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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER

No. 2055.

6 November 1974.

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

No. 70 of 1974: Bantu Laws Amendment Act, 1974.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 2055.

6 November 1974.

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

No. 70 van 1974: Wysigingswet op Bantoewetgewing, 1974.

WET

Tot wysiging van die Bantoe-administrasie Wet, 1927, ten einde voorsiening te maak vir die magtiging van sekere beamptes om sekere werksaamhede van die Minister te verrig; die Minister in plaas van die Staatspresident te magtig om sekere werksaamhede te verrig; en die betekenis van die woord „Bantoe” uit te brei; tot wysiging van die Bantoe-trust en -grond Wet, 1936, ten einde voorsiening te maak vir die onttrekking van die uithouding en afsondering van grond vir bewoning deur Bantoes; tot wysiging van die Finansiewet, 1943, ten einde sekere wetgewende vergaderings vry te stel van die betaling van sekere regte, gelde of belasting; tot wysiging van die Bantoes (Stadsgebiede) Konsolidasiewet, 1945, ten einde die betekenis van die woord „Minister” uit te brei; tot wysiging van die Wet op die Bevordering van Bantoeselfbestuur, 1959, ten einde die benoeming van persone om sekere liggame in sekere gebiede te verteenwoordig, en die samestelling van rade in verband daarmee, verder te reël; tot wysiging van die Wet op Bantoebier, 1962, ten einde die verkoop en verskaffing van Bantoebier en Bantoebierpoeier verder te reël; tot wysiging van die Transkeise Grondwet, 1963, ten einde sekere aangeleenthede rakende die Transkeise Hoër-hof verder te reël; die bevoegdheid om persone tot beskikking van die Regering van die Transkei te stel, uit te brei; en die bevoegdhede van die Wetgewende Vergadering van die Transkei uit te brei; tot wysiging van die Wet op Bantoe-arbeid, 1964, ten einde die Minister in plaas van die Staatspresident te magtig om regulasies uit te vaardig; tot wysiging van die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Bantoe-tuislande, 1968, ten einde voorsiening te maak vir die vrywaring van sekere persone teen verliese wat hulle onder sekere omstandighede in die Bantoe-tuislande mag ly; tot wysiging van die Wet op die Ontwikkeling van Selfbestuur vir Naturelle volke in Suidwes-Afrika, 1968, ten einde die bevoegdheid om persone aan te wys om ’n uitvoerende raad by te staan, uit te brei; tot wysiging van die Wet op Burgerskap van Bantoe-tuislande, 1970, ten einde burgerskap van gebiedsowerheidsgebiede verder te reël; tot wysiging van die Grondwet van die Bantoe-tuislande, 1971, ten einde die bevoegdheid om persone aan te wys om ’n uitvoerende raad by te staan, uit te brei; en die bevoegdhede van wetgewende vergaderings uit te brei; tot wysiging van die Wet op die Administrasie van Bantoesake, 1971, ten einde die betekenis van die woord „Minister” uit te brei; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)

(Goedgekeur op 29 Oktober 1974.)

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

1. Artikel 2 van die Bantoe-administrasie Wet, 1927, word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Met inagneming van die wetsbepalings op die

Wysiging van artikel 2 van Wet 38 van 1927, soos vervang deur artikel 2 van Wet 21 van 1943, en

BANTU LAWS AMENDMENT ACT, 1974.

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ACT

To amend the Bantu Administration Act, 1927, so as to make provision for authorizing certain officers to perform certain functions of the Minister; to authorize the Minister instead of the State President to perform certain functions; and to extend the meaning of the word "Bantu"; to amend the Bantu Trust and Land Act, 1936, so as to provide for the withdrawal of the reservation and setting apart of land for occupation by Bantu; to amend the Finance Act, 1943, so as to exempt certain legislative assemblies from the payment of certain duties, fees or taxes; to amend the Bantu (Urban Areas) Consolidation Act, 1945, so as to extend the meaning of the word "Minister"; to amend the Promotion of Bantu Self-government Act, 1959, so as to further regulate the nomination of persons to represent certain bodies in certain areas and the constitution of boards in connection therewith; to amend the Bantu Beer Act, 1962, so as to further regulate the sale and supply of Bantu beer and Bantu beer powder; to amend the Transkei Constitution Act, 1963, so as to further regulate certain matters concerning the Transkeian High Court; to extend the power to place persons at the disposal of the Transkeian Government; and to extend the powers of the Transkeian Legislative Assembly; to amend the Bantu Labour Act, 1964, so as to empower the Minister instead of the State President to make regulations; to amend the Promotion of the Economic Development of Bantu Homelands Act, 1968, so as to provide for the indemnification of certain persons against losses they may suffer in certain circumstances in the Bantu homelands; to amend the Development of Self-government for Native Nations in South-West Africa Act, 1968, so as to extend the power to designate persons to assist an executive council; to amend the Bantu Homelands Citizenship Act, 1970, so as to further regulate citizenship of territorial authority areas; to amend the Bantu Homelands Constitution Act, 1971, so as to extend the power to designate persons to assist an executive council; and to extend the powers of legislative assemblies; to amend the Bantu Affairs Administration Act, 1971, so as to extend the meaning of the word "Minister"; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 29 October 1974.)

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

1. Section 2 of the Bantu Administration Act, 1927, is hereby amended—
- (a) by the substitution for subsection (2) of the following subsection:
- “(2) Subject to the provisions of the law governing
- Amendment of section 2 of Act 38 of 1927, as substituted by section 2 of Act 21 of 1943,

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WYSIGINGSWET OP BANTOEWETGEWING, 1974.

gewysig deur artikel 19 van Wet 56 van 1949, artikel 19 van Wet 54 van 1952, artikel 1 van Wet 79 van 1957, artikel 6 van Wet 46 van 1959, artikel 9 van Wet 46 van 1962 en artikel 1 van Wet 23 van 1972.

staatsdiens, en van subartikel (3), kan die Minister, of die Sekretaris van Bantoe-administrasie en -ontwikkeling of die betrokke Hoofbantoesakekommissaris, indien hy deur die Minister daartoe gemagtig is, vir enige gebied waarin 'n groot aantal Bantoes woon, 'n Bantoesakekommissaris en so 'n aantal addisionele Bantoesakekommissarisse en assistent-Bantoesakekommissarisse as wat hy nodig ag, aanstel, wat sulke pligte verrig as wat deur die een of ander wet voorgeskryf word of deur die Minister aan hulle opgedra word.”; en

- (b) deur in subartikel (3) die woorde voor paragraaf (a) deur die volgende woorde te vervang:

„Niemand word kragtens subartikel (1) of (2) aangestel nie tensy hy, ten tyde van sy aanstelling, 'n lid van die Staatsdiens is volgens artikel 3 van die Staatsdienswet, 1957 (Wet No. 54 van 1957), en tensy—”.

Wysiging van artikel 10 van Wet 38 van 1927, soos gewysig deur artikel 5 van Wet 9 van 1929, artikel 3 van Wet 21 van 1943, artikel 21 van Wet 56 van 1949 en artikel 3 van Wet 79 van 1957.

2. (1) Artikel 10 van die Bantoe-administrasie Wet, 1927, word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) (a) Elke sodanige hof is 'n geregshof, waarvan 'n Bantoesakekommissaris die voorsittende amptenaar is.

- (b) So 'n hof hou gewoonlik sy sittings op die een of ander plek binne sy regsgebied (soos kragtens subartikel (3) bepaal) waar die kantoor van 'n Bantoesakekommissaris gevestig is, maar hy kan ook sittings hou op enige ander plek wat die Minister, of die Sekretaris van Bantoe-administrasie en -ontwikkeling of 'n ander beamppte in die Departement van Bantoe-administrasie en -ontwikkeling, indien hy deur die Minister daartoe gemagtig is, vir die doel in daardie gebied aangewys het.”;

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

„(3) Die Minister, of die Sekretaris van Bantoe-administrasie en -ontwikkeling of 'n ander beamppte in die Departement van Bantoe-administrasie en -ontwikkeling, indien hy deur die Minister daartoe gemagtig is, bepaal die gebied of gebiede waarin so 'n hof regsmag het, en hy kan by so 'n gebied die gebied of enige gedeelte van die gebied waarin enige ander Bantoesakekommissarishof ook regsmag het, insluit, en hy kan van tyd tot tyd die regsgebied van so 'n hof uitbrei of inkort of verander, en hy kan die regsmag van so 'n hof oor die een of ander gebied afskaf: Met dien verstande dat 'n Bantoesakekommissarishof in 'n geding geen jurisdiksie het nie tensy—

- (a) die verweerder of respondent in daardie geding in die regsgebied van daardie hof woon of besigheid dryf of in diens is; of
- (b) die skuldoorsaak in daardie geding in daardie gebied ontstaan het; of
- (c) die partye by die verrigtings in daardie geding skriftelik tot die jurisdiksie van die hof toegestem het.”; en

- (c) deur subartikel (4) deur die volgende subartikel te vervang:

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the public service and of subsection (3), the Minister, or the Secretary for Bantu Administration and Development or the Chief Bantu Affairs Commissioner concerned, if authorized thereto by the Minister, may appoint for any area in which a large number of Bantu reside a Bantu Affairs Commissioner and so many additional Bantu Affairs Commissioners and assistant Bantu Affairs Commissioners as he may deem necessary, who shall perform such duties as may be prescribed by any law or assigned to them by the Minister.”; and

and amended by section 19 of Act 56 of 1949, section 19 of Act 54 of 1952, section 1 of Act 79 of 1957, section 6 of Act 46 of 1959, section 9 of Act 46 of 1962 and section 1 of Act 23 of 1972.

- (b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“No person shall be appointed under subsection (1) or (2) unless he is, at the time of his appointment, a member of the public service, in terms of section 3 of the Public Service Act, 1957, (Act No. 54 of 1957), and unless—”.

2. (1) Section 10 of the Bantu Administration Act, 1927, is hereby amended—

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

“(2) (a) Every such court shall be a court of law over which a Bantu Affairs Commissioner shall preside.

Amendment of section 10 of Act 38 of 1927, as amended by section 5 of Act 9 of 1929, section 3 of Act 21 of 1943, section 21 of Act 56 of 1949 and section 3 of Act 79 of 1957.

- (b) Such a court shall ordinarily hold its sittings at a place within the area of its jurisdiction (as defined under subsection (3)) where the office of a Bantu Affairs Commissioner has been established, but it may also hold sittings at any other place which the Minister, or the Secretary for Bantu Administration and Development or any other officer of the Department of Bantu Administration and Development, if authorized thereto by the Minister, may have indicated for the purpose in the said area.”;

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

“(3) The Minister, or the Secretary for Bantu Administration and Development or any other officer of the Department of Bantu Administration and Development, if authorized thereto by the Minister, shall define the area or areas in which any such court shall have jurisdiction, and he may include in any such area the area or any part of the area in which any other court of Bantu Affairs Commissioner also has jurisdiction, and he may from time to time extend or reduce or alter the area of jurisdiction of any such court and he may abolish its jurisdiction over any area: Provided that a court of Bantu Affairs Commissioner shall not have jurisdiction in any case unless—

- (a) the defendant or respondent in that case resides or carries on business or is employed in the area of jurisdiction of that court; or
- (b) the cause of action in that case arose in that area; or
- (c) the parties to the proceedings in that case have agreed in writing to the court's jurisdiction.”; and
- (c) by the substitution for subsection (4) of the following subsection:

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„(4) (a) Die Minister kan regulasies uitvaardig wat met betrekking tot Bantoesakekommissarishowe bepaal—

- (a) die manier en vorm van prosedure wat in ag geneem moet word;
- (b) die tye van hofsittings;
- (c) die notulering;
- (d) die wyse waarop getuies en assessors verplig word om te verskyn, en die toelaes aan hulle betaalbaar;
- (e) die koste, gelde of leges van enige aangeleentheid in verband met regsdinge in sulke howe, met inbegrip van koste tussen party en party en tussen prokureur en kliënt;
- (f) die tenuitvoerlegging van prosesstukke;
- (g) die verskyning van verteenwoordigers van partye; en
- (h) sodanige ander sake as wat die Minister nodig mag ag vir die behoorlike verwesenliking van die doeleindes van hierdie artikel.

(b) Verskillende regulasies kan uitvaardig word vir verskillende klasse van gevalle of vir verskillende streke.”.

(2) 'n Regulasie wat kragtens artikel 10 (4) van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), uitgevaardig is voor die wysiging daarvan deur subartikel (1) van hierdie artikel, word geag deur die Minister van Bantoe-administrasie en -ontwikkeling uitgevaardig te wees kragtens genoemde artikel 10 (4) soos aldus gewysig.

Wysiging van artikel 29 van Wet 38 van 1927, soos gewysig deur artikel 4 van Wet 79 van 1957.

3. Artikel 29 van die Bantoe-administrasie Wet, 1927, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die Minister kan beveel dat iemand wat kragtens subartikel (1) veroordeel is, gedurende 'n termyn wat die bevel vasstel—

- (a) as hy nie 'n Bantoe is nie en as die misdryf gepleeg is in 'n streek wat opgeneem is in die Bylae by die Bantoe Grond Wet, 1913 (Wet No. 27 van 1913), of 'n wysiging daarvan, so 'n streek nie mag betree of daarin mag wees nie; of
- (b) as hy 'n Bantoe is en as die misdryf buite so 'n streek gepleeg is, 'n plek buite so 'n streek nie mag betree of daarop mag wees nie.”.

Wysiging van artikel 35 van Wet 38 van 1927, soos gewysig deur artikel 9 van Wet 9 van 1929, artikel 3 van Wet 9 van 1939, artikel 10 van Wet 21 van 1943, artikel 17 van Wet 67 van 1952 en artikel 4 van Wet 42 van 1956.

4. Artikel 35 van die Bantoe-administrasie Wet, 1927, word hierby gewysig deur die omskrywing van „Bantoe” deur die volgende omskrywing te vervang:

„omvat „Bantoe” enige persoon wat lid is van 'n inboorling-ras of stam van Afrika: Met dien verstande dat enige persoon wat in dieselfde toestand as 'n Bantoe woon in 'n afgesonderde Bantoegebied of 'n oopgestelde gebied, soos bepaal of omskryf in of kragtens die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), of op grond waarvan die Suid-Afrikaanse Bantoe-trust die geregistreerde eienaar is, vir die doeleindes van hierdie Wet as 'n Bantoe beskou word: Met dien verstande voorts dat 'n regspersoon waarin geen ander persoon as 'n Bantoe 'n belang het nie, 'n liggaam van persone wat slegs uit Bantoes bestaan, en 'n verteenwoordiger van die boedel van 'n oorlede Bantoe vir die doeleindes van artikel 10 as 'n Bantoe beskou word;”.

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“(4) (a) The Minister may make regulations prescribing in respect of courts of Bantu Affairs Commissioners—

- (a) the manner and form of procedure to be observed;
 - (b) the times of holding courts;
 - (c) the keeping of records;
 - (d) the mode of compelling the attendance of witnesses and assessors, and the allowances to be paid to them;
 - (e) the costs, fees or charges of any matter in connection with any proceedings in such courts, including costs between party and party and between attorney and client;
 - (f) the execution of process;
 - (g) the appearance of representatives on behalf of parties; and
 - (h) such other matters as the Minister may deem necessary for the proper carrying out of the purposes of this section.
- (b) Different regulations may be made for different classes of cases or for different areas.”.

(2) Any regulation made under section 10 (4) of the Bantu Administration Act, 1927 (Act No. 38 of 1927), prior to the amendment thereof by subsection (1) of this section, shall be deemed to have been made by the Minister of Bantu Administration and Development under the said section 10 (4) as so amended.

3. Section 29 of the Bantu Administration Act, 1927, is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of section 29 of Act 38 of 1927, as amended by section 4 of Act 79 of 1957.

“(3) The Minister may order that, during a period specified in the order, a person convicted under subsection (1)—

- (a) if he is not a Bantu, and if the offence was committed in any area included in the Schedule to the Bantu Land Act, 1913 (Act No. 27 of 1913), or any amendment thereof, shall not enter or be in any such area; or
- (b) if he is a Bantu, and if the offence was committed outside any such area, shall not enter or be in any place outside any such area.”.

4. Section 35 of the Bantu Administration Act, 1927, is hereby amended by the substitution for the definition of “Bantu” of the following definition:

Amendment of section 35 of Act 38 of 1927, as amended by section 9 of Act 9 of 1929, section 3 of Act 9 of 1939, section 10 of Act 21 of 1943, section 17 of Act 67 of 1952, and section 4 of Act 42 of 1956.

“‘Bantu’ shall include any person who is a member of any aboriginal race or tribe of Africa: Provided that any person residing under the same conditions as a Bantu in a scheduled Bantu area or a released area, as defined or described in or under the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), or on any land of which the South African Bantu Trust is the registered owner, shall be regarded as a Bantu for the purposes of this Act: Provided further that a juristic person in which no person other than a Bantu has an interest, a body of persons consisting of Bantu only, and a representative of the estate of a deceased Bantu shall be regarded as a Bantu for the purposes of section 10;”.

Wet No. 70, 1974

WYSIGINGSWET OP BANTOEWETGEWING, 1974.

Wysiging van artikel 2 van Wet 18 van 1936, soos vervang deur artikel 2 van Wet 7 van 1973.

5. Artikel 2 van die Bantoe-trust en -grond Wet, 1936, word hierby gewysig deur na subartikel (3) die volgende subartikel te voeg:

- „(3A) (a) Die Staatspresident kan van tyd tot tyd, so dikwels hy dit in die openbare belang ag sulks te doen, by proklamasie in die *Staatskoerant* enige grond in die proklamasie omskryf wat ingevolge artikel 6 (1) (a) op die Trust oorgegaan het, aan uithouding of afsondering vir bewoning deur Bantoes onttrek, en indien sodanige grond 'n oopgestelde gebied is, word dit geag ingevolge subartikel (2) op te gehou het om so 'n gebied te wees.
- (b) Grond in die betrokke provinsie op 'n dergelike wyse omskryf en van minstens 'n gelyke veeteelt- of landbouwaarde, wat Staatsgrond of grond bedoel in artikel 10 (2) (b), (c) of (d) is, moet by daardie proklamasie afgesonder word vir bewoning deur Bantoes.
- (c) Grond wat aldus onttrek is, word Staatsgrond, en die aldus afgesonderde Staatsgrond word deur die Staatspresident by toekenningsakte aan die Trust oorgedra.
- (d) Grond wat aldus afgesonder is, word by die berekening, vir die doeleindes van artikel 10 (1), van die grootte van grond wat die Trust besit, buite rekening gelaat.”.

Wysiging van artikel 49 van Wet 18 van 1936, soos gewysig deur artikel 14 van Wet 18 van 1954, artikel 10 van Wet 73 van 1956, artikel 7 van Wet 79 van 1957 en artikel 36 van Wet 42 van 1964.

6. Artikel 49 van die Bantoe-trust en -grond Wet, 1936, word hierby gewysig deur paragraaf (2) van die omskrywing van „Bantoe” deur die volgende paragraaf te vervang:

„(2) vir die doeleindes van die binnegaan van of verblyf op grond geleë in 'n afgesonderde Bantoegebied of in 'n oopgestelde gebied, 'n Bantoe soos omskryf in artikel 1 van die Bevolkingsregistrasiewet, 1950, maar nie ook 'n Bantoe wat nie in die Republiek of in die gebied Suidwes-Afrika gebore is nie; en”.

Vervanging van artikel 4 van Wet 37 van 1943, soos vervang deur artikel 3 van Wet 27 van 1970.

7. (1) Artikel 4 van die Finansiëwet, 1943, word hierby deur die volgende artikel vervang:

„Vrystelling van Bantoe-regerings, -vergaderings, -rade en -owerhede van betaling van regte, gelde en ander belastinge.

4. (1) Geen reg, geld of ander belasting opgelê deur of kragtens 'n wet (behalwe 'n wet met betrekking tot doeane of aksyns of tot heffings op landbouprodukte), is betaalbaar nie deur die regering van 'n gebied wat ingevolge 'n wet 'n selfregerende gebied binne die Republiek is, 'n wetgewende raad of owerheid ingestel of erken kragtens die Wet op die Ontwikkeling van Selfbestuur vir Naturelle volke in Suidwes-Afrika, 1968 (Wet No. 54 van 1968), 'n plaaslike raad ingestel of geag ingestel te wees kragtens die Wet op Bantoesake, 1959 (Wet No. 55 van 1959), 'n Bantoe-owerheid ingestel kragtens die Wet op Bantoe-owerhede, 1951 (Wet No. 68 van 1951), 'n wetgewende vergadering ingestel kragtens die Grondwet van die Bantoe-tuislande, 1971 (Wet No. 21 van 1971), of 'n streeksowerheid ingestel of geag ingestel te wees deur of kragtens 'n wet van die Wetgewende Vergadering van die Transkei: Met dien verstande dat enige in hierdie artikel bedoelde regering, vergadering, raad of owerheid, aan die einde van sy boekjaar aan enige plaaslike bestuur 'n bedrag kan betaal van hoogstens die bedrag wat aan die plaaslike bestuur gedurende daardie boekjaar betaalbaar sou geword het as dit nie vir die bepalings van hierdie artikel was nie.

(2) Hierdie artikel en iedere wysiging daarvan is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel.”.

(2) Subartikel (1) word geag op 31 Maart 1971 in werking te getree het.

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5. Section 2 of the Bantu Trust and Land Act, 1936, is hereby amended by the insertion after subsection (3) of the following subsection:

Amendment of section 2 of Act 18 of 1936, as substituted by section 2 of Act 7 of 1973.

- “(3A) (a) The State President may from time to time, whenever he considers it in the public interest to do so, by proclamation in the *Gazette*, withdraw from reservation or setting apart for the occupation of Bantu any land defined in the proclamation which vested in the Trust in terms of section 6 (1) (a), and if such land is a released area, it shall be deemed to have ceased in terms of subsection (2) to be such an area.
- (b) Land in the province concerned likewise defined of at least an equivalent pastoral or agricultural value, being State-owned land or land referred to in section 10 (2) (b), (c) or (d), shall by such proclamation be reserved for the occupation of Bantu.
- (c) Land so withdrawn shall become State-owned land, and the State-owned land so reserved shall be transferred by the State President to the Trust by deed of grant.
- (d) Land so reserved shall not be taken into account in computing for the purposes of subsection 10 (1) the extent of land held by the Trust.”

6. Section 49 of the Bantu Trust and Land Act, 1936, is hereby amended by the substitution for paragraph (2) of the definition of “Bantu” of the following paragraph:

Amendment of section 49 of Act 18 of 1936, as amended by section 14 of Act 18 of 1954, section 10 of Act 73 of 1956, section 7 of Act 79 of 1957 and section 36 of Act 42 of 1964.

“(2) for the purposes of the entry into or residence on land situate in a scheduled Bantu area or in a released area, a Bantu as defined in section 1 of the Population Registration Act, 1950, but does not include a Bantu not born in the Republic or in the territory of South-West Africa; and”

7. (1) The following section is hereby substituted for section 4 of the Finance Act, 1943:

Substitution of section 4 of Act 37 of 1943, as substituted by section 3 of Act 27 of 1970.

“Exemption of Bantu governments, assemblies, councils and authorities from the payment of duties, fees and other taxes.

4. (1) No duty, fee or other tax imposed by or under any law (other than any law relating to customs or excise or to levies on agricultural products) shall be payable by the government of any territory which is a self-governing territory within the Republic in terms of any law, a legislative council or authority established or recognized under the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act No. 54 of 1968), any local council established or deemed to have been established under the Bantu Affairs Act, 1959 (Act No. 55 of 1959), any Bantu authority established under the Bantu Authorities Act, 1951 (Act No. 68 of 1951), any legislative assembly established under the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971), or a regional authority established or deemed to have been established by or under any law of the Legislative Assembly of the Transkei: Provided that any government, assembly, council or authority referred to in this section may, at the end of its financial year, pay to any local authority an amount not exceeding that which would, but for the provisions of this section, have become payable to the local authority during that financial year.

(2) This section and any amendment thereof shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel.”

(2) Subsection (1) shall be deemed to have come into operation on 31 March 1971.

Wet No. 70, 1974

WYSIGINGSWET OP BANTOEWETGEWING, 1974.

Wysiging van artikel 1 van Wet 25 van 1945, soos gewysig deur artikel 1 van Wet 16 van 1955, artikel 23 van Wet 36 van 1957, artikel 20 van Wet 63 van 1962 en artikel 39 van Wet 42 van 1964.

8. Artikel 1 van die Bantoes (Stadsgebiede) Konsolidasiewet, 1945, word hierby gewysig deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:

„Minister” beteken die Minister van Bantoe-administrasie en -ontwikkeling en ook ’n beampte in die Departement van Bantoe-administrasie en -ontwikkeling wat kragtens sy magtiging optree;”.

Wysiging van artikel 4 van Wet 46 van 1959, soos vervang deur artikel 2 van Wet 49 van 1970.

9. Artikel 4 van die Wet op die Bevordering van Bantoe-selfbestuur, 1959, word hierby gewysig deur in subartikel (1) die woorde voor paragraaf (a) deur die volgende woorde te vervang:

„(1) Die regering van ’n gebied wat ingevolge ’n wet ’n selfregerende gebied binne die Republiek is of ten opsigte waarvan andersins ’n wetgewende vergadering ingevolge die een of ander wet ingestel is, of ’n gebiedsowerheid, of ’n streeksowerheid waaraan die bevoegdhede, werksaamhede en pligte van ’n gebiedsowerheid soos uiteengesit in paragrawe (a), (d) en (e) van artikel 7 (1) van die Hoofwet toegewys is, of ’n gebiedsraad kan in oorleg met die Minister—”.

Wysiging van artikel 5 van Wet 46 van 1959, soos vervang deur artikel 3 van Wet 49 van 1970.

10. Artikel 5 van die Wet op die Bevordering van Bantoe-selfbestuur, 1959, word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) moet, wanneer dit dienstig geag word, op die wyse en onderworpe aan die voorwaardes wat die regering, owerheid of raad wat hom benoem het, in oorleg met die Minister bepaal, een of meer rade saamstel om hom by te staan by die uitvoering van sy werksaamhede en pligte; en”.

Wysiging van artikel 5 van Wet 63 van 1962, soos gewysig deur artikel 2 van Wet 30 van 1972.

11. Artikel 5 van die Wet op Bantoebier, 1962, word hierby gewysig deur subartikel (1A) deur die volgende subartikel te vervang:

„(1A) ’n Algemene handelaar buite ’n stadsgebied, asook ’n algemene handelaar binne ’n voorgeskrewe gebied (soos omskryf in artikel 1 van die Bantoes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945)) buite die regsgebied van ’n munisipale raad, stadsraad, dorpsraad, stadsbestuur, dorpsbestuursraad, plaaslike raad, gesondheidsraad of gesondheidskomitee, wat kragtens hierdie artikel skriftelik daartoe deur die Minister gemagtig is, kan, met behoorlike inagneming van die bepalinge van hierdie artikel, verpakte Bantoebier en Bantoebierpoeier verkoop en verskaf, mits sodanige verpakte Bantoebier van ’n plaaslike bestuur, die Bantoebeleggingskorporasie of die Xhosa-ontwikkelingskorporasie verkry word.”.

Wysiging van artikel 50 van Wet 48 van 1963, soos gewysig deur artikel 2 van Wet 36 van 1968 en artikel 8 van Wet 7 van 1973.

12. Artikel 50 van die Transkeise Grondwet, 1963, word hierby gewysig—

(a) deur subartikel (2A) deur die volgende subartikel te vervang:

„(2A) Die Staatspresident kan by regulasie bepaal dat ’n Wet wat nie op die Hoërhof of die regsgebied daarvan van toepassing is nie, met die wysigings en aanpassings wat hy nodig ag, op genoemde Hof of die regsgebied daarvan van toepassing is.”; en

(b) deur na subartikel (2B) die volgende subartikels in te voeg:

BANTU LAWS AMENDMENT ACT, 1974.

Act No. 70, 1974

8. Section 1 of the Bantu (Urban Areas) Consolidation Act, 1945, is hereby amended by the substitution for the definition of "Minister" of the following definition:

"'Minister' means the Minister of Bantu Administration and Development and includes any officer of the Department of Bantu Administration and Development acting under his authority;"

Amendment of section 1 of Act 25 of 1945, as amended by section 1 of Act 16 of 1955, section 23 of Act 36 of 1957, section 20 of Act 63 of 1962 and section 39 of Act 42 of 1964.

9. Section 4 of the Promotion of Bantu Self-government Act, 1959, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

"(1) The government of any territory which is a self-governing territory within the Republic in terms of any law or in respect of which a legislative assembly has otherwise been established in terms of any law, or a territorial authority, or a regional authority to which the powers, functions and duties of a territorial authority as set out in paragraphs (a), (d) and (e) of section 7 (1) of the principal Act have been assigned, or any territorial board may in consultation with the Minister nominate—"

Amendment of section 4 of Act 46 of 1959, as substituted by section 2 of Act 49 of 1970.

10. Section 5 of the Promotion of Bantu Self-government Act, 1959, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) shall, whenever it is deemed expedient, in the manner and subject to the conditions determined, in consultation with the Minister, by the government, authority or board by which he has been nominated, constitute one or more boards to assist him in the performance of his functions and duties; and"

Amendment of section 5 of Act 46 of 1959, as substituted by section 3 of Act 49 of 1970.

11. Section 5 of the Bantu Beer Act, 1962, is hereby amended by the substitution for subsection (1A) of the following subsection:

"(1A) Any general dealer outside an urban area, as well as a general dealer within a prescribed area (as defined in section 1 of the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945)) outside the area of jurisdiction of a municipal council, borough council, town council, village council, town board, village management board, local board, health board or health committee, who has been authorized by the Minister in writing under this section to do so, may, with due regard to the provisions of this section, sell and supply packaged Bantu beer and Bantu beer powder, provided such packaged Bantu beer is acquired from a local authority, the Bantu Investment Corporation or the Xhosa Development Corporation."

Amendment of section 5 of Act 63 of 1962, as amended by section 2 of Act 30 of 1972.

12. Section 50 of the Transkei Constitution Act, 1963, is hereby amended—

(a) by the substitution for subsection (2A) of the following subsection:

"(2A) The State President may by regulation provide that any law which does not apply to the High Court or its area of jurisdiction, shall apply, with such amendments and adaptations as he may consider necessary, to the said Court or its area of jurisdiction."; and

(b) by the insertion after subsection (2B) of the following subsections:

Amendment of section 50 of Act 48 of 1963, as amended by section 2 of Act 36 of 1968 and section 8 of Act 7 of 1973.

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WYSIGINGSWET OP BANTOEWETGEWING, 1974.

„(2C) Indien 'n regter van die Hooggeregshof van Suid-Afrika wat ingevolge subartikel 2 (b) afgestaan is om as regter van die Hoërhof te dien, aftree of van sy amp onthef word terwyl hy die amp van Hoofregter van genoemde Hoërhof in 'n permanente hoedanigheid beklee, word sy salaris vir die doeleindes van die berekening van sy pensioen geag dié van 'n regter-president van 'n provinsiale afdeling van genoemde Hooggeregshof te wees.

(2D) In 'n wet wat in die regsgebied van die Hoërhof geld, uitgesonderd die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), en die Wet op Besoldiging en Pensioene van Regters, 1959 (Wet No. 73 van 1959), word 'n verwysing na—

- (a) die Hooggeregshof van Suid-Afrika as 'n verwysing na die Hoërhof uitgelê; en
- (b) die regter-president of 'n regter van 'n provinsiale afdeling van die Hooggeregshof van Suid-Afrika, uitgelê as 'n verwysing na die Hoofregter of 'n regter van die Hoërhof, na gelang van die geval.

(2E) Die prosesstukke van die Hoërhof geld dwarsdeur die Republiek en kan in die regsgebied van enige afdeling van die Hooggeregshof van Suid-Afrika of van 'n ander hoërhof in die Republiek bestel of ten uitvoer gelê word.”

Wysiging van artikel 63 van Wet 48 van 1963.

13. (1) Artikel 63 van die Transkeise Grondwet, 1963, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) (a) Die Regering van die Republiek kan, behoudens die bepalings van paragraaf (b), die dienste van sodanige blanke beamptes of werknemers uit die Staatsdiens van die Republiek en van sodanige ander persone in diens van die Staat of van iemand wat finansiële bystand van die Staat ontvang, as wat nodig is vir die behoorlike beheer en administrasie van aangeleenthede waaroor die Wetgewende Vergadering wette kan maak, tot die beskikking van die Regering van die Transkei stel.

- (b) Die dienste van persone in diens van iemand wat finansiële bystand van die Staat ontvang, word slegs met die instemming van so iemand aldus tot die beskikking van die Regering van die Transkei gestel.”

(2) Subartikel (1) word geag op 30 Mei 1963 in werking te getree het.

Wysiging van Eerste Bylae by Wet 48 van 1963, soos gewysig deur artikel 4 van Wet 36 van 1968, artikel 9 van Wet 27 van 1970, artikel 12 van Wet 49 van 1970, artikel 7 van Wet 23 van 1972, artikel 22 van Wet 102 van 1972, proklamasie 259 van 1972, artikel 9 van Wet 7 van 1973 en proklamasie 84 van 1973.

14. Deel B van die Eerste Bylae by die Transkeise Grondwet, 1963, word hierby gewysig deur item 9 deur die volgende item te vervang:

„9. Grondaangeleenthede, nedersetting, registrasie van aktes en opmetings in die Transkei, maar nie ook trigonometriese opmetings nie.”

Wysiging van artikel 28 van Wet 67 van 1964, soos gewysig deur artikel 15 van Wet 19 van 1970.

15. (1) Artikel 28 van die Wet op Bantoe-arbeid, 1964, word hierby gewysig deur in subartikel (1) die woorde voor paragraaf (a) deur die volgende woorde te vervang:

„Die Minister kan regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie, in verband met enige van of al die ondervermelde aangeleenthede, te wete—”.

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“(2C) If a judge of the Supreme Court of South Africa who has been seconded in terms of subsection 2 (b) to serve as a judge of the High Court, retires or is removed from office while holding the office of Chief Justice of the said High Court in a permanent capacity, his salary shall, for the purposes of calculating his pension, be deemed to be that of a judge president of a provincial division of the said Supreme Court.

(2D) In any law which is in force in the area of jurisdiction of the High Court, save the Supreme Court Act, 1959 (Act No. 59 of 1959), and the Judges' Remuneration and Pensions Act, 1959 (Act No. 73 of 1959), any reference to—

- (a) the Supreme Court of South Africa shall be construed as a reference to the High Court; and
- (b) the judge president or a judge of a provincial division of the Supreme Court of South Africa, shall be construed as a reference to the Chief Justice or a judge of the High Court, as the case may be.

(2E) The process of the High Court shall run throughout the Republic and may be served or executed within the jurisdiction of any division of the Supreme Court of South Africa or of any other high court in the Republic.”

13. (1) Section 63 of the Transkei Constitution Act, 1963, is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 63 of Act 48 of 1963.

- “(1) (a) The Government of the Republic may, subject to the provisions of paragraph (b), place at the disposal of the Government of the Transkei the services of such white officers or employees of the public service of the Republic and of such other persons in the employ of the State or of a person receiving financial assistance from the State as may be necessary for the proper control and administration of matters in respect of which the Legislative Assembly may make laws.
- (b) The services of persons in the employ of a person receiving financial assistance from the State shall only with the concurrence of such person, be so placed at the disposal of the Government of the Transkei.”

(2) Subsection (1) shall be deemed to have come into operation on 30 May 1963.

14. Part B of the First Schedule to the Transkei Constitution Act, 1963, is hereby amended by the substitution for item 9 of the following item: Amendment of First Schedule to Act 48 of 1963, as amended by section 4 of Act 36 of 1968, section 9 of Act 27 of 1970, section 12 of Act 49 of 1970, section 7 of Act 23 of 1972, section 22 of Act 102 of 1972, proclamation 259 of 1972, section 9 of Act 7 of 1973 and proclamation 84 of 1973.

“9. Land matters, land settlement, registration of deeds and surveys in the Transkei, but excluding trigonometrical surveys.”

15. (1) Section 28 of the Bantu Labour Act, 1964, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: Amendment of section 28 of Act 67 of 1964, as amended by section 15 of Act 19 of 1970.

“The Minister may make regulations, not inconsistent with this Act, as to all or any of the following matters, namely—”.

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WYSIGINGSWET OP BANTOEWETGEWING, 1974.

(2) Regulasies wat deur die Staatspresident uitgevaardig is kragtens artikel 28 van die Wet op Bantoe-arbeid, 1964 (Wet No. 67 van 1964), voor die wysiging daarvan deur subartikel (1) van hierdie artikel, word geag deur die Minister van Bantoe-administrasie en -ontwikkeling uitgevaardig te wees kragtens genoemde artikel soos aldus gewysig.

Invoeging van artikel 7A in Wet 46 van 1968.

16. Die volgende artikel word hierby in die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Bantoetuislande, 1968, na artikel 7 ingevoeg:

„Vrywaring van sekere sakelui.

7A. (1) Die beleggingskorporasie, 'n ontwikkelingskorporasie of 'n korporasie kan, met die vooraf verkreeë goedkeuring van die Minister, iemand met wie dié korporasie 'n ooreenkoms aangegaan het waarkragtens so iemand onderneem om 'n nywerheids-, handels-, finansiële, myn- of ander sake-onderneming in 'n Bantoetuisland op te rig, vrywaar teen verlies wat so iemand in verband met daardie onderneming mag ly terwyl dié kontrak van krag is, en wat, volgens die oordeel van die Minister, nie versekerbaar is nie en ten opsigte waarvan hy, volgens die oordeel van die Minister, nie 'n doeltreffende reg op skadevergoeding het nie.

(2) Indien 'n korporasie vermeld in subartikel (1) iemand ingevolge daardie subartikel gevrywaar het teen verlies en so iemand 'n verlies gely het soos daarin bedoel, kan die Minister, in oorleg met die Minister van Finansies, die verpligtings van daardie korporasie ingevolge so 'n vrywaring oorneem.

(3) Die bedrag van 'n verlies bedoel in subartikel (1) word bepaal of deur die betrokke partye na verkryging van 'n waardasie daarvan deur 'n waardeerder deur hulle benoem of, by ontstentenis van ooreenkoms aangaande 'n waardeerder of daardie bedrag, deur 'n waardeerder deur die Minister van Ekonomiese Sake aangestel.

(4) Die koste verbonde aan die bepaling van die bedrag van 'n verlies ooreenkomstig subartikel (3), word in gelyke dele deur die betrokke partye gedra.”

Wysiging van artikel 6 van Wet 54 van 1968.

17. (1) Artikel 6 van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Die Minister van Bantoe-administrasie en -ontwikkeling kan—

- (a) met inagneming van die wette op die Staatsdiens, beamptes en werknemers in die Staatsdiens; en
- (b) iemand anders in diens van die Staat, en, met die instemming van die Administrasie van die gebied Suidwes-Afrika of iemand wat finansiële bystand van die Staat ontvang, iemand in diens van dié Administrasie of so iemand wat aldus bystand ontvang, na gelang van die geval,

aanwys om 'n uitvoerende raad of kabinet by te staan by die administrasie van die departemente bedoel in subartikel (2).”

(2) Subartikel (1) word geag in werking te getree het op 19 Junie 1968.

Wysiging van artikel 1 van Wet 26 van 1970, soos gewysig deur artikel 39 van Wet 21 van 1971.

18. Artikel 1 van die Wet op Burgerskap van Bantoetuislande, 1970, word hierby gewysig deur die omskrywing van „selfregerende Bantoegebied in die Republiek” deur die volgende omskrywing te vervang:

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(2) Regulations made by the State President under section 28 of the Bantu Labour Act, 1964 (Act No. 67 of 1964), prior to the amendment thereof by subsection (1) of this section, shall be deemed to have been made by the Minister of Bantu Administration and Development under the said section as so amended.

16. The following section is hereby inserted in the Promotion of the Economic Development of Bantu Homelands Act, 1968, after section 7:

Insertion of section 7A in Act 46 of 1968.

"Indemnification of certain business-men.

7A. (1) The investment corporation, a development corporation or a corporation may, with the prior approval of the Minister, indemnify any person with whom such corporation entered into an agreement in terms of which such person undertakes to establish an industrial, commercial, financial, mining or other business undertaking in a Bantu homeland, against any loss which such person may incur in connection with such undertaking while such contract is of force and effect, and which, in the opinion of the Minister, is not insurable and in respect of which, in the opinion of the Minister, he has no effective right to damages.

(2) If a corporation mentioned in subsection (1) has indemnified any person against any loss in terms of that subsection and such person has incurred any loss as contemplated therein, the Minister may, in consultation with the Minister of Finance, take over the obligations of that corporation in terms of such indemnity.

(3) The amount of any loss contemplated in subsection (1) shall be determined either by the parties concerned after obtaining a valuation thereof by a valuator nominated by them or, in the absence of agreement as to a valuator or such amount, by a valuator appointed by the Minister of Economic Affairs.

(4) The costs connected with the determination of the amount of a loss in accordance with subsection (3) shall be borne in equal shares by the parties concerned."

17. (1) Section 6 of the Development of Self-government for Native Nations in South-West Africa Act, 1968, is hereby amended by the substitution for subsection (4) of the following subsection:

Amendment of section 6 of Act 54 of 1968.

"(4) The Minister of Bantu Administration and Development may designate—

- (a) subject to the laws governing the public service, officers and employees of the public service; and
- (b) any other person in the employ of the State, and, with the concurrence of the Administration of the territory of South-West Africa or a person receiving financial assistance from the State, any person in the employ of such Administration or such a person so receiving assistance, as the case may be,

to assist an executive council or cabinet in the administration of the departments referred to in subsection (2)."

(2) Subsection (1) shall be deemed to have come into operation on 19 June 1968.

18. Section 1 of the Bantu Homelands Citizenship Act, 1970, is hereby amended by the substitution for the definition of "self-governing Bantu territory in the Republic" of the following definition:

Amendment of section 1 of Act 26 of 1970, as amended by section 39 of Act 21 of 1971.

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„selfregerende Bantoegebied in die Republiek’ of „ander selfregerende Bantoegebied in die Republiek’ die Transkei;”.

Vervanging van artikel 3 van Wet 26 van 1970.

19. Artikel 3 van die Wet op Burgerskap van Bantoetuislande, 1970, word hierby deur die volgende artikel vervang:

„Burgers van gebieds-owerheids-gebiede.

3. (1) Behoudens die bepalings van artikel 2 (2) is elke Bantoepersoon ’n burger van ’n bepaalde gebiedsowerheidsgebied—

- (a) indien hy in daardie gebied gebore is of word, hetsy voor of na die inwerkingtreding van hierdie Wet, uit ouers van wie een of albei tydens sy geboorte burgers van daardie gebiedsowerheidsgebied was of is; of
- (b) indien hy ingevolge subartikel (2) burgerskap van daardie gebied verleen is; of
- (c) indien hy nie ’n burger van ’n ander gebieds-owerheidsgebied ingevolge paragraaf (a) of (b) is nie, en ’n Bantoetaal praat wat gebesig word deur die Bantoebevolking van eersgenoemde gebied, met inbegrip van ’n dialek van so ’n taal; of
- (d) indien hy nie ’n burger van ’n ander gebieds-owerheidsgebied ingevolge paragraaf (a), (b) of (c) is nie, en aan ’n lid van die Bantoebevolking van eersgenoemde gebied verwant is of homself met ’n deel van daardie bevolking vereenselwig het of aan die hand van sy kultuur- of rasseagtergrond aan ’n deel van daardie bevolking verbonde is.

(2) ’n Burger van ’n gebiedsowerheidsgebied of selfregerende Bantoegebied in die Republiek wat vir ’n tydperk van minstens vyf jaar wettiglik in ’n ander gebied wat ’n gebiedsowerheidsgebied is, gedomisileer is, ongeag of dié tydperk ’n tydperk voor die inwerkingtreding van hierdie Wet insluit, kan op aansoek op die voorgeskrewe wyse burgerskap van laasgenoemde gebiedsowerheidsgebied deur die gebiedsowerheid van laasgenoemde gebied verleen word.”.

Wysiging van artikel 5 van Wet 21 van 1971.

20. (1) Artikel 5 van die Grondwet van die Bantoetuislande, 1971, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Die Minister kan—

- (a) met inagneming van die wette op die Staatsdiens, beamptes en werknemers in die Staatsdiens; en
- (b) iemand anders in diens van die Staat, en, met die instemming van iemand wat finansiële bystand van die Staat ontvang, iemand in diens van so iemand wat aldus bystand ontvang,

aanwys om ’n uitvoerende raad of kabinet by te staan by die administrasie van die departemente bedoel in subartikel (2).”.

(2) Subartikel (1) word geag op 31 Maart 1971 in werking te getree het.

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Act No. 70, 1974

“‘self-governing Bantu territory in the Republic’ or ‘other self-governing Bantu territory in the Republic’ means the Transkei;”.

19. The following section is hereby substituted for section 3 of the Bantu Homelands Citizenship Act, 1970: Substitution of section 3 of Act 26 of 1970.

“Territorial authority area citizens.

3. (1) Subject to the provisions of section 2 (2), every Bantu person shall be a citizen of a particular territorial authority area—

- (a) if he was or is born in that area, either before or after the commencement of this Act, from parents of whom one or both were or are citizens of that territorial authority area at the time of his birth; or
- (b) if he has in terms of subsection (2) been granted citizenship of that area; or
- (c) if he is not a citizen of any other territorial authority area in terms of paragraph (a) or (b) and speaks any Bantu language used by the Bantu population in the first-mentioned area, including any dialect of any such language; or
- (d) if he is not a citizen of any other territorial authority area in terms of paragraph (a), (b) or (c) and is related to any member of the Bantu population of the first-mentioned area or has identified himself with any part of such population or is associated with any part of such population by virtue of his cultural or racial background.

(2) A citizen of any territorial authority area or self-governing Bantu territory in the Republic who has been lawfully domiciled for a period of at least five years in any other area or territory being a territorial authority area, irrespective of whether or not such period includes any period prior to the commencement of this section, may on application in the prescribed manner be granted citizenship of the last-mentioned territorial authority area by the territorial authority of the last-mentioned area.”.

20. (1) Section 5 of the Bantu Homelands Constitution Act, 1971, is hereby amended by the substitution for subsection (4) of the following subsection: Amendment of section 5 of Act 21 of 1971.

“(4) The Minister may designate—

- (a) subject to the laws governing the public service, officers and employees of the public service; and
- (b) any other person in the employ of the State, and, with the concurrence of a person receiving financial assistance from the State, any person in the employ of such a person so receiving assistance,

to assist an executive council or cabinet in the administration of the departments referred to in subsection (2).”.

(2) Subsection (1) shall be deemed to have come into operation on 31 March 1971.

Wet No. 70, 1974

WYSIGINGSWET OP BANTOEWETGEWING, 1974.

Vervanging van
opskrif vóór
artikel 14 van
Wet 21 van 1971.

21. Die Grondwet van die Bantoetuislande, 1971, word hierby gewysig deur die opskrif onmiddellik voor artikel 14 deur die volgende opskrif te vervang:

„REGSPLEGING EN GEVANGENISSE.

Regspleging.”.

Wysiging van
artikel 14 van
Wet 21 van 1971.

22. Artikel 14 van die Grondwet van die Bantoetuislande, 1971, word hierby gewysig deur na subartikel (1) die volgende subartikel in te voeg:

„(1A) Die bevoegdheid wat ingevolge die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), of die Bantoeadministrasie Wet, 1927 (Wet No. 38 van 1927), aan 'n Minister of aan 'n beamppte van die Republiek verleen word om 'n landdroshof of 'n Bantoesakekommissarishof in te stel of af te skaf of om 'n regterlike beamppte of ander beamppte daarvoor aan te stel in 'n gebied bedoel in subartikel (1), berus by die betrokke lid van die uitvoerende raad of by die ooreenstemmende beamppte in dié gebied, na gelang van die geval: Met dien verstande dat so 'n hof nie deur bedoelde lid of so 'n beamppte ingestel of afgeskaf word, en so 'n regterlike beamppte of ander beamppte nie deur hom aangestel word, ten opsigte van persone wat nie Bantoes is nie, behalwe met die goedkeuring van die Minister.”.

Invoeging van
nuwe opskrif en
artikel 15A in
Wet 21 van 1971.

23. Die volgende opskrif en artikel word hierby in die Grondwet van die Bantoetuislande, 1971, na artikel 15 ingevoeg:

„Gevangenisse.

Gevange-
nisse.

15A. (1) 'n Verwysing in 'n wet na 'n gevangenis wat ingestel is of geag word ingestel te wees ingevolge die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), (hieronder 'n gevangenis van die Republiek genoem) word uitgelê as sou dit ook 'n verwysing behels na 'n gevangenis wat ingevolge genoemde Wet of 'n wet van 'n wetgewende vergadering ingestel is deur 'n instansie van 'n gebied waarvoor 'n wetgewende vergadering ingestel is (hieronder 'n gevangenis van die betrokke gebied genoem).

(2) 'n Veroordeelde Bantoe persoon wat tot gevangenisstraf gevonnissen is en wat die opgelegde vonnis of 'n deel daarvan nog moet uitdien, kan—

- (a) indien hy in 'n gevangenis van die Republiek aangehou word, op die gesag van die Minister van Gevangenis van die Republiek en met die instemming van die Minister of Uitvoerende Raadslid van 'n gebied waarvoor 'n wetgewende vergadering ingestel is, wat verantwoordelik is vir die bestuur van gevangenis, van daardie gevangenis oorgeplaas word na 'n gevangenis van die betrokke gebied wat laasgenoemde Minister of Uitvoerende Raadslid aangedui het;
- (b) indien hy aangehou word in 'n gevangenis van 'n gebied waarvoor 'n wetgewende vergadering ingestel is, op die gesag van die Minister of Uitvoerende Raadslid van die gebied bedoel in paragraaf (a), en met die instemming van die Minister van Gevangenis van die Republiek, van daardie gevangenis oorgeplaas word na 'n gevangenis van die Republiek wat laasgenoemde Minister aangedui het,

en daarop word daardie persoon in die gevangenis waarheen hy oorgeplaas is, aangehou, en word daar met hom gehandel in iedere opsig asof, en is hy onderworpe aan die wette waaraan hy onderworpe

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21. The Bantu Homelands Constitution Act, 1971, is hereby amended by the substitution for the heading immediately before section 14 of the following heading:

Substitution of heading before section 14 of Act 21 of 1971.

"ADMINISTRATION OF JUSTICE AND PRISONS.

Administration of Justice."

22. Section 14 of the Bantu Homelands Constitution Act, 1971, is hereby amended by the insertion after subsection (1) of the following subsection:

Amendment of section 14 of Act 21 of 1971.

"(1A) The power conferred on a Minister or on any officer of the Republic in terms of the provisions of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), or the Bantu Administration Act, 1927 (Act No. 38 of 1927), to establish or disestablish a magistrate's court or a Bantu Affairs Commissioner's court or to appoint any judicial officer or other officer thereto in an area referred to in subsection (1) shall vest in the member of the executive council concerned, or, as the case may be, in the corresponding officer of such area: Provided that no such court shall be established or disestablished and no such judicial officer or other officer shall be appointed by such member or by any such officer in respect of persons who are not Bantu, without the approval of the Minister."

23. The following heading and section are hereby inserted in the Bantu Homelands Constitution Act, 1971, after section 15:

Insertion of new heading and section 15A in Act 21 of 1971.

"Prisons.

Prisons.

15A.(1) A reference in any law to a prison established or deemed to have been established in terms of the Prisons Act, 1959 (Act No. 8 of 1959), (hereinafter referred to as a prison of the Republic) shall be construed as including a reference to a prison which has in terms of the said Act or a law of a legislative assembly been established by an authority of an area for which a legislative assembly has been established (hereinafter referred to as a prison of the area concerned).

(2) A convicted Bantu person who has been sentenced to imprisonment and is still liable to serve the sentence imposed or part thereof may—

- (a) if he is detained in a prison of the Republic, be transferred on the authority of the Minister of Prisons of the Republic and with the concurrence of the Minister or Executive Councillor of an area for which a legislative council has been established, who is responsible for the administration of prisons, from that prison to a prison of the area concerned indicated by the last-mentioned Minister or Executive Councillor;
- (b) if he is detained in a prison of an area for which a legislative council has been established, be transferred on the authority of the Minister or Executive Councillor of such area referred to in paragraph (a), and with the concurrence of the Minister of Prisons of the Republic, from that prison to a prison of the Republic indicated by the last-mentioned Minister,

and thereupon such person shall be detained in the prison to which he has been transferred and be dealt with in every respect as if, and shall be subject to the laws to which he would have been subject if,

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sou gewees het indien, hy ingevolge genoemde vonnis in laasgenoemde gevangenis opgeneem was.

(3) Sonder om afbreuk te doen aan die bepalings van artikels 18 en 21, bly die Wet op Gevangenis, 1959, ook van toepassing in 'n gebied waarvoor 'n wetgewende vergadering ingestel is asof item 31C nie deur artikel 24 (e) van die Wysigingswet op Bantoewetgewing, 1974, in Bylae 1 by hierdie Wet ingevoeg was nie.

(4) Die Minister van Gevangenis van die Republiek kan by kennisgewing in die *Staatskoerant* verklaar dat 'n gevangenis wat ingestel is of geag word ingestel te wees deur 'n instansie in die Republiek kragtens die Wet op Gevangenis, 1959, in 'n gebied waarvoor 'n wetgewende vergadering ingestel is, geag word, onderworpe aan die voorwaardes in die kennisgewing vermeld, ingestel te wees deur 'n instansie van daardie gebied kragtens genoemde Wet of 'n wet van genoemde wetgewende vergadering op gevangenis, en daarop word dié gevangenis geag aldus ingestel te wees.

- (5) (a) Die bepalings van hierdie artikel tree in werking op 'n datum deur die Minister bepaal.
(b) Verskillende datums kan ingevolge paragraaf (a) bepaal word ten opsigte van verskillende gebiede.”.

Wysiging van
Bylae 1 by
Wet 21 van 1971,
soos gewysig deur
artikel 12 van
Wet 23 van 1972
en artikel 15 van
Wet 7 van 1973.

24. Bylae 1 by die Grondwet van die Bantoeuislande, 1971, word hierby gewysig—

- (a) deur item 5 deur die volgende item te vervang:

„5. Die beheer van sake- en handelondernemings, en die uitreiking van lisensies vir die dryf daarvan, uitgesonderd die uitreiking van lisensies in verband met die handeldrywe met wapens en ammunisie en ontplofbare stowwe.”;

- (b) deur na item 7 die volgende item in te voeg:

7A. Verlening van finansiële bystand aan burgers van die betrokke gebied wat daarin boerdery beoefen of onderneem om dit daarin te beoefen, en die uitoefening van beheer ten opsigte van verleende finansiële bystand.”;

- (c) deur item 25 deur die volgende item te vervang:

„25. Die reëling en beheer van padverkeer, met inbegrip van die lisensiëring en beheer van voertuie en die bestuurders van voertuie, maar met uitsondering, behoudens die bepalings van item 25A, van alle aangeleenthede wat in die Motortransportwet, 1930 (Wet No. 39 van 1930), of die Motorvoertuigassuransiewet, 1942 (Wet No. 29 van 1942), behandel word.”;

- (d) deur na genoemde item 25 die volgende item in te voeg:

„25A. Met ingang van 'n datum wat deur die Minister by kennisgewing in die *Staatskoerant* ten opsigte van 'n bepaalde gebied bepaal word, motortransport: Met dien verstande dat indien die Motortransportwet, 1930 (Wet No. 39 van 1930), in die betrokke gebied van toepassing bly na 'n datum deur die Minister aldus bepaal, daar geen appèl ingevolge artikel 6 (2) van genoemde Wet na die Raad daarin vermeld is nie: Met dien verstande voorts dat na 'n datum aldus deur die Minister bepaal genoemde Motortransportwet, 1930, in alle gevalle van toepassing bly in die betrokke gebied ten opsigte van 'n sertifikaat of vrystelling daarkragtens verleen voor dié

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he had been received in the last-mentioned prison in terms of the said sentence.

(3) Without prejudice to the provisions of sections 18 and 21, the Prisons Act, 1959, shall also continue to apply in an area for which a legislative council has been established as if item 31C had not been inserted in Schedule 1 to this Act by section 24 (e) of the Bantu Laws Amendment Act, 1974.

(4) The Minister of Prisons of the Republic may by notice in the *Gazette* declare that a prison established or deemed to have been established by an authority in the Republic under the Prisons Act, 1959, in an area for which a legislative assembly has been established, shall, subject to such conditions as may be specified in such notice, be deemed to have been established by an authority of that area under the said Act or a law of the said legislative assembly relating to prisons, and thereupon such prison shall be deemed to have been so established.

(5) (a) The provisions of this section shall come into operation on a date fixed by the Minister.

(b) Different dates may in terms of paragraph (a) be fixed in respect of different areas."

24. Schedule 1 to the Bantu Homelands Constitution Act, 1971, is hereby amended—

Amendment of
Schedule 1 to
Act 21 of 1971,
as amended by
section 12 of
Act 23 of 1972
and section 15 of
Act 7 of 1973.

(a) by the substitution for item 5 of the following item:

"5. The control of business and trading undertakings, and the issue of licences for the carrying on thereof, excluding the issue of licences in connection with trading in arms and ammunition and explosives.";

(b) by the insertion after item 7 of the following item:

"7A. The provision of financial assistance to citizens of the area concerned carrying on or undertaking to carry on farming operations therein, and the exercising of control in respect of financial assistance provided.";

(c) by the substitution for item 25 of the following item:

"25. The regulation and control of road traffic, including the licensing and control of vehicles and the drivers of vehicles, but excluding, subject to the provisions of item 25A, all matters dealt with in the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), or the Motor Vehicle Insurance Act, 1942 (Act No. 29 of 1942).";

(d) by the insertion after the said item 25 of the following item:

"25A. With effect from a date to be determined by the Minister by notice in the *Gazette* in respect of any particular area, motor carrier transportation: Provided that if the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), continues to apply in the area concerned after a date so determined by the Minister, there shall be no appeal in terms of section 6 (2) of the said Act to the Board referred to therein: Provided further that after a date so determined by the Minister the said Motor Carrier Transportation Act, 1930, shall in all cases continue to apply in the area concerned in respect of any certificate or exemption granted thereunder prior to such date, but any certifi-

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datum, maar so 'n verleende sertifikaat of vrystelling nie geldig bly nie na die 30ste Junie wat onmiddellik op dié datum volg."; en

(e) deur na item 31A die volgende items in te voeg:

„31B. Die oprigting, instandhouding, bestuur en beheer van gesondheidsklinieke ten opsigte van Bantoes en, met ingang van 'n datum wat deur die Minister by kennisgewing in die *Staatskoerant* ten opsigte van 'n bepaalde gebied bepaal word, alle ander gesondheidsaangeleenthede (met inbegrip van hospitalisasie) ten opsigte van Bantoes.

31C. Met ingang van 'n datum wat deur die Minister by kennisgewing in die *Staatskoerant* ten opsigte van 'n bepaalde gebied bepaal word, en behoudens die bepalings van artikel 15A van hierdie Wet, die instelling, afskaffing, bestuur en beheer van gevangnisse vir Bantoes.

31D. Toerisme, met inbegrip van die ontwikkeling van die toeristebedryf, en die ontwikkeling en verbetering van reisdienste na en in, en van akkommodasie vir reisigers in, die gebied.

31E. Regshulp, met ingang van 'n datum wat deur die Minister by kennisgewing in die *Staatskoerant* ten opsigte van 'n bepaalde gebied bepaal word.

31F. Vermaaklikheidsbelasting.

31G. Die lisensiëring en reëling van en beheer oor vermaaklikheids- en ontspanningsplekke, en die oplegging van 'n belasting op die lisensiehouer ten opsigte van die ontvangstes aldaar of van 'n heffing gegrond op die toelatingsprys.

31H. Vendusieregte.

31I. Die beperking en reëling van en beheer oor perdewedrenne, die verbied, beperking en reëling van en beheer oor ander wedrenne, die beperking en reëling van en beheer oor weddenskappe (hetsy met betrekking tot omstandighede, plek of persele), en die verbied en reëling van en die beheer oor die verspreiding van inligting betreffende weddenskappe.

31J. Die lisensiëring van totalisators en die oplegging op die lisensiehouers van 'n belasting ten opsigte van die ontvangstes daarvan, en lisensies, belastings en gelde in verband met perde- en ander wedrenne en weddenskappe, en die verspreiding van inligting in verband met weddenskappe.

31K. Die instelling van, beheer oor en bestuur van biblioteke en biblioteekdienste ten opsigte van Bantoes.

31L. Die instelling van, beheer oor en bestuur van museums, kunsgalerye, herbariums, botaniese tuine en soortgelyke instellings, en dieretuine, akwariums, oseanariums, slangparke en soortgelyke instellings waar lewendige diere gehou word vir vertoning.

31M. Die daarstelling van, beheer oor en bestuur en reëling van begraafplase en krematoriums, en die reëling van aangeleenthede in verband met die verwydering van en beskikking oor lyke.

31N. Behuisingskemas vir burgers.

31P. Die afsondering van plekke in die betrokke gebied as plekke van openbare vermaak of van openbare ontspanning, of van geskiedkundige of wetenskaplike belang, en die beheer oor en bestuur van sodanige plekke, hetsy voor of na die inwerkingtreding van hierdie Wet aldus afgesonder."

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cate or exemption so granted shall not continue to be valid after the 30th June immediately following upon such date.”; and

(e) by the insertion after item 31A of the following items:

“31B. The establishment, maintenance, management and control of health clinics in respect of Bantu and, with effect from a date to be determined by the Minister by notice in the *Gazette* in respect of any particular area, all other health matters (including hospitalization) in respect of Bantu.

31C. With effect from a date to be determined by the Minister by notice in the *Gazette* in respect of any particular area and subject to the provisions of section 15A of this Act, the establishment, disestablishment, administration and control of prisons for Bantu persons.

31D. Tourism, including the development of the tourist industry and the development and improvement of travel services to and within, and of accommodation for travellers within, the area.

31E. Legal aid, with effect from a date determined by the Minister by notice in the *Gazette* in respect of any particular area.

31F. Amusements or entertainment tax.

31G. The licensing, regulation and control of places of amusement and recreation, and the imposition of a duty upon the licensee in respect of the takings thereat or of a charge based upon the payment for admission thereto.

31H. Auction dues.

31I. The restriction, regulation and control of horse racing, the prohibition, restriction, regulation and control of other racing, the restriction, regulation and control of betting and wagering (whether as to circumstances, locality or premises), and the prohibition, regulation and control of dissemination of information as to betting.

31J. Licensing of totalisators and the imposition on the licensees of a duty in respect of the takings thereof, and licences, taxes and fees in connection with horses and other racing and betting and wagering, and the dissemination of information as to betting and wagering.

31K. The establishment, control and management of libraries and library services in respect of Bantu.

31L. The establishment, control and management of museums, art galleries, herbaria, botanic gardens and similar institutions, and zoological gardens, aquariums, oceanariums, snake parks and similar institutions where live animals are kept for exhibition.

31M. The establishment, control, management and regulation of cemeteries and crematoria, and the regulation of matters relating to the removal or disposal of dead bodies.

31N. Housing schemes for citizens.

31P. The reservation of places in the area concerned as places of public resort or of public recreation, or of historical or scientific interest, and the control and management of such places, whether so reserved before or after the commencement of this Act.”.

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Wysiging van
artikel 1 van
Wet 45 van 1971.

25. Artikel 1 van die Wet op die Administrasie van Bantoe-
sake, 1971, word hierby gewysig deur die omskrywing van
„Minister” deur die volgende omskrywing te vervang:

„Minister’ die Minister van Bantoe-administrasie en -ont-
wikkeling en ook ’n beamppte in die Departement van
Bantoe-administrasie en -ontwikkeling wat kragtens
sy magtiging optree;”.

Kort titel.

26. Hierdie Wet heet die Wysigingswet op Bantoewetge-
wing, 1974.

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25. Section 1 of the Bantu Affairs Administration Act, 1971, Amendment of is hereby amended by the substitution for the definition of section 1 of "Minister" of the following definition: Act 45 of 1971.

"'Minister' means the Minister of Bantu Administration and Development and includes any officer of the Department of Bantu Administration and Development acting under his authority."

26. This Act shall be called the Bantu Laws Amendment Act, Short title. 1974.

