



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor geregistreer

Price 20c Prys

Overseas 30c Oorsee

POST FREE—POSVRY

Vol. 132]

CAPE TOWN, 30 JUNE 1976

[No. 5184

KAAPSTAD, 30 JUNIE 1976

DEPARTMENT OF THE PRIME MINISTER

No. 1114.

30 June 1976.

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

No. 94 of 1976: Coloured Persons Representative Council Amendment Act, 1976.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1114.

30 Junie 1976.

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

No. 94 van 1976: Wysigingswet op die Verteenwoordigende Kleurlingraad, 1976.

Wet No. 94, 1976

WYSIGINGSWET OP DIE VERTEENWOORDIGENDE
KLEURLINGRAAD, 1976

WET

Tot wysiging van die bepalings van die Wet op die Verteenwoordigende Kleurlingraad, 1964, ten einde die registrasie van en stemming deur 'n Kleurlingkieser wat sy vaste woonplek in 'n onafhanklike Staat het, te reël; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Junie 1976.)

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

Wysiging van
artikel 3 van
Wet 49 van 1964,
soos gewysig deur
artikel 3 van
Wet 52 van 1968.

1. Artikel 3 van die Wet op die Verteenwoordigende Kleurlingraad, 1964 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

„(b) So 'n lys moet die name bevat van—

- (i) alle persone wat gedurende 'n tydperk van negentig dae wat eindig om vieruur in die namiddag na die gepaste datum in die toepaslike proklamasie ingevolge subartikel (1) bepaal, volgens voorskrif van artikel 6 om registrasie as kiesers in die betrokke afdeling aansoek gedoen het en geregtig is om aldus geregistreer te word; en
- (ii) persone bedoel in artikel 13 (4B) van die Kieswet.”

Wysiging van
artikel 5 van
Wet 49 van 1964,
soos gewysig deur
artikel 23 van
Wet 101 van 1969
en artikel 87 van
Wet 79 van 1973.

2. Artikel 5 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) indien hy in die Republiek of in die gebied Suidwes-Afrika of in 'n onafhanklike Staat skuldig bevind is—

- (i) aan hoogverraad; of
- (ii) aan moord; of
- (iii) ...
- (iv) aan 'n misdryf ingevolge die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950), of die Wet op Terrorisme, 1967 (Wet No. 83 van 1967), of, in die geval van bedoelde onafhanklike Staat, aan 'n misdryf ingevolge 'n wet wat in daardie Staat van toepassing is en ten doel het die bekamping van kommunisme of terrorisme, ten opsigte waarvan hy gevonnissen is tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete; of”; en

(b) deur subartikel (1A) deur die volgende subartikel te vervang:

„(1A) Indien—

- (a) iemand in die Republiek of in die gebied Suidwes-Afrika of in 'n onafhanklike Staat skuldig bevind is aan 'n misdryf (uitgesonderd 'n misdryf bedoel

COLOURED PERSONS REPRESENTATIVE COUNCIL
AMENDMENT ACT, 1976

Act No. 94, 1976

ACT

To amend the provisions of the Coloured Persons Representative Council Act, 1964, so as to regulate the registration of and voting by any Coloured voter having his home within an independent State; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 18 June 1976.)

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

1. Section 3 of the Coloured Persons Representative Council Act, 1964 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

Amendment of section 3 of Act 49 of 1964, as amended by section 3 of Act 52 of 1968.

“(b) Any such list shall contain the names of—

- (i) all persons who during a period of ninety days ending at four o'clock in the afternoon after the appropriate date fixed in the relevant proclamation under subsection (1), have in accordance with the provisions of section 6 applied for registration as voters in the division in question and are entitled to be so registered; and
- (ii) persons referred to in section 13 (4B) of the Electoral Act.”.

2. Section 5 of the principal Act is hereby amended—

Amendment of section 5 of Act 49 of 1964, as amended by section 23 of Act 101 of 1969 and section 87 of Act 79 of 1973.

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

“(a) if he has been convicted in the Republic or in the territory of South West Africa or in an independent State—

- (i) of treason; or
- (ii) of murder; or
- (iii) . . .

(iv) of an offence under the Suppression of Communism Act, 1950 (Act No. 44 of 1950), or the Terrorism Act, 1967 (Act No. 83 of 1967), or, in the case of the said independent State, of an offence under any law which is applicable in that State and has as its object the combating of communism or terrorism, in respect of which he has been sentenced to a period of imprisonment without the option of a fine; or”; and

(b) by the substitution for subsection (1A) of the following subsection:

“(1A) If any person—

- (a) has been convicted in the Republic or in the territory of South West Africa or in an independent State of any offence (except any offence

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KLEURLINGRAAD, 1976

- in paragraaf (a) van subartikel (1)) ten opsigte waarvan hy gevonnissen is tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete; of
- (b) iemand beveel is om kragtens die Wet op Rehabilitasiesentrums vir Kleurlinge, 1971 (Wet No. 1 van 1971), van die Raad, of, in die geval van bedoelde onafhanklike Staat, kragtens 'n wet wat in daardie Staat van toepassing is en ten doel het die bekamping van die misbruik van afhankelijkheidsvormende medisyne en alkoholiese drank, aangehou te word; of
- (c) op iemand 'n bevel van 'n hof wat hom krank-sinnig of geestelik gekrenk of gebrekkig verklaar, van toepassing is; of
- (d) iemand kragtens die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), of, in die geval van bedoelde onafhanklike Staat, kragtens 'n wet wat in daardie Staat van toepassing is, as 'n geestes-ongestelde persoon aangehou word; of
- (e) iemand ingevolge 'n bevel kragtens artikel 342 (1) (d) of (3) (b) of artikel 343 (3) van die Strafproseswet, 1955 (Wet No. 56 van 1955), uitgevaardig, in 'n in genoemde artikel 342 bedoelde verbeteringskool aangehou word, of in die geval van bedoelde onafhanklike Staat, ingevolge 'n bevel uitgevaardig kragtens 'n wet wat in daardie Staat van toepassing is, in 'n verbeteringskool aangehou word,
- is hy nie geregtig om in 'n kiesafdeling geregistreer te word of om daarin te stem gedurende die tydperk van sy aanhouding uit hoofde van so 'n vonnis of bevel of kragtens 'n in paragraaf (d) bedoelde wet nie."

Wysiging van
artikel 6 van
Wet 49 van 1964,
soos gewysig deur
artikel 5 van
Wet 52 van 1968.

3. Artikel 6 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) 'n streekkantoor van die Administrasie van Kleurlingsake;"

Wysiging van
artikel 30 van
Wet 49 van 1964,
soos gewysig deur
artikel 19 van
Wet 52 van 1968
en artikel 5 van
Wet 87 van 1970.

4. Artikel 30 van die Hoofwet word hierby gewysig deur die omskrywing van „Kleurling" deur die volgende omskrywing te vervang:

„'Kleurling' iemand wat kragtens die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), geklassifiseer is as 'n lid van die Kaapse Kleurling-, Maleier- of Griekwagroep of die groep Ander Gekleurdes en ook 'n Suid-Afrikaanse burger wat sy vaste woonplek in 'n onafhanklike Staat het en aldus geklassifiseer sou gewees het as die bepalings van die Bevolkingsregistrasiewet, 1950, op hom van toepassing was;"

Kort titel en
inwerkingtreding.

5. Hierdie Wet heet die Wysigingswet op die Verteenwoordigende Kleurlingraad, 1976, en tree in werking op die datum van inwerkingtreding van die Wet op die Status van die Transkei, 1976.

COLOURED PERSONS REPRESENTATIVE COUNCIL
AMENDMENT ACT, 1976

Act No. 94, 1976

- referred to in paragraph (a) of subsection (1) in respect of which he has been sentenced to a period of imprisonment without the option of a fine; or
- (b) has been ordered to be detained under the Coloured Persons Rehabilitation Centres Law, 1971 (Law No. 1 of 1971), of the Council, or, in the case of the said independent State, under any law which is applicable in that State and has as its object the combating of the abuse of dependence-producing drugs and alcoholic liquor; or
 - (c) is subject to an order of any court declaring him to be of unsound mind or mentally disordered or defective; or
 - (d) is detained as a mentally ill person under the Mental Health Act, 1973 (Act No. 18 of 1973), or, in the case of the said independent State, under any law which is applicable in that State;
 - (e) is, in pursuance of an order made under section 342 (1) (d) or (3) (b) or section 343 (3) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), detained in a reform school referred to in the said section 342, or, in the case of the said independent State, is in pursuance of an order made under any law which is applicable in that State, detained in a reform school,
- he shall not be entitled to be registered or to vote in any electoral division during the period of his detention by virtue of such a sentence or order or under any law referred to in paragraph (d)."

3. Section 6 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) a regional office of the Administration of Coloured Affairs;"

Amendment
section 6 of
Act 49 of 1964,
as amended by
section 5 of
Act 52 of 1968.

4. Section 30 of the principal Act is hereby amended by the substitution for the definition of "Coloured person" of the following definition:

"'Coloured person' means any person who is classified under the Population Registration Act, 1950 (Act No. 30 of 1950), as a member of the Cape Coloured, Malay or Griqua group or the Other Coloured group and includes any South African citizen having his home in an independent State and who would have been so classified had the provisions of the Population Registration Act, 1950, been applicable to him;"

Amendment of
section 30 of
Act 49 of 1964,
as amended by
section 19 of
Act 52 of 1968
and section 5 of
Act 87 of 1970.

5. This Act shall be called the Coloured Persons Representative Council Amendment Act, 1976, and shall come into operation on the date of commencement of the Status of the Transkei Act, 1976.

Short title and
commencement.

referred to in paragraph (e) of subsection (1) in respect of which he has been sentenced to a period of imprisonment without the option of a fine; or (b) has been ordered to be detained under the Coloured Persons Rehabilitation Council Law, 1951 (Law No. 1 of 1951) or the Council, or in the case of the said independent State, under any law which is applicable in that State and has as its object the combating of the abuse of dependence-producing drugs and alcoholic liquor; or (c) is subject to an order of any court declaring him to be of unsound mind or mentally disordered or defective; or (d) is defined as a mentally ill person under the Mental Health Act, 1957 (Act No. 18 of 1957), or, in the case of the said independent State, under any law which is applicable in that State; (e) is in pursuance of an order made under section 342 (1) (b) or (3) (b) or section 342 (3) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), detained in a reform school referred to in the said section 342, or in the case of the said independent State, is in pursuance of an order made under any law which is applicable in that State, detained in a reform school. He shall not be entitled to be registered or to vote in any electoral division during the period of his detention by virtue of such a sentence or order or under any law referred to in paragraph (a).

3. Section 9 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: "(a) a regional office of the Administration of Coloured Affairs."

4. Section 30 of the principal Act is hereby amended by the substitution for the definition of "Coloured person" of the following definition: "'Coloured person' means any person who is classified under the Population Registration Act, 1950 (Act No. 30 of 1950), as a member of the Coloured, Malay or Chinese group or the Other Coloured group and includes any South African citizen having his home in an independent State and who would have been so classified had the provisions of the Population Registration Act, 1950, been applicable to him."

5. This Act shall be called the Coloured Persons Representative Council Amendment Act, 1976, and shall come into operation on the date of commencement of the Statute of the Republic Act, 1976.