



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1186.

5 Julie 1972.

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

No. 100 van 1972: Poskantoor-Herreëlingswysigingswet, 1972.

DEPARTMENT OF THE PRIME MINISTER.

No. 1186.

5th July, 1972.

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

No. 100 of 1972: Post Office Re-adjustment Amendment Act, 1972.

Wet No. 100, 1972

POSKANTOOR-HERREËLINGSWYSIGINGSWET, 1972.

# WET

**Tot wysiging van die Poskantoor-herreëlingswet, 1968, ten einde voorsiening te maak vir die aangaan van lenings deur die Posmeester-generaal, die wyse waarop sulke lenings aangegaan kan word en die bestryding van koste in verband met sulke lenings, en om sekere bepalings van die Skatkis- en Ouditwet, 1956, en van die Algemene Leningswet, 1961, ten opsigte van sulke lenings van toepassing te maak; tot wysiging van artikels 52 en 52B van die Skatkis- en Ouditwet, 1956, ten einde voorsiening te maak vir die belegging van bedryfsaldo's van die Departement van Pos- en Telegraafwese by die Nasionale Finansiekorporasie van Suid-Afrika of finansiële instellings buite die Republiek, en vir die omskeping van 'n gedeelte van die uitstaande leningskuld van daardie Departement tot permanente kapitaal; en om vir bykomstige aangeleenthede voorsiening te maak.**

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 16 Junie 1972.)*

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

Invoeging van artikel 6A, 6B, 6C en 6D in Wet 67 van 1968.

1. Die volgende artikels word hierby in die Poskantoor-herreëlingswet, 1968, na artikel 6 ingevoeg:
 

„Leen van gelde om kapitaal-uitgawe te finansier.

6A. (1) Ondanks andersluidende wetsbepalings, maar behoudens die bepalings van artikel 18 van die Algemene Leningswet, 1961 (Wet No. 16 van 1961), soos deur artikel 6D toegepas, kan die Posmeester-generaal, ooreenkomsdig die bepalings van artikel 6B, met die goedkeuring van die Minister in oorleg met die Minister van Finansies verleen, geld by wyse van lenings opneem om verwagte kapitaaluitgawe van die departement te finansier, tot hoogstens die bedrag ten opsigte van 'n boekjaar wat die verskil verteenwoordig tussen 'n bedrag wat ten opsigte van daardie boekjaar deur die Parlement vir kapitaaluitgawe van die departement bewillig word en 'n bedrag wat ten opsigte van bedoelde boekjaar deur die Parlement bewillig word vir beskikbaarstelling deur die Tesourie, ingevolge artikel 52A van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), vir kapitaaluitgawe van die departement: Met dien verstande dat die Posmeester-generaal, gedurende die tydperk waarin 'n Gedeeltelike Poskantoorbegrotingswet in werking is, aldus die somme geld kan opneem wat hy wenslik ag, maar tot hoogstens vyf-en-sewentig persent van die bedrag wat aldus gedurende die voorafgaande boekjaar opgeneem kon word.

(2) Geen uitgawe word aangegaan uit geld wat ingevolge subartikel (1) geleen is nie, tensy daardie uitgawe deur 'n Poskantoorbegrotingswet gemagtig word.

## POST OFFICE RE-ADJUSTMENT AMENDMENT ACT, 1972. Act No. 100, 1972

**ACT**

To amend the Post Office Re-adjustment Act, 1968, in order to provide for the raising of loans by the Postmaster-General, the methods by which such loans may be raised and the defrayment of costs in connection with such loans, and to apply certain provisions of the Exchequer and Audit Act, 1956, and of the General Loans Act, 1961, in respect of such loans; to amend sections 52 and 52B of the Exchequer and Audit Act, 1956, in order to provide for the investment of working balances of the Department of Posts and Telegraphs with the National Finance Corporation of South Africa or financial institutions outside the Republic, and for the conversion of a part of the outstanding loan liability of that Department into permanent capital; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)  
(Assented to 16th June, 1972.)*

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

1. The following sections are hereby inserted in the Post Office Re-adjustment Act, 1968, after section 6:

"Borrowing of moneys to finance capital expenditure."

**6A.** (1) Notwithstanding anything to the contrary in any law contained, but subject to the provisions of section 18 of the General Loans Act, 1961 (Act No. 16 of 1961), as applied by section 6D, the Postmaster-General may, in accordance with the provisions of section 6B, with the approval of the Minister given in consultation with the Minister of Finance, by way of loans raise money to finance expected capital expenditure of the department, not exceeding in respect of any financial year an amount which represents the difference between an amount appropriated by Parliament for capital expenditure of the department during that financial year and an amount, appropriated by Parliament in respect of the said financial year, to be made available by the Treasury in terms of section 52A of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), for capital expenditure of the department: Provided that during the period in which a Post Office Part Appropriation Act is in operation, the Postmaster-General may so borrow such sums of money, not exceeding seventy-five per cent of the amount which could have been so borrowed during the preceding financial year, as he may deem fit.

Insertion of  
sections 6A, 6B, 6C  
and 6D in Act 67  
of 1968.

(2) No expenditure shall be incurred out of moneys borrowed under subsection (1) unless such expenditure is authorized by a Post Office Appropriation Act.

Wet No. 100, 1972

## POSKANTOOR-HERREËLINGSWYSIGINGSWET, 1972.

(3) Die Staatspresident kan in 'n bepaalde geval na goeddunke gelas dat die bepalings van hierdie Wet en van die artikels van die Algemene Leningswet, 1961, soos deur artikel 6D toegepas, of enige so 'n bepaling, uitgesonderd die bepalings van hierdie artikel en artikel 19 van bedoelde Algemene Leningswet, 1961, nie van toepassing is nie ten opsigte van 'n lening wat buite die Republiek aangegaan word of aangegaan is ooreenkomsdig die bedinge en voorwaardes wat hy goedkeur.

(4) Die Minister van Finansies kan, met betrekking tot lenings aangegaan of sekuriteit uitgereik ingevolge die bepalings van hierdie Wet, die terugbetaling waarborg van 'n lening of die hoofsom van 'n promesse, skuldbrief of ander sekuriteit en die betaling van rente op en die betaling van koste aangegaan in verband met so 'n lening of so 'n promesse, skuldbrief of ander sekuriteit, of die vergoeding waarborg van 'n verlies wat die Suid-Afrikaanse Reserwebank mag ly ten opsigte van so 'n waarborg wat daardie Bank verstrek het met betrekking tot so 'n lening of so 'n promesse, skuldbrief of ander sekuriteit.

Wyse waarop lenings aangegaan kan word.

**6B.** (1) Die Posmeester-generaal kan van tyd tot tyd soos hy dit dienstig ag, geheel of gedeeltelik deur middel van effekte, obligasies of skuldbrieve in die Republiek of elders uitgereik, of gedeeltelik deur middel van sodanige effekte en gedeeltelik deur middel van sodanige obligasies of skuldbrieve, enige som geld opneem wat hy ingevolge hierdie Wet gemagtig is om op te neem of enige sekuriteit verstrek wat ingevolge 'n ooreenkoms kragtens subartikel (3) aangegaan, verstrek moet word, en kan vir die doeleindes van so 'n ooreenkoms enige ander sekuriteit uitgee wat uit hoofde daarvan verstrek moet word.

(2) Effekte, obligasies of skuldbrieve aldus uitgegee, moet binne 'n vasgestelde tydperk van hoogstens dertig jaar aflosbaar wees.

(3) Die Posmeester-generaal kan, behoudens die bepalings van subartikels (4) en (5), met 'n regering of 'n bank of finansiële instelling in die buiteland (met inbegrip van 'n internasionale bank of instelling) 'n ooreenkoms aangaan waarby voorsiening gemaak word vir 'n in artikel 6A bedoelde lening, teen die uitgifte van enige sekuriteit wat ingevolge of vir die doeleindes van so 'n ooreenkoms verstrek moet word, van enige bedrag in die buitelandse betaalmiddele wat hy wenslik ag om te verkry, hetsy die Posmeester-generaal gemagtig is om so 'n lening of enige deel daarvan op te neem of nie, en hetsy die tydperk waarin die Posmeester-generaal ingevolge so 'n ooreenkoms geregtig is om die geheel of 'n gedeelte daarvan (behalwe 'n in subartikel (6) bedoelde terugbetaalde bedrag) te trek, binne meer as een boekjaar val al dan nie.

(4) Die Posmeester-generaal gaan nie ingevolge subartikel (3) 'n ooreenkoms aan waarby hy verplig word om 'n bedrag te trek nie.

(5) Indien die Posmeester-generaal 'n ooreenkoms ingevolge subartikel (3) aangaan, word daar nie ingevolge die ooreenkoms ten opsigte van 'n boekjaar 'n groter som geld getrek nie as so 'n gedeelte van die bedrag wat die Posmeester-generaal ingevolge hierdie Wet gemagtig is om ten opsigte van daardie boekjaar op te neem as wat die Minister, in oorleg met die Minister van Finansies, goedkeur:

## POST OFFICE RE-ADJUSTMENT AMENDMENT ACT, 1972. Act No. 100, 1972

(3) The State President may in any particular case at his discretion direct that the provisions of this Act and of the sections of the General Loans Act, 1961, as applied by section 6D, or any such provision, except the provisions of this section and section 19 of the said General Loans Act, 1961, shall not apply in respect of any loan raised or being raised outside the Republic in accordance with the terms and conditions approved by him.

(4) The Minister of Finance may, with regard to loans raised or securities issued in terms of the provisions of this Act, guarantee the repayment of any loan or the capital sum of any promissory note, debenture or other security and the payment of interest on and the payment of expenditure incurred in connection with any such loan or any such promissory note, debenture or other security, or guarantee the reimbursement of any loss which may be sustained by the South African Reserve Bank in respect of any such guarantee furnished by that Bank with regard to any such loan or any such promissory note, debenture or other security.

## Method of raising loans.

**6B.** (1) The Postmaster-General may from time to time as he may deem fit, wholly or partly by means of stock, bonds or debentures issued in the Republic or elsewhere, or partly by means of such stock and partly by means of such bonds or debentures, raise any sum of money which he is by this Act authorized to raise, or provide any security which is to be lodged in terms of any agreement entered into under subsection (3), and may for the purposes of any such agreement, issue any other security which is to be lodged thereunder.

(2) Any stock, bonds or debentures thus issued, shall be redeemable within a fixed period not exceeding thirty years.

(3) The Postmaster-General may, subject to the provisions of subsections (4) and (5), enter into an agreement with any government or any bank or financial institution in a foreign country (including any international bank or institution) providing for a loan referred to in section 6A, against the issue of any security which is to be lodged under or for the purposes of such agreement, of any amount in such foreign currency as he may deem fit to acquire, whether or not the Postmaster-General is authorized to raise any such loan or any part thereof, and whether or not the period during which the Postmaster-General is in terms of any such agreement entitled to draw the whole or any part thereof (other than a repaid amount referred to in subsection (6)), falls within more than one financial year.

(4) The Postmaster-General shall not under subsection (3) enter into any agreement by which he is bound to draw any amount.

(5) If the Postmaster-General enters into any agreement in terms of subsection (3), there shall not under such agreement be drawn in respect of any financial year a sum in excess of such portion of the amount which the Postmaster-General is in terms of this Act authorized to raise in respect of that financial year, as the Minister, in consultation with the Minister of Finance, may approve: Provided

**Wet No. 100, 1972****POSKANTOOR-HERREËLINGSWYSIGINGSWET, 1972.**

Met dien verstande dat by die bepaling, vir die doeleindes van hierdie subartikel, van 'n som wat getrek is, terugbetaalde bedrae in subartikel (6) bedoel wat weer getrek is, buite rekening gelaat word: Met dien verstande voorts dat by die bepaling gedurende 'n boekjaar, vir die doeleindes van artikel 32 van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), van die leningsbevoegdheid wat nie uitgeoefen is nie, die Kontroleur en Ouditeur-generaal met betrekking tot 'n lening ingevolge so 'n ooreenkoms slegs die som wat vir die doeleindes van daardie ooreenkoms ten opsigte van daardie boekjaar aldus goedgekeur is, in aanmerking neem.

(6) 'n Ooreenkoms ingevolge subartikel (3) aangegaan, kan bepaal dat gelde uit hoofde daarvan geleen te eniger tyd, terwyl die ooreenkoms van krag is, in die geheel of ten dele terugbetaal kan word, hetsy die ooreenkoms van krag is vir 'n tydperk wat binne meer as een boekjaar val al dan nie, en dat 'n aldus terugbetaalde bedrag weer ingevolge die ooreenkoms beskikbaar is: Met dien verstande dat die bedrag ingevolge die ooreenkoms verskuldig, nie te eniger tyd die bedrag of gesamentlike bedrae ingevolge subartikel (5) goedgekeur, te bowe gaan nie.

(7) So 'n ooreenkoms kan deur 'n persoon wat skriftelik deur die Posmeester-generaal daartoe gemagtig is, onderteken word.

(8) Die bepaling van artikel 6C is van toepassing met betrekking tot alle uitgawes in verband met die aangaan van 'n ooreenkoms ingevolge subartikel (3), en alle rente en bestuurskoste ingevolge so 'n ooreenkoms betaalbaar, word uit gelde vir dié doel bewillig uit die fonds betaal: Met dien verstande dat waar die Suid-Afrikaanse Reserwebank ingevolge hierdie Wet as agent aangestel is vir die doeleindes van 'n leningsooreenkoms in subartikel (3) bedoel, die rente en enige bedrag by wyse van 'n minimum rentebetaling ingevolge die betrokke ooreenkoms betaalbaar, deur daardie Bank betaal word.

(9) In die geval van 'n lening ingevolge subartikel (1) en in die geval van 'n ooreenkoms vir 'n lening ingevolge subartikel (3), kan die Posmeester-generaal, in afwagting van die aangaan van die lening of 'n deel daarvan of die trekking van 'n bedrag uit die lening, na gelang van die geval, die bedrae wat nodig mag wees, by wyse van voor-skotte van 'n bank of van 'n ander geriflike bron leen.

**Koste van aangaan van lenings.**

**6C.** Die koste noodsaklikerwys aangegaan in verband met die opneem van geld by wyse van lenings ingevolge artikel 6A en die uitgee van sekuriteite daarvoor, met inbegrip van kortings (as daar is), kommissie (as daar is) en enige ander uitgawe wat in verband staan met die opneem van sodanige geld en die uitgee van sodanige sekuriteite, word bestry uit die bedrae opgeneem, en die gemagtigde bedrag van die lenings word dienooreenkomstig verhoog.

**Toepassing van artikel 32 van Wet 23 van 1956, en van artikels 7 tot en met 12 en artikels**

**6D.** (1) Ondanks die bepaling van artikel 2 (2) van die Skatkis- en Ouditwet, 1956, is die bepaling van artikel 32 van daardie Wet van toepassing met betrekking tot die opneem van geld ingevolge hierdie Wet: Met dien verstande dat die verwysing daarin na artikel 31 van daardie Wet uitgelê word as 'n verwysing na artikel 52C van daardie Wet.

## POST OFFICE RE-ADJUSTMENT AMENDMENT ACT, 1972. Act No. 100, 1972

that in determining for the purposes of this subsection any sum which has been drawn, any repaid amounts referred to in subsection (6) which have again been drawn, shall not be taken into account: Provided further that in determining during any financial year the unexercised borrowing powers for the purposes of section 32 of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), the Controller and Auditor-General shall, in relation to any loan under any such agreement, take into account only the sum which has for the purposes of that agreement been so approved in respect of that financial year.

(6) An agreement under subsection (3) may provide that any moneys borrowed in terms thereof may at any time during the currency of the agreement be repaid either in whole or in part, whether or not the currency of the agreement extends over a period falling within more than one financial year, and that any amount so repaid shall again be available in terms of the agreement: Provided that the amount owing under the agreement shall at no time exceed the sum or the aggregate of the sums approved in terms of subsection (5).

(7) Any such agreement may be signed by any person authorized thereto in writing by the Postmaster-General.

(8) The provisions of section 6C shall apply with reference to all expenses in connection with the making of an agreement under subsection (3), and all interest and management charges payable under such an agreement shall be paid from the fund out of moneys appropriated for that purpose: Provided that where the South African Reserve Bank has in terms of this Act been appointed as agent for the purposes of any loan agreement referred to in subsection (3), the interest and any charges in the nature of a minimum interest payment payable under the relative agreement, shall be paid by that Bank.

(9) In the case of a loan under subsection (1) and in the case of an agreement for a loan under subsection (3), the Postmaster-General may, in anticipation of the raising of the loan or any portion thereof or the drawing of any sum against the loan, as the case may be, borrow, by way of advances from a bank or any other source which is convenient, such sums as may be required.

## Costs of raising loans.

**6C.** The expenses necessarily incurred in connection with the raising of money by means of loans in terms of section 6A and the issue of securities therefor, including discount (if any), commission (if any) and all other expenses incidental to the raising of such money and the issue of such securities, shall be paid out of the amounts raised, and the authorized amount of the loans shall be increased accordingly.

## Application of section 32 of Act 23 of 1956, and of sections 7 to 12 inclusive and sections

**6D. (1)** Notwithstanding the provisions of section 2 (2) of the Exchequer and Audit Act, 1956, the provisions of section 32 of that Act shall apply with regard to the raising of money under this Act: Provided that the reference therein to section 31 of that Act shall be construed as a reference to section 52C of that Act.

**Wet No. 100, 1972****POSKANTOOR-HERREËLINGSWYSIGINGSWET, 1972.**

**15, 16, 18, 19 en 20 van Wet 16 van 1961.**

(2) Die bepalings van artikels 7 tot en met 12 en van artikels 15, 16, 18, 19 en 20 van die Algemene Leningswet, 1961, is vir sover daardie bepalings nie met die bepalings van hierdie Wet onbestaanbaar is nie, *mutatis mutandis* van toepassing met betrekking tot die opneem van geld en die uitreiking van sekuriteite ingevolge hierdie Wet.

(3) By die toepassing van die in subartikel (2) bedoelde artikels, word 'n verwysing daarin en, tensy dit uit die samehang anders blyk, in 'n daarin bedoelde wetsbepaling, na—

- (a) die Goewerneur-generaal, uitgelê as 'n verwysing na die Minister handelende in oorleg met die Minister van Finansies, behalwe in die geval van artikels 16 en 18, waar so 'n verwysing uitgelê word as 'n verwysing na die Posmeester-generaal;
- (b) die Minister van Finansies of die Tesourie, uitgelê as 'n verwysing na die Posmeester-generaal.”.

**Wysiging van artikel 52 van Wet 23 van 1956, soos vervang deur artikel 7 van Wet 25 van 1970.**

2. Artikel 52 van die Skatkis- en Ouditwet, 1956, word hierby deur die volgende artikel vervang:

**„Belegging van bedryfsaldo's.**

52. 'n Administrasie kan enige beskikbare deel van die bedryfsaldo's wat tot sy beskikking teruggehou is ingevolge artikel 5 van die Wet op die Staatskuldkommisaris, 1969 (Wet No. 2 van 1969), in deposito op kort termyn belê by die Nasionale Finansiekorporasie van Suid-Afrika ingestel kragtens artikel 2 van die Wet op die Nasionale Finansiekorporasie, 1949 (Wet No. 33 van 1949), of by die ander finansiële instellings buite die Republiek wat die Minister van Vervoer, in die geval van die Spoerwegadministrasie, of die Minister van Pos- en Telegraafwese, in die geval van die Posadministrasie, uitdruklik goedkeur.”.

**Wysiging van artikel 52B van Wet 23 van 1956, soos ingevoeg deur artikel 25 van Wet 67 van 1968.**

3. (1) Artikel 52B van die Skatkis- en Ouditwet, 1956, word hierby gewysig deur die volgende subartikels by te voeg:

„(3) 'n Bedrag van eenhonderd nege-en-negentig miljoen rand van dié gedeelte van die totale bedrag van lenings (met inbegrip van die verpligting in subartikel (2) bedoel) wat met ingang van die eerste dag van April 1968 deur die Tesourie aan die Posadministrasie beskikbaar gestel is en op die eerste dag van April 1972 nie aan die Tesourie terugbetaal was nie, word geag met ingang van laasgenoemde datum as permanente kapitaal aan daardie Administrasie beskikbaar gestel te wees, en bedoelde bedrag is nie aan die Tesourie terugbetaalbaar nie.

(4) Die Administrasie betaal aan die Tesourie 'n dividend van ses persent per jaar op die permanente kapitaal in subartikel (3) bedoel, en, behalwe vir sover die Administrasie en die Tesourie anders ooreenkoms, geskied betaling van genoemde dividend in gelyke halfjaarlikse paaiemente.”.

(2) Die bepalings van subartikel (1) word geag op die eerste dag van April 1972 in werking te getree het.

**Kort titel.**

4. Hierdie Wet heet die Poskantoor-herreëlingswysigingswet, 1972.

POST OFFICE RE-ADJUSTMENT AMENDMENT ACT, 1972. Act No. 100, 1972

15, 16, 18,  
19 and 20 of  
Act 16 of  
1961. (2) The provisions of sections 7 to 12 inclusive and of sections 15, 16, 18, 19 and 20 of the General Loans Act, 1961, shall, in so far as such provisions are not inconsistent with the provisions of this Act, *mutatis mutandis* apply with reference to the raising of money and the issue of securities in terms of this Act.

(3) In the application of the sections referred to in subsection (2), any reference therein and, unless inconsistent with the context, in any law referred to therein, to—

- (a) the Governor General, shall be construed as a reference to the Minister acting in consultation with the Minister of Finance, save in the case of sections 16 and 18, where such a reference shall be construed as a reference to the Postmaster-General;
- (b) the Minister of Finance or the Treasury, shall be construed as a reference to the Postmaster-General.”.

2. The following section is hereby substituted for section 52 of the Exchequer and Audit Act, 1956:

“Investment of working balances. 52. An Administration may invest with the National Finance Corporation of South Africa, established under section 2 of the National Finance Corporation Act, 1949 (Act No. 33 of 1949), or with such other financial institutions outside the Republic as may be expressly approved by the Minister of Transport, in the case of the Railway Administration, or the Minister of Posts and Telegraphs, in the case of the Postal Administration, on short call deposit any available portion of the working balances retained at its disposal in terms of section 5 of the Public Debt Commissioners Act, 1969 (Act No. 2 of 1969).”.

Amendment of section 52 of Act 23 of 1956, as substituted by section 7 of Act 25 of 1970.

3. (1) Section 52B of the Exchequer and Audit Act, 1956, is hereby amended by the addition of the following subsections:

“(3) An amount of one hundred and ninety-nine million rand of that portion of the aggregate of loans (including the liability referred to in subsection (2)) made available to the Postal Administration by the Treasury with effect from the first day of April, 1968, and which on the first day of April, 1972, had not been repaid to the Treasury, shall be deemed to be permanent capital made available to that Administration with effect from the last-mentioned date, and the said amount shall not be repayable to the Treasury.

(4) The Administration shall pay to the Treasury a dividend of six per cent per annum on the permanent capital referred to in subsection (3), and, save as may be otherwise agreed between the Treasury and the Administration, payment of the said dividend shall be effected in equal half-yearly instalments.”.

(2) The provisions of subsection (1) shall be deemed to have come into operation on the first day of April, 1972.

4. This Act shall be called the Post Office Re-adjustment Amendment Act, 1972. Short title.

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