

EXTRAORDINARY



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CAPE TOWN, 4TH NOVEMBER 1966.
KAAPSTAD, 4 NOVEMBER 1966.

[No. 1585.]

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1771.]

[4th November, 1966.]

No. 1771.]

[4 November 1966.]

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

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

BLADSY

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1966

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No. 60, 1966.]

WET

Om voorsiening te maak vir sekere pensioene, toelaes, gratifikasies en ander voordele.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Oktober 1966.)*

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

Toekenning van sekere voordele.

1. Ondanks andersluidende wetsbepalings, is elke persoon wat in 'n item van die Bylae by hierdie Wet as 'n bevoordeelde aangewys word, op die in daardie item vermelde voordeel geregtig.

Kort titel.

2. Hierdie Wet heet die Wet tot Aanvulling van Pensioene, 1966.

Bylae.

1. Daar word aan D. H. van Vreden, voorheen No. 13607, konstabel, Suid-Afrikaanse Polisie, 'n gratifikasie van R330 betaal.

2. Daar word aan G. Ansara, voorheen klerk, Transvaalse Departement van Hospitaaldienste, 'n gratifikasie van R885.60 betaal as 'n las teen die Transvaalse Provinsiale Inkomstefonds.

3. Daar word aan L. W. Erasmus, voorheen No. 28365, konstabel, Suid-Afrikaanse Polisie, 'n gratifikasie van R729 en 'n bykomende pensioen van R20 per maand met ingang van 1 April 1966 betaal.

4. Daar word aan P. van Biljon, voorheen hoofklerk, graad I, Departement van Binnelandse Sake, 'n bykomende pensioen van R25 per maand met ingang van 1 April 1966 betaal.

5. Daar word aan Margaret C. Shepstone, weduwee van Sy Edele D. G. Shepstone, voorheen Administrateur van Natal, 'n pensioen van R1,000 per jaar met ingang van 1 Julie 1966 betaal gedurende weduweeskap.

6. Daar word aan Hermina E. van Hees, weduwee van A. S. M. van Hees, voorheen lid van die Volksraad, 'n pensioen van R50 per maand met ingang van 1 Oktober 1966 betaal, onderworpe aan sodanige aansuiwering, vanaf dié datum, van die pensioen wat kragtens die Ouderdomspensioenwet, 1962, aan haar betaal word as wat die Sekretaris van Volkswelsyn en Pensioene bepaal.

7. By die bepaling van die alternatiewe toelae betaalbaar ingevolge artikel 17 van die Wet op Spesiale Oorlogspensioene, 1962, aan Ethel M. Speirs, weduwee van R. Speirs, voorheen No. 14511, manskap, 4de Suid-Afrikaanse Infanterie, word die vooroorlogse verdienste van bedoelde R. Speirs met ingang van 1 April 1966 geag R625 per jaar te bedra het.

8. By die bepaling van die alternatiewe toelae betaalbaar ingevolge artikel 17 van die Wet op Spesiale Oorlogspensioene, 1962, aan Lilian E. M. Beadle, weduwee van R. Beadle, voorheen No. 6194, onderkorporaal, 4de Suid-Afrikaanse Infanterie, word die vooroorlogse verdienste van bedoelde R. Beadle met ingang van 1 April 1965 geag R625 per jaar te bedra het.

9. By die bepaling van die alternatiewe toelae betaalbaar ingevolge artikel 17 van die Wet op Spesiale Oorlogspensioene, 1962, aan Lillian M. Gazzard, weduwee van H. C. Gazzard, voorheen No. 3172, manskap, 6de Suid-Afrikaanse Infanterie, word die vooroorlogse verdienste van bedoelde H. C. Gazzard met ingang van 1 Oktober 1966 geag R625 per jaar te bedra het.

10. Die aansoek om vergoeding deur P. J. Taljaard, voorheen No. 811, konstabel, Suid-Afrikaanse Militêre Konstabelmag, word geag voor die in artikel 48 van die Wet op Spesiale Oorlogspensioene, 1962, bedoelde datum ingedien te gewees het, onderworpe aan die voorwaarde dat geen vergoeding ten opsigte van enige tydperk voor die eerste dag van April 1966 betaalbaar is nie.

11. Die aansoek om vergoeding deur C. P. S. Pretorius, voorheen No. 1190, manskap, 10de Onberede Skutters, word geag voor die in artikel 48 van die Wet op Spesiale Oorlogspensioene, 1962, bedoelde datum ingedien te gewees het, onderworpe aan die voorwaarde dat geen vergoeding ten opsigte van enige tydperk voor die eerste dag van April

No. 60, 1966.]

ACT

To provide for certain pensions, grants, gratuities and other benefits.

(Afrikaans text signed by the State President.)

(Assented to 27th October, 1966.)

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

1. Notwithstanding anything to the contrary in any law, every person indicated as a beneficiary in an item of the Schedule to this Act shall be entitled to the benefit specified in that item. Granting of certain benefits.
2. This Act shall be called the Pensions (Supplementary) Act, 1966. Short title.

Schedule.

1. There shall be paid to D. H. van Vreden, formerly No. 13607, constable, South African Police, a gratuity of R330.
2. There shall be paid to G. Ansara, formerly clerk, Transvaal Department of Hospital Services, a gratuity of R885.60 as a charge against the Transvaal Provincial Revenue Fund.
3. There shall be paid to L. W. Erasmus, formerly No. 28365, constable, South African Police, a gratuity of R729 and an additional pension of R20 per month with effect from 1st April, 1966.
4. There shall be paid to P. van Biljon, formerly chief clerk, grade I, Department of the Interior, an additional pension of R25 per month with effect from 1st April, 1966.
5. There shall be paid to Margaret C. Shepstone, widow of the Honourable D. G. Shepstone, formerly Administrator of Natal, a pension of R1,000 per annum with effect from 1st July, 1966, during widowhood.
6. There shall be paid to Hermina E. van Hees, widow of A. S. M. van Hees, formerly member of the House of Assembly, a pension of R50 per month with effect from 1st October, 1966, subject to such adjustment as from that date, of the pension paid to her under the Old Age Pensions Act, 1962, as the Secretary for Social Welfare and Pensions may determine.
7. For the purposes of determining the alternative allowance payable in terms of section 17 of the War Special Pensions Act, 1962, to Ethel M. Speirs, widow of R. Speirs, formerly No. 14511, private, 4th South African Infantry, the pre-war earnings of the said R. Speirs shall with effect from 1st April, 1966, be deemed to have amounted to R625 per annum.
8. For the purpose of determining the alternative allowance payable in terms of section 17 of the War Special Pensions Act, 1962, to Lilian E. M. Beadle, widow of R. Beadle, formerly No. 6194, lance corporal, 4th South African Infantry, the pre-war earnings of the said R. Beadle shall, with effect from 1st April, 1965, be deemed to have amounted to R625 per annum.
9. For the purpose of determining the alternative allowance payable in terms of section 17 of the War Special Pensions Act, 1962, to Doris L. M. Gazzard, widow of H. C. Gazzard, formerly No. 3172, private, 6th South African Infantry, the pre-war earnings of the said H. C. Gazzard shall, with effect from 1st October, 1966, be deemed to have amounted to R625 per annum.
10. The application for compensation by P. J. Taljaard, formerly No. 811, constable, South African Military Constabulary, shall be considered as if it had been lodged prior to the date referred to in section 48 of the War Special Pensions Act, 1962, subject to the condition that no compensation shall be payable in respect of any period prior to the first day of April, 1966.
11. The application for compensation by C. P. S. Pretorius, formerly No. 1190, private, 10th Dismounted Rifles, shall be considered as if it had been lodged prior to the date referred to in section 48 of the War

13. By die toepassing van die Wet op Oudstryderspensioene, 1962, word A. G. Beukes met ingang van 1 April 1965 geag voltydse militêre diens met die Republikeinse Magte gedurende die Anglo-Boere-oorlog, 1899-1902, te verrig het.

14. Catharina S. T. Roux, hoofverplegingsbeampte, Hospitaal-departement, Kaapse Provinsiale Administrasie, word geag—

- (a) binne die tydperk wat by artikel 16 van die Konsoliderings-ordonnansie op Verpleegsterspensioene, 1931 (Kaapse Ordonnansie No. 5 van 1931), voorgeskryf word, aansoek te gedoen het om haar dienstermyn as leerlingverpleegster vanaf 6 Oktober 1935 tot 18 Mei 1939 as pensioengewende diens erken te kry; en
- (b) ingevolge bedoelde artikel 16 daardie dienstermyn as pensioengewende diens erken te gekry het:

Met dien verstande dat—

- (i) sy op die bedrag wat ingevolge subartikel (2) van daardie artikel deur haar verskuldig word, rente moet betaal teen die koers van vyf persent per jaar, jaarliks saamgestel en bereken vanaf 19 Mei 1939 tot die datum van betaling; en
- (ii) daar uit die provinsiale inkomstefonds van die Kaapprovinsie aan die Kaapse Verpleegsterspensioenfonds 'n bedrag betaal word wat gelykstaan met die rente wat ingevolge paragraaf (i) deur haar betaalbaar is.

15. Norah M. Ward vroueklerk, spesiale graad, Natalse Provinsiale Administrasie, word 'n bydraer tot die Staatsdienspensioenfonds met ingang van die eerste dag van die maand wat onmiddellik volg op die maand waarin hierdie Wet in die *Staatskoerant* gepubliseer word en, behoudens die voorwaardes wat die Sekretaris van Volkswelsyn en Pensioene bepaal, word sy toegelaat om tot daardie fonds by te dra ten opsigte van haar ononderbroke diens in die Staatsdiens voor bedoelde dag.

16. H. C. Davies, majoor, Staande Mag, word toegelaat om tot die Staandemag-pensioenfonds by te dra ten opsigte van sy militêre diens vanaf 14 Januarie 1941 tot 30 Julie 1946, en die tydperk tussen die datum van sy ontslag uit sodanige diens en die datum van sy attestasie in bedoelde mag word vir pensioendoeleindes geag nie die kontinuïteit van sy diens te onderbreek nie: Met dien verstande dat die bydraes betaalbaar ten opsigte van die termyn van sy militêre diens gebaseer word op die verdienste wat die Sekretaris van Volkswelsyn en Pensioene op aanbeveling van die Staatsdienskommissie bepaal.

17. By die toepassing van artikel 3 van die Wet op Besoldiging en Pensioene van Regters, 1959, word die diens van Sy Edele C. P. Bresler, voorheen regter, Transvaalse Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika, in 'n waarnemende hoedanigheid vanaf 15 Februarie 1951 tot 30 Junie 1951, vanaf 3 September 1951 tot 31 Julie 1952 en vanaf 16 Februarie 1953 tot 30 Junie 1953, geag aaneenlopend te wees met sy diens in daardie hoedanigheid vanaf 3 Augustus 1953: Met dien verstande dat die verhoogde pensioen aan hom betaalbaar ingevolge bedoelde artikel 3 met ingang van 1 Oktober 1966 in werking tree.

18. Behoudens die voorwaardes wat die Sekretaris van Volkswelsyn en Pensioene bepaal, word J. D. Beyers, hoof van die Noordkaaplansde Tegnieke Kollege, toegelaat om bydraes tot die Voorsorgfonds vir Tegnieke Kolleges te betaal ten opsigte van sy diens vanaf 9 April 1931 tot 31 Desember 1932.

19. Die diensonderbreking van Frances M. Wilson, administratiewe assistent, Departement van Landbou-tegniese Dienste, vanaf 30 Julie 1925 tot 31 Julie 1925 word vir pensioendoeleindes verskoon en beskou as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie, en onderworpe aan die voorwaardes wat die Sekretaris van Volkswelsyn en Pensioene bepaal, word sy toegelaat om tot die Staatsdienspensioenfonds by te dra ten opsigte van haar tydelike diens vanaf 6 November 1924 tot 29 Julie 1925.

20. T. Kierdorf, gewese passer, Suid-Afrikaanse Spoorweë, het die keuse om te kies om die pensioenvoordele te ontvang waarop hy geregtig sou gewees het kragtens subartikel (1) van artikel 16 van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925), as hy nie op 24 Maart 1947 uit die Spoorwegdiens bedank het nie, maar in die Diens gebly het totdat hy op grond van ouderdomsgrens op 14 Desember 1952 afgetree het, onderworpe aan die volgende voorwaardes:—

- (a) Die tydperk 24 Maart 1947 tot 13 Desember 1952 word beskou as 'n onderbreking in sy diens by die Spoorwegadministrasie wat vir pensioendoeleindes verskoon word asof sy diens ononderbroke was en wat as spesiale afwesigheidsverlof sonder betaling beskou word;
- (b) die bedrag van R1,119.85 wat uit die Nuwe Spoorweg- en Hawesuperannuasiefonds aan hom betaal is toe hy op 24 Maart 1947 bedank het, moet deur hom aan bedoelde fonds terugbetaal word tesame met rente daarop teen die koers van vier-en-'n-half persent per jaar, maandeliks saamgestel, vanaf die datum van betaling tot die datum van terugbetaling;
- (c) die bedrag van R2,000 wat uit Spoorweginkomste aan hom betaal is toe hy op 24 Maart 1947 bedank het, moet deur hom aan die Spoorwegadministrasie terugbetaal word;
- (d) bydraes tot die Nuwe Spoorweg- en Hawesuperannuasiefonds ten opsigte van die tydperk van bedoelde onderbreking in sy diens moet ten behoeve van hom uit die Spoorweg- en Hawesuperannuasiefonds betaal word in ooreenstemming met die skale aangetoon in artikel 8 van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925), soos gewysig, tesame met rente daarop teen die koers van vier-en-'n-half persent per jaar, driemaandeliks saamgestel, vanaf die datum waarop

13. For the purposes of the War Veterans' Pensions Act, 1962, A. G. Beukes shall, with effect from 1st April, 1965, be deemed to have performed full-time military service with the Republican Forces during the Anglo-Boer War, 1899-1902.

14. Catharina S. T. Roux, chief nursing officer, Hospital Department, Cape Provincial Administration, shall be deemed—

- (a) to have applied within the period prescribed by section 16 of the Nurses' Pensions Consolidation Ordinance, 1931 (Cape Ordinance No. 5 of 1931), to have the period of her service as a probationer from 6th October, 1935, to 18th May, 1939, recognized as pensionable service; and
- (b) to have had that period of service recognized as pensionable service in terms of the said section 16:

Provided that—

- (i) she shall pay interest on the amount due by her in terms of subsection (2) of that section, at the rate of five per cent per annum, compounded annually and calculated as from 19th May, 1939, up to the date of payment; and
- (ii) there shall be paid from the provincial revenue fund of the Cape Province to the Cape Nurses' Pension Fund an amount equal to the interest payable by her in terms of paragraph (i).

15. Norah M. Ward, special grade woman clerk, Natal Provincial Administration, shall become a contributor to the Public Service Pension Fund with effect from the first day of the month immediately following the month in which this Act is published in the *Gazette* and, subject to such conditions as the Secretary for Social Welfare and Pensions may determine, she shall be permitted to contribute to that fund in respect of her continuous service in the Public Service prior to the said day.

16. H. C. Davies, major, Permanent Force, shall be permitted to contribute to the Permanent Force Pension Fund in respect of his military service from 14th January, 1941, to 30th July, 1946, and the period between the date of his release from such service and the date of his attestation in the said force shall be deemed not to interrupt the continuity of his service for pension purposes: Provided that the contributions payable in respect of the period of his military service shall be based on such emoluments as the Secretary for Social Welfare and Pensions, on the recommendation of the Public Service Commission, may determine.

17. For the purposes of section 3 of the Judges' Remuneration and Pensions Act, 1959, the service in an acting capacity of the Honourable C. P. Bresler, formerly judge, Transvaal Provincial Division of the Supreme Court of South Africa, from 15th February, 1951, to 30th June, 1951, from 3rd September, 1951, to 31st July, 1952, and from 16th February, 1953, to 30th June, 1953, shall be deemed to be continuous with his service in that capacity from 3rd August, 1953: Provided that the increased pension payable to him in terms of the said section 3 shall take effect from 1st October, 1966.

18. Subject to such conditions as the Secretary for Social Welfare and Pensions may determine J. D. Beyers, principal of the Northern Cape Technical College, shall be permitted to pay contributions to the Technical Colleges Provident Fund in respect of his service from 9th April, 1931, to 31st December, 1932.

19. The break in service of Frances M. Wilson, administrative assistant, Department of Agricultural Technical Services, from 30th July, 1925, to 31st July, 1925, shall be condoned for pension purposes, being regarded as special leave of absence without pay not counting as service, and subject to such conditions as the Secretary for Social Welfare and Pensions may determine, she shall be permitted to contribute to the Public Service Pension Fund in respect of her temporary service from 6th November, 1924, to 29th July, 1925.

20. T. Kierdorf, ex-fitter, South African Railways, shall have the option of electing to receive the pension benefits to which he would have been entitled in terms of subsection (1) of section 16 of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), had he not resigned from the Railway Service on 24th March, 1947, but had remained in the Service and retired on the grounds of age limit on 14th December, 1952, subject to the following conditions:—

- (a) The period 24th March, 1947, to 13th December, 1952, shall be regarded as a break in his service with the Railway Administration which shall be condoned for pension purposes as if his service had been continuous and which shall be regarded as special leave of absence without pay;
- (b) the amount of R1,119.85 paid to him from the New Railways and Harbours Superannuation Fund when he resigned on 24th March, 1947, shall be repaid by him to that fund together with interest thereon at the rate of four-and-one-half per cent per annum, compounded monthly, from the date of payment to the date of repayment;
- (c) the amount of R2,000 paid to him from Railway Revenue when he resigned on 24th March, 1947, shall be repaid by him to the Railway Administration;
- (d) contributions to the New Railways and Harbours Superannuation Fund in respect of the period of the said break in his service shall be paid from the Railway and Harbour Fund on his behalf in accordance with the scales indicated in section 8 of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), as amended, together with interest thereon at the rate of four-and-one-half per cent per annum, compounded quarterly, from due dates to date of payment.

- (f) die betalings wat hy ooreenkomstig subparagrafe (b) en (c) hiervan aan die Nuwe Spoorweg- en Hawesuperannuasiefonds en die Spoorweg- en Hawefonds moet doen, word afgetrek van die totale bedrag van die agterstallige betalings van pensioenvoordele waarop hy geregtig sal wees vanaf 14 Desember 1952 tot 'n datum wat deur die Administrasie se Hoofrekenmeester bepaal moet word;
- (g) bedoelde keuse moet deur hom uitgeoefen word binne 'n tydperk van ses maande vanaf die datum waarop die Administrasie se Hoofrekenmeester 'n staat aan hom verstrek wat besonderhede aantoon van die bedrag van die agterstallige betalings wat aan hom verskuldig sal wees ten opsigte van pensioenvoordele vanaf 14 Desember 1952 tot 'n datum wat deur genoemde Hoofrekenmeester bepaal moet word, tesame met besonderhede van die bedrag deur hom op sodanige datum aan die nuwe Spoorweg- en Hawesuperannuasiefonds en die Administrasie verskuldig.
21. Cornelia A. W. du Toit (gebore De Jager), voorheen 'n dameklerk, Pretoria, word geag met ingang van 8 April 1965 uit die diens van die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens te bedank het om in die huwelik te tree, as gevolg waarvan twee keer haar pensioenbydraes ooreenkomstig artikel 28 (1) van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960), aan haar betaalbaar is.
22. Die diens van F. A. Rouse, senior kaptein, Suid-Afrikaanse Lugdiens, Jan Smuts-lughawe, van 31 Januarie 1938 tot 24 Maart 1948, by die Natalse Onderwysdepartement word beskou as pensioendraende diens by die Suid-Afrikaanse Spoorwegadministrasie op voorwaarde dat hy bydraes aan die Nuwe Spoorweg- en Hawesuperannuasiefonds betaal soos bepaal in subartikels (1) en (2) (a) (ii) van artikel 8 van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960), plus R vir R daarop, plus rente op albei teen die koers van vyf persent per jaar, jaarliks saamgestel, van die datum waarop genoemde bydraes betaalbaar geword het tot die laaste dag van sy diens in die Natalse Onderwysdepartement, plus verdere rente op die bedrag aldus verskuldig teen die koers van vier-en-'n-half persent per jaar, maandeliks saamgestel, van die dag na genoemde datum tot die datum of datums wanneer betaling op rekening daarvan werklik geskied.

- (f) the payments that he must make to the New Railways and Harbours Superannuation Fund and the Railways and Harbours Fund in terms of subparagraphs (b) and (c) hereof shall be deducted from the total amount of the arrear payments of pension benefits to which he will be entitled from 14th December, 1952, up to a date to be determined by the Administration's Chief Accountant;
- (g) the said option shall be exercised by him within a period of six months from the date on which there is furnished to him by the Administration's Chief Accountant a statement setting out particulars of the amount of the arrear payments that will accrue to him in respect of pension benefits from 14th December, 1952, to a date to be determined by the said Chief Accountant, together with particulars of the amount due by him at such date to the New Railways and Harbours Superannuation Fund and the Administration.

21. Cornelia A. W. du Toit (née De Jager), formerly a lady clerk, Pretoria, shall be deemed to have resigned from the service of the Administration of the South African Railways and Harbours with effect from 8th April, 1965, in contemplation of marriage, in consequence of which twice her pension contributions in terms of section 28 (1) of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960), shall be payable to her.

22. The service of F. A. Rouse, Senior Captain, South African Airways, Jan Smuts Airport, from 31st January, 1938, to 24th March, 1948, with the Natal Education Department, shall be regarded as pensionable service with the South African Railways Administration subject to the payment by him of contributions to the New Railways and Harbours Superannuation Fund at the rates prescribed in subsections (1) and (2) (a) (ii) of section 8 of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960), plus R for R thereon, plus interest on both at the rate of five per cent per annum, compounded annually, from the date such contributions became payable up to the last day of his service in the Natal Education Department plus further interest on the amount thus due at the rate of four-and-one-half per cent per annum, compounded monthly, from the day following such date up to the date or dates payment on account thereof is actually made.

No. 61, 1966.]

WET

Tot wysiging van die Wet op Nywerheidsversoening, 1956, om stakings en uitsluitings met 'n doel wat nie met die verhouding tussen werkgever en werknemer in verband staan nie, te verbied.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Oktober 1966.)*

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

Wysiging van
artikel 65 van
Wet 28 van 1956.

1. Artikel 65 van die Wet op Nywerheidsversoening, 1956, word hierby gewysig—

(a) deur na subartikel (1) die volgende subartikels in te voeg:

„(1A) Geen werknemer of ander persoon mag na aanleiding van 'n samespanning, ooreenkoms of verstandhouding, hetsy uitgedruk of nie, met 'n liggaam of aantal persone wat in diens is of was by dieselfde werkgever of by verskillende werkgevers, 'n in paragraaf (a) of (b) van die omskrywing van 'staking' in artikel 1 (1) beoogde handeling of versuim verrig of deelneem aan die verrigting van so 'n handeling of versuim nie, en geen werknemer of ander persoon mag 'n werknemer of ander persoon aanhits, aanstig, beveel, help, adviseer, aanmoedig of verkry om so 'n handeling of versuim aldus te verrig of om aan die verrigting van so 'n handeling of versuim aldus deel te neem nie, indien daardie handeling of versuim verrig word of verrig moet word met 'n ander doel as 'n doel in paragraaf (ii) van genoemde omskrywing bedoel.

(1B) Geen persoon wat 'n werkgever is of was mag 'n in paragraaf (a) van die omskrywing van 'uitsluiting' in artikel 1 (1) beoogde handeling verrig, en geen werkgever of ander persoon mag 'n werkgever of ander persoon aanhits, aanstig, beveel, help, adviseer, aanmoedig of verkry om so 'n handeling te verrig nie, indien daardie handeling verrig word of verrig moet word met 'n ander doel as 'n doel in genoemde omskrywing bedoel.’’; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Iemand wat enigeen van die bepalings van subartikel (1), (1A), (1B) of (2) oortree, is aan 'n misdryf skuldig.’’.

Kort titel.

2. Hierdie Wet heet die Verdere Wysigingswet op Nywerheidsversoening, 1966.

No. 61, 1966.]

ACT

To amend the Industrial Conciliation Act, 1956, so as to prohibit strikes and lock-outs for any purpose unconnected with the relationship between employer and employee.

(English text signed by the State President.)

(Assented to 27th October, 1966.)

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

1. Section 65 of the Industrial Conciliation Act, 1956, is hereby amended—

Amendment of
section 65 of
Act 28 of 1956.

(a) by the insertion after subsection (1) of the following subsections:

“(1A) No employee or other person shall in pursuance of any combination, agreement or understanding, whether expressed or not, with any body or number of persons who are or have been employed by the same employer or by different employers, commit or take part in committing, and no employee or other person shall incite, instigate, command, aid, advise, encourage or procure any employee or other person so to commit or so to take part in committing, any act or omission contemplated in paragraph (a) or (b) of the definition of ‘strike’ in section 1 (1) if such act or omission is committed or is to be committed for any purpose other than a purpose referred to in paragraph (ii) of the said definition.

(1B) No person who is or has been an employer shall commit, and no employer or other person shall incite, instigate, command, aid, advise, encourage or procure any employer or other person to commit any act contemplated in paragraph (a) of the definition of ‘lock-out’ in section 1 (1) if such act is committed or is to be committed for any purpose other than a purpose referred to in the said definition.”; and

(b) by the substitution for subsection (3) of the following subsection:

“(3) Any person who contravenes any of the provisions of subsection (1), (1A), (1B) or (2) shall be guilty of an offence.”.

2. This Act shall be called the Industrial Conciliation Further Short title, Amendment Act, 1966.

WET

Tot wysiging van die bepalinge van die Drankwet, 1928, met betrekking tot vrystelling van die verpligting om 'n lisensie te hou en die voldoening aan redelike vereistes van die publiek; die bepalinge van die Wet op die Onderdrukking van Kommunisme, 1950, met betrekking tot vermoedens en verbeurdverklaring en die toepassing en uitleg van daardie bepalinge; die bepalinge van die Strafproseswet, 1955, met betrekking tot prosesstukke ter verkryging van die aanwesigheid van getuies en getuienis; die bepalinge van die Wet op Gevangenis, 1959, met betrekking tot strawwe, die opneming en aanhouding van gevangenes uit buitelandse gebiede, hersiening van vonnisse, die verkryging van benodigdhede en handelinge verrig kragtens herroepe wette; die bepalinge van die Kinderwet, 1960, met betrekking tot omskrywings en mediese behandeling van kinders; die bepalinge van die Wet op die Betaling van Parlementslede, 1961, met betrekking tot die salaris van die Adjunk-president en Voorsitter van Komitees van die Senaat; die bepalinge van die Wet op die Kleurlingontwikkelingskorporasie, 1962, met betrekking tot plaasvervangende direkteure; die bepalinge van die Algemene Regswysigingswet, 1962, met betrekking tot sabotasie; die bepalinge van die Drankwysigingswet, 1963, met betrekking tot klassifikasie van akkommodasie-inrigtings; en die bepalinge van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1965, met betrekking tot spesiale pensioene; en om vir die aanhouding van terroriste en ander persone voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)

(Goedgekeur op 27 Oktober 1966.)

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 30 van 1928, soos gewysig deur artikel 3 van Wet 41 van 1934, artikel 1 van Wet 39 van 1937, artikel 2 van Wet 72 van 1961, artikel 1 van Wet 89 van 1962, artikel 2 van Wet 88 van 1963, artikel 1 van Wet 85 van 1964, en artikel 1 van Wet 98 van 1965.

1. Artikel 6 (1) (d) van die Drankwet, 1928 (hieronder die Drankwet genoem), word hierby gewysig deur al die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

„iemand wat op gesag van die Minister en behoudens die voorwaardes of beperkings deur hom opgelê, drank verkoop in 'n hotel wat opgerig en onderhou is deur 'n Staatsdepartement, (waaronder die Spoorweg- en Hawe-administrasie en enige Provinsiale Administrasie val):”.

Wysiging van artikel 114bis van Wet 30 van 1928, soos ingevoeg deur artikel 35 van Wet 61 van 1956 en gewysig deur artikel 6 van

2. Artikel 114bis van die Drankwet word hierby gewysig—
(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die houder van 'n tydelike, bottel-, teater- of sportgronde-, restaurant-, hotel- of wyn- en bier-lisensie of 'n kantien-, kruideniers-wyn- of maaltyd-wyn- en -bier-lisensie moet te alle tye voldoen aan die redelike

No. 62, 1966.]

ACT

To amend the provisions of the Liquor Act, 1928, relating to exemption from the obligation to hold a licence and the provision of reasonable requirements of the public; the provisions of the Suppression of Communism Act, 1950, relating to presumptions and forfeiture and the application and interpretation of those provisions; the provisions of the Criminal Procedure Act, 1955, relating to process for securing the attendance of witnesses and evidence; the provisions of the Prisons Act, 1959, relating to penalties, the reception and detention of prisoners from foreign territories, review of sentences, the procurement of necessities and acts performed under laws repealed; the provisions of the Children's Act, 1960, relating to definitions and medical treatment of children; the provisions of the Payment of Members of Parliament Act, 1961, relating to the salary of the Deputy President and Chairman of Committees of the Senate; the provisions of the Coloured Development Corporation Act, 1962, relating to alternate directors; the provisions of the General Law Amendment Act, 1962, relating to sabotage; the provisions of the Liquor Amendment Act, 1963, relating to classification of accommodation establishments; and the provisions of the Parliamentary Service and Administrators' Pensions Act, 1965, relating to special pensions; and to provide for the detention of terrorists and other persons.

(Afrikaans text signed by the State President.)

(Assented to 27th October, 1966.)

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

1. Section 6 (1) (d) of the Liquor Act, 1928 (hereinafter referred to as the Liquor Act), is hereby amended by the substitution for all the words preceding the proviso of the following words:

“any person selling liquor in any hotel established and maintained by any department of State, including the Railways and Harbours Administration and any Provincial Administration, under the authority of the Minister and subject to such conditions or restrictions as he may impose.”.

Amendment of section 6 of Act 30 of 1928, as amended by section 3 of Act 41 of 1934, section 1 of Act 39 of 1937, section 2 of Act 72 of 1961, section 1 of Act 89 of 1962, section 2 of Act 88 of 1963, section 1 of Act 85 of 1964 and section 1 of Act 98 of 1965.

2. Section 114bis of the Liquor Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The holder of a temporary, bottle, theatre or sports ground, restaurant, hotel or wine and malt liquor licence or a bar, grocers' wine or meal time wine and malt licence shall at all times satisfy the reasonable requirements of the public in regard to

Amendment of section 114bis of Act 30 of 1928, as inserted by section 35 of Act 61 of 1956 and amended by section 6 of Act 58 of 1957, section 6 of Act 80 of 1962

minstens sewe verskillende bierbrouers in die Republiek (met inbegrip van die gebied Suidwes-Afrika) van wie elkeen met betrekking tot elkeen van die ander en tot die houer van die lisensie, 'n onafhanklike brouer moet wees."

Wysiging van artikel 12 van Wet 44 van 1950, soos gewysig deur artikel 8 van Wet 50 van 1951, artikel 9 van Wet 15 van 1954, artikel 11 van Wet 76 van 1962, artikel 6 van Wet 37 van 1963 en artikel 6 van Wet 97 van 1965.

3. Artikel 12 van die Wet op die Onderdrukking van Kommunisme, 1950, word hierby gewysig deur na subartikel (1) *bis* die volgende subartikel in te voeg:

„(1) *ter* Indien by 'n vervolging weens 'n misdryf ingevolge artikel 11 (*b*) *ter* waarin daar beweer word dat die beskuldigde op 'n in die klagskrif vermelde tyd en plek buite die Republiek, aldus vermelde opleiding ontvang het, of gepoog, ingewillig of enige stappe gedoen het om dit te ontvang, daar bewys word dat die beskuldigde die Republiek in stryd met 'n bepaling van die Wet tot Reëling van Vertrek uit die Unie, 1955 (Wet No. 34 van 1955), verlaat het voor bedoelde tyd, word daar vermoed totdat die teen-deel bo alle redelike twyfel bewys word, dat die beskuldigde op bedoelde tyd en plek bedoelde opleiding ontvang het, of gepoog, ingewillig of bedoelde stappe gedoen het om dit te ontvang."

Wysiging van artikel 13 van Wet 44 van 1950.

4. Artikel 13 van die Wet op die Onderdrukking van Kommunisme, 1950, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Artikel 360 (4) en (5) van die Strafproseswet, 1955 (Wet No. 56 van 1955), is *mutatis mutandis* ten opsigte van so 'n verbeurdverklaring van toepassing."

Vervanging van artikel 18 van Wet 44 van 1950.

5. (1) Artikel 18 van die Wet op die Onderdrukking van Kommunisme, 1950, word hierby deur die volgende artikel vervang:

„Toepassing 18. Hierdie Wet en enige wysiging daarvan wat van Wet op van tyd tot tyd aangebring word, is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel vermeld in artikel 3 van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), en met betrekking tot alle persone in daardie gedeelte van bedoelde gebied bekend as die 'Rehoboth Gebiet' en omskrywe in die Eerste Bylae by Proklamasie No. 28 van 1923 van bedoelde gebied."

(2) Subartikel (1) word geag op die datum van inwerking-treding van die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950), in werking te getree het.

(3) Ondanks andersluidende wetsbepalings of gemeenregtelike bepalings, is die strafbepalings van die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950), soos van tyd tot tyd gewysig, ook ten opsigte van alle dade (met inbegrip van dade van versuim) wat in die in artikel 18 van daardie Wet bedoelde gebied voor die inwerkingtreding van hierdie Wet gepleeg is, in dieselfde mate van toepassing as dié waarin dit van toepassing sou gewees het indien daardie dade in die Republiek gepleeg was.

Invoeging van artikel 18A in Wet 44 van 1950.

6. Die volgende artikel word hierby in die Wet op die Onderdrukking van Kommunisme, 1950, na artikel 18 ingevoeg:

„Uitleg.

18A. (1) By die toepassing van artikel 18 word 'n verwysing in hierdie Wet na 'n bepaling van die Strafproseswet, 1955 (Wet No. 56 van 1955), uitgelê as 'n verwysing na die ooreenstemmende bepaling van die Strafprosesordonnansie, 1963 (Ordonnansie No. 34 van 1963), van die gebied Suidwes-Afrika.

(2) By die toepassing van artikel 11 (*b*) *ter* beteken opleiding wat van nut sou kon wees by die bevordering van die verwesenliking van enige van die oogmerke van kommunisme, ook opleiding wat van nut sou kon wees by die pleeg van die in artikel 21 (1) van die Algemene Regswysigingswet, 1962

seven different brewers of malt liquor in the Republic (including the territory of South-West Africa) each one of whom shall in relation to every one of the others and to the holder of the licence, be an independent brewer.”.

3. Section 12 of the Suppression of Communism Act, 1950, is hereby amended by the insertion after subsection (1)*bis* of the following subsection:

Amendment of section 12 of Act 44 of 1950, as amended by section 8 of Act 50 of 1951, section 9 of Act 15 of 1954, section 11 of Act 76 of 1962, section 6 of Act 37 of 1963 and section 6 of Act 97 of 1965.

“(1)*ter* If in any prosecution for an offence under section 11 (*b*)*ter* in which it is alleged that the accused has, at any time and place outside the Republic specified in the charge, undergone, or attempted, consented or taken any steps to undergo any training so specified, it is proved that the accused had left the Republic in contravention of any provision of the Departure from the Union Regulation Act, 1955 (Act No. 34 of 1955), prior to such time, he shall be presumed until the contrary is proved beyond a reasonable doubt, to have undergone or attempted, consented or taken such steps to undergo such training at the said time and place.”.

4. Section 13 of the Suppression of Communism Act, 1950, is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 13 of Act 44 of 1950.

“(2) Section 360 (4) and (5) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply in respect of such forfeiture.”.

5. (1) The following section is hereby substituted for section 18 of the Suppression of Communism Act, 1950:

Substitution of section 18 of Act 44 of 1950.

“Applica-
tion of Act
to South-
West Africa.

18. This Act and any amendment thereof which may be made from time to time shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and in relation to all persons in that portion of the said territory known as the ‘Rehoboth Gebiet’ and defined in the First Schedule to Proclamation No. 28 of 1923 of the said territory.”.

(2) Subsection (1) shall be deemed to have come into operation on the date of the commencement of the Suppression of Communism Act, 1950 (Act No. 44 of 1950).

(3) Notwithstanding anything to the contrary in any law or the common law contained, the penal provisions of the Suppression of Communism Act, 1950 (Act No. 44 of 1950), as amended from time to time, shall apply also in respect of all acts (including acts of omission) committed in the territory referred to in section 18 of that Act before the commencement of this Act, to the same extent as they would have applied if those acts had been committed in the Republic.

6. The following section is hereby inserted in the Suppression of Communism Act, 1950, after section 18:

Insertion of section 18A in Act 44 of 1950.

“Interpre-
tation.

18A. (1) For the purposes of section 18, any reference in this Act to a provision of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall be construed as a reference to the corresponding provision of the Criminal Procedure Ordinance, 1963 (Ordinance No. 34 of 1963), of the territory of South-West Africa.

(2) For the purposes of section 11 (*b*)*ter* training which could be of use in furthering the achievement of any of the objects of communism, shall include training which could be of use in the commission of the offence of sabotage referred to in section 21 (1) of the General Law Amendment Act, 1962 (Act No. 76 of 1962). ”

„(b) Indien 'n polisiebeampte redelike gronde het om te vermoed dat die aanwesigheid van iemand nodig is of sal wees om by 'n strafsak in 'n laerhof getuienis af te lê of boeke, stukke of dokumente oor te lê en aan so iemand 'n skriftelike kennisgewing in die voorgeskrewe vorm oorhandig wat hom aansê om by bedoelde strafsak op die in die kennisgewing vermelde tyd en plek aanwesig te wees om getuienis af te lê of boeke, stukke of dokumente aldus vermeld, oor te lê, word daar by die toepassing van hierdie Wet geag dat so iemand behoorlik gedagvaar is om by bedoelde strafsak aldus aanwesig te wees.”

Vervanging van artikel 254 van Wet 56 van 1955, soos vervang deur artikel 29 van Wet 80 van 1964.

8. Artikel 254 van die Strafproseswet, 1955, word hierby deur die volgende artikel vervang:

„Mededaders en sekere ander persone wat vir vervolging getuienis aflê, is van vervolging vrygestel.

254. (1) Wanneer die aanklaer by 'n verhoor of voorlopige ondersoek die hof meedeel dat 'n persoon deur en ten behoeve van die aanklaer as getuie opgeroep, na sy oordeel 'n mededader was, hetsy as hoofdader of medepligtige, by die pleging van 'n misdryf wat in die aanklag ten laste gelê word, of die onderwerp van 'n voorlopige ondersoek uitmaak, of dat van bedoelde persoon na die oordeel van die aanklaer verwag sal word om vrae te beantwoord waarop die antwoord die strekking sou hê om hom ten opsigte van 'n deur die aanklaer genoemde misdryf te inkrimineer, is daardie persoon, ondanks andersluidende bepalings van hierdie Wet, verplig om as getuie die eed af te lê of 'n bevestiging te doen en om enige vraag te beantwoord waarop die antwoord die strekking sou hê om hom ten opsigte van 'n voormelde misdryf te inkrimineer.

(2) Indien 'n in subartikel (1) bedoelde persoon alle vrae wat wettiglik aan hom gestel word ten genoë van die hof volledig beantwoord, is hy, behoudens die bepalings van subartikel (3), onthef van alle vervolging weens die betrokke misdryf en die hof laat bedoelde vrystelling in die notule van die saak aanteken.

(3) Bedoelde vrystelling is van nul en gener waarde en die aantekening daarvan in die notule van die saak word geskrap, indien die betrokke persoon, wanneer hy as 'n getuie geroep word by die verhoor van enige persoon op 'n aanklag dat hy die betrokke misdryf of 'n misdryf wat die voorlopige ondersoek openbaar, gepleeg het, of by die heropening van die voorlopige ondersoek, weier om as getuie die eed af te lê of 'n bevestiging te doen of weier of versuim om alle vrae wat wettiglik aan hom gestel word ten genoë van die hof volledig te beantwoord.”

Vervanging van artikel 255 van Wet 56 van 1955.

9. Artikel 255 van die Strafproseswet, 1955, word hierby deur die volgende artikel vervang:

„Getuienis van mededaders en sekere ander persone kan nie teen hulle gebruik word nie.

255. Geen getuienis wat deur 'n in artikel 254 (1) bedoelde persoon ten behoeve van die vervolging in enige strafsak ten opsigte van 'n misdryf afgelê is, is indien daardie persoon daarna weens 'n in daardie artikel bedoelde misdryf vervolgd word, as getuienis teen hom by sy verhoor toelaatbaar nie: Met dien verstande dat indien bedoelde persoon daarna vervolgd word weens meened wat uit die aflegging van sulke getuienis ontstaan, geen bepaling van hierdie artikel die toelating as getuienis teen hom by sy verhoor weens bedoelde meened van die aldus afgelegde getuienis verhinder nie.”

Wysiging van artikel 12 van Wet 8 van 1959, soos gewysig deur artikel 4 van Wet 75 van 1965.

10. Artikel 12 (10) van die Wet op Gevangenis, 1959 (hieronder die Gevangeniswet genoem), word hierby gewysig deur die woorde „vyftig pond” deur die woorde „honderd rand” te vervang.

Wysiging van

11. Artikel 30 van die Gevangeniswet word hierby gewysig

“(b) If any policeman has reasonable grounds for believing that the attendance of any person is or will be necessary to give evidence or to produce any books, papers or documents in any criminal proceedings in an inferior court and hands to such person a written notice in the prescribed form calling upon him to attend such criminal proceedings at the time and place specified in the notice, to give evidence or to produce any books, papers or documents, so specified, such person shall, for the purposes of this Act, be deemed to have been duly subpoenaed so to attend such criminal proceedings.”.

8. The following section is hereby substituted for section 254 of the Criminal Procedure Act, 1955:

Substitution of section 254 of Act 56 of 1955, as substituted by section 29 of Act 80 of 1964.

“Accomplices and certain other persons giving evidence for prosecution freed from prosecution.

254. (1) Whenever the prosecutor at any trial or preparatory examination informs the court that any person produced by him as a witness on behalf of the prosecution has, in his opinion, been an accomplice, either as principal or accessory, in the commission of the offence alleged in the charge, or the subject of the preparatory examination, or that such person will in the opinion of the prosecutor be required to answer questions the reply to which would tend to incriminate him in respect of an offence mentioned by the prosecutor, such person shall, notwithstanding anything to the contrary in this Act contained, be compelled to be sworn or to make affirmation as a witness and to answer any question the reply to which would tend to incriminate him in respect of any such offence as aforesaid.

(2) If a person referred to in subsection (1) fully answers to the satisfaction of the court all such lawful questions as may be put to him, he shall, subject to the provisions of subsection (3), be discharged from all liability to prosecution for the offence concerned and the court shall cause such discharge to be entered on the record of the proceedings.

(3) Such discharge shall be of no force and effect and the entry thereof on the record of the proceedings shall be deleted if, when called as a witness at the trial of any person upon a charge of having committed the offence concerned or an offence disclosed by the preparatory examination, or at a reopening of the preparatory examination the person concerned refuses to be sworn or to make affirmation as a witness or refuses or fails to answer fully to the satisfaction of the court all such lawful questions as may be put to him.”.

9. The following section is hereby substituted for section 255 of the Criminal Procedure Act, 1955:

Substitution of section 255 of Act 56 of 1955.

“Evidence of accomplices and certain other persons cannot be used against them.

255. No evidence given by a person referred to in section 254 (1) on behalf of the prosecution in any criminal proceedings in respect of any offence shall, if the said person is thereafter prosecuted for an offence referred to in that section, be admissible in evidence against him at his trial: Provided that if such person is subsequently prosecuted for perjury arising from the giving of such evidence, nothing contained in this section shall prevent the admission against him in evidence at his trial for the said perjury of the evidence so given.”.

10. Section 12 (10) of the Prisons Act, 1959 (hereinafter referred to as the Prisons Act), is hereby amended by the substitution for the words “fifty pounds” of the words “one hundred rand”.

Amendment of section 12 of Act 8 of 1959, as amended by section 4 of Act 75 of 1965.

volgens die daarin geldende reg gevonnissen is tot gevangenisstraf met of sonder dwangarbeid.”.

Wysiging van
artikel 56 van
Wet 8 van 1959.

12. Artikel 56 van die Gevangeniswet word hierby gewysig deur die volgende subartikel by te voeg:

„(5) Die notule van verhoor van ’n saak waarin ’n vonnis ingevolge artikel 54 opgelê is en waarmee nie ingevolge subartikels (1) en (2) van hierdie artikel gehandel is nie, word, indien hy daarom vra, deurgestuur na die Kommissaris wat, ná oorweging daarvan, die vonnis kan bekragtig, tersyde stel, wysig of versag of die verrigtinge kan verbeter na vereiste van die geregtigheid.”.

Wysiging van
artikel 82 van
Wet 8 van 1959.

13. Artikel 82 van die Gevangeniswet word hierby gewysig deur die voorbehoudsbepalings deur die volgende voorbehoudsbepalings te vervang:

„Met dien verstande dat—

(aa) alle briewe geskryf en ontvang sowel as alle leesstof gelees en gekeur moet word deur ’n lid van die Gevangenisdiens deur die Kommissaris aangewys, uitgesonderd dokumente deur ’n gevangene aan sy regsvertegenwoordiger oorhandig indien so ’n lid oortuig is dat sodanige dokumente alleen vir die verdediging van die gevangene bedoel is;

(bb) geen voedsel of drank wat, volgens die oordeel van ’n lid van die Gevangenisdiens deur die Kommissaris aangewys, nie skoon, heilsaam, goed en vry van siekte, besmetting of besoedeling is nie, ontvang mag word nie en geen voedsel of drank vir aflewering aan ’n gevangene in ontvangs geneem mag word tensy dit in so ’n houer is of op so ’n wyse toegedraai is dat dit redelikerwys teen besoedeling tydens hantering binne die gevangenis beskerm word nie; en

(cc) ’n lid van die Gevangenisdiens deur die Kommissaris aangewys, na goëddunke en met behoorlike inagneming van die voedingsbehoefte van die gevangene vir wie voedsel of drank afgelewer word, die hoeveelheid van sodanige voedsel of drank wat gedurende enige een dag aan sodanige gevangene verskaf mag word, kan beperk.”.

Wysiging van
artikel 95 van
Wet 8 van 1959.

14. Artikel 95 van die Gevangeniswet word hierby vanaf die eerste dag van September 1959 gewysig deur die volgende voorbehoudsbepaling by te voeg:

„(d) enigiets kragtens ’n bepaling van so ’n wet gedoen, word geag kragtens die ooreenstemmende bepaling van hierdie Wet gedoen te gewees het.”.

Wysiging van
artikel 1 van
Wet 33 van 1960,
soos gewysig deur
artikel 1 van
Wet 50 van 1965.

15. Artikel 1 van die Kinderwet, 1960, word hierby gewysig deur die omskrywing van „opleidingsinrigting” deur die volgende omskrywing te vervang:

„opleidingsinrigting” ’n spoorwegkollege, polisiekollege, mynskool, verpleegsterstehuis of dergelike instelling wat vir die opleiding van werknemers in stand gehou word, of ’n lugmag-, leer- of vlootgimnasium, of ’n spesiale skool opgerig of goedgekeur ingevolge die Wet op Buitengewone Onderwys, 1948 (Wet No. 9 van 1948), of ’n spesiale skool ingestel of opgerig ingevolge die Wet op Onderwys vir Kleurlinge, 1963 (Wet No. 47 van 1963), of die Wet op Onderwys vir Indiërs, 1965 (Wet No. 61 van 1965), of ’n Staatsondersteunde skool (soos in die Wet op Onderwys vir Kleurlinge, 1963, of die Wet op Onderwys vir Indiërs, 1965, omskryf), wat ’n spesiale skool (soos aldus omskryf) is, of ’n beroepsskool ingestel of opgerig ingevolge die Wet op Beroeps- en Onderwys, 1955 (Wet No. 70 van 1955), of die Wet op Onderwys vir Kleurlinge, 1963, of die Wet op Onderwys vir Indiërs, 1965.”.

Wysiging van
artikel 20 van
Wet 33 van 1960.

16. Artikel 20 van die Kinderwet, 1960, word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

„(6) As ’n mediese beampte soos bedoel in subartikel (1) van mening is dat dit nodig is dat ’n persoon onder die leeftyd van een-en-twintig jaar ’n operasie moet ondergaan,

to the law in force therein to imprisonment with or without compulsory labour.”.

12. Section 56 of the Prisons Act is hereby amended by the addition of the following subsection: Amendment of section 56 of Act 8 of 1959.

“(5) The record of the trial of any case in which a sentence has been imposed in terms of section 54 and which has not been dealt with under subsections (1) and (2) of this section, shall, if he so requests, be transmitted to the Commissioner who may, upon consideration thereof, confirm, set aside, alter or reduce the sentence or correct the proceedings as justice may require.”.

13. Section 82 of the Prisons Act is hereby amended by the substitution for the provisos of the following provisos: Amendment of section 82 of Act 8 of 1959.

“Provided that—

(aa) all letters written and received as well as all literature must be read and censored by a member of the Prisons Service designated by the Commissioner, excluding documents handed over by a prisoner to his legal adviser if such member is satisfied that such documents are intended solely for the defence of the prisoner;

(bb) no article of food or drink which, in the opinion of a member of the Prisons Service designated by the Commissioner, is not clean, wholesome, sound and free from disease, infection or contamination, shall be accepted and no food or drink shall be accepted for delivery to any prisoner unless it is in such a container or so wrapped that it is reasonably protected from contamination during handling within a prison; and

(cc) a member of the Prisons Service designated by the Commissioner may, in his discretion and with due regard to the nutritional needs of the prisoner for whom food or drink is delivered, limit the quantity of such food or drink that may be supplied in any one day to such prisoner.”.

14. Section 95 of the Prisons Act is hereby amended with effect from the first day of September, 1959, by the addition of the following proviso: Amendment of section 95 of Act 8 of 1959.

“(d) anything done under any provision of any such law shall be deemed to have been done under the corresponding provision of this Act.”.

15. Section 1 of the Children's Act, 1960, is hereby amended by the substitution for the definition of “training institution” of the following definition: Amendment of section 1 of Act 33 of 1960, as amended by section 1 of Act 50 of 1965.

“‘training institution’ means any railway college, police college, school of mines, nurses’ hostel or similar establishment maintained for the training of employees, or any air force, army or naval gymnasium, or any special school established or approved in terms of the Special Education Act, 1948 (Act No. 9 of 1948), or any special school established or erected in terms of the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), or the Indians Education Act, 1965 (Act No. 61 of 1965), or any State-aided school (as defined in the Coloured Persons Education Act, 1963, or the Indians Education Act, 1965), which is a special school (as so defined) or any vocational school established or erected in terms of the Vocational Education Act, 1955 (Act No. 70 of 1955), or the Coloured Persons Education Act, 1963, or the Indians Education Act, 1965.”.

16. Section 20 of the Children's Act, 1960, is hereby amended by the substitution for subsection (6) of the following subsection: Amendment of section 20 of Act 33 of 1960.

“(6) If any medical officer mentioned in subsection (1) is of the opinion that it is necessary to perform an operation

dan die nodige toestemming kan verleen in plaas van die ouers of voog van bedoelde persoon, wanneer hy na behoorlike ondersoek oortuig is dat die operasie of behandeling noodsaaklik is.”.

Wysiging van
artikel 1 van
Wet 58 van 1961.

17. (1) Artikel 1 van die Wet op die Betaling van Parlementslede, 1961 (Wet No. 58 van 1961), word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) aan die Adjunk-president en Voorsitter van Komitees van die Senaat, ’n salaris van sesduisend rand per jaar.”.

(2) Subartikel (1) word geag op die eerste dag van April 1966 in werking getree te het.

Wysiging van
artikel 10 van
Wet 4 van 1962.

18. Artikel 10 (1) van die Wet op die Kleurlingontwikkelingskorporasie, 1962, word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) ’n Direkteur van die Korporasie, behalwe ’n direkteur wat iemand in die voltydse diens van die Staat is, kan nie iemand benoem nie om as plaasvervangende direkteur in sy plek op te tree tydens sy afwesigheid of sy onvermoë om as direkteur op te tree, terwyl ’n direkteur wat iemand in die voltydse diens van die Staat is, wel iemand aldus kan benoem.”.

Wysiging van
artikel 21 van
Wet 76 van 1962.

19. Artikel 21 van die Algemene Regswysigingswet, 1962, word hierby gewysig deur die volgende subartikels by te voeg:

„(6) Ondanks andersluidende wetsbepalings of gemeenregtelike bepalings, word ’n misdryf ingevolge hierdie artikel, vir die doeleindes van die bepaling van die regsbevoegdheid van ’n hof om die misdryf te verhoor, geag gepleeg te gewees het by die plek waar dit in werklikheid gepleeg is en ook by enige plek waar die beskuldigde hom bevind.

(7) (a) Hierdie artikel (behalwe subartikel (4) (a)) en enige wysiging daarvan wat van tyd tot tyd aangebring word, is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel vermeld in artikel 3 van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), en met betrekking tot alle persone in daardie gedeelte van bedoelde gebied bekend as die „Rehoboth Gebiet” en omskrywe in die Eerste Bylae by Proklamasie No. 28 van 1923 van bedoelde gebied.

(b) By die toepassing van paragraaf (a) word ’n verwysing in hierdie artikel na ’n bepaling van die Strafproseswet, 1955 (Wet No. 56 van 1955), uitgelê as ’n verwysing na die ooreenstemmende bepaling van die Strafprosesordonnansie, 1963 (Ordonnansie No. 34 van 1963), van bedoelde gebied.

(8) In hierdie artikel beteken—

„Republiek” ook die gebied Suidwes-Afrika;
„Staat” of „Regering” ook die Administrasie van die gebied Suidwes-Afrika.”.

Wysiging van
artikel 53 van
Wet 88 van 1963.

20. Artikel 53 van die Drankwysigingswet, 1963, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Indien geen klassifikasiesertifikaat op of voor die een-en-dertigste dag van Desember 1968 uitgereik word nie ten opsigte van ’n akkommodasie-inrigting wat bestuur word kragtens ’n hotel-dranklisensie wat voor die inwerking treding van subartikel (1) van hierdie artikel verleen is, en daardie lisensie vir die jaar 1969 vernuwe word, word die vernuwing geag verleen te gewees het ten opsigte van ’n wyn- en bier-lisensie in verband met die betrokke gebou, en indien ’n spesiale reg van buite-verbruikverkoop kragtens daardie hotel-dranklisensie ingevolge artikel 64 gemagtig is, word daardie reg vanaf die eerste dag van Januarie 1969 geag beperk te wees tot die verkoop van alleen die drank wat ingevolge artikel 86 deur die houer van ’n wyn- en bier-lisensie verkoop mag word: Met dien verstande dat die Minister in enige besondere geval, op ’n skriftelike aanvraag en om gegronde en voldoende redes aangevoer, kan gelas dat, vir die tydperk en behoudens die voor-

Minister who may, if satisfied after due enquiry that the operation or treatment is necessary, consent thereto in lieu of the parents or guardian of the said person.”

17. (1) Section 1 of the Payment of Members of Parliament Act, 1961 (Act No. 58 of 1961), is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph: Amendment of section 1 of Act 58 of 1961.

“(b) to the Deputy President and Chairman of Committees of the Senate, a salary of six thousand rand per annum;”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1966.

18. Section 10 (1) of the Coloured Development Corporation Act, 1962, is hereby amended by the substitution for paragraph (a) of the following paragraph: Amendment of section 10 of Act 4 of 1962.

“(a) A director of the Corporation other than a director who is a person in the full-time employment of the State, shall not have the power to appoint any person to act as alternate director in his place during his absence or incapacity to act as director, whereas a director who is a person in the full-time employment of the State, shall have such power.”.

19. Section 21 of the General Law Amendment Act, 1962, is hereby amended by the addition of the following subsections: Amendment of section 21 of Act 76 of 1962.

“(6) Notwithstanding anything to the contrary in any law or the common law contained, any offence under this section shall, for the purposes of determining the jurisdiction of a court to try the offence, be deemed to have been committed at the place where it actually was committed and also at any place where the accused happens to be.

(7) (a) This section (except subsection (4) (a)) and any amendment thereof which may be made from time to time, shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and in relation to all persons in that portion of the said territory known as the ‘Rehoboth Gebiet’ and defined in the First Schedule to Proclamation No. 28 of 1923 of the said territory.

(b) For the purposes of paragraph (a), any reference in this section to any provision of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall be construed as a reference to the corresponding provision of the Criminal Procedure Ordinance, 1963 (Ordinance No. 34 of 1963), of the said territory.

(8) In this section—

‘Republic’ includes the territory of South-West Africa;

‘State’ or ‘Government’ includes the Administration of the territory of South-West Africa.”.

20. Section 53 of the Liquor Amendment Act, 1963, is hereby amended by the substitution for subsection (3) of the following subsection: Amendment of section 53 of Act 88 of 1963.

“(3) If no certificate of classification has been issued on or before the thirty-first day of December, 1968, in respect of an accommodation establishment conducted under an hotel liquor licence granted before the coming into operation of subsection (1) of this section, and such licence is renewed for the year 1969, such renewal shall be deemed to have been granted in respect of a wine and malt liquor licence in respect of the premises concerned, and if a special right of off-sale under the hotel liquor licence has been authorized in terms of section 64, such right shall as from the first day of January, 1969, be deemed to be confined to the sale of such liquor only as may, in terms of section 86, be sold by the holder of a wine and malt liquor licence: Provided that the Minister may in any particular case upon written application and upon good and sufficient reasons shown, direct that for such period and subject to such conditions as he may deem fit, the provisions of this subsection shall not

„(c) Adjunk-president en Voorsitter van Komitees van die Senaat, Adjunk-Speaker en Voorsitter van Komitees van die Volksraad, Regeringshoofswep in die Volksraad, Hoofswep van die amptelike Opposisie in die Volksraad of kommissaris-generaal;

(d) Leier van die Opposisie in die Senaat, Regeringshoofswep in die Senaat, Hoofswep van die amptelike Opposisie in die Senaat of Adjunk-voorsitter van Komitees van die Volksraad; of”.

(2) Subartikel (1) word geag op die eerste dag van April 1966 in werking te getree het.

**Aanhouding van
terroriste en
sekere ander
persone vir
ondervraging.**

22. (1) 'n Offisier soos omskryf in artikel 1 van die Polisiewet, 1958 (Wet No. 7 van 1958), met of bo die rang van luitenant-kolonel kan, indien hy rede het om te vermoed dat 'n persoon wat hom op enige plek bevind, 'n terroris is of 'n misdryf ingevolge artikel 11 (b)ter van die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950), of artikel 21 van die Algemene Regswysigingswet, 1962 (Wet No. 76 van 1962), op enige plek gepleeg het of voornemens is om so 'n misdryf op enige plek te pleeg, bedoelde persoon sonder lasbrief in hegtenis neem of laat neem en by die plek en op die voorwaardes wat die Kommissaris van tyd tot tyd bepaal, vir ondervraging aanhou of laat aanhou vir 'n tydperk van hoogstens veertien dae, en vir die verdere tydperke wat 'n regter van 'n provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika op 'n skriftelike aansoek deur die Kommissaris onderteken, van tyd tot tyd bepaal.

(2) 'n Persoon ten opsigte van wie 'n aansoek ingevolge subartikel (1) gedoen is, kan, in afwagting van die uitslag van sodanige aansoek, aangehou word asof die aansoek toegestaan is.

(3) 'n Aansoek ingevolge subartikel (1) vermeld—

(a) dat op grond van inligting onder eed daar redelike gronde vir die verdenking van die aangehoudene bestaan;

(b) die redes waarom verdere aanhouding nodig geag word;

(c) die voorwaardes waarop die aangehoudene aangehou word.

(4) 'n Regter van 'n provinsiale of plaaslike afdeling aan wie 'n aansoek ingevolge subartikel (1) gerig is—

(a) kan die aansoek oorweeg, hetsy die aangehoudene binne die regsgebied van daardie afdeling of elders aangehou word;

(b) kan, indien hy dit nodig ag, die aangehoudene 'n geleentheid gee om aan hom skriftelik redes te verstrek waarom hy nie aangehou behoort te word nie en, indien die aangehoudene sodanige redes verstrek, gee hy aan die Kommissaris 'n geleentheid om skriftelik daarop te antwoord;

(c) kan die verdere skriftelike inligting wat hy nodig ag van die Kommissaris verlang;

(d) neem in ag by die oorweging van die aansoek slegs die inligting deur die Kommissaris verstrek, die redes deur die aangehoudene aangevoer waarom hy nie aangehou behoort te word nie en die antwoord van die Kommissaris op sodanige redes;

(e) kan by die toestaan van die aansoek die voorwaardes van aanhouding na goeë dunde wysig;

(f) kan die onmiddellike vrylating van die aangehoudene gelas,

en die regter se beslissing oor die aansoek en die voorwaardes van aanhouding is afdoende.

(5) Behoudens die bepalings van subartikel (4), is die bepaling deur die Kommissaris van die voorwaardes waarop 'n aangehoudene aangehou moet word, nie aan hersiening of appél onderhewig nie, en is geen geregshof bevoeg om die vrylating van 'n aangehoudene te gelas nie.

(6) Die Kommissaris kan te eniger tyd gelas dat 'n aangehoudene uit hegtenis vrygelaat word.

(7) Geen stukke met betrekking tot 'n aansoek ingevolge subartikel (1) is vir insae deur die aangehoudene of 'n lid van die publiek beskikbaar nie.

(8) By die toepassing van hierdie artikel beteken—

„aangehoudene” 'n persoon wat kragtens subartikel (1) aangehou word;

“(c) Deputy President and Chairman of Committees of the Senate, Deputy Speaker and Chairman of Committees of the House of Assembly, Chief Government Whip in the House of Assembly, Chief Whip of the official Opposition in the House of Assembly or commissioner-general;

(d) Leader of the Opposition in the Senate, Chief Government Whip in the Senate, Chief Whip of the official Opposition in the Senate or Deputy Chairman of Committees of the House of Assembly; or”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1966.

22. (1) Any commissioned officer as defined in section 1 of the Police Act, 1958 (Act No. 7 of 1958), of or above the rank of Lieutenant-Colonel may, if he has reason to believe that any person who happens to be at any place, is a terrorist or has committed an offence under section 11 (b) *ter* of the Suppression of Communism Act, 1950 (Act No. 44 of 1950), or section 21 of the General Law Amendment Act, 1962 (Act No. 76 of 1962), at any place or intends to commit any such offence at any place, arrest or cause such person to be arrested without warrant and detain or cause such person to be detained for interrogation at such place and subject to such conditions as the Commissioner may from time to time determine, for a period not exceeding fourteen days and for such further periods as a judge of a provincial or local division of the Supreme Court of South Africa may, on an application in writing signed by the Commissioner, from time to time determine.

Detention of terrorists and certain other persons for interrogation.

(2) Any person in respect of whom an application has been made under subsection (1) may, pending the result of such application, be detained as if the application had been granted.

(3) An application under subsection (1) shall state—

- (a) that from information taken upon oath, there are reasonable grounds of suspicion against the detainee;
- (b) the reasons why further detention is considered necessary;
- (c) the conditions subject to which the detainee is being detained.

(4) A judge of a provincial or local division to whom an application is made under subsection (1)—

- (a) may consider the application, whether the detainee is being detained within the area of jurisdiction of that division or elsewhere;
- (b) may, if he considers it to be necessary, afford the detainee an opportunity of submitting to him reasons in writing why he should not be detained and shall, if the detainee submits such reasons, afford the Commissioner an opportunity of replying thereto in writing;
- (c) may require from the Commissioner such further information in writing as he may deem necessary;
- (d) shall in considering the application have regard only to the information furnished by the Commissioner, the reasons advanced by the detainee as to why he should not be detained and the reply of the Commissioner to such reasons;
- (e) may, in granting the application, amend the conditions of detention as he may deem fit;
- (f) may order the immediate release of the detainee, and the decision of the judge on the application and the conditions of detention shall be final.

(5) Subject to the provisions of subsection (4), the determination by the Commissioner of the conditions subject to which a detainee is to be detained, shall not be subject to review or appeal, and no court of law shall be competent to order the release of a detainee.

(6) The Commissioner may at any time order that a detainee be released from custody.

(7) No document relating to an application under subsection (1) shall be open for inspection by the detainee or any member of the public.

(8) For the purposes of this section—

“Commissioner” means the Commissioner of the South African Police;

Toepassing
van artikels
12 (1)ter en
18A (2) van
Wet 44 van
1950.

23. Die bepalings van artikel 12 (1)ter van die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950), is van toepassing ten opsigte van 'n misdryf wat te eniger tyd na die inwerkingtreding van die Wet tot Reëling van Vertrek uit die Unie, 1955 (Wet No. 34 van 1955), gepleeg is, en artikel 18A (2) van eersbedoelde Wet word geag op die datum van inwerkingtreding van die Algemene Regswysigingswet, 1963 (Wet No. 37 van 1963), in werking te getree het.

Kort titel.

24. Hierdie Wet heet die Algemene Regswysigingswet, 1966.

23. The provisions of section 12 (1)*ter* of the Suppression of Communism Act, 1950 (Act No. 44 of 1950), shall apply in respect of any offence committed at any time after the commencement of the Departure from the Union Regulation Act, 1955 (Act No. 34 of 1955), and section 18A (2) of the first-mentioned Act shall be deemed to have come into operation on the date of commencement of the General Law Amendment Act, 1963 (Act No. 37 of 1963).

Application
of sections
12 (1)*ter*
and
18A (2) of
Act 44
of 1950.

24. This Act shall be called the General Law Amendment Act, 1966.

No. 63, 1966.]

WET

Tot wysiging van artikel 9 van die Bantoe-administrasie Wet, 1927, ten einde voorsiening te maak vir die hou van 'n strafhof op 'n plek wat aangewys is vir die verhoor van siviele sake; tot wysiging van daardie Wet deur die invoeging van artikel 32A waarkragtens sekere siviele gedinge verjaar; tot wysiging van artikel 24 van die Bantoe-trust en -grond Wet, 1936, ten einde subartikels (1) en (3) van daardie artikel van toepassing te maak op selfregerende Bantoe-tuislande; tot wysiging van artikel 40*bis* van die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, ten einde voorsiening te maak vir pensioene en ander voordele aan werknemers van bestuursrade; tot wysiging van artikel 2 van die Wet op Bantoesake, 1959, ten einde die samestelling van die Bantoesakekommissie te verander; tot wysiging van artikel 52 van die Transkeise Grondwet, 1963, ten einde die bevoegdheid aan die Wetgewende Vergadering te verleen om sekere inkomstes nie in die Transkeise Inkomstefonds in te betaal nie; tot wysiging van die Wet op die Ontwikkelingskorporasies vir Bantoe-tuislande, 1965, deur die invoeging van artikel 17A waarkragtens korporasies van die betaling van sekere gelde vrygestel is; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Oktober 1966.)

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

Wysiging van artikel 9 van Wet 38 van 1927, soos vervang deur artikel 2 van Wet 79 van 1957.

1. Artikel 9 van die Bantoe-administrasie Wet, 1927, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Wanneer 'n Bantoesakekommissaris ingevolge subartikel (1) 'n hof hou, moet dié hof gehou word op die plek waar die kantoor van die Bantoesakekommissaris in die gebied waarvoor hy aangestel is, ingestel is, en kan dié hof gehou word op enige plek wat ingevolge artikel 10 (2) aangewys is as 'n plek waar die Bantoesakekommissarishof wat vir die betrokke gebied ingestel is sittings kan hou en op enige ander plek in genoemde gebied wat die Minister vir die gewone of periodieke sitting van eersbedoelde hof aanwys.”

Invoeging van artikel 32A in Wet 38 van 1927.

2. Die Bantoe-administrasie Wet, 1927, word hierby gewysig deur die volgende artikel na artikel 32 in te voeg:

„Verjaring van aksies.

32A. (1) Geen siviele geding teen die Staat, 'n Staatsminister, 'n amptenaar of werknemer van die Staat, 'n kaptein of sy gevolmagtigde, 'n hoofman of 'n Bantoe-stam of -gemeenskap ten opsigte van 'n eisoorzaak wat ontstaan uit of in verband met die werking van hierdie Wet of 'n proklamasie, reël of regulasie kragtens hierdie Wet uitgevaardig, kan ingestel word nie as 'n tydperk van twaalf maande verloop het vanaf die datum waarop die eisoorzaak ontstaan het.

(2) By die toepassing van hierdie artikel word die instelling van 'n siviele geding geag te geskied op die datum waarop die dagvaarding of ander dokument wat die geding aanhangig maak, by die

No. 63, 1966.]

ACT

To amend section 9 of the Bantu Administration Act, 1927, in order to make provision for the holding of a criminal court at a place which has been designated for the hearing of civil cases; to amend that Act by the insertion of section 32A in terms of which certain civil actions become prescribed; to amend section 24 of the Bantu Trust and Land Act, 1936, in order to apply subsections (1) and (3) of that section to self-governing Bantu Homelands; to amend section 40*bis* of the Bantu (Urban Areas) Consolidation Act, 1945, in order to make provision for pensions and other benefits for employees of management boards; to amend section 2 of the Bantu Affairs Act, 1959, in order to change the constitution of the Bantu Affairs Commission; to amend section 52 of the Transkei Constitution Act, 1963, in order to empower the Legislative Assembly not to pay certain revenues into the Transkeian Revenue Fund; to amend the Bantu Homelands Development Corporations Act, 1965, by the insertion of section 17A in terms of which corporations are exempted from the payment of certain moneys; and to provide for incidental matters.

(English text signed by the State President.)

(Assented to 27th October, 1966.)

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

1. Section 9 of the Bantu Administration Act, 1927, is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of section 9 of Act 38 of 1927, as substituted by section 2 of Act 79 of 1957.

“(3) If a Bantu Affairs Commissioner holds a court in terms of subsection (1), such court shall be held at the place where the office of the Bantu Affairs Commissioner in the area for which he has been appointed, has been established, and such court may be held at any place designated in terms of section 10 (2) as a place where the court of Bantu Affairs Commissioner established for the area in question may hold sittings and at any other place within the said area which the Minister may designate for the ordinary or periodical sitting of the first-mentioned court.”.

2. The Bantu Administration Act, 1927, is hereby amended by the insertion of the following section after section 32:

Insertion of section 32A in Act 38 of 1927.

“Limitation of actions. 32A. (1) No civil action against the State, any

Minister of State, any officer or employee of the State, any chief or his deputy, any headman or any Bantu tribe or community in respect of any cause of action arising out of or in connection with the operation of this Act or any proclamation, rule or regulation issued under this Act, shall be capable of being instituted if a period of twelve months has elapsed from the date on which the cause of action arose.

(2) For the purposes of this section a civil action shall be deemed to be instituted on the date

„(6) (a) Subartikels (1), (2) en (3) is *mutatis mutandis* van toepassing met betrekking tot 'n gebied wat by 'n Wet van die Parlement tot 'n selfregerende gebied binne die Republiek verklaar is of word, en ook met betrekking tot enige persoon wat nie 'n burger van daardie gebied is nie.

(b) 'n Reg wat ingevolge subartikel (1) of (3) verkry is ten opsigte van grond wat tot 'n selfregerende gebied verklaar is of word of wat deel van so 'n gebied uitmaak en wat uitgeoefen en van krag was toe bedoelde grond tot 'n selfregerende gebied verklaar is of deel van so 'n gebied geword het of wat uitgeoefen en van krag is wanneer bedoelde grond tot 'n selfregerende gebied verklaar word of deel van so 'n gebied word, na gelang van die geval, word geag ingevolge hierdie subartikel verkry te gewees het.”.

(2) Subartikel (1) tree in werking op 'n datum wat deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal word.

Wysiging van artikel 40bis van Wet 25 van 1945, soos ingevoeg deur artikel 69 van Wet 42 van 1964.

4. Artikel 40bis van die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, word hierby gewysig deur die byvoeging van die volgende subartikel:

„(7) (a) Die Administrateur kan by proklamasie in die *Offisiële Koerant* verklaar dat die bepalings van 'n Ordonnansie met betrekking tot pensioene of ander voordele vir werknemers van plaaslike besture in die betrokke provinsie *mutatis mutandis* met betrekking tot bestuursrade van toepassing is.

(b) Bedoelde bepalings kan van toepassing verklaar word onderworpe aan die voorwaardes, wysigings of uitsonderings in die proklamasie vermeld, en vanaf 'n datum aldus vermeld wat nie vroeër is as die datum waarop die betrokke bestuursraad ingestel is nie.

(c) Die Administrateur kan op dergelike wyse 'n proklamasie kragtens hierdie subartikel uitgevaardig, intrek of wysig.”.

Wysiging van artikel 2 van Wet 55 van 1959.

5. Artikel 2 van die Wet op Bantoesake, 1959, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die kommissie moet bestaan uit die Minister wat die voorsitter sal wees, die Administrateur van die gebied Suidwes-Afrika en nie minder as drie of meer as vyf ander lede nie, een waarvan deur die Minister aangewys word om, vir solank dit die Minister behaag, gedurende so 'n lid se ampstermyn as plaasvervangende voorsitter op te tree.”.

Wysiging van artikel 52 van Wet 48 van 1963.

6. Artikel 52 (1) (a) van die Transkeise Grondwet, 1963, word hierby gewysig deur subparagraaf (i) deur die volgende subparagraaf te vervang:

„(i) deur enige burger van die Transkei ten opsigte van belasting, heffings en gelde opgelê ingevolge die Bantoe Belasting en Ontwikkeling Wet, 1925 (Wet No. 41 van 1925), die Bantoetrust en -grond Wet, 1936 (Wet No. 18 van 1936), Proklamasie No. 227 van 1898 van die Kaap die Goeie Hoop, Proklamasie No. 241 van 1911 en Proklamasie No. 180 van 1956, of enige belastings, heffings of tariewe opgelê deur of kragtens 'n wet van die Wetgewende Vergadering, behalwe vir sover die Wetgewende Vergadering anders bepaal;”.

Invoeging van artikel 17A in Wet 86 van 1965.

7. (1) Die Wet op die Ontwikkelingskorporasies vir Bantoe-tuislande, 1965, word hierby gewysig deur die volgende artikel na artikel 17 in te voeg:

„Vrystelling van betaling van lisensiebelasting. 17A. Geen lisensiegeld, reg, geld of ander belasting wat deur of kragtens enige wet opgelê word, is deur 'n korporasie betaalbaar nie.”.

(2) Subartikel (1) word geag op die eerste dag van September 1965 in werking te getree het.

Kort titel.

8. Hierdie Wet heet die Wysigingswet op Bantowetgewing, 1966.

“(6) (a) Subsections (1), (2) and (3) shall *mutatis mutandis* apply with reference to any territory which by an Act of Parliament has been or is declared a self-governing territory within the Republic, and also with reference to any person who is not a citizen of that territory.

(b) Any right acquired under subsection (1) or (3) in respect of land which has been or is declared a self-governing territory or which forms part of such territory and which had been exercised and was of force when the said land was declared a self-governing territory or became part of such a territory or which has been exercised and is of force when the said land is declared a self-governing territory or becomes part of such a territory, as the case may be, shall be deemed to have been acquired under this subsection.”.

(2) Subsection (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

4. Section 40bis of the Bantu (Urban Areas) Consolidation Act, 1945, is hereby amended by the addition of the following subsection: Amendment of section 40bis of Act 25 of 1945, as inserted by section 69 of Act 42 of 1964.

“(7) (a) The Administrator may by proclamation in the *Official Gazette* declare that the provisions of any Ordinance relating to pensions or other benefits for employees of local authorities in the province concerned, shall *mutatis mutandis* apply with reference to management boards.

(b) The said provisions may be applied subject to the conditions, amendments or exceptions stated in the proclamation, and from a date so stated which shall not be earlier than the date on which the management board in question was established.

(c) The Administrator may in the same manner withdraw or amend a proclamation issued under this subsection.”

5. Section 2 of the Bantu Affairs Act, 1959, is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 2 of Act 55 of 1959.

“(2) The commission shall consist of the Minister who shall be chairman, of the administrator of the territory of South-West Africa, and of not less than three nor more than five other members, of whom one shall be designated by the Minister to act, at the pleasure of the Minister, as deputy chairman during such member's period of office.”.

6. Section 52 (1) (a) of the Transkei Constitution Act, 1963, is hereby amended by the substitution for subparagraph (i) of the following subparagraph: Amendment of section 52 of Act 48 of 1963.

“(i) by any citizen of the Transkei in respect of taxes, levies and rates imposed in terms of the Bantu Taxation and Development Act, 1925 (Act No. 41 of 1925), the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), Proclamation No. 227 of 1898, of the Cape of Good Hope, Proclamation No. 241 of 1911 and Proclamation No. 180 of 1956, or any taxes, levies or rates imposed by or under any law of the Legislative Assembly, except in so far as the Legislative Assembly may otherwise determine;”.

7. (1) The Bantu Homelands Development Corporations Act, 1965, is hereby amended by the insertion of the following section after section 17: Insertion of section 17A in Act 86 of 1965.

“Exemption from payment of licence money and taxation. 17A. No licence money, duty, fee or other tax imposed by or under any law, shall be payable by a corporation.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of September, 1965.

8. This Act shall be called the Bantu Laws Amendment Shorttitle. Act, 1966.

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