennisgewing verstrek te gewees het,

en geen herereg, seëlreg of gelde is deur daardie eienaar ten opsigte van die oordrag van bedoelde gedeelte aan hom ingevolge hierdie paragraaf betaalbaar nie.”; en

(b) deur die volgende paragrawe by sub-artikel (3) te voeg:

„(c) Behoudens die bepalinge van paragraaf (c) van sub-artikel (1), kan die Minister van tyd tot tyd en te eniger tyd voordat 'n aanbod van sodanige vergoeding aanvaar is of 'n aansoek om die vasstelling van die bedrag daarvan by genoemde waterhof ingedien is, die betrokke aanbod wysig deur 'n kennisgewing verstrek op die wyse waarop 'n in daardie sub-artikel bedoelde kennisgewing verstrek moet word.

(d) 'n Wysiging van 'n aanbod van vergoeding kragtens paragraaf (c) raak nie die uitwerking van die betrokke kennisgewing ingevolge sub-artikel (1) verstrek, op enige ander wyse nie: Met dien verstande dat die tydperk van een jaar in paragraaf (b) vermeld, ten opsigte van die gewysigde aanbod begin op die datum van die kennisgewing van die wysiging.”.

Wysiging van artikel 22 van Wet 21 van 1956, soos gewysig deur artikel 8 van Wet 13 van 1959.

12. Artikel twee-en-twintig van die Hoofwet word hierby gewysig deur na sub-artikel (2)*bis* die volgende sub-artikel in te voeg:

„(2)*ter* Die Minister kan die geboue of ander verbeterings wat hy goed vind, op enige hoewe of op die gemeenskaplike weiveld of op enige ander gedeelte van grond in sub-artikel (1) bedoel, laat oprig of aanbring.”.

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

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

“(2) (a) If the owner of the land in question notifies the Minister at any time prior to the passing of a deed of transfer in respect of that land in favour of the Government that he desires to retain a specified portion of such land, the Minister may—

(i) subject to such conditions as he may determine, exclude from the expropriation that or any other portion of such land, if the situation thereof will not in his opinion interfere with the construction, operation or maintenance of the irrigation works in connection with which the irrigation area affected was defined, or prejudice the purposes for which the land is required;

(ii) in lieu of or in addition to permitting such owner to retain a portion of such land, cause to be allotted to him, on the recommendation of the board, and subject to the provisions of this Act and of any other law relating to land settlement which may be applicable, a holding on any settlement established or to be established on the land in question or elsewhere, notwithstanding that such holding has not been offered for allotment as prescribed by this Act.

(b) The Minister may—

(i) with the consent of an owner of land whereof any portion has been excluded from expropriation as provided in this sub-section, take transfer into the name of the Government of the whole area of the land, inclusive of such portion, which is the subject of the expropriation, and thereafter cause a deed of grant or a deed of transfer of such portion to be issued or passed in favour of such owner; or

(ii) substitute for the notice given under sub-section (1) to such owner in respect of the land in question, an amended notice which shall set forth clearly and fully that land, exclusive of such portion, and the compensation offered therefor, and which shall be deemed to have been given on the date of the first-mentioned notice,

and no transfer duty, stamp duty or fee shall be payable by such owner in respect of the transfer of such portion to him in terms of this paragraph.”; and

(b) by the addition to sub-section (3) of the following paragraphs:

“(c) Subject to the provisions of paragraph (c) of sub-section (1), the Minister may from time to time and at any time prior to the acceptance of an offer of such compensation or the lodging with the said water court of an application for the determination of the amount thereof, alter the offer in question by notice given in the manner in which a notice referred to in that sub-section is to be given.

(d) The alteration of an offer of compensation under paragraph (c) shall not affect the relevant notice given under sub-section (1) in any other manner: Provided that the period of one year referred to in paragraph (b) shall in respect of the altered offer begin on the date of the notification of the alteration.”.

Amendment of section 21 of Act 21 of 1956, as amended by section 7 of Act 13 of 1959, section 6 of Act 28 of 1960 and section 4 of Act 66 of 1963.

12. Section *twenty-two* of the principal Act is hereby amended by the insertion after sub-section (2)*bis* of the following sub-section:

“(2)*ter* The Minister may cause such buildings or other improvements as he may deem fit, to be erected or effected on any holding or on the common pasturage or on any other portion of land referred to in sub-section (1).”.

Amendment of section 22 of Act 21 of 1956, as amended by section 8 of Act 13 of 1959.

Wysiging van artikel 23 van Wet 21 van 1956, soos gewysig deur artikel 9 van Wet 13 van 1959 en artikel 5 van Wet 66 van 1963.

Wysiging van artikel 25 van Wet 21 van 1956, soos gewysig deur artikel 10 van Wet 13 van 1959, artikel 67 van Wet 69 van 1962 en artikel 17 van Wet 66 van 1963.

Wysiging van artikel 29 van Wet 21 van 1956, soos gewysig deur artikel 8 van Wet 28 van 1960 en artikel 6 van Wet 66 van 1963.

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

- (a) deur paragraaf (b) van sub-artikel (2) te skrap; en
- (b) deur in paragraaf (c) van daardie sub-artikel die uitdrukking „(12)” deur die uitdrukking „(11)” te vervang.

14. Artikel *vyf-en-twintig* van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (4) die woorde „honderd pond” deur die woorde „tweehonderd rand” te vervang.

15. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (f) van sub-artikel (3) die woorde „na oorlegpleging met die Tesourie bepaal” deur die woorde „in oorleg met die Minister van Finansies bepaal, en die wonings en ander fasiliteite wat hy goed vind, vir die huisvesting en ontspanning van sodanige persone en ander persone in diens van die Staat, oprig, toerus en in stand hou en teen die voorwaardes en bedinge wat hy aldus bepaal, verhuur of op ’n ander wyse beskikbaar stel” te vervang;

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

„(g) op die voorwaardes en bedinge wat hy goedvind, aan ’n proefhuurder voorskotte verleen vir die aankoop of betaling van vee, gereedskap en ander goed wat vir boerderydoeleindes op ’n hoewe nodig is: Met dien verstande dat die bepalings van artikel *vyf-en-vyftig mutatis mutandis* van toepassing is ten opsigte van vee, gereedskap of ander goed wat aangekoop of betaal is uit gelde kragtens hierdie paragraaf voorgeskiet.”; en

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

„(3)*bis* (a) Die bepalings van artikel *vyf-en-veertig* is *mutatis mutandis* van toepassing met betrekking tot voorskotte en ander bedrae uit hoofde van die bepalings van hierdie Wet deur ’n proefhuurder aan die Regering verskuldig.

- (b) By die toepassing van paragraaf (a) word die verwysing in sub-artikel (6) van artikel *vyf-en-veertig* na artikel *vyf-en-vyftig* uitgely as ’n verwysing na laasgenoemde artikel soos deur paragraaf (g) van sub-artikel (3) van hierdie artikel toegepas.”.

Wysiging van artikel 30 van Wet 21 van 1956, soos gewysig deur artikel 7 van Wet 66 van 1963.

16. Artikel *dertig* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Die toekenning word geag gemaak te gewees het—

- (a) in die geval van ’n toekenning kragtens artikel *twintig*, vanaf die datum waarop die grond wat kragtens daardie artikel vir die doeleindes daarvan verkry is, aan die Regering getransporeer was; en

- (b) in die geval van enige ander toekenning, vanaf die datum waarop die mededeling daaromtrent uit die Minister se kantoor afgestuur was,

en vanaf die betrokke datum is die persoon aan wie die toekenning geskied het, ten opsigte van die betrokke hoewe onderhewig aan al die bepalings van hierdie Wet asof ’n huurkontrak daarkragtens aan hom uitgereik was.”.

17. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig—

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

„(3) Die tydperk van so ’n huurkontrak is vier jaar, wat op die datum van toekenning van die betrokke hoewe begin.”;

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

„(4) (a) Huurgeld is jaarliks betaalbaar—

- (i) ten opsigte van die eerste jaar van die huurkontrak, teen die koers van een persent;
- (ii) ten opsigte van die tweede jaar van die huurkontrak, teen die koers van twee persent;

Wysiging van artikel 31 van Wet 21 van 1956, soos gewysig deur artikel 9 van Wet 28 van 1960 en artikel 8 van Wet 66 van 1963.

13. Section *twenty-three* of the principal Act is hereby amended—
- (a) by the deletion of paragraph (b) of sub-section (2); and
 - (b) by the substitution in paragraph (c) of that sub-section for the expression “(12)” of the expression “(11)”.
- Amendment of section 23 of Act 21 of 1956, as amended by section 9 of Act 13 of 1959 and section 5 of Act 66 of 1963.
14. Section *twenty-five* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (4) for the words “one hundred pounds” of the words “two hundred rand”.
- Amendment of section 25 of Act 21 of 1956, as amended by section 10 of Act 13 of 1959, section 67 of Act 69 of 1962 and section 17 of Act 66 of 1963.
15. Section *twenty-nine* of the principal Act is hereby amended—
- (a) by the substitution in paragraph (f) of sub-section (3) for the words “after consultation with the Treasury” of the words “in consultation with the Minister of Finance” and the addition at the end of that paragraph of the words “and erect, equip and maintain and, on such conditions and terms as he may so determine, lease or otherwise make available such dwellings and other facilities as he may deem fit, for the accommodation and recreation of such persons and other persons employed by the State”;
 - (b) by the addition to that sub-section of the following paragraph:

“(g) on such conditions and terms as he may deem fit, make advances to any probationary lessee for the purchase or payment of livestock, implements and other things required on a holding for farming purposes: Provided that the provisions of section *fifty-five* shall apply *mutatis mutandis* in respect of livestock, implements or other things purchased or paid out of moneys advanced under this paragraph.”; and
 - (c) by the insertion after that sub-section of the following sub-section:

“(3)*bis* (a) The provisions of section *forty-five* shall apply *mutatis mutandis* in relation to advances and any other amounts owing to the Government by a probationary lessee under the provisions of this Act.

(b) For the purposes of paragraph (a) the reference in sub-section (6) of section *forty-five* to section *fifty-five* shall be construed as a reference to the last-mentioned section as applied by paragraph (g) of sub-section (3) of this section.”
- Amendment of section 29 of Act 21 of 1956, as amended by section 8 of Act 28 of 1960 and section 6 of Act 66 of 1963.
16. Section *thirty* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:
- “(2) The allotment shall be deemed to have been made—
- (a) in the case of an allotment under section *twenty*, as from the date on which the land acquired under that section for the purposes thereof was transferred to the Government; and
 - (b) in the case of any other allotment, as from the date on which the notification thereof was despatched from the office of the Minister,
- and as from the relevant date the allottee shall in respect of the holding in question be subject to all the provisions of this Act as if a lease had been issued to him thereunder.”.
- Amendment of section 30 of Act 21 of 1956, as amended by section 7 of Act 66 of 1963.
17. Section *thirty-one* of the principal Act is hereby amended—
- (a) by the substitution for sub-section (3) of the following sub-section:

“(3) The period of such lease shall be four years commencing on the date of allotment of the holding in question.”;
 - (b) by the substitution for sub-section (4) of the following sub-section:

“(4) (a) Rent shall be payable annually—

 - (i) in respect of the first year of the lease, at the rate of one per cent;
 - (ii) in respect of the second year of the lease, at the rate of two per cent;
- Amendment of section 31 of Act 21 of 1956, as amended by section 9 of Act 28 of 1960 and section 8 of Act 66 of 1963.

- (iii) ten opsigte van die derde jaar van die huurkontrak, teen die koers van drie persent;
- (iv) ten opsigte van die vierde jaar van die huurkontrak, teen die koers van vier persent, van die koopprys van die betrokke hoewe.
- (b) By die toepassing van paragraaf (a) is die koopprys van die betrokke hoewe, behoudens die bepalings van hierdie Wet—
 - (i) die koopprys soos ingevolge sub-artikel (3) van artikel *drie-en-twintig* in die *Staatskoerant* bekend gemaak; of
 - (ii) indien die hoewe toegeken is onderworpe aan die voorwaarde vermeld in paragraaf (a) van sub-artikel (2) van gemelde artikel *drie-en-twintig*, daardie koopprys min die bedrag ingevolge die betrokke voorwaarde deur die huurder daartoe bygedra; of
 - (iii) indien die hoewe kragtens artikel *twintig* toegeken is, die koopprys soos volgens sub-artikel (8) van daardie artikel bepaal, min die bedrag ingevolge daardie artikel deur die huurder daartoe bygedra:

Met dien verstande dat indien die huurder 'n bedrag of 'n verdere bedrag ter vermindering van bedoelde koopprys betaal, die huurgeld dienooreenkomstig verminder word.”; en
- (c) deur sub-artikel (5) deur die volgende sub-artikel te vervang:

„(5) Waar so 'n huurkontrak gekanselleer of daarvan afstand gedoen word ingevolge hierdie Wet, moet die huurder by die kansellering of afstanddoening by wyse van huurgeld 'n bedrag betaal wat, tesame met die bedrag reeds ingevolge hierdie artikel by wyse van huurgeld betaal, gelyk sal wees aan rente, bereken teen die toepaslike koers, op die koopprys van die hoewe vanaf die aanvangsdatum van die huurkontrak tot die datum van kansellering of aanvaarding van afstanddoening daarvan, of waar die opsie om te koop volgens voorskrif van artikel *drie-en-dertig* uitgeoefen is, tot die datum waarop bedoelde opsie uitgeoefen was: Met dien verstande dat die Minister, op aanbeveling van die raad, in geheel of ten dele afstand kan doen van enige huurgeld wat by so 'n kansellering of afstanddoening ingevolge hierdie artikel betaalbaar geword het of sou word, indien hy oortuig is dat bedoelde kansellering of afstanddoening aan droogte, oorstromings, stormweer, sprinkane, gebrek aan water, misoeste, veesiektes of ander ongunstige boerderytoestande te wyte is.”.

Wysiging van artikel 33 van Wet 21 van 1956, soos gewysig deur artikel 9 van Wet 66 van 1963.

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

- (a) deur in paragraaf (a) van sub-artikel (1) die woorde „uitgesonderd 'n huurkontrak ingevolge artikel *twintig*, of 'n huurkontrak uitgereik na aanleiding van 'n toekenning wat onderworpe aan die in sub-artikel (2) van artikel *drie-en-twintig* bedoelde voorwaarde gemaak is,” te skrap;
- (b) deur sub-artikel (3) deur die volgende sub-artikel te vervang:
 - „(3) By die uitoefening deur die huurder van voormelde reg om te koop, is die koopprys of die dan onbetaalde saldo daarvan, na gelang van die geval, tesame met rente teen die toepaslike koers, deur die huurder aan die Regering betaalbaar in vyf-en-sestig gelyke paaielemente wat jaarliks betaal moet word en waarvan die eerste betaalbaar is 'n jaar na die datum waarop die reg om te koop uitgeoefen word: Met dien verstande dat—
 - (a) die huurder te eniger tyd na die datum waarop die reg om te koop uitgeoefen word, die dan onbetaalde saldo van die koopprys of enige bedrag in mindering van daardie saldo aan die Regering kan betaal; en
 - (b) indien 'n bedrag in mindering van bedoelde saldo betaal word, daar na goeddunke van die Minister 'n *pro rata*-vermindering in die aantal toekomstige paaielemente of in die bedrag van daardie paaielemente aangebring kan word.”; en
- (c) deur sub-artikel (4) deur die volgende sub-artikel te vervang:

- (iii) in respect of the third year of the lease, at the rate of three per cent;
- (iv) in respect of the fourth year of the lease, at the rate of four per cent, of the purchase price of the holding in question.
- (b) For the purposes of paragraph (a) the purchase price of the holding in question shall, subject to the provisions of this Act, be—
 - (i) the purchase price as notified in the *Gazette* in terms of sub-section (3) of section *twenty-three*; or
 - (ii) if the holding has been allotted subject to the condition referred to in paragraph (a) of sub-section (2) of the said section *twenty-three*, that purchase price less the amount contributed thereto by the lessee in terms of the condition in question; or
 - (iii) if the holding has been allotted under section *twenty*, the purchase price determined as provided in sub-section (8) of that section, less the amount contributed thereto by the lessee in terms of that section:

Provided that if the lessee pays any amount or any further amount in reduction of such purchase price, the rent shall be reduced accordingly.”; and
- (c) by the substitution for sub-section (5) of the following sub-section:

“(5) Where any such lease is cancelled or surrendered in accordance with this Act, the lessee shall, upon the cancellation or surrender, pay by way of rent an amount which, together with the amount already paid by way of rent under this section, will be equal to the interest, calculated at the appropriate rate, on the purchase price of the holding from the date of commencement of the lease to the date of cancellation or acceptance of the surrender thereof, or, where the option of purchase has been exercised as provided in section *thirty-three*, up to the date on which the said option was exercised: Provided that the Minister may, on the recommendation of the board, waive the whole or any part of any rent which has or would in terms of this section become payable upon any such cancellation or surrender where he is satisfied that such cancellation or surrender is due to drought, flood, tempest, locusts, lack of water, failure of crops, disease of stock or other adverse farming conditions.”.

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

Amendment of section 33 of Act 21 of 1956, as amended by section 9 of Act 66 of 1963.

- (a) by the deletion in paragraph (a) of sub-section (1) of the words “not being a lease under section *twenty* or a lease issued in pursuance of an allotment made subject to the condition mentioned in sub-section (2) of section *twenty-three*.”;
- (b) by the substitution for sub-section (3) of the following sub-section:
 - “(3) Upon the exercise by the lessee of the right of purchase aforesaid, the purchase price or the balance thereof then unpaid, as the case may be, together with interest at the appropriate rate shall be payable by the lessee to the Government annually in sixty-five equal instalments, the first of which shall be payable one year after the date on which the right of purchase is exercised: Provided that—
 - (a) the lessee may at any time after the date on which the right of purchase is exercised, pay to the Government the balance of the purchase price then unpaid or any amount on account of such balance; and
 - (b) if any amount is paid on account of such balance, a *pro rata* reduction may in the discretion of the Minister be made in the number of future instalments or in the amount of the said instalments.”; and
- (c) by the substitution for sub-section (4) of the following sub-section:

„(4) Die bepalings van sub-artikel (3) is *mutatis mutandis* van toepassing ten opsigte van 'n huurkontrak van 'n hoewe wat voor die inwerkingtreding van die Wysigingswet op Nedersetting, 1964, kragtens artikel twintig toegeken is of van 'n hoewe wat voor bedoelde inwerkingtreding toegeken is en ten opsigte waarvan die huurder ooreenkomstig sub-artikel (2) van artikel drie-en-twintig by toekenning nie meer nie as een-vyfde van die koopprys moes betaal het: Met dien verstande dat die koopprys van so 'n hoewe, min die bedrag deur die huurder tot die koopprys bygedra, tesame met rente teen die toepaslike koers, in drie-en-sestig jaarlikse paaielemente betaalbaar is, waarvan die eerste by verstryking van twee jaar vanaf die aanvangsdatum van die huurkontrak betaal moet word.”.

Wysiging van
artikel 35 van
Wet 21 van
1956.

19. Artikel *vyf-en-dertig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg:

„(4) Elke huurder van 'n hoewe moet hom uitsluitlik op boerdery toelê, en sonder die skriftelike toestemming van die Minister, verleen op aanbeveling van die raad, mag hy geen ander beroep uitoefen nie en geen besoldigende werk of besigheid wat nie met die boerdery op die hoewe in verband staan nie, verrig of op die hoewe dryf of toelaat nie.”

Wysiging van
artikel 36 van
Wet 21 van 1956.

20. Artikel *ses-en-dertig* van die Hoofwet word hierby gewysig deur die woorde „honderd pond” en „'n honderd pond” deur die woorde „tweehonderd rand” te vervang.

Wysiging van
artikel 38 van
Wet 21 van 1956,
soos gewysig
deur artikel 12
van Wet 13 van
1959.

21. Artikel *agt-en-dertig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg:

„(3) 'n Huurder moet voorts elke voorskrif of opdrag uitvoer wat die Minister aan hom gee omtrent die bewerking van sy hoewe, die hoeveelheid en soorte gewasse wat hy moet of mag kweek of die getal en soorte vee wat hy moet of mag aanhou, en mag nie sonder die skriftelike goedkeuring van die Minister vee wat nie sy eiendom is of ingevolge hierdie Wet deur of ten behoeve van hom verkry is, op sy hoewe laat wei nie.”.

Wysiging van
artikel 39 van
Wet 21 van 1956,
soos gewysig
deur artikel 13
van Wet 13 van
1959, artikel
10 van Wet 28
van 1960 en
artikel 10
van Wet 66
van 1963.

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

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

„(b) Die koopprys van 'n aldus toegekende hoewe word deur die Minister op aanbeveling van die raad bepaal, en die Minister kan, ondanks andersluidende bepalings in sub-artikel (4) van artikel *een-en-dertig* vervat, gelas dat die huurder ten opsigte van daardie hoewe 'n huurgeld betaal, bereken teen 'n hoër skaal as wat in bedoelde sub-artikel voorgeskryf word, maar hoogstens die toepaslike koers op bedoelde koopprys.”; en

(b) deur paragraaf (b) van sub-artikel (2) deur die volgende paragraaf te vervang:

„(b) Grond wat kragtens hierdie sub-artikel by wyse van byvoeging tot sy hoewe aan 'n huurder toegeken is, word geag in daardie hoewe ingesluit te wees teen 'n koopprys wat die Minister op aanbeveling van die raad bepaal en die huurgeld of die paaielemente van die koopprys en rente, na gelang van die geval, deur die betrokke huurder ten opsigte van sy hoewe betaalbaar, word vanaf die datum van toekenning van bedoelde grond dienooreenkomstig verhoog: Met dien verstande dat—

(i) indien die oorspronklike hoewe voor die inwerkingtreding van die Wysigingswet op Nedersetting, 1964, toegeken is, huurgeld ten opsigte van bedoelde grond betaalbaar is teen 'n koers gelyk aan die rente op die koopprys daarvan bereken teen die toepaslike koers;

(ii) indien die oorspronklike hoewe na bedoelde inwerkingtreding toegeken is, huurgeld ten opsigte van bedoelde grond op die koopprys daarvan bereken word teen die koers waarteen huurgeld op die koopprys van die oorspronklike hoewe bereken word;

(iii) rente ten opsigte van die koopprys van bedoelde grond betaalbaar is teen die toepaslike koers.

“(4) The provisions of sub-section (3) shall *mutatis mutandis* apply in respect of any lease of a holding allotted under section *twenty* before the commencement of the Land Settlement Amendment Act, 1964, or of a holding allotted before the said commencement and in respect of which the lessee was in terms of sub-section (2) of section *twenty-three* required to pay not more than one-fifth of the purchase price on allotment: Provided that the purchase price of any such holding, less the amount contributed towards the purchase price by the lessee, together with interest at the appropriate rate shall be payable in sixty-three annual instalments, the first of which shall be payable at the expiration of two years from the date of the commencement of the lease.”.

19. Section *thirty-five* of the principal Act is hereby amended by the addition of the following sub-section: Amendment of section 35 of Act 21 of 1956.

“(4) Every lessee of a holding shall apply himself exclusively to farming and shall not, without the written permission of the Minister granted on the recommendation of the board, exercise any other occupation, or perform any remunerative work or conduct or allow on the holding any business not connected with farming on the holding.”.

20. Section *thirty-six* of the principal Act is hereby amended by the substitution for the words “one hundred pounds”, wherever they occur, of the words “two hundred rand”. Amendment of section 36 of Act 21 of 1956.

21. Section *thirty-eight* of the principal Act is hereby amended by the addition of the following sub-section: Amendment of section 38 of Act 21 of 1956, as amended by section 12 of Act 13 of 1959.

“(3) A lessee shall further carry out every direction or instruction given to him by the Minister with regard to the cultivation of his holding, the quantity and kinds of crops which he shall or may grow or the number and kinds of livestock which he shall or may keep, and shall not without the written approval of the Minister depasture on his holding any livestock which is not his property or has not been acquired under this Act by or on behalf of him.”.

22. Section *thirty-nine* of the principal Act is hereby amended— Amendment of section 39 of Act 21 of 1956, as amended by section 13 of Act 13 of 1959, section 10 of Act 28 of 1960 and section 10 of Act 66 of 1963.

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

“(b) The purchase price of any holding so allotted shall be determined by the Minister on the recommendation of the board, and the Minister may, notwithstanding anything to the contrary in sub-section (4) of section *thirty-one*, require the lessee to pay in respect of that holding a rental calculated at a rate in excess of that prescribed in the said sub-section but not exceeding the appropriate rate on such purchase price.”; and

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

“(b) Any land allotted to a lessee as an addition to his holding under this sub-section, shall be deemed to be included in that holding at a purchase price determined by the Minister on the recommendation of the board, and the rent or the instalments of purchase price and interest, as the case may be, payable by the lessee concerned in respect of his holding shall be increased accordingly with effect from the date of the allotment of such land: Provided that—

(i) if the original holding has been allotted before the commencement of the Land Settlement Amendment Act, 1964, rent in respect of the said land shall be payable at a rate equal to the interest on the purchase price thereof calculated at the appropriate rate;

(ii) if the original holding has been allotted after such commencement, rent in respect of the said land shall be calculated on the purchase price thereof at the rate at which rent is calculated on the purchase price of the original holding;

(iii) interest in respect of the purchase price of the said land shall be payable at the appropriate rate.

Wysiging van artikel 42 van Wet 21 van 1956, soos gewysig deur artikel 14 van Wet 13 van 1959 en artikel 12 van Wet 66 van 1963.

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

- (a) deur in sub-artikel (1) die woorde „Omheiningswet, 1912 (Wet No. 17 van 1912)” deur die woorde „Omheiningswet, 1963 (Wet No. 31 van 1963)” te vervang;
- (b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Die koste van sodanige verbeterings word vanaf die datum van voltooiing daarvan by die koopprys van die hoewe gevoeg, en vanaf daardie datum—

- (a) word die huurgeld wat vir die oorblywende tydperk (indien daar is) van die betrokke huurkontrak of vir enige deel daarvan betaalbaar is—

- (i) indien die betrokke hoewe voor die inwerking-treding van die Wysigingswet op Neder-setting, 1964, toegeken is, verhoog met 'n bedrag gelyk aan die rente op die bedrag van bedoelde koste vir die betrokke tydperk bereken teen die toepaslike koers;

- (ii) indien die betrokke hoewe na bedoelde inwerkingtreding toegeken is, op die grondslag van die verhoogde koopprys bereken teen die koers waarteen huurgeld vir die betrokke tydperk volgens daardie huurkontrak bereken moet word; en

- (b) word die paaielemente ten opsigte van die koopprys van daardie hoewe betaalbaar, verhoog ten einde paaielemente van die bedrag van bedoelde koste, en rente op daardie bedrag teen die toepaslike koers, in te sluit.”; en

- (c) deur sub-artikel (6) deur die volgende sub-artikel te vervang:

„(6) Die Minister kan, op aansoek van 'n huurder, en onderworpe aan die aanbeveling van die raad, voorskotte aan dié huurder verleen ten einde hom in staat te stel om enige nodige uitgawes te dek wat hy vir boerderydoeleindes aangegaan het of moet aangaan, en vanaf die datum waarop 'n aldus verleende voorskot uitbetaal word, word die bedrag daarvan by die koopprys van die betrokke hoewe gevoeg en—

- (a) word die huurgeld wat vir die oorblywende tydperk (indien daar is) van die betrokke huurkontrak of vir enige deel daarvan betaalbaar is—

- (i) indien daardie hoewe voor die inwerking-treding van die Wysigingswet op Neder-setting, 1964, toegeken is, verhoog met 'n bedrag gelyk aan die rente op die bedrag van die voorskot vir die betrokke tydperk bereken teen die toepaslike koers;

- (ii) indien daardie hoewe na bedoelde inwerking-treding toegeken is, op die grondslag van die verhoogde koopprys bereken teen die koers waarteen huurgeld vir die betrokke tydperk volgens daardie huurkontrak bereken moet word; en

- (b) word die paaielemente ten opsigte van die koopprys van daardie hoewe betaalbaar, verhoog ten einde paaielemente van die bedrag van die voorskot, en rente op daardie bedrag teen die toepaslike koers, in te sluit.”.

Wysiging van artikel 43 van Wet 21 van 1956.

24. Artikel *drie-en-veertig* van die Hoofwet word hierby gewysig deur die woorde „Omheiningswet, 1912 (Wet No. 17 van 1912)” deur die woorde „Omheiningswet, 1963 (Wet No. 31 van 1963)” te vervang.

Wysiging van artikel 44 van Wet 21 van 1956.

25. Artikel *vier-en-veertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „Omheiningswet, 1912 (Wet No. 17 van 1912)” deur die woorde „Omheiningswet, 1963 (Wet No. 31 van 1963)” te vervang.

Wysiging van artikel 48 van Wet 21 van 1956, soos gewysig deur artikel 17 van Wet 13 van 1959 en artikel 17 van Wet 66 van 1963.

26. Artikel *agt-en-veertig* van die Hoofwet word hierby gewysig deur paragraaf (a) van sub-artikel (4) deur die volgende paragraaf te vervang:

„(a) Alle regte op minerale by die verkryging van grond kragtens sub-artikel (1) van artikel *agtien* deur die Regering verkry, moet, behoudens die bepalinge van sub-artikel (2) van artikel *sewe-en-sestig* en—

- (i) indien die grond kragtens artikel *twintig* toegeken is; of

23. Section *forty-two* of the principal Act is hereby amended—
- (a) by the substitution in sub-section (1) for the words “Fencing Act, 1912 (Act No. 17 of 1912)” of the words “Fencing Act, 1963 (Act No. 31 of 1963)”; Amendment of section 42 of Act 21 of 1956, as amended by section 14 of Act 13 of 1959 and section 12 of Act 66 of 1963.
- (b) by the substitution for sub-section (2) of the following sub-section:
- “(2) The costs of such improvements shall be added to the purchase price of the holding with effect from the date of the completion thereof, and as from that date—
- (a) the rent payable for the remaining period (if any) of the lease in question, or for any part thereof, shall—
- (i) if the holding in question has been allotted before the commencement of the Land Settlement Amendment Act, 1964, be increased by an amount equal to the interest on the amount of the said costs for the relevant period calculated at the appropriate rate;
- (ii) if the holding in question has been allotted after such commencement, be calculated on the basis of the increased purchase price at the rate at which rent for the relevant period is to be calculated under that lease; and
- (b) the instalments payable in respect of the purchase price of that holding shall be increased to include instalments of the amount of such costs and interest on that amount at the appropriate rate.”; and
- (c) by the substitution for sub-section (6) of the following sub-section:
- “(6) The Minister may, on application by a lessee, and subject to the recommendation of the board, make advances to such lessee in order to enable him to meet any necessary expenses incurred or to be incurred by him for farming purposes, and as from the date on which an advance so made is paid out the amount thereof shall be added to the purchase price of the holding in question and—
- (a) the rent payable for the remaining period (if any) of the lease in question, or any part thereof, shall—
- (i) if that holding has been allotted before the commencement of the Land Settlement Amendment Act, 1964, be increased by an amount equal to the interest on the amount of the advance for the relevant period calculated at the appropriate rate;
- (ii) if that holding has been allotted after such commencement, be calculated on the basis of the increased purchase price at the rate at which rent for the relevant period is to be calculated under that lease; and
- (b) the instalments payable in respect of the purchase price of that holding shall be increased to include instalments of the amount of the advance and interest on that amount at the appropriate rate.”.

24. Section *forty-three* of the principal Act is hereby amended by the substitution for the words “Fencing Act, 1912 (Act No. 17 of 1912)” of the words “Fencing Act, 1963 (Act No. 31 of 1963)”. Amendment of section 43 of Act 21 of 1956.

25. Section *forty-four* of the principal Act is hereby amended by the substitution in sub-section (1) for the words “Fencing Act, 1912 (Act No. 17 of 1912)” of the words “Fencing Act, 1963 (Act No. 31 of 1963)”. Amendment of section 44 of Act 21 of 1956.

26. Section *forty-eight* of the principal Act is hereby amended by the substitution for paragraph (a) of sub-section (4) of the following paragraph:

“(a) All rights to minerals obtained by the Government on the acquisition of land under sub-section (1) of section *eighteen* shall, subject to the provisions of sub-section (2) of section *sixty-seven* and—

(i) if the land has been allotted under section *twenty*;

or

Amendment of section 48 of Act 21 of 1956, as amended by section 17 of Act 13 of 1959 and section 17 of Act 66 of 1963.

- (ii) in enige ander geval, indien die grond ingevolge hierdie Wet voor die inwerkingtreding van die Wysigingswet op Nedersetting, 1959, toegeken is, in enige grondbrief of transportakte ten opsigte van daardie grond aan 'n huurder uitgereik, aan die regs-verkrygende of transportnemer oorgemaak word, maar totdat 'n grondbrief of transportakte aldus uitgereik is, is bedoelde regte vir die Staat voorbehou."

Wysiging van artikel 53 van Wet 21 van 1956, soos gewysig deur artikel 18 van Wet 13 van 1959, artikel 11 van Wet 28 van 1960 en artikel 14 van Wet 66 van 1963.

27. (1) Artikel *drie-en-vyftig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Die Minister kan, op aanbeveling van die raad, uit gelde deur die Parlement vir die doel bewillig en op die voorwaardes van terugbetaling en bedinge wat voorgeskrif mag word, voorskotte verleen ten einde 'n huurder in staat te stel—

- (a) om vee, gereedskap, saad en ander goed wat vir boerderydoeleindes op sy hoewe nodig is, aan te koop; of
- (b) om werk wat bereken is om sy hoewe vir boerderydoeleindes te verbeter, daarop te laat doen; of
- (c) om enige nodige koste te dek wat hy vir boerderydoeleindes aangegaan het of moet aangaan,

of, in plaas van so 'n bedrag in geld voor te skiet, werk wat bereken is om 'n hoewe vir boerderydoeleindes te verbeter, daarop laat doen, en waar werk aldus gedoen word, word die bedrag wat die koste verteenwoordig van daardie werk en van die materiaal wat in verband met daardie werk gebruik word, of waarop daardie werk verrig is, geag aan die betrokke huurder voorgesket te gewees het: Met dien verstande dat waar die Minister van oordeel is dat die betrokke huurder skade kan ly indien die verlening van 'n voorskot aan hom vertraag word, en 'n aanbeveling van die raad in verband met sodanige voorskot nie sonder vertraging verkry kan word nie, hy sodanige voorskot sonder 'n aanbeveling van die raad kan verleen."

(2) Sub-artikel (1) word geag op die eerste dag van September 1963 in werking te getree het.

Wysiging van artikel 54 van Wet 21 van 1956.

28. Artikel *vier-en-vyftig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „tweehonderd-en-vyftig pond" deur die woorde „vyfhonderd rand" te vervang.

Vervanging van artikel 57 van Wet 21 van 1956.

29. Artikel *sewe-en-vyftig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Byvoeging by koopprys van hoewes van bedrae uit Gekonsolideerde Inkomstefonds betaal ter vereffening van Landbankvoorskotte aan huurders.

57. Wanneer kragtens artikel *agt-en-vyftig* van die Landbankwet, 1944 (Wet No. 13 van 1944), enige bedrag uit die Gekonsolideerde Inkomstefonds aan die Land- en Landboubank van Suid-Afrika betaal is, ten opsigte van 'n bedrag aan daardie bank verskuldig op enige voorskot deur hom aan die huurder van 'n hoewe verleen, kan die Minister die aldus betaalde bedrag vanaf die datum van betaling daarvan aan daardie bank by die koopprys van die betrokke hoewe voeg en vanaf daardie datum—

(a) word die huurgeld wat vir die oorblywende tydperk (indien daar is) van die betrokke huurkontrak of vir enige deel daarvan betaalbaar is—

- (i) indien daardie hoewe voor die inwerkingtreding van die Wysigingswet op Nedersetting, 1964, toegeken is, verhoog met 'n bedrag gelyk aan die rente op die aldus bygevoegde bedrag vir die betrokke tydperk bereken teen die toepaslike koers;
- (ii) indien daardie hoewe na bedoelde inwerkingtreding toegeken is, op die grondslag van die verhoogde koopprys bereken teen die koers waarteen huurgeld vir die betrokke tydperk volgens daardie huurkontrak bereken moet word; en

(b) word die paaiemente ten opsigte van die koopprys van daardie hoewe betaalbaar, verhoog ten einde paaiemente van die aldus bygevoegde bedrag, en rente op daardie bedrag teen die toepaslike koers, in te sluit."

Wysiging van artikel 58 van Wet 21 van 1956.

30. Artikel *agt-en-vyftig* van die Hoofwet word hierby gewysig deur in paragraaf (b) van sub-artikel (2) die woorde „kragtens artikel *twintig* toegeken" deur die woorde „wat voor die inwerkingtreding van die Wysigingswet op Nedersetting, 1964, kragtens artikel *twintig* toegeken is"; te vervang.

- (ii) in any other case, if the land has been allotted under this Act before the commencement of the Land Settlement Amendment Act, 1959, be passed to the grantee or transferee in any deed of grant issued or deed of transfer passed to any lessee in respect of such land, but until a deed of grant is so issued or a deed of transfer is so passed, such rights shall be reserved to the State.”

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

Amendment of section 53 of Act 21 of 1956, as amended by section 18 of Act 13 of 1959, section 11 of Act 28 of 1960 and section 14 of Act 66 of 1963.

“(1) The Minister may, on the recommendation of the board, out of moneys appropriated by Parliament for the purpose, and on such terms of repayment and conditions as may be prescribed, make advances for the purpose of enabling any lessee—

(a) to purchase livestock, implements, seeds and other things necessary on his holding for farming purposes; or

(b) to have work calculated to improve his holding for farming purposes to be effected on such holding; or

(c) to meet necessary expenses incurred or to be incurred by him for farming purposes,

or, in lieu of making any such advance in money, cause work calculated to improve any holding for farming purposes to be effected on that holding, and, where work is so effected, the amount representing the cost of such work and of the materials used in connection with such work, or on which such work was done, shall be deemed to have been advanced to the lessee concerned: Provided that where the Minister is of the opinion that the lessee concerned may suffer damage if the making of an advance to him is delayed, and the recommendation of the board in connection with such advance cannot be obtained without delay, he may make such advance without a recommendation of the board.”

(2) Sub-section (1) shall be deemed to have come into operation on the first day of September, 1963.

28. Section *fifty-four* of the principal Act is hereby amended by the substitution in sub-section (2) for the words “two hundred and fifty pounds” of the words “five hundred rand”.

Amendment of section 54 of Act 21 of 1956.

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

Substitution of section 57 of Act 21 of 1956.

“Addition to purchase price of holdings of amounts paid from Consolidated Revenue Fund in settlement of Land Bank advances to lessees.

57. Whenever any amount has, in terms of section *fifty-eight* of the Land Bank Act, 1944 (Act No. 13 of 1944), been paid out of the Consolidated Revenue Fund to the Land and Agricultural Bank of South Africa, in respect of any amount due to that bank on any advance made by it to the lessee of a holding, the Minister may add the amount so paid to the purchase price of the holding in question with effect from the date of the payment thereof to that bank, and as from that date—

(a) the rent payable for the remaining period (if any) of the lease in question, or for any part thereof, shall—

(i) if that holding has been allotted before the commencement of the Land Settlement Amendment Act, 1964, be increased by an amount equal to the interest on the amount so added for the relevant period calculated at the appropriate rate;

(ii) if that holding has been allotted after such commencement, be calculated on the basis of the increased purchase price at the rate at which rent for the relevant period is to be calculated under that lease; and

(b) the instalments payable in respect of the purchase price of that holding, shall be increased to include instalments of the amount so added and interest on that amount at the appropriate rate.”

30. Section *fifty-eight* of the principal Act is hereby amended by the insertion in paragraph (b) of sub-section (2) after the word “*twenty*” of the words “before the commencement of the Land Settlement Amendment Act, 1964”.

Amendment of section 58 of Act 21 of 1956.

Wysiging van
artikel 59 van
Wet 21 van
1956.

31. Artikel *nege-en-vyftig* van die Hoofwet word hierby gewysig deur in paragraaf (b) van sub-artikel (4) die woorde „kragtens artikel *twintig* toegeken” deur die woorde „wat voor die inwerkingtreding van die Wysigingswet op Nedersetting, 1964, kragtens artikel *twintig* toegeken is”, te vervang.

Wysiging van
artikel 60
van Wet 21 van
1956, soos gewysig
deur artikel 12
van Wet 81 van
1957, artikel
19 van Wet 13
van 1959 en
artikel 15 van
Wet 66 van
1963.

32. Artikel *sestig* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (b) van sub-artikel (4) die woorde „kragtens artikel *een-en-dertig* toegekende” te skrap; en
- (b) deur sub-artikel (5) deur die volgende sub-artikel te vervang:

„(5) (a) Waar ’n huurkontrak van ’n hoewe om ander as in paragraaf (b) of (c) van sub-artikel (1) vermeldde redes of op grond van versuim deur die huurder om aan die bepalings van artikel *vyf-en-dertig* te voldoen, gekanselleer is, of daarvan afstand gedoen is en die Minister die afstanddoening aanvaar het, en die huurder enige paaieimente ten opsigte van die koopprys van die betrokke hoewe betaal het, moet enige aldus betaalde paaieimente, behoudens die bepalings van paragraaf (b) van hierdie sub-artikel en die bepalings van sub-artikel (11) van artikel *twintig*, paragraaf (c) van sub-artikel (2) van artikel *drie-en-twintig*, sub-artikel (5) van artikel *een-en-dertig* en artikels *vyf-en-veertig* en *ses-en-sestig*, aan hom terugbetaal word, min ’n bedrag gelyk aan die rente ten opsigte van bedoelde prys betaalbaar tot die datum waarop die kansellering geskied of die afstanddoening aanvaar word.

- (b) Indien ’n huurkontrak van ’n hoewe wat voor die inwerkingtreding van die Wysigingswet op Nedersetting, 1964, kragtens artikel *twintig* toegeken is, gekanselleer is, of daarvan afstand gedoen is en die Minister die afstanddoening aanvaar het, of dit volgens voorskrif van artikel *agti-en-vyftig* of *nege-en-vyftig* verval het, moet die huurder aan die Minister ’n bedrag betaal gelyk aan rente teen die koers wat volgens die huurkontrak deur die huurder betaalbaar is op die koopprys waarteen die hoewe toegeken was (min die bedrag volgens artikel *twintig* deur die huurder tot die koopprys bygedra, en die bedrag kragtens sub-artikel (8) van daardie artikel, soos dit voor die inwerkingtreding van gemelde Wet gegeld het, by die koopprys ingesluit by wyse van rente vir die eerste twee jaar van die huurkontrak) vanaf die begindatum van die huurkontrak tot die datum waarop, na gelang van die geval, die kansellering daarvan plaasvind of dit verval of die afstanddoening daarvan aanvaar word: Met dien verstande dat, behalwe in die geval van ’n kansellering kragtens paragraaf (b) of (c) van sub-artikel (1), of op grond van versuim deur die huurder om aan die bepalings van artikel *vyf-en-dertig* te voldoen, enige bedrag by wyse van paaieimente bo en behalwe eersbedoelde bedrag deur die huurder betaal, aan hom terugbetaal moet word; en met dien verstande voorts dat met enige bedrag ingevolge artikel *twintig* deur die huurder tot die koopprys bygedra, volgens voorskrif van sub-artikel (11) van daardie artikel gehandel moet word en dit nie as ’n paaieiment van die koopprys beskou moet word nie.
- (c) Wanneer die Minister oortuig is dat die kansellering of afstanddoening van ’n huurkontrak van ’n hoewe wat voor die inwerkingtreding van die Wysigingswet op Nedersetting, 1964, kragtens artikel *twintig* toegeken is, aan droogte, oorstromings, storms, sprinkane, gebrek aan water, misoeste, vreesiektes of ander ongunstige boerdery-toestande te wyte is of was, kan hy op aanbeveling van die raad geheel en al of ten dele afstand doen van enige bedrag wat volgens paragraaf (b) van hierdie sub-artikel uit hoofde van bedoelde kansellering of afstanddoening betaalbaar geword het of mag word.
- (d) Die Minister kan die bepalings van paragraaf (c) toepas op enige huurkontrak wat gekanselleer of waarvan afstand gedoen mag word onder die omstandighede in paragraaf (a) van hierdie sub-artikel vermeld.”.

31. Section *fifty-nine* of the principal Act is hereby amended by the insertion in paragraph (b) of sub-section (4) after the word "*twenty*" of the words "before the commencement of the Land Settlement Amendment Act, 1964".

Amendment of section 59 of Act 21 of 1956.

32. Section *sixty* of the principal Act is hereby amended—

Amendment of section 60 of Act 21 of 1956,

(a) by the deletion in paragraph (b) of sub-section (4) of the words "allotted under section *thirty-one*"; and

as amended by section 12 of

(b) by the substitution for sub-section (5) of the following sub-section:

Act 81 of 1957, section 19 of

Act 13 of 1959 and section 15 of

Act 66 of 1963.

"(5) (a) Whenever a lease of a holding has been cancelled for reasons other than those set out in paragraph (b) or (c) of sub-section (1), or by reason of failure of the lessee to comply with the provisions of section *thirty-five*, or has been surrendered and the surrender has been accepted by the Minister, and the lessee has paid any instalments in respect of the purchase price of the holding in question, the instalments so paid shall, subject to the provisions of paragraph (b) of this sub-section and the provisions of sub-section (11) of section *twenty*, paragraph (c) of sub-section (2) of section *twenty-three*, sub-section (5) of section *thirty-one* and sections *forty-five* and *sixty-six*, be refunded to him, less an amount equal to the interest payable in respect of such price up to the date on which the cancellation is effected or the surrender is accepted.

(b) If a lease of a holding allotted under section *twenty* before the commencement of the Land Settlement Amendment Act, 1964, has been cancelled, or has been surrendered and the surrender has been accepted by the Minister, or has been determined as provided in section *fifty-eight* or *fifty-nine*, there shall be payable by the lessee to the Minister an amount equal to the interest payable by the lessee under the lease on the purchase price at which the holding was allotted (less the amount contributed towards the purchase price by the lessee in terms of section *twenty*, and the amount included in the purchase price in respect of interest for the first two years of the lease under sub-section (8) of that section as it existed before the commencement of the said Act) from the date of commencement of the lease to the date on which cancellation or determination thereof takes place or surrender thereof is accepted, as the case may be: Provided that, except in the case of cancellation under paragraph (b) or (c) of sub-section (1), or by reason of the failure of the lessee to comply with the provisions of section *thirty-five*, any amount paid by the lessee by way of instalments in excess of such first-mentioned amount, shall be refunded to him; and provided further that any amount paid by the lessee towards the purchase price in terms of section *twenty* shall be dealt with as provided in sub-section (11) of that section and shall not be deemed to be an instalment of the purchase price.

(c) Whenever the Minister is satisfied that the cancellation or surrender of a lease of a holding allotted under section *twenty* before the commencement of the Land Settlement Amendment Act, 1964, is or was due to drought, flood, tempest, locusts, lack of water, failure of crops, disease of stock or other adverse farming conditions, he may on the recommendation of the board, waive the whole or any portion of any amount which has or may become payable in terms of paragraph (b) of this sub-section in pursuance of such cancellation or surrender.

(d) The Minister may apply the provisions of paragraph (c) to any lease which may be cancelled or surrendered under the circumstances mentioned in paragraph (a) of this sub-section."

Wysiging van
artikel 64 van
Wet 21 van 1956.

33. Artikel *vier-en-sestig* van die Hoofwet word hierby gewysig deur die woorde na die woord „grond”, waar dit vir die tweede keer voorkom, deur die woorde „verkoop op voorwaardes deur hom bepaal” te vervang.

Wysiging van
artikel 67 van
Wet 21 van 1956,
soos gewysig deur
artikel 20 van
Wet 13 van 1959,
artikel 68 van
Wet 69 van 1962
en artikel 17 van
Wet 66 van 1963.

34. Artikel *sewe-en-sestig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

- „(1) (a) 'n Huurder is na die verstryking van 'n tydperk van tien jaar vanaf die aanvangsdatum van sy huurkontrak of, indien 'n tydelike okkupasierereg kragtens artikel *nege-en-twintig* ten opsigte van sy hoewe aan hom verleen was, vanaf die aanvangsdatum van bedoelde reg, of, in die geval van 'n kragtens artikel *twintig* toegekende hoewe, sewe jaar vanaf die aanvangsdatum van sy huurkontrak, geregtig op 'n grondbrief van sy hoewe, indien—
- (i) alle paaielemente ten opsigte van die koopprys van die hoewe en alle ander bedrae deur die huurder aan die Regering verskuldig, betaal is; en
 - (ii) die huurder in alle opsigte aan die op hom toe-paslike bepalings van hierdie Wet en die bedinge en voorwaardes van sy huurkontrak voldoen het.
- (b) Die Staatspresident kan in besondere gevalle 'n grondbrief van 'n hoewe uitreik voor die verstryking van die toepaslike tydperk in paragraaf (a) voorgeskryf, mits die huurder aan die bepalings van sub-paragraawe (i) en (ii) van daardie paragraaf voldoen het.
- (c) Waar 'n huurder aan wie 'n grondbrief ingevolge paragraaf (a) of (b) uitgereik sou kon word, oorlede is en oorleef word deur 'n gade met wie die oorledene in gemeenskap van goed getroud was, kan die Staatspresident op aansoek van die regsvertegenwoordiger van die oorledene die grondbrief ten gunste van die gesamentlike boedel van die oorledene en sodanige gade uitreik.”

Wysiging van
artikel 69 van
Wet 21 van 1956.

35. Artikel *nege-en-sestig* van die Hoofwet word hierby gewysig deur in sub-paragraaf (ii) van paragraaf (a) van sub-artikel (2) die woord „vooruit” te skrap.

Wysiging van
artikel 78 van
Wet 21 van 1956,
soos gewysig deur
artikel 13 van
Wet 28 van 1960
en artikel 17 van
Wet 66 van 1963.

36. Artikel *agt-en-sewentig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „vyf-en-twintig pond” deur die woorde „vyftig rand” te vervang.

Wysiging van
betalingsvoor-
waardes van
bestaande
huurkontrakte.

37. Huurgeld, paaielemente of rente wat ten opsigte van 'n huurkontrak van of verband oor 'n hoewe voor die inwerking-treding van hierdie Wet toegeken, vooruit betaalbaar is, 's vanaf sodanige inwerkingtreding agterna betaalbaar.

Voorbehoude.

38. (1) (a) Iemand wat by die inwerkingtreding van hierdie Wet die amp van voorsitter of lid van die Sentrale Landraad of 'n plaaslike landraad beklee, word geag deur die Minister van Lande kragtens die betrokke bepaling van die Hoofwet soos deur hierdie Wet gewysig, aangestel te wees vir die onverstreke gedeelte van sy ampstermyn soos by sy aanstelling bepaal.
- (b) Aan iemand wat te eniger tyd gedurende die tydperk vanaf die eerste dag van Januarie 1963 tot die datum van inwerkingtreding van hierdie Wet die voorsitter of 'n gewone lid van die Sentrale Landraad of 'n lid van 'n plaaslike raad was en in daardie hoedanigheid 'n salaris en toelaes ingevolge die Hoofwet ontvang het, of aan die boedel van so iemand wat oorlede is, kan ten opsigte van sy diens as sodanige voorsitter, gewone lid of lid gedurende daardie tydperk, die addisionele besoldiging wat die Minister van Lande in ooreenstemming met die Minister van Finansies bepaal, betaal word.
- (2) Ondanks die bepalings van artikel *sewentien* van hierdie Wet bly sub-artikels (3), (4) en (5) van artikel *een-en-dertig* van die Hoofwet, soos daardie sub-artikels onmiddellik voor die inwerkingtreding van hierdie Wet gegeld het, van toepassing ten opsigte van huurkontrakte van hoewes wat voor bedoelde inwerkingtreding toegeken is: Met dien verstande dat 'n verlenging van die tydperk van so 'n huurkontrak nie na sodanige inwerkingtreding toegestaan word nie.

33. Section *sixty-four* of the principal Act is hereby amended by the substitution for the words following the word "may" of the words "sell the land subject to conditions determined by him". Amendment of section 64 of Act 21 of 1956.
34. Section *sixty-seven* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section: Amendment of section 67 of Act 21 of 1956, as amended by section 20 of Act 13 of 1959, section 68 of Act 69 of 1962 and section 17 of Act 66 of 1963.
- "(1) (a) A lessee shall be entitled to a deed of grant of his holding after the expiration of a period of ten years from the date of commencement of his lease or, if a right of temporary occupation was under section *twenty-nine* granted to him in respect of his holding, from the date of commencement of such right, or in the case of a holding allotted under section *twenty*, seven years from the date of commencement of his lease, if—
- (i) all instalments in respect of the purchase price of the holding and all other amounts due to the Government by the lessee have been paid; and
 - (ii) the lessee has complied in all respects with the provisions of this Act applicable to him and with the terms and conditions of his lease.
- (b) The State President may in special circumstances issue a deed of grant of any holding before the expiration of the applicable period prescribed in paragraph (a), provided the provisions of sub-paragraphs (i) and (ii) of that paragraph have been complied with by the lessee.
- (c) Where a lessee to whom a deed of grant could have been issued under paragraph (a) or (b) has died and is survived by a spouse to whom the deceased was married in community of property, the State President may on the application of the legal representative of the deceased issue the deed of grant in favour of the joint estate of the deceased and such spouse."
35. Section *sixty-nine* of the principal Act is hereby amended by the deletion in sub-paragraph (ii) of paragraph (a) of sub-section (2) of the words "in advance". Amendment of section 69 of Act 21 of 1956.
36. Section *seventy-eight* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "twenty-five pounds" of the words "fifty rand". Amendment of section 78 of Act 21 of 1956, as amended by section 13 of Act 28 of 1960 and section 17 of Act 66 of 1963.
37. Rent, instalments or interest payable in advance in respect of a lease of or mortgage bond on a holding allotted before the commencement of this Act, shall after such commencement be payable in arrear. Alteration of conditions of payment of existing leases.
38. (1) (a) Any person who holds the office of chairman or member of the Central Land Board or a local board at the commencement of this Act, shall be deemed to have been appointed by the Minister of Lands under the relevant provision of the principal Act, as amended by this Act, for the unexpired portion of his period of office as determined on his appointment. Savings.
- (b) Any person who was the chairman or an ordinary member of the Central Land Board or a member of a local land board at any time during the period from the first day of January, 1963, to the date of commencement of this Act and received a salary and allowances under the principal Act in that capacity, and the estate of any such person who has died, may be paid in respect of his service as such chairman, ordinary member or member during that period, such additional remuneration as the Minister of Lands may determine in consultation with the Minister of Finance.
- (2) Notwithstanding the provisions of section *seventeen* of this Act, the provisions of sub-sections (3), (4) and (5) of section *thirty-one* of the principal Act as those sub-sections existed immediately prior to the commencement of this Act, shall continue to apply in respect of the leases of holdings allotted before such commencement: Provided that no extension of the period of any such lease shall be granted after such commencement.

(3) Die vervanging, wysiging of herroeping van 'n bepaling van die Hoofwet deur 'n bepaling van hierdie Wet word nie so uitgelê—

- (a) dat dit die uitoefening ingevolge die Hoofwet en voor die inwerkingtreding van hierdie Wet van 'n opsie om 'n hoewe te koop, nietig maak nie; of
- (b) dat dit 'n reg verleen om 'n bedrag of gedeelte van 'n bedrag wat ingevolge die Hoofwet en voor die inwerkingtreding van hierdie Wet by die koopprys van 'n hoewe gevoeg is, van daardie koopprys te laat aftrek of om dit vanaf 'n ander datum as dié waarop dit aldus bygevoeg is, daarby te laat voeg nie.

Kort titel.

39. Hierdie Wet heet die Wysigingswet op Nedersetting, 1964.

(3) The substitution, amendment or repeal of any provision of the principal Act by a provision of this Act shall not be construed—

- (a) so as to render invalid the exercise, in terms of the principal Act and before the commencement of this Act, of an option of purchase of any holding; or
- (b) so as to confer a right to have an amount or portion of an amount which was added to the purchase price of any holding in terms of the principal Act before the commencement of this Act, deducted from that purchase price or to have it added thereto from a date other than that on which it was so added.

39. This Act shall be called the Land Settlement Amendment Short Title Act, 1964.

No. 69, 1964.]

WET

Tot wysiging van die Wet op Beheer oor Wyn en Spirituallieë, 1956.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Junie 1964.)

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

Invoeging van
artikel 9bis
in Wet 38 van
1956.

1. Die volgende artikel word hierby in die Wet op Beheer oor Wyn en Spirituallieë, 1956, na artikel *nege* ingevoeg:

„Invoer van
wyn deur
vereniging.

9bis. (1) Wanneer ingevolge artikel *twee* van die Wysigingswet op die Kontrole oor Wyn en Spirituallieë, 1954 (Wet No. 22 van 1954), die regulasies uiteengesit in die Bylae by genoemde Wet (hieronder genoemde regulasies genoem) in werking is, kan die vereniging, ondanks andersluidende bepalings van enige wet, dié hoeveelhede wyn (hetsy versterk of onversterk) bestem vir distilleringsdoeleindes wat die Minister goedkeur, buite die Republiek aankoop of op 'n ander wyse verkry en in die Republiek invoer.

(2) Die vereniging kan enige wyn wat hy ingevoer het, tot spiritus distilleer en kan, behoudens die bepalings van sub-artikels (3) en (6), sodanige wyn of spiritus gebruik, verkoop of op 'n ander wyse van die hand sit asof dit die opbrings van wynstokke in die Republiek was.

(3) Vyf-en-sewentig persent van enige wyn wat die vereniging invoer en op sy perseel ontvang, en enige bykomende persentasie daarvan wat die vereniging na eie goeddunke en op die tye wat hy goedvind, vir die doel beskikbaar stel, moet deur die Stookwyn- en Goeiewynpoelkomitee ingestel by regulasie 2 van genoemde regulasies, aan applikante (uitgesonderd die vereniging) toegeken word soos by regulasie 4 van genoemde regulasies bepaal.

(4) Die bepalings van genoemde regulasies is van toepassing ten opsigte van wyn wat ingevolge sub-artikel (3) toegeken moet word (hieronder die handelsgedeelte genoem), asof dit deel uitgemaak het van die afsetbare hoeveelheid soos in regulasie 1 van genoemde regulasies omskryf: Met dien verstande dat—

(a) die komitee vermeld in sub-artikel (3) afsonderlike toekennings ten opsigte van sodanige afsetbare hoeveelheid en sodanige handelsgedeelte moet doen; en

(b) die vereniging nie verplig is nie om wyn of spiritus, behalwe wyn deur hom ingevoer en spiritus daarvan verkry, te lewer of te laat lewer ter vervulling of gedeeltelike vervulling van 'n toekenning van die handelsgedeelte deur genoemde komitee gedoen.

(5) Indien wyn wat aan iemand toegeken is soos by sub-artikel (3) bepaal, nie deur hom verkry word nie binne 'n tydperk van sestig dae vanaf die datum waarop dit aldus toegeken is, kan sodanige wyn deur die vereniging verkoop, van die hand gesit of op 'n ander wyse mee gehandel word asof sub-artikel (3) nie ten opsigte daarvan van toepassing was nie.

(6) Nóg die vereniging nóg iemand anders mag spiritus wat verkry is van wyn wat deur die vereniging ingevoer is, vir drinkdoeleindes uit die Republiek uitvoer.

(7) Enige wyn wat deur die vereniging ingevoer is, en enige spiritus wat van sodanige wyn verkry is, word by die toepassing van hierdie Wet, die Wysigingswet op die Kontrole oor Wyn en Spirituallieë, 1940 (Wet No. 23 van 1940), die Aksynswet, 1956

No. 69, 1964.]

ACT

To Amend the Wine and Spirits Control Act, 1956.

(English text signed by the State President.)
(Assented to 17th June, 1964.)

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

1. The following section is hereby inserted in the Wine and Spirits Control Act, 1956, after section *nine*: Insertion of section 9bis in Act 38 of 1956.

"Importation of wine by vereniging.

9bis. (1) Notwithstanding anything to the contrary contained in any law, whenever, in terms of section *two* of the Wine and Spirits Control Amendment Act, 1954 (Act No. 22 of 1954), the regulations set out in the Schedule to the said Act (hereinafter referred to as the said regulations) are in operation, the vereniging may purchase or otherwise acquire outside and import into the Republic such quantities of wine (whether fortified or unfortified) intended for distillation purposes, as the Minister may approve.

(2) The vereniging may distil into spirit any wine imported by it and may, subject to the provisions of sub-sections (3) and (6), utilize, sell or otherwise dispose of any such wine or spirit as if it were the produce of vines in the Republic.

(3) Seventy-five per centum of any wine imported by the vereniging and received on its premises, and any additional percentage thereof which the vereniging may in its discretion and at such times as it deems fit, make available for the purpose, shall be allocated to applicants (excluding the vereniging) by the Distilling and Good Wine Pool Committee established by regulation 2 of the said regulations, as provided by regulation 4 of the said regulations.

(4) The provisions of the said regulations shall apply in respect of any wine to be allocated in terms of sub-section (3) (hereinafter referred to as the trade portion) as if it formed part of the disposable quantity as defined in regulation 1 of the said regulations: Provided that—

- (a) the committee referred to in sub-section (3) shall make separate allocations in respect of such disposable quantity and such trade portion; and
- (b) the vereniging shall not be obliged to deliver or cause to be delivered any wine or spirit, other than wine imported by it and spirit derived therefrom, in fulfilment or part fulfilment of any allocation of the trade portion made by the said committee.

(5) If any wine allocated to any person as provided in sub-section (3), is not acquired by him within a period of sixty days from the date on which it was so allocated, such wine may be sold, disposed of or otherwise dealt with by the vereniging as if sub-section (3) did not apply in respect of it.

(6) Neither the vereniging nor any other person shall export from the Republic, for drinking purposes, any spirit derived from wine imported by the vereniging.

(7) Any wine imported by the vereniging and any spirit derived from such wine shall, for the purposes of this Act, the Wine and Spirits Control Amendment Act, 1940 (Act No. 23 of 1940), the Excise

(Wet No. 62 van 1956), en die Wet op Wyn, Spiritualieë en Asyn, 1957 (Wet No. 25 van 1957), en enige regulasies kragtens enigeen van genoemde Wette uitgevaardig, geag onderskeidelik wyn en spiritus te wees wat die opbrings van wynstokke in die Republiek is.”.

Kort titel.

2. Hierdie Wet heet die Wysigingswet op Beheer oor Wyn en Spiritualieë, 1964.

Act, 1956 (Act No. 62 of 1956), and the Wine, Spirits and Vinegar Act, 1957 (Act No. 25 of 1957), and any regulations made under any of the said Acts, be deemed to be respectively wine and spirit which are the produce of vines in the Republic.”.

2. This Act shall be called the Wine and Spirits Control Short title. Amendment Act, 1964.