

BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

(geregister by die Hoofposkantoor as 'n Nuusblad.)

(Registered at the General Post Office as a Newspaper.

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

OL. 15.]

CAPE TOWN, 24TH FEBRUARY, 1965.
KAAPSTAD, 24 FEBRUARIE 1965.

[No. 1041.

DEPARTMENT OF THE PRIME MINISTER.

No. 240]

[24th February 1965.

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

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 240]

[24 Februarie 1965.

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

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No. 2, 1965.]

ACT

To amend the University of Cape Town Act, 1959.

(English text signed by the State President.)
(Assented to 17th February, 1965.)

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 3 of
Act 38 of 1959.

Substitution of
section 4 of
Act 38 of 1959,
as amended by
section 1 of
Act 12 of 1962.

“Constitu-
tion and
powers of
the Uni-
versity.

Amendment of
section 7 of
Act 38 of 1959,
as amended by
section 3 of
Act 12 of 1962.

1. Section *three* of the University of Cape Town Act, 1959 (hereinafter referred to as the principal Act), is hereby amended by the substitution in sub-section (1) for the word “Governor-General” of the words “State President”.

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

- 4.** (1) The University shall consist of—
 (a) a visitor, who shall be the State President or, in the event of his absence from the Republic, the officer for the time being administering the government of the Republic;
 (b) a chancellor;
 (c) an officer, who shall be styled the principal of the University and who shall also be the vice-chancellor of the University;
 (d) an officer, who shall be styled the deputy principal of the University, if the council has appointed such an officer;
 (e) a council;
 (f) a senate;
 (g) convocation; and
 (h) the professors, lecturers and students of the University,

and shall, under the name of the University of Cape Town, with which is incorporated the South African College, be a body corporate and shall, by that name, be capable in law of suing and being sued and, subject to the provisions of this Act, of doing such things and performing such acts as bodies corporate may by law do or perform.

(2) Without prejudice to the generality of the powers of the University under sub-section (1), the University shall, subject to the provisions of this Act, have power—

- (a) to invest, lend or borrow money;
 (b) to purchase or otherwise acquire, hold, let, hire, sell, exchange or otherwise alienate, hypothecate, burden with a servitude or otherwise deal with immovable or movable property of any kind; and
 (c) to enter into any contracts, including contracts of guarantee and suretyship which may relate, *inter alia*, to loans granted to members of the teaching or administrative staff of the University to enable them to acquire dwellings for their own use.”.

3. Section *seven* of the principal Act is hereby amended by the substitution in paragraph (b) of sub-section (1) for the word “Governor-General” of the words “State President”.

No. 2, 1965.]

WET

Tot wysiging van die Wet op die Universiteit van Kaapstad, 1959.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Februarie 1965.)*

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

1. Artikel drie van die Wet op die Universiteit van Kaapstad, 1959 (hieronder die Hoofwet genoem), word hierby gewysig deur in sub-artikel (1) die woord „Goewerneur-generaal” deur die woord „Staatspresident” te vervang. Wysiging van artikel 3 van Wet 38 van 1959.

2. Artikel vier van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 4 van Wet 38 van 1959, soos gewysig deur artikel 1 van Wet 12 van 1962.

„Samestell- **4. (1)** Die Universiteit bestaan uit—
ling en be- (a) 'n besoeker in die persoon van die Staatspresi-
voegdhede **dent** of, in die geval van sy afwesigheid uit die
van die **Republiek**, die amptenaar dan belas met die
Universiteit. **uitvoerende gesag van die Republiek;**
(b) 'n kanselier;
(c) 'n amptenaar, genoem die rektor van die Uni-
versiteit wat ook die vise-kanselier van die
Universiteit is;
(d) 'n amptenaar, genoem die adjunk-rektor van
die Universiteit, indien die raad so 'n ampte-
naar aangestel het;
(e) 'n raad;
(f) 'n senaat;
(g) 'n konvokasie; en
(h) die professore, lektore en studente van die
Universiteit,
en is onder die naam die Universiteit van Kaapstad,
waarby die Suid-Afrikaanse Kollege ingelyf is, 'n
regspersoon, en kan onder dié naam eisend en
verwerend in die regte optree en, behoudens die
bepalings van hierdie Wet, dié dinge doen en
dié handelinge verrig wat regspersone regtens kan
doen of verrig.

(2) Sonder om afbreuk te doen aan die algemene aard van die bevoegdhede van die Universiteit kragtens sub-artikel (1), het die Universiteit, behoudens die bepalings van hierdie Wet, die bevoegdheid—

(a) om geld te belê, uit teleen of teleen;
(b) om roerende of onroerende goed van enige aard, te koop of andersins te verkry, te hou, te verhuur, te huur, te verkoop, te verruil of andersins te vervreem, te verhipotekeer, met 'n servituit te beswaar of andersins daarmee te handel; en
(c) om enige kontrakte aan te gaan, met inbegrip van garansie- en borgstellingskontrakte wat, onder andere, betrekking kan hê op lenings wat toegestaan is aan lede van die doserende of administratiewe personeel van die Universiteit om hulle in staat te stel om wonings vir hulle eie gebruik te verkry.”.

3. Artikel sewe van die Hoofwet word hierby gewysig deur in paragraaf (b) van sub-artikel (1) die woord „Goewerneur-generaal” deur die woord „Staatspresident” te vervang. Wysiging van artikel 7 van Wet 38 van 1959, soos gewysig deur artikel 3 van Wet 12 van 1962.

Amendment of section 10 of Act 38 of 1959.

4. Section *ten* of the principal Act is hereby amended by the substitution in paragraph (b) for the word "Governor-General" of the words "State President".

Amendment of section 18 of Act 38 of 1959.

5. Section *eighteen* of the principal Act is hereby amended by the substitution for the word "Governor-General" of the words "State President".

Short title.

6. This Act shall be called the University of Cape Town Amendment Act, 1965.

No. 3, 1965.]

ACT

To amend the Financial Relations Consolidation and Amendment Act, 1945, the Removal of Restrictions in Townships Act, 1946 and the Powers and Privileges of Provincial Councils Act, 1948, and to make provision for the delegation of certain powers, functions and duties.

(Afrikaans text signed by the State President.)
(Assented to 17th February, 1965.)

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

Insertion of section 18^{quat} in Act 38 of 1945.

1. The following section is hereby inserted in the Financial Relations Consolidation and Amendment Act, 1945 (hereinafter referred to as the principal Act), after section *eighteen ter*:

"The executive committee of a province may make, define, construct or build and maintain roads, outspans, ponts and bridges connecting two provinces, be lawful for the executive committee of a province, out of funds appropriated by the provincial council concerned for the purpose, to make, define, construct or build and maintain in any other province, with the consent of the executive committee of that other province, outside its province, such roads or any portion thereof, outspans, ponts and bridges as such first-mentioned executive committee may consider desirable in the public interest.".

Amendment of Second Schedule to Act 38 of 1945, as amended by section 2 of Act 22 of 1946, sections 1, 2 and 3 of Act 8 of 1949, section 3 of Act 31 of 1950, section 4 of Act 45 of 1954, section 3 of Act 70 of 1956, section 5 of Act 25 of 1959 and section 2 of Act 28 of 1959.

Provincial councils may make provision for expenditure in connection with the Louis Trichardt Trek Monument.

2. The Second Schedule to the principal Act is hereby amended by the substitution for paragraph 4 of the following paragraph:

"4. The establishment, control and management of libraries and library services, 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, except any institution which is subject to the provisions of the State-aided Institutions Act, 1931 (Act No. 23 of 1931).".

3. A provincial council may make provision for the payment out of the provincial revenue fund—

- (a) of contributions to any person or body to the cost of the Louis Trichardt Trek Monument; and
- (b) of any amount required for the payment of expenditure incurred in or outside the province in connection with any matter connected with the erection or proposed erection of the said monument.

- 4.** Artikel *tien* van die Hoofwet word hierby gewysig deur in paragraaf (b) die woord „Goewerneur-generaal” deur die woord „Staatspresident” te vervang. Wysiging van artikel 10 van Wet 38 van 1959.
- 5.** Artikel *agtien* van die Hoofwet word hierby gewysig deur die woord „Goewerneur-generaal” deur die woord „Staatspresident” te vervang. Wysiging van artikel 18 van Wet 38 van 1959.
- 6.** Hierdie Wet heet die Wysigingswet op die Universiteit Kort titel. van Kaapstad, 1965.

No. 3. 1965.]

WET

Tot wysiging van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945, die Wet op Opheffing van Beperkings in Dorpe, 1946, en die Wet op die Bevoegdhede en Privilegies van Provinciale Rade, 1948, en om vir die delegering van sekere bevoegdhede, werkzaamhede en pligte voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Februarie 1965.)*

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

1. Die volgende artikel word hierby in die Konsolidasie- en *Invoeging van Wysigingswet op Finansiële Verhoudings, 1945* (hieronder die *artikel 18quat in Wet 38 van 1945*), na artikel *agtien ter* ingevoeg:

„Die uitvoerende komitee van 'n provinsie kan paaie, uitspanplekke, ponte en brûe buite sy provinsie aanlê, bepaal, aanbring of bou en in stand hou. **18quat.** Ondanks andersluidende bepalings van enige ander Wet, is dit, vir so lank as wat provinsiale rade ordonnansies kan maak in verband met paaie, uitspanplekke, ponte en brûe, behalwe brûe wat twee provinsies verbind, binne die wetlike bevoegdheid van die uitvoerende komitee van 'n provinsie om, uit fondse wat die betrokke provinsiale raad vir die doel beskikbaar gestel het, in enige ander provinsie, met die toestemming van die uitvoerende komitee van daardie ander provinsie, sodanige paaie of enige gedeelte daarvan, uitspanplekke, ponte en brûe aan te lê, te bepaal, aan te bring of te bou en in stand te hou as wat sodanige eersgenoemde uitvoerende komitee in die openbare belang wenslik ag.”.

2. Die Tweede Bylae by die Hoofwet word hierby gewysig *deur paragraaf 4* deur die volgende paragraaf te vervang: Wysiging van Tweede Bylae by Wet 38 van 1945, soos gewysig deur artikel 2 van Wet 22 van 1946, artikels 1, 2 en 3 van Wet 8 van 1949, artikel 3 van Wet 31 van 1950, artikel 4 van Wet 45 van 1954, artikel 3 van Wet 70 van 1956, artikel 5 van Wet 25 van 1959 en artikel 2 van Wet 28 van 1959.

„4. Die instelling van, beheer oor en bestuur van biblioteke en bibliotekdienste, museums, kunsgalerye, herbariums, botaniiese tuine en soortgelyke instellings en dieretuine, akwariums, oseanariums, slangparke en soortgelyke instellings waar lewendige diere gehou word vir vertoning, met uitsondering van enige inrigting wat onder die bepalings van die Wet op Staatsondersteunde Inrigtings, 1931 (Wet No. 23 van 1931), val.”.

3. 'n Provinciale raad kan voorsiening maak vir die betaling uit die provinsiale inkomstefonds—

- (a) van bydraes aan enige persoon of liggaam tot die koste van die Louis Trichardttrek-monument; en
 - (b) van enige bedrag benodig vir die bestryding van uitgawes binne of buite die provinsie aangegaan in verband met enige aangeleentheid wat in verband staan met die oprigting of voorgenome oprigting van genoemde monument.
- Provinciale rade kan voorsiening maak vir uitgawes in verband met die Louis Trichardttrek-monument.

Amendment of section 1 of Act 48 of 1946, as amended by section 1 of Act 6 of 1948, section 1 of Act 58 of 1951 and section 1 of Act 32 of 1963.

Insertion of section 14 in Act 16 of 1948.

Delegation of powers, functions and duties.

Short title.

4. Section *one* of the Removal of Restrictions in Townships Act, 1946, is hereby amended by the substitution for paragraph *(a)* of sub-section (3) of the following paragraph:

"*(a)* the Administrator is satisfied that it is desirable to do so in order to enable the owner of the land concerned to use it for any purpose for which he may use it in terms of a townplanning scheme which is under any law relating to townplanning, in operation in respect of the township in question or which is binding on the owner of the land concerned; or".

5. The following section is hereby inserted in the Powers and Privileges of Provincial Councils Act, 1948, after section *thirteen*:

"Members and officers exempted from certain obligations. **14.** (1) A member or officer of a provincial council shall not, while he is performing provincial council duty, be required to appear as a witness in any civil proceedings in any court unless that court holds its sittings at the place where the seat of the provincial council is.

(2) No civil proceedings in which a member or officer of a provincial council is a defendant, shall, while that member or officer is performing provincial council duty, be heard in any court which holds its sittings at any place other than the seat of the provincial council.

(3) A certificate from the chairman to the effect that such a member or officer is performing provincial council duty, is sufficient proof of such duty."

6. The executive committee of a province may, with the approval of the Minister to whom the administration of any law is assigned, and subject to such conditions as the Minister may deem fit, grant permission to any institution or body referred to in paragraph *(f)* of sub-section (1) of section *eighty-four* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), to which any power is granted or any function is entrusted in terms of such a law or on which any duty is imposed in terms of such a law, to delegate the exercise of that power or the performance of that function or duty to a committee of, or an officer in the service of, that institution or body, and may, with the approval of that Minister, at any time by notice in writing to the institution or body concerned, withdraw any delegation made in terms of this section.

7. This Act shall be called the Provincial Affairs Act, 1965.

4. Artikel *een* van die Wet op Opheffing van Beperkings in Dorpe, 1946, word hierby gewysig deur paragraaf (*a*) van sub-artikel (3) deur die volgende paragraaf te vervang:

(*a*) die Administrateur oortuig is dat dit wenslik is sulks te doen ten einde die eienaar van die betrokke grond in staat te stel om dit te gebruik vir 'n doel waarvoor hy dit mag gebruik volgens 'n dorpsaanlegskema wat kragtens 'n wet op dorpsaanleg ten opsigte van die betrokke dorp van krag is of wat die eienaar van die betrokke grond bind; of".

5. Die volgende artikel word hierby in die Wet op die Bevoegdhede en Privilegies van Provinciale Rade, 1948, na artikel *dertien* ingevoeg:

„Lede en amptenare van sekere verpligtings vrygestel.

14. (1) 'n Lid of beamppte van 'n provinsiale raad is nie verplig om, terwyl hy provinsiale raadsdiens verrig, as getuie by 'n siviele geding in 'n hof te verskyn nie tensy dié hof sy sittings hou op die plek waar die setel van die provinsiale raad is.

(2) Geen siviele geding waarin 'n lid of beamppte van 'n provinsiale raad 'n verweerde is, word terwyl dié lid of beamppte provinsiale raadsdiens verrig, in 'n hof wat sy sittings op 'n ander plek as die setel van die provinsiale raad hou, verhoor nie.

(3) 'n Sertifikaat van die voorsitter waarin verstaan word dat so 'n lid of beamppte provinsiale raadsdiens verrig, is genoegsame bewys van sodanige diens.”.

6. Die uitvoerende komitee van 'n provinsie kan, met die goedkeuring van die Minister aan wie die uitvoering van 'n wet opgedra is, en onderworpe aan die voorwaardes wat die Minister goedvind, toestemming verleen aan enige in paragraaf (*f*) van sub-artikel (1) van artikel *vier-en-tachtig* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), bedoelde instelling of liggaam aan wie ingevolge 'n sodanige wet 'n bevoegdheid verleent of 'n werksaamheid toevertrou of op wie ingevolge 'n sodanige wet 'n plig gelê word, om die uitoefening van daardie bevoegdheid of die uitvoering van daardie werksaamheid of plig te deleer aan 'n komitee van of 'n beamppte in die diens van daardie instelling of liggaam, en kan, met die goedkeuring van bedoelde Minister, 'n delegering ingevolge hierdie artikel gemaak, te eniger tyd by skriftelike kennisgewing aan die betrokke instelling of liggaam terugtrek.

7. Hierdie Wet heet die Wet op Provinciale Aangeleenthede, Kort titel. 1965.