



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 10c Prys
Overseas 15c Oorsee
POST FREE—POSVRY

CAPE TOWN, 30TH APRIL, 1969.

Vol. 46.]

KAAPSTAD, 30 APRIL 1969.

[No. 2369.

DEPARTMENT OF THE PRIME MINISTER.

No. 678.

[30th April, 1969.

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

No. 37 of 1969: Powers and Privileges of Provincial Councils Amendment Act, 1969.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 678.]

30 April 1969.

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

No. 37 van 1969: Wysigingswet op die Bevoegdhede en Privileges van Provinsiale Rade, 1969.

Act No. 37, 1969

POWERS AND PRIVILEGES OF
PROVINCIAL COUNCILS AMENDMENT ACT, 1969.

ACT

To amend the law conferring certain powers and privileges upon provincial councils and providing for the protection of witnesses before provincial councils; to provide for incidental matters; and to amend the Republic of South Africa Constitution Act, 1961.

(Afrikaans text signed by the State President.)
(Assented to 21st April, 1969.)

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

Insertion of
section 1A in
Act 16 of 1948.

1. The following section is hereby inserted in the Powers and Privileges of Provincial Councils Act, 1948 (hereinafter referred to as the principal Act), after section 1:

“Freedom
of speech in
provincial
councils.

1A. There shall be freedom of speech in a provincial council and all committees, and no administrator or any other member of the executive committee of a province and no member of the provincial council shall be liable to any civil or criminal proceedings, arrest, imprisonment or damages by reason of any matter or thing which he may have brought by petition, draft ordinance, resolution, motion or otherwise before such council or any committee, or may have said in such council or any committee, or by reason of his vote in such council or any committee.”.

Substitution of
section 6 of Act
16 of 1948.

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

“Certificate
for pro-
tection of
witness
against
legal pro-
ceedings.

6. (1) If a witness before a provincial council or a committee, in the opinion of the presiding officer, answers fully and faithfully all questions put to him by such council or such committee and his replies are relevant to such questions, he shall be entitled on application to receive a certificate signed by the presiding officer stating that such witness was upon his examination so required to answer questions and did so answer all such questions: Provided that in the case of a witness before a committee, such certificate may be signed by the chairman.

(2) On production of such certificate in any court of law, such court shall stay any civil or criminal proceedings, except proceedings on a charge of perjury, against such witness for anything said by him in the course of giving his evidence before the provincial council or any committee or for any act or thing done by him before that time and revealed in his evidence.

WYSIGINGSWET OP DIE BEVOEGDHEDE EN
PRIVILEGES VAN PROVINSIALE RADE, 1969.

Wet No. 37, 1969

WET

Tot wysiging van die wetsbepalings wat sekere bevoegdheede en privilegies aan provinsiale rade verleen en voorsiening maak vir die beskerming van getuies voor provinsiale rade; om vir bykomstige aangeleenthede voorsiening te maak; en om die Grondwet van die Republiek van Suid-Afrika, 1961, te wysig.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 April 1969.)

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

1. Die volgende artikel word hierby in die Wet op die Bevoegdheede en Privileges van Provinsiale Rade, 1948 (hieronder die Hoofwet genoem), na artikel 1 ingevoeg:

Invoeging van
artikel 1A in
Wet 16 van 1948.

„Vryheid
van spraak
in provin-
siale rade.

1A. Daar is vryheid van spraak in 'n provinsiale raad en alle komitees, en 'n administrateur of 'n ander lid van die uitvoerende komitee van 'n provinsie en 'n lid van die provinsiale raad is nie blootgestel aan enige siviele of strafgeding, inhegtenisname, gevangesetting of skadevergoeding uit hoofde van 'n aangeleentheid of onderwerp wat hy by petisie, ontwerpordonnansie, besluit, voorstel of andersins aan so 'n raad of 'n komitee voorgelê het of daarin gesê het, of uit hoofde van die wyse waarop hy in so 'n raad of 'n komitee gestem het nie.”.

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

Vervanging van
artikel 6 van
Wet 16 van 1948.

„Sertifikaat ter
beskerming van
getuie
teen regs-
gedinge.

6. (1) Indien 'n getuie voor 'n provinsiale raad of 'n komitee na die oordeel van die voorsittende beampte volledig en getrou alle vrae beantwoord wat deur so 'n raad of so 'n komitee aan hom gestel word en sy antwoorde op die vrae ter sake is, is hy op aansoek geregtig om 'n sertifikaat te ontvang wat deur die voorsittende beampte onderteken is en waarin verklaar word dat van dié getuie by sy ondervraging aldus vereis is om vrae te beantwoord en dat hy al sodanige vrae aldus beantwoord het: Met dien verstande dat in die geval van 'n getuie voor 'n komitee, sodanige sertifikaat deur die voorsitter onderteken kan word.

(2) By voorlegging van so 'n sertifikaat aan 'n geregshof, stuit so 'n hof enige siviele of strafgeding, uitgesonderd 'n geding weens 'n aanklag van meened, teen sodanige getuie ingestel weens enigiets deur hom gesê in die loop van sy getuienis voor die provinsiale raad of 'n komitee of weens enige handeling of enigiets wat voor daardie tydstop deur hom verrig of gedoen en deur sy getuienis aan die lig gebring is,

Act No. 37, 1969

POWERS AND PRIVILEGES OF
PROVINCIAL COUNCILS AMENDMENT ACT, 1969.

and may in its discretion award to such witness the expenses to which he may have been put in consequence of such proceedings.

(3) Any proceedings which have been stayed in terms of subsection (2) shall thereupon be deemed to be finally determined.”.

Amendment of
long title of
Act 16 of 1948.

3. The long title of the principal Act is hereby amended by the deletion of the words “and to amend the South Africa Act, 1909”.

Substitution of
section 75 of
Act 32 of 1961.

4. The following section is hereby substituted for section 75 of the Republic of South Africa Constitution Act, 1961:

“Privileges
of pro-
vincial
councils.

75. The powers, privileges and immunities of a provincial council and of the members and committees of a provincial council shall, subject to the provisions of this Act, be such as are declared by Parliament.”.

Short title.

5. This Act shall be called the Powers and Privileges of Provincial Councils Amendment Act, 1969.

WYSIGINGSWET OP DIE BEVOEGDHEDE EN
PRIVILEGIES VAN PROVINSIALE RADE, 1969.

Wet No. 37, 1969

en kan die hof na goeëdunke aan sodanige getuie die onkoste toeken wat hy as gevolg van sodanige geding moes aangaan.

(3) 'n Geding wat ingevolge subartikel (2) gestuit is, word dan as finaal besleg geag."

3. Die lang titel van die Hoofwet word hierby gewysig deur Wysiging van die woorde „en om die ,Zuid-Afrika Wet, 1909' te wysig" te lang titel van skrap. Wet 16 van 1948.

4. Artikel 75 van die Grondwet van die Republiek van Suid-Afrika, 1961, word hierby deur die volgende artikel vervang: Vervanging van artikel 75 van Wet 32 van 1961.

„Privi-
legies
van
provin-
siale rade.
75. Die bevoegdhede, privilegies en immuniteite van 'n provinsiale raad asook van die lede en komitees van 'n provinsiale raad is, behoudens die bepalings van hierdie Wet, dié wat die Parlement vasstel."

5. Hierdie Wet heet die Wysigingswet op die Bevoegdhede en Kort titel. Privileges van Provinsiale Rade, 1969.

