



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. 167]

CAPE TOWN, 11 MAY 1979

KAAPSTAD, 11 MEI 1979

[No. 6437

DEPARTMENT OF THE PRIME MINISTER

No. 1009.

11 May 1979.

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

No. 48 of 1979: Tiger's-Eye Control Amendment Act, 1979.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1009.

11 Mei 1979.

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

No. 48 van 1979: Wysigingswet op die Beheer van Tieroog, 1979.

Act No. 48, 1979

TIGER'S-EYE CONTROL AMENDMENT ACT, 1979.

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Tiger's-Eye Control Act, 1977, in order to define the meaning of the expression "holder" in relation to the right to tiger's-eye in respect of any land; to make further provision in connection with the conveyance of tiger's-eye; and to provide for the forfeiture to the State of money or any other consideration, property or security involved in illicit transactions in tiger's-eye; and to provide that certain persons who have in their possession on a certain date more than a certain quantity of tiger's-eye, shall forward to the Secretary for Mines statements specifying the mass of that tiger's-eye; and for incidental matters.

*(English text signed by the State President.)
(Assented to 3 May 1979.)*

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

Amendment of
section 1 of
Act 77 of 1977.

1. Section 1 of the Tiger's-Eye Control Act, 1977 (hereinafter referred to as the principal Act), is hereby amended by the insertion before the definition of "mine" of the following definition: 5

"'holder', in relation to the right to tiger's-eye in respect of any land, means the person in whose name such land is registered in the deeds registry in question or, if the right to tiger's-eye in respect of such land is severed from the ownership of such land, the person in whose name the right to tiger's-eye in respect of such land is registered in the deeds registry in question;". 10

Amendment of
section 9 of
Act 77 of 1977.

2. Section 9 of the principal Act is hereby amended— 15
(a) by the substitution for subsection (1) of the following subsection:

"(1) Subject to the provisions of **[subsection]** subsections (1A) and (4), tiger's-eye shall only be conveyed by road from the land on which it was mined or from any place or premises where it is stored or is otherwise kept or present and only to the railway station nearest to such land, place or premises, and shall only be despatched by rail from such railway station, and only to the railway station nearest to the place or premises where such tiger's-eye is to be stored or otherwise kept, and shall only be conveyed by road from the last-mentioned railway station and only to the last-mentioned place or premises." 20 25

WYSIGINGSWET OP DIE BEHEER VAN TIEROOG, 1979.

Wet No. 48, 1979

ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op die Beheer van Tieroog, 1977, ten einde die betekenis van die uitdrukking „houer”, met betrekking tot die reg op tieroog ten opsigte van enige grond, te omskryf; verdere voorsiening te maak in verband met die vervoer van tieroog; en voorsiening te maak vir die verbeuring aan die Staat van geld of enige ander teenprestasie, eiendom of sekuriteit wat by onwetlike transaksies in tieroog betrokke is; en om voorsiening te maak dat sekere persone wat meer as 'n sekere hoeveelheid tieroog op 'n sekere datum in hulle besit het, state waarin die massa van daardie tieroog vermeld word, aan die Sekretaris van Mynwese moet stuur; en vir bykomstige aangeleenthede.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 Mei 1979.)

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

1. Artikel 1 van die Wet op die Beheer van Tieroog, 1977 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende omskrywing na die omskrywing van „hierdie Wet” in te voeg:

Wysiging van
artikel 1 van
Wet 77 van 1977.

„houer”, met betrekking tot die reg op tieroog ten opsigte
10 van enige grond, die persoon op wie se naam daardie
grond in die betrokke aktekantoor geregistreer is of,
indien die reg op tieroog ten opsigte van daardie grond
van die eiendomsreg op daardie grond geskei is, die
15 persoon op wie se naam die reg op tieroog ten opsigte
van daardie grond in die betrokke aktekantoor geregi-
streer is;”.

2. Artikel 9 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 9 van
Wet 77 van 1977.

(a) deur subartikel (1) deur die volgende subartikel te vervang:
20 „(1) Behoudens die bepalings van **[subartikel]**
subartikels (1A) en (4) mag tieroog vanaf die grond
waarop dit gemyn is of vanaf enige plek of perseel waar
dit opgeberg of andersins bewaar word of aanwesig is,
slegs per pad vervoer word en slegs na die spoorwegsta-
sie naaste aan daardie grond, plek of perseel, en mag dit
25 vanaf daardie spoorwegstasie slegs per spoor versend
word en slegs na die spoorwegstasie naaste aan die plek
of perseel waar dit opgeberg of andersins gehou sal
word, en mag dit vanaf laasgenoemde spoorwegstasie
slegs per pad vervoer word en slegs na laasgenoemde
30 plek of perseel.”;

Act No. 48, 1979

TIGER'S-EYE CONTROL AMENDMENT ACT, 1979.

- (b) by the insertion after subsection (1) of the following subsection:
 “(1A) Unless the Minister in terms of subsection (4) determines otherwise, any conveyance or despatch referred to in subsection (1) shall only be allowed under a permit issued by the Secretary on application and on such conditions as he may determine: Provided that the provisions of this subsection shall not apply in respect of the conveyance or despatch of tiger's-eye—
 (a) bought or in any other manner received or acquired under a permit issued in terms of section 5 (1); and
 (b) conveyed or despatched within three months after the issue of such permit in accordance with the conditions, if any, on which such permit was so issued.”;
- (c) by the substitution for subsection (2) of the following subsection:
 “(2) If any person who intends to despatch tiger's-eye by rail in accordance with subsection (1), fails to affix to the consignment note in question the number of the permit issued to him in terms of section 5 (1) or subsection (1A), the station-master concerned may refuse to accept such tiger's-eye for such despatch.”;
- (d) by the insertion after subsection (3) of the following subsections:
 “(3A) Whenever tiger's-eye is conveyed by road in accordance with subsection (1), except if such conveyance is undertaken by the South African Railways, the person to whom the permit in respect of such tiger's-eye was issued in terms of section 5 (1) or subsection (1A), shall keep or cause such permit, or any duplicate thereof issued by the Secretary, to be kept in the vehicle conveying such tiger's-eye.
 (3B) Any person to whom a permit has been issued in terms of section 5 (1) or subsection (1A) and any person in charge of a vehicle referred to in subsection (3A) shall, at the request of any member of a police force established by law, produce such permit, or any duplicate thereof issued by the Secretary, to such member.”.

Amendment of
 section 13 of
 Act 77 of 1977.

3. Section 13 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
 “(a) section 3 (4), ~~for~~ 5 (3) or 9 (3A) or (3B);”;
- (b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
 “(c) section 4, 6 or 9 (1), (1A) or (4) or a condition referred to in section 9 (1A) or (4);”;
- (c) by the insertion after subsection (2) of the following subsection:
 “(2A) Whenever any member or agent of a police force established by law has come to an agreement with any person to sell or otherwise dispose of or deliver in the aggregate more than 2 kg of tiger's-eye during any month to such person upon payment or delivery by him to such member or agent of an amount in money or other consideration, property or security, and such person is subsequently in connection with such transaction convicted of an offence under this Act, and any money or consideration, property or security had been paid or delivered by the said person to such member or agent either on account of the delivery of the tiger's-eye to that person, or in the expectation that the tiger's-eye will be delivered to him, such money or consideration, property or security shall, notwithstanding anything to the contrary contained in any law, be forfeited to the State, and shall be disposed of as directed by the Secretary to the Treasury.”.

WYSIGINGSWET OP DIE BEHEER VAN TIEROOG, 1979.

Wet No. 48, 1979

- (b) deur die volgende subartikel na subartikel (1) in te voeg:
 „(1A) Tensy die Minister ingevolge subartikel (4) anders bepaal, word enige vervoer of versending bedoel in subartikel (1), toegelaat slegs kragtens 'n permit wat op aansoek uitgereik word deur die Sekretaris op die voorwaardes wat hy bepaal: Met dien verstande dat die bepalinge van hierdie subartikel nie van toepassing is nie ten opsigte van die vervoer of versending van tieroog wat—
- (a) gekoop of op enige ander wyse ontvang of verkry is kragtens 'n permit wat ingevolge artikel (5) (1) uitgereik is; en
- (b) binne drie maande na die uitreiking van daardie permit vervoer of versend word ooreenkomstig die voorwaardes, as daar is, waarop daardie permit aldus uitgereik is.”;
- (c) deur subartikel (2) deur die volgende subartikel te vervang:
 „(2) Indien iemand wat voornemens is om tieroog ooreenkomstig subartikel (1) per spoor te versend, in gebreke bly om die nommer van 'n permit wat ingevolge artikel 5 (1) of subartikel (1A) aan hom uitgereik is, op die betrokke vragbrief aan te bring, kan die betrokke stasiemeester weier om daardie tieroog vir sodanige versending te aanvaar.”;
- (d) deur die volgende subartikels na subartikel (3) in te voeg:
 „(3A) Wanneer tieroog ooreenkomstig subartikel (1) per pad vervoer word, behalwe indien sodanige vervoer deur die Suid-Afrikaanse Spoorweë onderneem word, moet die persoon aan wie die permit ten opsigte van daardie tieroog ingevolge artikel 5 (1) of subartikel (1A) uitgereik is, daardie permit, of enige duplikaat daarvan wat deur die Sekretaris uitgereik is, hou of laat hou in die voertuig waarmee daardie tieroog vervoer word.
- (3B) Iemand aan wie 'n permit ingevolge artikel 5 (1) of subartikel (1A) uitgereik is en iemand in beheer van 'n voertuig bedoel in subartikel (3A) moet daardie permit, of enige duplikaat daarvan wat deur die Sekretaris uitgereik is, op versoek van 'n lid van 'n polisiemag wat by wet ingestel is, aan daardie lid toon.”.
3. Artikel 13 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
 „(a) artikel 3 (4), ~~of~~ 5 (3) of 9 (3A) of (3B);”;
- (b) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:
 „(c) artikel 4, 6 of 9 (1), (1A) of (4) of 'n voorwaarde bedoel in artikel 9 (1A) of (4);”;
- (c) deur die volgende subartikel na subartikel (2) in te voeg:
 „(2A) Wanneer 'n lid of verteenwoordiger van 'n polisiemag wat by wet ingestel is, met iemand ooreengekom het om aan so iemand teen betaling of lewering deur hom aan bedoelde lid of verteenwoordiger van 'n bedrag in geld of ander teenprestasie, eiendom of sekuriteit, in totaal meer as 2 kg tieroog gedurende enige maand te verkoop of andersins van die hand te sit of te lewer, en so iemand daarna weens 'n misdryf ingevolge hierdie Wet in verband met die transaksie skuldig bevind word, en enige geld of teenprestasie, eiendom of sekuriteit deur so iemand aan daardie lid of verteenwoordiger betaal of gelewer was, òf op grond van die lewering van die tieroog aan so iemand, òf in die verwagting dat die tieroog aan hom gelewer sal word, word sodanige geld of teenprestasie, eiendom of sekuriteit ondanks andersluidende wetsbepalinge aan die Staat verbeur, en word daarvoor beskik soos die Sekretaris van die Tesourie gelas.”.

Wysiging van
 artikel 13 van
 Wet 77 van 1977.

Act No. 48, 1979

TIGER'S-EYE CONTROL AMENDMENT ACT, 1979.

Statement of
quantity of
tiger's-eye to
Secretary.

4. (1) Subject to the provisions of subsection (2), every person who, on the date of commencement of this Act, has in his possession or is the owner of more than 500 kg of tiger's-eye, shall within one month after that date forward to the Secretary a statement specifying the mass of tiger's-eye in his possession or of which he was the owner on that date, together with a solemn declaration testifying to the correctness thereof and specifying the place or premises where that tiger's-eye is kept or stored. 5

(2) The provisions of subsection (1) shall not apply to any person— 10

(a) who has forwarded a statement referred to in section 8 of the principal Act to the Secretary; or

(b) who has to comply with the provisions of section 7 of the principal Act during the month referred to in subsection (1). 15

(3) Any person who contravenes or fails to comply with the provisions of subsection (1), shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment. 20

Short title and
commencement.

5. This Act shall be called the Tiger's-Eye Control Amendment Act, 1979, and shall come into operation on 31 August 1979.

WYSIGINGSWET OP DIE BEHEER VAN TIEROOG, 1979.

Wet No. 48, 1979

4. (1) Behoudens die bepalings van subartikel (2) moet elke persoon wat op die datum van inwerkingtreding van hierdie Wet meer as 500 kg tieroog in sy besit het of die eienaar van meer as 500 kg tieroog is, binne een maand na daardie datum 'n staat 5 waarin die massa van die tieroog vermeld word wat op daardie datum in sy besit was of waarvan hy die eienaar was, tesame met 'n plegtige verklaring wat die juistheid daarvan bevestig en die plek of perseel vermeld waar daardie tieroog bewaar of opgeberg word, aan die Sekretaris stuur.
- 10 (2) Die bepalings van subartikel (1) is nie van toepassing nie op iemand—
- (a) wat 'n staat bedoel in artikel 8 van die Hoofwet aan die Sekretaris gestuur het; of
- (b) wat gedurende die maand bedoel in subartikel (1) die 15 bepalings van artikel 7 van die Hoofwet moet nakom.
- (3) Iemand wat die bepalings van subartikel (1) oortree of in gebreke bly om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of 20 met sowel daardie boete as daardie gevangenisstraf.

Opgawe van
hoeveelheid
tieroog aan
Sekretaris.

5. Hierdie Wet heet die Wysigingswet op die Beheer van Tieroog, 1979, en tree in werking op 31 Augustus 1979.

Kort titel en
inwerking-
treding.

