

EXTRAORDINARY



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THE UNION OF SOUTH AFRICA

# Government Gazette

## Staatskoerant

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### OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 963.] [6th May, 1955.

It is hereby notified that His Excellency the Governor-General has been pleased to assent to the following Acts which are hereby published for general information:—

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### KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

No. 963.] [6 Mei 1955.

Hierby word bekendgemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette wat hierby ter algemene inligting gepubliseer word:—

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No. 16, 1955.]

**ACT****To amend the Natives (Urban Areas) Consolidation Act, 1945.***(Afrikaans text signed by the Governor-General.)  
(Assented to 28th April, 1955.)***BE IT ENACTED** by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—Amendment of  
section 1 of  
Act 25 of 1945.

1. Section *one* of the Natives (Urban Areas) Consolidation Act, 1945 (hereinafter referred to as the principal Act), is hereby amended by the insertion in the definition of "accommodate" after the word "lodging" of the words "and in sub-section (3) of section *nine* includes to make available for occupation any land or premises provided with water, sanitary and other services approved by the Minister or an officer acting under his authority".

Amendment of  
section 2 of  
Act 25 of 1945.

2. Section *two* of the principal Act is hereby amended by the insertion in sub-section (3) after the word "paragraph" of the expression "(a) or".

Amendment of  
section 3 of  
Act 25 of 1945.

3. Section *three* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section:

"(3) The Minister may, subject to the provisions of sub-section (2)—

- (a) on representations made by an urban local authority for the removal, curtailment or abolition of any location, native village or native hostel situate outside the area of jurisdiction of that urban local authority; or
- (b) whenever it appears to him that the conditions under which natives are living in any location, native village or native hostel are such that unless such location, native village or native hostel is removed, curtailed or abolished, the health or safety of the public generally or of any class or classes of persons (including the said natives) may be endangered; or
- (c) whenever it appears to him that the removal, curtailment or abolition of any location, native village or native hostel is desirable having regard to any town or regional planning undertaken under or in furtherance of the objects of any law,

after reference to the Administrator, and after a local enquiry held in public by an officer appointed by the Minister for that purpose after consultation with the urban local authority within whose area of jurisdiction such location, native village or native hostel is situate, at which that urban local authority and other parties, including any urban local authority, who are interested, shall be entitled to be heard and to be suitably represented, by notice in writing require the urban local authority within whose area of jurisdiction such location, native village or native hostel is situate, to take such steps as may be prescribed in that notice for the removal, curtailment or abolition of such location, native village or native hostel."

Amendment of  
section 9 of  
Act 25 of 1945.

4. Section *nine* of the principal Act is hereby amended—

- (a) by the substitution for paragraph (e) of sub-section (2) of the following paragraph:

"(e) any native employed in *bona fide* domestic service and occupying accommodation approved by the urban local authority, which is provided by his employer on the premises on which he is so employed, if those premises are occupied for residential purposes exclusively or primarily by the employer concerned and members of his household or are of a class specified by the Minister by notice in the *Gazette* or the urban local authority and the Minister or a person acting under his directions have authorized the provision of such accommodation on those premises: Pro-

No. 16, 1955.]

**WET****Tot wysiging van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945.***(Afrikaanse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 28 April 1955.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Artikel *een* van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (hieronder die Hoofwet genoem), word hiermee gewysig deur in die omskrywing van „huisves” na die woord „voorsien” die woorde „en in sub-artikel (3) van artikel *nege* ook om grond of ’n perseel voorsien van water, gesondheids- en ander dienste deur die Minister of ’n amptenaar wat onder sy gesag handel goedgekeur, vir bewoning beskikbaar te stel” in te voeg.

Wysiging van artikel 1 van Wet 25 van 1945.

2. Artikel *twee* van die Hoofwet word hiermee gewysig deur in sub-artikel (3) na die woord „paragraaf” die uitdrukking „(a) of” in te voeg.

Wysiging van artikel 2 van Wet 25 van 1945.

3. Artikel *drie* van die Hoofwet word hiermee gewysig deur aan die end daarvan die volgende sub-artikel by te voeg:

Wysiging van artikel 3 van Wet 25 van 1945.

„(3) Die Minister kan, behoudens die bepalinge van sub-artikel (2)—

(a) op vertoë van enige stedelike plaaslike bestuur vir die opruiming, verkleining of afskaffing van ’n lokasie, naturelledorp of naturelletehuis wat buite die regsgebied van daardie stedelike plaaslike bestuur val; of

(b) wanneer dit aan hom blyk dat die toestande waarin naturelle in ’n lokasie, naturelledorp of naturelletehuis woon, sodanig is dat, tensy daardie lokasie, naturelledorp of naturelletehuis opgeruim, verklein of afgeskaf word, die gesondheid of veiligheid van die publiek oor die algemeen of van enige kategorie of kategorieë persone (met inbegrip van bedoelde naturelle) in gevaar gestel mag word; of

(c) wanneer dit aan hom blyk dat die opruiming, verkleining of afskaffing van ’n lokasie, naturelledorp of naturelletehuis wenslik is met inagneming van enige dorps- of streeksbeplanning ingevolge of ter bevordering van die oogmerke van enige wet onderneem,

na voorlegging aan die Administrateur, en na ’n plaaslike ondersoek in die openbaar gehou deur ’n amptenaar vir daardie doel benoem deur die Minister na oorlegpleging met die stedelike plaaslike bestuur binne wie se regsgebied daardie lokasie, naturelledorp of naturelletehuis geleë is, waarby daardie stedelike plaaslike bestuur en ander belanghebbende partye, insluitende enige stedelike plaaslike bestuur, die reg het om gehoor en behoorlik verteenwoordig te word, by skriftelike kennisgewing die stedelike plaaslike bestuur binne wie se regsgebied daardie lokasie, naturelledorp of naturelletehuis geleë is, gelas om die in daardie kennisgewing voorgeskrewe stappe te doen om daardie lokasie, naturelledorp of naturelletehuis op te ruim, te verklein of af te skaf.”

4. Artikel *nege* van die Hoofwet word hiermee gewysig—  
(a) deur paragraaf (e) van sub-artikel (2) deur die volgende paragraaf te vervang:

Wysiging van artikel 9 van Wet 25 van 1945.

„(e) ’n naturel wat as *bona fide* huisbediende in diens is en deur die stedelike plaaslike bestuur goedgekeurde huisvesting bewoon wat deur sy werkgewer verskaf word op die perseel waar hy aldus in diens is, indien daardie perseel uitsluitlik of hoofsaaklik deur die betrokke werkgewer en lede van sy gesin vir woondoeleindes geokkupeer word of van ’n klas is wat die Minister by kennisgewing in die *Staatskoerant* bepaal of die stedelike plaaslike bestuur en die Minister of iemand wat onder sy opdrag handel die verskaffing van sodanige huisvesting op daardie perseel gemagtig

vided that this exemption shall not apply in respect of any native under twelve years of age whose accommodation as aforesaid has not been specially authorized by the urban local authority;”;

- (b) by the insertion after sub-section (3) of the following sub-section:

“(3)*bis* (a) No owner of a building on land proclaimed under sub-section (1) shall permit more than five natives to reside in that building at any time: Provided that the Minister or an officer designated thereto by him may after consultation with the urban local authority concerned, consent to the residence in any such building of such larger number of natives as the Minister or such officer may determine.

- (b) The Minister may, if requested thereto by a resolution adopted at a duly constituted meeting of an urban local authority, in writing grant authority to that urban local authority to give any consent provided for under paragraph (a) in respect of any building situate within the area of jurisdiction of such urban local authority and may at any time withdraw any authority so granted.

- (c) Any person who contravenes the provisions of paragraph (a) of this sub-section, shall be guilty of an offence.

- (d) In any proceedings in respect of a contravention of this sub-section—

(i) a native who is at any time found in any building under circumstances giving rise to a reasonable suspicion that he resides in that building, shall be deemed to reside there, unless the contrary is proved; and

(ii) a native who resides in any building shall be deemed to be so residing with the permission of the owner of such building, unless it is proved that such owner did not know and had no reason to suspect that such native was residing in that building and could not by the exercise of reasonable care have prevented him from residing there.

- (e) The provisions of this sub-section shall not be construed as prohibiting an owner of a building which was in existence at the commencement hereof, from permitting the residence in that building, for a period of one year or such longer period after such commencement as may be determined by the Minister by notice in the *Gazette*, either generally or in respect of buildings in any particular area, of a number of natives not exceeding the number lawfully residing in that building at such commencement.

- (f) For the purposes of this sub-section, ‘building’ includes any number of buildings occupied in connection with activities carried on by any person at any particular place, and ‘owner’, in relation to a building, means the owner of the land on which that building stands or, in the case of a building which is under the control of some person other than the owner of such land, that other person.”;

and

- (c) by the insertion in sub-section (4) after the word “*thirty-eight*” of the words “and such further conditions as may be determined by the urban local authority”, and the addition at the end of that sub-section of the following:

“but shall be liable to be withdrawn by such urban local authority at any time whether or not the period for which it has been issued has expired: Provided that the Minister may at any time, if he deems it necessary by reason of the situation of the premises in respect of which any such licence has been issued or the nature of the accommodation provided by virtue of such licence or any circumstances connected with the occupation of such accommodation, after consultation with the urban local authority,

het: Met dien verstande dat hierdie vrystelling nie geld nie ten opsigte van 'n naturel onder die ouderdom van twaalf jaar van wie die huisvesting soos voormeld nie spesiaal deur die stedelike plaaslike bestuur gemagtig is nie;”;

(b) deur na sub-artikel (3) die volgende sub-artikel in te voeg:

„(3)bis (a) Geen eienaar van 'n gebou op kragtens sub-artikel (1) geproklameerde grond mag toelaat dat meer dan vyf naturelle te eniger tyd in daardie gebou woon nie: Met dien verstande dat na oorlegpleging met die betrokke stedelike plaaslike bestuur die Minister of 'n amptenaar deur hom daartoe aangewys, kan toestem dat so 'n groter aantal naturelle as wat die Minister of bedoelde amptenaar mag bepaal, in so 'n gebou woon.

(b) Die Minister kan, indien hy by besluit van 'n behoorlik saamgestelde vergadering van 'n stedelike plaaslike bestuur daartoe versoek word, skriftelik aan daardie stedelike plaaslike bestuur magtiging verleen om enige toestemming waarvoor in paragraaf(a) voorsiening gemaak word te gee ten opsigte van enige gebou wat in die regsgebied van daardie stedelike plaaslike bestuur geleë is, en kan 'n aldus verleende magtiging te eniger tyd intrek.

(c) Iemand wat die bepalings van paragraaf (a) van hierdie sub-artikel oortree, is aan 'n misdryf skuldig.

(d) By verrigtings ten opsigte van 'n oortreding van hierdie sub-artikel—

(i) word 'n naturel wat te eniger tyd in 'n gebou aangetref word onder omstandighede wat 'n redelike vermoede laat ontstaan dat hy in daardie gebou woon, geag daar te woon, tensy die teendeel bewys word; en

(ii) word 'n naturel wat in 'n gebou woon, geag met toestemming van die eienaar van daardie gebou aldus te woon, tensy bewys word dat daardie eienaar nie geweet het en geen rede gehad het om te vermoed dat daardie naturel in daardie gebou gewoon het nie en nie deur redelike voorsorg kon verhoed het dat hy daar woon nie.

(e) Die bepalings van hierdie sub-artikel word nie so uitgelê nie dat dit die eienaar van 'n by die inwerkingtreding hiervan bestaande gebou, belet om toe te laat dat daardie gebou vir 'n tydperk van een jaar of so 'n langer tydperk na bedoelde inwerkingtreding as wat die Minister of in die algemeen of ten opsigte van geboue in 'n besondere gebied by kennisgewing in die *Staatskoerant* mag bepaal, bewoon word deur 'n aantal naturelle wat nie die aantal wettiglik by bedoelde inwerkingtreding in daardie gebou woonagtig, te bowe gaan nie.

(f) By die toepassing van hierdie sub-artikel beteken 'gebou' ook 'n aantal geboue wat bewoon word in verband met bedrywighede deur enige persoon op 'n bepaalde plek gedryf, en beteken 'eienaar', met betrekking tot 'n gebou, die eienaar van die grond waarop daardie gebou staan of, in die geval van 'n gebou wat onder die beheer van 'n ander persoon as die eienaar van bedoelde grond is, daardie ander persoon.”;

en

(c) deur in sub-artikel (4) na die woorde „voorgeskrif moet word” die woorde „en die ander voorwaardes wat die stedelike plaaslike bestuur mag bepaal” in te voeg, en aan die end van daardie sub-artikel die volgende by te voeg:

„maar kan te eniger tyd deur sodanige stedelike plaaslike bestuur ingetrek word, hetsy die tydperk waarvoor dit uitgereik is, verstryk het al dan nie: Met dien verstande dat die Minister te eniger tyd, indien hy dit nodig ag op grond van die ligging van die perseel ten opsigte waarvan so 'n lisensie uitgereik is of die aard van die huisvesting wat kragtens so 'n lisensie verskaf word of enige omstandighede in verband met die bewoning van sodanige huisvesting, na oorlegpleging met die stedelike plaaslike bestuur, 'n

cause notice to be served on the owner, lessee or occupier concerned and the urban local authority that he objects to the licence, and thereupon such licence shall lapse with effect from such date as may be specified in the notice, and no licence shall at any time thereafter be issued to such owner, lessee or occupier or in respect of such premises except with the consent of the Minister or an officer acting under his authority and on such conditions as he may determine.”.

Amendment of section 10 of Act 25 of 1945, as substituted by section 27 of Act 54 of 1952.

5. Section *ten* of the principal Act is hereby amended—

(a) by the insertion after sub-section (1) of the following sub-section:

“(1)*bis* The permission required under paragraph (d) of sub-section (1) shall not be refused in the case of a native who has re-entered or desires to re-enter any area, after an absence therefrom of not more than twelve months, for the purpose of taking up employment with the employer by whom and in the class of work in which such native was last employed before leaving such area, unless such native is or has been prohibited by or under any provision of this Act or any other law, other than this section, from entering or remaining in such area.”;

(b) by the insertion in sub-section (2) after the word “area” where it occurs the second time of the words “and may, in the case of a permit authorizing such native to remain for the purpose of seeking work, indicate in such permit the class of work in which he may accept employment”; and

(c) by the substitution in paragraph (b) of sub-section (2) for the words “such native finds employment before the expiration of his permit”, of the words “before the expiration of his permit such native finds such work”.

Substitution of section 12 of Act 25 of 1945, as amended by section 30 of Act 54 of 1952.

6. The following section is hereby substituted for section *twelve* of the principal Act:

“Foreign natives in urban and proclaimed areas.

12. (1) Notwithstanding the provisions of section *ten*, no native, other than a native born in the Union or South-West Africa, shall enter, be or remain in an urban area or an area proclaimed under section *twenty-three*, and no person shall employ or continue to employ any such native within such an area, without the written permission of the Secretary for Native Affairs or a person authorized thereto by him, and no such permission shall be granted without the concurrence, in the case of an urban area, of the urban local authority having jurisdiction in that area, or, in the case of any portion of such a proclaimed area in respect of which an urban local authority exercises any of the powers referred to in sub-section (1) of section *twenty-three*, of that urban local authority: Provided that this sub-section shall not apply in respect of any native born in Basutoland, the Bechuanaland Protectorate or Swaziland who was lawfully within an urban area or such a proclaimed area at the date of commencement of this section so long as such native remains uninterruptedly in such urban or proclaimed area.

(2) Any native who enters, is or remains in any urban or proclaimed area contrary to the provisions of this section, shall be guilty of an offence.

(3) Any person who employs or continues to employ any native in any urban or proclaimed area contrary to the provisions of this section, shall be guilty of an offence.

(4) In any proceedings in respect of a contravention of sub-section (2) or (3) it shall be presumed until the contrary is proved that the native concerned is a native who is under sub-section (1) prohibited from entering, being or remaining in the urban or proclaimed area in question.”.

kennisgewing aan die betrokke eenaar, huurder of okkupeerder en die stedelike plaaslike bestuur kan laat besorg ten effekte dat hy teen die lisensie beswaar maak, en daarop verval bedoelde lisensie met ingang van 'n datum in die kennisgewing vermeld, en geen lisensie mag te eniger tyd daarna aan bedoelde eenaar, huurder of okkupeerder of ten opsigte van bedoelde perseel uitgereik word nie dan alleen met toestemming van die Minister of 'n amptenaar wat op sy gesag handel en op voorwaardes wat hy mag bepaal."

5. Artikel *tien* van die Hoofwet word hiermee gewysig—

(a) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis* Die ingevolge paragraaf (d) van sub-artikel (1) vereiste vergunning word nie geweier nie in die geval van 'n naturel wat 'n gebied weer binnegekome het of weer wil binnekom na 'n afwesigheid daaruit van hoogstens twaalf maande, ten einde in diens te gaan by die werkgewer by wie en in die klas werk waarin daardie naturel die laaste in diens was voor hy bedoelde gebied verlaat het, tensy daardie naturel deur of kragtens 'n bepaling van hierdie Wet of 'n ander wetsbepaling, behalwe hierdie artikel, verbied word of is om bedoelde gebied binne te kom of daarin te bly.”;

(b) deur in sub-artikel (2) na die woord „bly” waar dit die tweede maal voorkom die woorde „en, in die geval van 'n permit wat daardie naturel magtig om te bly met die doel om werk te soek, kan hy in sodanige permit die klas werk waarin hy in diens mag gaan aantoon” in te voeg; en

(c) deur in paragraaf (b) van sub-artikel (2) die woorde „werk kry voordat sy permit verval” deur die woorde „voordat sy permit verval sodanige werk kry” te vervang.

Wysiging van artikel 10 van Wet 25 van 1945, soos vervang deur artikel 27 van Wet 54 van 1952.

6. Artikel *twaalf* van die Hoofwet word hiermee deur die volgende artikel vervang:

„Vreemde  
naturelle  
in stads-  
en geprokla-  
meerde  
gebiede.

12. (1) Ondanks die bepalings van artikel *tien*, mag geen naturel, behalwe 'n naturel wat in die Unie of Suidwes-Afrika gebore is 'n stadsgebied of 'n kragtens artikel *drie-en-twintig* geproklameerde gebied binnekom of daarin wees of bly nie, en mag niemand so 'n naturel in so 'n gebied in diens neem of hou nie, behalwe met skriftelike vergunning van die Sekretaris van Naturellesake of 'n deur hom daartoe gemagtigde persoon, en so 'n vergunning word nie verleen nie sonder die instemming, in die geval van 'n stadsgebied, van die stedelike plaaslike bestuur wat in daardie stadsgebied regsbevoeg is of, in die geval van enige deel van so 'n geproklameerde gebied ten opsigte waarvan 'n stedelike plaaslike bestuur enige van die in sub-artikel (1) van artikel *drie-en-twintig* bedoelde bevoegdhede uitoefen, van daardie stedelike plaaslike bestuur: Met dien verstande dat hierdie sub-artikel nie ten opsigte van 'n naturel gebore in Basoetoland, die Betsjoeana-land-protectoraat of Swasiland, wat op die datum van inwerkingtreding van hierdie artikel wettiglik in 'n stadsgebied of so 'n geproklameerde gebied was, van toepassing is solank as wat so 'n naturel ononderbroke in daardie stads- of geproklameerde gebied bly nie.

(2) 'n Natural wat in stryd met die bepalings van hierdie artikel 'n stads- of geproklameerde gebied binnekom of daarin is of bly, is aan 'n misdryf skuldig.

(3) Iemand wat in stryd met die bepalings van hierdie artikel 'n naturel in 'n stads- of geproklameerde gebied in diens neem of hou, is aan 'n misdryf skuldig.

(4) By 'n geding weens 'n oortreding van sub-artikel (2) of (3), word dit veronderstel, totdat die teendeel bewys word, dat die betrokke naturel 'n naturel is vir wie dit ingevolge sub-artikel (1) verbode is om die betrokke stads- of geproklameerde gebied binne te kom of daarin te wees of te bly.”.

Vervanging van artikel 12 van Wet 25 van 1945, soos gewysig deur artikel 30 van Wet 54 van 1952.

Amendment of section 16 of Act 25 of 1945.

7. Section *sixteen* of the principal Act is hereby amended by the substitution for paragraph (c) of sub-section (1) of the following paragraph:

“(c) dispose of the right of occupation of houses or advance moneys or supply material on credit for the construction of houses or huts for the accommodation of natives, subject to such terms and conditions as may be approved.”.

Amendment of section 19 of Act 25 of 1945, as amended by section 1 of Act 43 of 1945, section 34 of Act 54 of 1952 and section 10 of Act 64 of 1952.

8. Section *nineteen* of the principal Act is hereby amended by the insertion in sub-section (5) after the word “shall” where it occurs for the second time of the words “except in the case of the appropriation of moneys from the native services levy fund”.

Amendment of section 29 of Act 25 of 1945, as substituted by section 36 of Act 54 of 1952.

9. Section *twenty-nine* of the principal Act is hereby amended—

(a) by the addition at the end of paragraph (d) of sub-section (3) of the word “or” and the addition at the end of that sub-section of the following paragraph:

“(e) if such native at the date of commencement of the enquiry referred to in sub-section (2), is over the age of fifteen years but under the age of nineteen years, order that such native be sent to his home or to an institution established under any law and be detained therein for a period prescribed under that law: Provided that whenever no or insufficient evidence is available as to the age of such native, the native commissioner or magistrate enquiring into the matter may estimate the age of such native by his appearance or from any information which is available, and the age so estimated shall for the purpose of this paragraph be deemed to be the true age of that native and to have been attained on the date it was so estimated.”; and

(b) by the substitution in sub-section (10) for the expression “(b) or (c)” of the expression “(b), (c) or (e)”.

Amendment of section 38 of Act 25 of 1945, as amended by section 6 of Act 45 of 1947.

10. Section *thirty-eight* of the principal Act is hereby amended by the substitution for paragraph (f) of sub-section (3) of the following paragraph:

“(f) the disposal of the right of occupation of houses and the grant of housing loans and the terms and conditions of such disposals and repayment of such loans;”.

Amendment of section 42 of Act 25 of 1945.

11. Section *forty-two* of the principal Act is hereby amended—

(a) by the substitution in paragraph (f) for the words “or industrial” of the words “industrial, mining or agricultural”; and

(b) by the substitution for paragraph (g) of the following paragraph:

“(g) applying to any accommodation upon any mine or works within the meaning of those terms as defined in section *two* of the Mines and Works Act, 1911 (Act No. 12 of 1911), for natives employed by the person or body operating such mine or works, which has been approved as to its situation by the Minister or a person acting under his authority, or to any other place for accommodating natives which the Minister may, subject to such conditions as he may determine, exclude from its operation.”.

Short title.

12. This Act shall be called the Natives (Urban Areas) Amendment Act, 1955.



7. Artikel *sestien* van die Hoofwet word hiermee gewysig deur paragraaf (c) van sub-artikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 16 van Wet 25 van 1945.
- „(c) op die bedinge en voorwaardes wat goedgekeur mag word, die reg van bewoning van huise van die hand sit of geld voorskiet of materiaal op krediet verskaf vir die oprigting van huise of hutte vir die huisvesting van naturelle.”.
8. Artikel *negentien* van die Hoofwet word hiermee gewysig deur in sub-artikel (5) na die woord „dit” die woorde „behalwe in die geval van die aanwending van gelde uit die heffingsfonds vir naturelledienste” in te voeg. Wysiging van artikel 19 van Wet 25 van 1945, soos gewysig deur artikel 1 van Wet 43 van 1945, artikel 34 van Wet 54 van 1952 en artikel 10 van Wet 64 van 1952.
9. Artikel *nege-en-twintig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 29 van Wet 25 van 1945, soos vervang deur artikel 36 van Wet 54 van 1952.
- (a) deur aan die end van paragraaf (d) van sub-artikel (3) die woord „of” by te voeg en aan die end van daardie sub-artikel die volgende paragraaf by te voeg: „(e) indien bedoelde naturel op die aanvangsdatum van die in sub-artikel (2) bedoelde ondersoek bo die ouderdom van vyftien jaar maar onder die ouderdom van negentien jaar is, beveel dat daardie naturel na sy woonplek of na 'n kragtens een of ander wetsbepaling ingestelde inrigting gestuur en vir 'n ingevolge daardie wetsbepaling voorgeskrewe tydperk aldaar aangehou word: Met dien verstande dat waar geen of onvoldoende getuienis rakende die ouderdom van bedoelde naturel beskikbaar is, die naturellekommissaris of magistraat wat die saak ondersoek die ouderdom van bedoelde naturel kan skat volgens sy voorkoms of enige beskikbare inligting, en die ouderdom aldus geskat word by die toepassing van hierdie paragraaf geag die juiste ouderdom van bedoelde naturel te wees en op die datum waarop dit aldus geskat is, bereik te gewees het.”; en
- (b) deur in sub-artikel (10) die uitdrukking „(b) of (c)” deur die uitdrukking „(b), (c) of (e)” te vervang.
10. Artikel *agt-en-dertig* van die Hoofwet word hiermee gewysig deur paragraaf (f) van sub-artikel (3) deur die volgende paragraaf te vervang: Wysiging van artikel 38 van Wet 25 van 1945, soos gewysig deur artikel 6 van Wet 45 van 1947.
- „(f) die van die hand sit van die reg van bewoning van huise en die toestaan van behuisingslenings, en die bedinge en voorwaardes van sodanige van die hand sitting en van terugbetaling van sodanige lenings;”.
11. Artikel *twee-en-veertig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 42 van Wet 25 van 1945.
- (a) deur in paragraaf (f) die woorde „of nywerheidsdoeleindes” deur die woorde „nywerheids-, mynbou- of landboudoeleindes” te vervang; en
- (b) deur paragraaf (g) deur die volgende paragraaf te vervang:
- „(g) om van toepassing te wees nie op huisvesting op 'n myn of by 'n bedryf binne die bedoeling van daardie uitdrukkings soos in artikel *twee* van die „Mijnen en Bedrijven Wet, 1911” (Wet No. 12 van 1911), omskryf, vir naturelle in diens van die persoon of liggaam wat so 'n myn of bedryf bestuur, wat, vir sover dit die ligging daarvan betref, deur die Minister of iemand wat op sy gesag handel, goedgekeur is, of op enige ander plek vir die huisvesting van naturelle wat die Minister, onderworpe aan die voorwaardes deur hom bepaal, van die toepassing daarvan mag uitsluit.”.
12. Hierdie Wet heet die Naturelle (Stadsgebiede) Wysigingswet, 1955. Kort titel.

No. 17, 1955.]

**ACT****To amend the Sugar Act, 1936.***(English text signed by the Governor-General.)  
(Assented to 26th April, 1955.)***BE IT ENACTED** by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—Amendment of  
section 4 of  
Act 28 of 1936.**1.** Section *four* of the Sugar Act, 1936, is hereby amended by the substitution for the expression "paragraph (*f*)" of the expression "paragraph (*b*)".Amendment of  
section 6 of  
Act 28 of 1936.**2.** Section *six* of the Sugar Act, 1936, is hereby amended—  
(a) by the substitution for sub-section (1) of the following sub-section:" (1) The Minister may by notice in the *Gazette*—

(a) prescribe the maximum wholesale or retail price at which any type or grade of sugar may be sold or disposed of for consumption in the Union or the territory by any person in any place or area specified in the notice;

(b) prescribe a grade of sugar which shall, during any year in respect of which a maximum retail price for a particular grade of sugar has been prescribed under paragraph (*a*), be sold by millers for consumption in the Union and the territory;(c) determine the maximum quantity of white sugar which may be sold or disposed of by millers and refiners for consumption in the Union and the territory in any one year during the period during which any agreement or determination under section *one* or *two* is in force."; and(b) by the substitution in sub-section (2) for the expression "paragraph (*f*)" of the expression "paragraph (*b*)" and by the deletion in the said sub-section of the words "and at a price not exceeding the price referred to in the said paragraph,".Amendment of  
section 9 of  
Act 28 of 1936.**3.** Section *nine* of the Sugar Act, 1936, is hereby amended—(a) by the substitution in paragraph (*b*) of sub-section (1) for the expression "paragraph (*a*), (*b*), (*c*) or (*d*)" of the expression "paragraph (*a*)"; and(b) by the substitution in sub-section (2) for the expression "paragraph (*a*), (*b*) or (*c*)" of the expression "paragraph (*a*)".Amendment of  
section 10 of  
Act 28 of 1936.**4.** Section *ten* of the Sugar Act, 1936, is hereby amended—(a) by the substitution for the expression "paragraphs (*a*), (*b*) and (*c*)" of the expression "paragraph (*a*)";

(b) by the addition thereto of the following sub-section, the existing section to become sub-section (1):

" (2) This Act shall apply also in the territory."

Amendment of  
section 13 of  
Act 28 of 1936.**5.** Section *thirteen* of the Sugar Act, 1936, is hereby amended—

(a) by the substitution for the definition of "mandated territory" of the following:

" 'territory' and 'mandated territory' mean the Territory of South-West Africa"; and

(b) by the substitution in the definition of "Minister" for the words "Commerce and Industries" of the words "Economic Affairs".

Short title.

**6.** This Act shall be called the Sugar Amendment Act, 1955.

No. 17, 1955.]

**WET****Tot wysiging van die Suikerwet, 1936.**

(Engelse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 26 April 1955.)

**DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Artikel vier van die Suikerwet, 1936, word hiermee gewysig deur die uitdrukking „paragraaf (f)” deur die uitdrukking „paragraaf (b)” te vervang. Wysiging van artikel 4 van Wet 28 van 1936.
  2. Artikel ses van die Suikerwet, 1936, word hiermee gewysig— Wysiging van artikel 6 van Wet 28 van 1936.
    - (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:
 

„(1) Die Minister kan by kennisgewing in die Staatskoerant—

      - (a) die maksimum groothandel- of kleinhandelprys waarteen enige soort of graad suiker vir verbruik in die Unie of die gebied deur enigiemand in enige in die kennisgewing vermelde plek of gebied verkoop of van die hand gesit mag word, voorskryf;
      - (b) 'n graad suiker voorskryf wat, gedurende enige jaar ten opsigte waarvan 'n maksimum kleinhandelprys vir 'n bepaalde graad suiker kragtens paragraaf (a) voorgeskryf is, deur meulenaars vir verbruik in die Unie en die gebied verkoop moet word;
      - (c) die maksimum hoeveelheid wit suiker vasstel wat gedurende die tydperk gedurende welke 'n ooreenkoms of vasstelling ingevolge artikel een of twee van krag is, in die loop van een jaar deur meulenaars en raffineerders vir verbruik in die Unie en die gebied verkoop of van die hand gesit mag word.”; en
    - (b) deur in sub-artikel (2) die uitdrukking „paragraaf (f)” te vervang deur die uitdrukking „paragraaf (b)” en deur in bedoelde sub-artikel die woorde „teen 'n prys wat die prys in daardie paragraaf vermeld nie te bowe gaan nie” te skrap.
  3. Artikel nege van die Suikerwet, 1936, word hiermee gewysig— Wysiging van artikel 9 van Wet 28 van 1936.
    - (a) deur in paragraaf (b) van sub-artikel (1) die uitdrukking „paragraaf (a), (b), (c) of (d)” te vervang deur die uitdrukking „paragraaf (a)”;
    - (b) deur in sub-artikel (2) die uitdrukking „paragraaf (a), (b) of (c)” te vervang deur die uitdrukking „paragraaf (a)”.
  4. Artikel tien van die Suikerwet, 1936, word hiermee gewysig— Wysiging van artikel 10 van Wet 28 van 1936.
    - (a) deur die uitdrukking „paragraaf (a), (b) en (c)” te vervang deur die uitdrukking „paragraaf (a)”;
    - (b) deur die volgende sub-artikel daarby te voeg, terwyl die bestaande artikel sub-artikel (1) word:
 

„(2) Hierdie Wet is ook in die gebied van toepassing.”.
  5. Artikel dertien van die Suikerwet, 1936, word hiermee gewysig— Wysiging van artikel 13 van Wet 28 van 1936.
    - (a) deur die woordskrywing van „mandaatgebied” deur die volgende te vervang:
 

„„gebied” en „mandaatgebied” die Gebied Suidwes-Afrika”;
  - (b) deur in die woordskrywing van „Minister” die woorde „Handel en Nywerheid” deur die woorde „Ekonomiese Sake” te vervang.
6. Hierdie Wet heet die Wysigingswet op Suiker, 1955. Kort titel.

No. 23, 1955.]

# ACT

## To regulate the business of dealers in second-hand goods.

**BE IT ENACTED** by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

(English text signed by the Governor-General.)  
(Assented to 28th April, 1955.)

### Definitions.

#### 1. In this Act, unless the context otherwise indicates—

- (i) "acquire", in relation to a pawnbroker, includes receive in pawn; (viii)
- (ii) "dealer" means a person who holds or is required to hold a licence referred to in section *three*, or who would, in the absence of exemption (*b*) under item 11 of Part I of the Second Schedule to the Licences Consolidation Act, 1925 (Act No. 32 of 1925), have been required to hold a licence under that item, and who carries on the business of dealing in second-hand goods; (ii)
- (iii) "dispose of", in relation to a pawnbroker, includes return of redeemed property received in pawn; (vii)
- (iv) "goods" means any article of clothing, jewellery, any motor vehicle, including any motor cycle, or any part or accessory thereof, any bicycle or any part or accessory thereof, any office or household equipment, any photographic or optical instrument or any part thereof, any wrought article consisting wholly or principally of gold, silver or steel, any antique, any ferrous metal, lead, copper, tin, aluminium, brass or zinc or any article or substance consisting wholly or principally of one or more of these metals, and any other article or substance which the Minister may, by notice in the *Gazette*, declare to be goods for the purposes of this Act; (i)
- (v) "licence" means a licence referred to in section *three*; (iii)
- (vi) "local authority" means any body contemplated by sub-paragraph (*a*) of paragraph (vi) of section *eighty-five* of the South Africa Act, 1909, but does not include a divisional council; (v)
- (vii) "Minister" means the Minister of Justice; (iv)
- (viii) "prescribed" means prescribed by or under this Act; (ix)
- (ix) "second-hand goods" means goods which have been in use in the Union or which (whether they have been in use in the Union or not) have at any time been possessed in the Union for his own account by a person other than the manufacturer or producer thereof or a person dealing therewith in the course of business. (vi)

### Application of Act.

2. (1) This Act shall not apply to a duly licensed auctioneer who sells second-hand goods by public auction, and the provisions of sections *three*, *four* and *eight* shall not apply to a factory as defined in the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941), nor to any person carrying on the business of selling manufactured articles, in so far as he accepts in part payment for any such article sold by him, an article of a kind normally dealt in by him in his business, nor to any person who acquires second-hand goods solely for his own use in connection with the manufacture or repair of articles normally dealt in by him in his business.

(2) The Minister may—

- (a) by notice in the *Gazette* exclude from the operation of any or all of the provisions of this Act any area specified in the notice or any area other than an area so specified or any second-hand goods or any class of such goods, and may in like manner amend or repeal any such notice;

No. 23, 1955.]

# WET

## Tot reëling van die besigheid van handelaars in tweedehandse goedere.

(Engelse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 28 April 1955.)

**DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet— Woordomskrivings.

- (i) „goedere” enige kledingstuk, juweliersware, enige motorvoertuig, met inbegrip van ’n motorfiets, of enige deel daarvan of toebehore daarby, enige fiets of deel daarvan of toebehore daarby, enige huis- of kantooruitrusting, enige fotografiese of optiese instrument of enige deel daarvan, enige gesmede artikel wat geheel en al of hoofsaaklik uit goud, silwer of staal bestaan, enige antikiteit, enige ferro-metaal, lood, koper, tin, aluminium, geelkoper of sink, of ’n artikel of stof wat geheel en al of hoofsaaklik uit een of meer van hierdie metale bestaan, en enige ander artikel of stof wat die Minister by kennisgewing in die *Staatskoerant* vir die toepassing van hierdie Wet tot goedere verklaar; (iv)
- (ii) „handelaar” iemand wat ’n in artikel *drie* bedoelde lisensie besit of moet besit, of wat by ontstentenis van vrystelling (*b*) onder item 11 van Deel I van die Tweede Bylae by die „Licenties Konsolidatie Wet, 1925” (Wet No. 32 van 1925), ’n lisensie onder daardie item sou moes besit het, en wat die besigheid van handel in tweedehandse goedere dryf; (ii)
- (iii) „lisensie” ’n lisensie in artikel *drie* bedoel; (v)
- (iv) „Minister” die Minister van Justisie; (vii)
- (v) „plaaslike owerheid” enige liggaam in sub-paragraaf (*a*) van paragraaf (vi) van artikel *vyf-en-tagtig* van die „Zuid-Afrika Wet, 1909”, bedoel, maar nie ook ’n afdelingsraad nie; (vi)
- (vi) „tweedehandse goedere” goedere wat al in die Unie in gebruik was of wat (hetsy dit al in die Unie in gebruik was of nie) te eniger tyd vir eie rekening in die Unie besit was deur enigiemand anders as die vervaardiger of produsent daarvan of iemand wat in die loop van besigheid daarmee handel; (ix)
- (vii) „van die hand sit”, met betrekking tot ’n pandhouer, ook teruggee van afgeloste eiendom wat in pand geneem is; (iii)
- (viii) „verkry”, met betrekking tot ’n pandhouer, ook by wyse van pand in ontvangs neem; (i)
- (ix) „voorgeskrif” deur of kragtens hierdie Wet voorgeskryf. (viii)

2. (1) Hierdie Wet is nie op ’n behoorlik gelisensieerde afslaer wat tweedehandse goedere by openbare veiling verkoop, van toepassing nie, en die bepalings van artikels *drie*, *vier* en *agt* is nie op ’n fabriek soos in die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet No. 22 van 1941), omskryf, van toepassing nie en ook nie op iemand wat die besigheid van verkoop van vervaardigde artikels dryf nie, vir sover hy by wyse van gedeeltelike betaling vir so ’n artikel deur hom verkoop ’n artikel van ’n soort waarmee hy gewoonlik in sy besigheid handel, aanneem, en ook nie op iemand wat tweedehandse goedere uitsluitlik vir sy eie gebruik in verband met die vervaardiging of herstel van artikels waarmee hy gewoonlik in sy besigheid handel, verkry nie. Toepassing van Wet.

(2) Die Minister kan—

- (a) by kennisgewing in die *Staatskoerant*, enige in die kennisgewing vermelde gebied of enige ander gebied as ’n aldus vermelde gebied of enige tweedehandse goedere of enige klas van sodanige goedere van die toepassing van enige van of al die bepalings van hierdie Wet uitsluit, en kan so ’n kennisgewing insgelyks wysig of herroep;

- (b) by notice in writing addressed to any person, and on such conditions as he may deem fit, exempt such person from compliance with any or all of the said provisions, and in like manner amend or withdraw any such notice.

Certificate required in connection with certain businesses.

3. No holder of a licence issued under item 11, 15 or 18 of Part I of the Second Schedule to the Licences Consolidation Act, 1925 (Act No. 32 of 1925), shall carry on under that licence any business of dealing in second-hand goods except to the extent specified in a certificate granted to him under section *four*.

Grant of certificates.

4. (1) An application for a certificate required under section *three*, in the prescribed form and containing the prescribed particulars, shall be lodged with the magistrate of the district within which the applicant proposes to carry on business.

(2) If after consideration of any such application, and of a report from the officer in police charge of the district in question, the magistrate is satisfied—

- (a) that the applicant is a person of good character; and  
(b) that the premises in or on which the applicant proposes to carry on business are suitable and adequately equipped for the purpose,

he may grant the required certificate to the applicant.

(3) The grant of a certificate under sub-section (2) shall be in the discretion of the magistrate concerned, who may in any particular case grant a certificate authorizing the applicant to carry on business in connection with all classes or kinds of second-hand goods or specified classes or kinds of second-hand goods or all classes or kinds of second-hand goods other than specified classes or kinds of such goods.

(4) An applicant for a certificate under this section may appeal against any decision of a magistrate on his application, to the Minister, who may after consideration of any such appeal confirm, amend or set aside the decision in question or make such order thereon as he may deem fit, and whose decision shall be final.

Period of validity of certificates.

5. A certificate granted under section *four* shall expire on the thirty-first day of December of the year in which it is issued.

Keeping of records by dealers.

6. (1) Every dealer shall keep in the prescribed form in one or other of the official languages of the Union registers of his transactions in second-hand goods, in which shall be recorded in respect of every acquisition or disposal of such goods—

- (a) the name and address of the person from whom such goods are acquired or to whom such goods are disposed of;  
(b) the date and hour of acquisition or disposal of such goods and of delivery or removal thereof at or from the dealer's premises;  
(c) the consideration given or received for such goods;  
(d) a full description of such goods, indicating the quantity and colour (if likely to be of assistance for identification purposes) thereof, any identification marks thereon and any other distinguishing features thereof, and, in the case of metals, the form in which such metals are acquired or disposed of;  
(e) the number assigned to such goods by the dealer under sub-section (3) at the time of acquisition thereof; and  
(f) in the case of a motor vehicle, the number of the engine and the chassis respectively and the registration number.

(2) The entry to be made under sub-section (1) in respect of any transaction shall be effected at the time such transaction takes place: Provided that in the case of goods acquired or disposed of at a public auction, the entry may be made at any time on the day on which the auction takes place.

(3) For the purpose of paragraph (e) of sub-section (1) a dealer shall, except in the case of metals acquired otherwise

- (b) by skriftelike kennisgewing aan enigiemand gerig, en op die voorwaardes wat hy goedvind, so iemand van voldoening aan enigeen van of al die bedoelde bepalings vrystel, en so 'n kennisgewing insgelyks wysig of intrek.

3. Niemand wat 'n lisensie uitgereik onder item 11, 15 of 18 van Deel I van die Tweede Bylae by die „Licenties Konsolidatie Wet, 1925” (Wet No. 32 van 1925), besit, mag onder daardie lisensie enige besigheid van handel in tweedehandse goedere dryf nie, behalwe vir sover in 'n sertifikaat kragtens artikel vier aan hom uitgereik, vermeld word.

Sertifikaat in verband met sekere besighede vereis.

4. (1) 'n Aansoek om 'n ingevolge artikel drie vereiste sertifikaat, in die voorgeskrewe vorm en met aangifte van die voorgeskrewe besonderhede, moet ingedien word by die magistraat van die distrik waarin die applikant voornemens is om besigheid te dryf.

Verlening van sertifikate.

(2) Indien die magistraat na oorweging van so 'n aansoek en van 'n verslag van die amptenaar onder wie se polisie-toesig die betrokke distrik staan, oortuig is—

- (a) dat die applikant 'n persoon van goeie karakter is; en  
(b) dat die perseel waarin of waarop die applikant voornemens is om besigheid te dryf, vir die doel geskik en voldoende toegerus is,

kan hy die vereiste sertifikaat aan die applikant verleen.

(3) Die verlening van 'n sertifikaat kragtens sub-artikel (2) geskied na goeddunke van die betrokke magistraat, wat in 'n bepaalde geval 'n sertifikaat kan verleen waarby die applikant gemagtig word om in verband met alle klasse of soorte tweedehandse goedere of vermelde klasse of soorte tweedehandse goedere of alle ander klasse of soorte tweedehandse goedere as vermelde klasse of soorte van daardie goedere besigheid te dryf.

(4) 'n Applikant om 'n sertifikaat ingevolge hierdie artikel kan teen enige beslissing van 'n magistraat oor sy aansoek appèl aanteken by die Minister wat na oorweging van so 'n appèl die betrokke beslissing kan bekragtig, wysig of ter syde stel of so 'n opdrag in verband daarmee kan gee as wat hy goedvind, en wie se beslissing afdoende is.

5. 'n Kragtens artikel vier verleende sertifikaat verval op die een-en-dertigste dag van Desember van die jaar waarin dit uitgereik word.

Tydperk waarvoor sertifikate geldig is.

6. (1) Elke handelaar moet in die voorgeskrewe vorm in een of ander van die offisiële tale van die Unie registers van sy transaksies in tweedehandse goedere hou, waarin ten opsigte van elke verkryging of van die hand sitting van sodanige goedere aangeteken moet word—

Hou van aantekeninge deur handelaars.

- (a) die naam en adres van die persoon van wie daardie goedere verkry of aan wie daardie goedere van die hand gesit word;  
(b) die datum en uur van die verkryging of van die hand sitting van daardie goedere en van aflewering of verwydering daarvan by of van die handelaar se perseel;  
(c) die teenprestasie vir sodanige goedere gegee of ontvang;  
(d) 'n volledige beskrywing van sodanige goedere, met vermelding van die hoeveelheid en kleur (indien dit waarskynlik vir identifikasiedoeleindes tot hulp sal wees) daarvan, enige identifikasiemerke daarop en enige ander onderskeidende kenmerke daarvan, en, in die geval van metale, die vorm waarin daardie metale verkry of van die hand gesit word;  
(e) die nommer ingevolge sub-artikel (3) tydens die verkryging van daardie goedere deur die handelaar daaraan toegewys; en  
(f) in die geval van 'n motorvoertuig, die onderskeie nommers van die masjien en die onderstel en die registrasienommer.

(2) Die aantekening wat ingevolge sub-artikel (1) ten opsigte van 'n transaksie gemaak moet word, moet gemaak word op die tydstip wanneer die transaksie plaasvind: Met dien verstande dat in die geval van goedere wat by 'n openbare veiling verkry of van die hand gesit word, die aantekening te eniger tyd op die dag waarop die veiling plaasvind, gemaak kan word.

(3) Vir die doeleindes van paragraaf (e) van sub-artikel (1) moet 'n handelaar aan elke hoeveelheid tweedehandse goedere

than in the form of manufactured articles, assign a number to every quantity of second-hand goods acquired by him, a new series of numbers being commenced for each month, and the number assigned to any such goods shall be marked by such dealer on such goods or, in the case of goods acquired in bulk, on the container thereof.

(4) Separate registers shall be kept in respect of acquisitions and disposals of goods and, if the Minister by notice in the *Gazette* so directs, also in respect of different classes or groups of goods as may be specified in the notice.

(5) The keeping of any register required to be kept by any dealer under any other law, shall, in so far as such register contains the particulars prescribed in this section, be deemed to be a sufficient compliance with the requirements of this section.

(6) Any dealer who fails to make in respect of second-hand goods acquired by him, an entry in the appropriate register in terms of this section, shall, apart from any penalty to which he may be liable by reason of the failure, in the event of such goods being proved to be stolen goods, be deemed to have received such goods knowing the same to have been stolen, unless the contrary is proved.

(7) For the purpose of this section any person acquiring or offering to dispose of second-hand goods from or to a dealer shall furnish his full name and address on demand by such dealer.

(8) Any person who is or has been a dealer shall retain any register kept by him under this section for a period of three years after the date of the last entry therein, and shall at any time during that period on demand by a policeman make such register available for inspection by that policeman and furnish him with an explanation of any entry therein.

(9) A policeman may seize any register referred to in subsection (8) which may afford evidence of a contravention of any provision of this Act, and the provisions of section *twelve* shall *mutatis mutandis* apply in respect of any entry in any such register or any explanation of an entry therein given by the person by whom it has been retained in terms of the said subsection.

Acquisition,  
storage and dis-  
posal of goods.

7. No dealer shall—

- (a) receive or deliver second-hand goods outside ordinary business hours, except in case of emergency or after notice to the officer in charge of the nearest police station;
- (b) store any second-hand goods elsewhere than on the premises on which he carries on business or on premises of the situation whereof he has in writing advised the officer in police charge of the district in which such premises are situated; or
- (c) deliver any such goods acquired by him to any person or change the form or alter the appearance thereof until after the expiration of a period of seven days from the date of acquisition thereof, except after notice to the officer in charge of the nearest police station.

Smelting of  
metals and pos-  
session of smelting  
apparatus.

8. No dealer shall smelt or melt or cause to be smelted or melted any metal or any article or substance containing metal, or have in his possession any apparatus which can be used for the smelting or melting of metal or any such article or substance.

Reports to be  
furnished by  
dealers.

9. Whenever—

- (a) any second-hand goods are offered to a dealer by a person who refuses to furnish his full name and address or furnishes a name or address which such dealer has reason to believe is not his correct name or address; or
- (b) any dealer has reason to believe, whether from information furnished to him by a policeman or otherwise, that second-hand goods offered to him are stolen goods,

such dealer shall immediately report the circumstances to the nearest police station.

Powers of police.

10. (1) Any policeman may at all reasonable times—

- (a) enter any place occupied by a person who is or is on reasonable grounds believed to be a dealer, or any place or vehicle in or upon which there are or are



deur hom verkry, behalwe in die geval van metale wat anders as in die vorm van vervaardigde artikels verkry word, 'n nommer toewys en elke maand met 'n nuwe nommerreeks begin, en die nommer aan enige sodanige goedere toegewys, moet deur so 'n handelaar op daardie goedere of, in die geval van goedere in massa verkry, op die houer daarvan gemerk word.

(4) Aparte registers moet gehou word ten opsigte van goedere wat verkry en van die hand gesit word en, indien die Minister by kennisgewing in die *Staatskoerant* aldus gelas, ook ten opsigte van verskillende klasse of groepe goedere soos in die kennisgewing vermeld.

(5) Die hou van 'n register wat ingevolge een of ander wet deur 'n handelaar gehou moet word, word vir sover daardie register die in hierdie artikel voorgeskrewe besonderhede bevat, geag voldoende nakoming van die vereistes van hierdie artikel te wees.

(6) 'n Handelaar wat versuim om ten opsigte van tweedehandse goedere deur hom verkry, in die gepaste register 'n aantekening volgens hierdie artikel te maak, word, afgesien van enige straf waaraan hy uit hoofde van die versuim onderhewig mag wees, ingeval bewys word dat bedoelde goedere gesteelde goedere is, geag daardie goedere te ontvang het met die wete dat dit gesteel was, tensy die teendeel bewys word.

(7) Vir die doeleindes van hierdie artikel moet iemand wat tweedehandse goedere van 'n handelaar verkry of aanbied om dit aan hom van die hand te sit, op versoek van daardie handelaar sy volle naam en adres verstrek.

(8) Iemand wat 'n handelaar is of was, moet enige register wat hy ingevolge hierdie artikel gehou het, vir 'n tydperk van drie jaar na die datum van die laaste aantekening daarin bewaar, en moet bedoelde register te eniger tyd gedurende daardie tydperk op aanvraag deur 'n polisie-dienaar vir insae aan so 'n polisie-dienaar beskikbaar stel en aan hom 'n verduideliking van enige aantekening daarin verstrek.

(9) 'n Polisie-dienaar kan beslag lê op enige register in sub-artikel (8) bedoel wat getuienis van 'n oortreding van 'n bepaling van hierdie Wet mag oplewer, en die bepalings van artikel *twaalf* is *mutatis mutandis* van toepassing in verband met enige aantekening in so 'n register, of enige verduideliking van 'n aantekening daarin, gegee deur die persoon wat dit volgens bedoelde sub-artikel bewaar het.

7. Geen handelaar mag—

- (a) tweedehandse goedere buite gewone besigheidsure ontvang of aflewer nie, behalwe in noodgevalle of na kennisgewing aan die beampte in bevel van die naaste polisie-stasie;
- (b) tweedehandse goedere elders opberg nie as op die perseel waar hy besigheid dryf of op 'n perseel van die ligging waarvan hy die amptenaar onder wie se polisie-toesig die distrik staan waarin daardie perseel geleë is, skriftelik in kennis gestel het; of
- (c) sodanige goedere wat hy verkry het, aan enigiemand aflewer of die vorm of voorkoms daarvan verander nie, voor die verloop van 'n tydperk van sewe dae vanaf die datum waarop dit verkry is behalwe na kennisgewing aan die beampte in bevel van die naaste polisie-stasie.

Verkryging, opberging en van die hand sit van goedere.

8. Geen handelaar mag metaal of 'n artikel of stof wat metaal bevat, uitsmelt of smelt of laat uitsmelt of smelt, of enige apparaat wat gebruik kan word om metaal of so 'n artikel of stof uit te smelt of te smelt, in sy besit hê nie.

Smelt van metaal en besit van apparaat om metaal te smelt.

9. Wanneer—

- (a) enige tweedehandse goedere aan 'n handelaar aangebied word deur iemand wat weier om sy volle naam en adres te verstrek of 'n naam of adres verstrek wat na daardie handelaar rede het om te vermoed, nie sy korrekte naam of adres is nie; of
- (b) 'n handelaar rede het om te vermoed, hetsy op grond van inligting deur 'n polisie-dienaar aan hom verstrek of andersins, dat tweedehandse goedere wat aan hom aangebied word gesteelde goedere is,

Verslae wat deur handelaars verstrek moet word.

moet daardie handelaar die omstandighede onmiddellik by die naaste polisie-stasie aangee.

10. (1) 'n Polisie-dienaar kan op alle redelike tye—

- (a) enige plek betree wat geokkupeer word deur iemand wat 'n handelaar is of op redelike gronde vermoed word te wees, of enige plek of voertuig waarin of

Bevoegdheid van polisie.

suspected to be any second-hand goods not intended for the use of the owner thereof;

- (b) inspect any goods found in any such place or on any such vehicle and any book, record or document which is suspected to contain any information relating to such goods;
- (c) require from the owner or any person in charge of such place or vehicle or any goods therein or thereon, information in regard to any such goods;
- (d) require from such owner or person an explanation of any entry in any such book, record or document;
- (e) seize any goods, books, records or documents which may afford evidence of a contravention of any provision of this Act.

(2) A dealer shall on demand afford any policeman such assistance and facilities as he may require in connection with the exercise of his powers or the performance of his functions under this section.

**Offences and penalties.**

**11. Any person who—**

- (a) contravenes or fails to comply with any provision of this Act which is applicable to him or any condition on which he has under paragraph (b) of sub-section (2) of section *two* been exempted from compliance with any such provision;
- (b) makes any incorrect entry in any register required to be kept under this Act;
- (c) in connection with any information or explanation which he is in terms of this Act required to furnish, knowingly makes a false statement; or
- (d) obstructs or interferes with any policeman in the exercise of his powers or the performance of his functions under this Act or refuses or fails to afford to any policeman any assistance or facilities lawfully required by him,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding six months or both such fine and such imprisonment.

**Admissions and presumptions.**

**12. (1)** At the trial of any person charged with an offence under this Act, any statement or record contained in any book, register or document kept by the accused or an employee or agent of the accused or which at any time was at any place during the occupancy of that place by the accused, and any statement made or explanation given under section *ten* by or on behalf of the accused to any policeman, shall be admissible in evidence against the accused as an admission of the facts set forth in that statement, record or explanation.

(2) Whenever in any proceedings under this Act it is proved that any goods have been in use, such goods shall be deemed to have been in use in the Union, unless the contrary is proved.

**Acts or omissions of manager, agent or employee.**

**13. (1)** Whenever any manager, agent or employee of a dealer does or omits to do any act which it would be an offence under this Act for such dealer to do or omit to do, then, unless it is proved—

- (a) that in doing or omitting to do that act the manager, agent or employee was acting without the permission or connivance of the dealer;
- (b) that all reasonable steps were taken by the dealer to prevent any act or omission of the kind in question; and
- (c) that it was not under any condition or in any circumstance within the scope of the authority or in the course of the employment of the manager, agent or employee to do or omit to do acts, whether lawful or unlawful, of the character of the act or omission charged,

the dealer shall be presumed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof, and the fact that he issued instructions forbidding an act or omission of the kind in question shall not of itself be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

waarop daar tweedehandse goedere is of vermoed word te wees wat nie vir die gebruik van die eenaar daarvan bedoel is nie;

- (b) goedere wat in so 'n plek of op so 'n voertuig gevind word, inspekteer, en enige boek, aantekening of dokument wat na vermoede inligting met betrekking tot sodanige goedere bevat, insien;
  - (c) van die eenaar of die persoon belas met die toesig oor so 'n plek of voertuig of goedere daarin of daarop, inligting met betrekking tot daardie goedere eis;
  - (d) van so 'n eenaar of persoon 'n verduideliking van enige aantekening in so 'n boek, aantekening of dokument eis;
  - (e) beslag lê op goedere, boeke, aantekenings of dokumente wat getuienis van 'n oortreding van 'n bepaling van hierdie Wet mag oplewer.
- (2) 'n Handelaar moet op aanvraag aan 'n polisie-dienaar die bystand en fasiliteite verleen wat hy in verband met die uitoefening van sy bevoegdheid of die verrigting van sy werksaamhede ingevolge hierdie artikel mag verlang.

#### 11. Iemand wat—

Misdrywe en strawwe.

- (a) 'n op hom toepaslike bepaling van hierdie Wet of 'n voorwaarde waarop hy kragtens paragraaf (b) van sub-artikel (2) van artikel twee van voldoening aan so 'n bepaling vrygestel is, oortree of versuim om daaraan te voldoen;
  - (b) in 'n register wat volgens hierdie Wet gehou moet word 'n onjuiste aantekening maak;
  - (c) in verband met inligting of 'n verduideliking wat hy ingevolge hierdie Wet moet verstrek, wetens 'n valse verklaring maak; of
  - (d) 'n polisie-dienaar by die uitoefening van sy bevoegdheid of die verrigting van sy werksaamhede kragtens hierdie Wet hinder of belemmer, of weier of versuim om aan 'n polisie-dienaar enige bystand of fasiliteite wettiglik deur hom verlang, te verleen,
- is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande of sodanige boete sowel as sodanige gevangenisstraf.

12. (1) By die verhoor van iemand wat weens 'n misdryf ingevolge hierdie Wet aangekla is, is enige verklaring of aantekening vervat in 'n boek, register of dokument wat deur die beskuldigde of 'n werknemer of agent van die beskuldigde gehou is, of wat te eniger tyd op enige plek was terwyl die beskuldigde daardie plek geokkupeer het, en enige verklaring gemaak of verduideliking ingevolge artikel tien deur of namens die beskuldigde aan 'n polisie-dienaar verstrek, in getuienis teen die beskuldigde toelaatbaar as 'n erkenning van die feite in daardie verklaring, aantekening of verduideliking uiteengesit.

Erkennings en vermoedens.

(2) Wanneer by verrigtings ingevolge hierdie Wet bewys word dat goedere al in gebruik was, word daardie goedere geag al in die Unie in gebruik te gewees het, tensy die teendeel bewys word.

13. (1) Wanneer 'n bestuurder, agent of werknemer van 'n handelaar 'n handeling verrig, of versuim om dit te verrig, en dit ingevolge hierdie Wet 'n misdryf sou uitmaak indien die handelaar dit verrig of versuim om dit te verrig, word by ontstentenis van bewys—

Handelinge of versuim van bestuurder, agent of werknemer.

- (a) dat die bestuurder, agent of werknemer toe hy daardie handeling verrig het of versuim het om dit te verrig, sonder die toestemming of oogluikende goedkeuring van die handelaar gehandel het;
  - (b) dat die handelaar alle redelike stappe gedoen het om 'n handeling of versuim van die betrokke aard te verhoed; en
  - (c) dat 'n handeling of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard in geen geval en onder geen omstandighede binne die omvang van die bevoegdheid of binne die diensverrigting van die bestuurder, agent of werknemer geval het nie,
- veronderstel dat die handelaar self daardie handeling verrig het of versuim het om dit te verrig, en kan hy ten opsigte daarvan veroordeel en gevonnissen word, en die feit dat hy 'n handeling of versuim van die betrokke aard verbied het, is op sigself nie voldoende bewys dat hy alle redelike stappe gedoen het om die handeling of versuim te verhoed nie.

(2) Whenever any manager, agent or employee of a dealer does or omits to do an act which it would be an offence under this Act for the dealer to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the dealer.

(3) Any such manager, agent or employee may be so convicted and sentenced in addition to the dealer.

**Regulations.**

**14.** The Minister may make regulations, not inconsistent with this Act, prescribing the form of application for a certificate required under section *three* and the particulars to be furnished with any such application.

**Repeal of laws.**

**15.** The Second-hand Goods Act, 1895 (Act No. 10 of 1895), of the Cape of Good Hope, and Act No. 11 of 1907 of Natal, entitled "Act to regulate the business of dealers in old metals" are hereby repealed.

**Short title and commencement.**

**16.** This Act shall be called the Second-hand Goods Act, 1955, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(2) Wanneer 'n bestuurder, agent of werknemer van 'n handelaar 'n handeling verrig of versuim om dit te verrig, en dit ingevolge hierdie Wet 'n misdryf sou uitmaak indien die handelaar dit verrig of versuim om dit te verrig, kan hy ten opsigte daarvan veroordeel en gevonniss word asof hy die handelaar was.

(3) So 'n bestuurder, agent of werknemer kan benewens die handelaar aldus veroordeel en gevonniss word.

14. Die Minister kan regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie, waarby die vorm van aansoek om 'n volgens artikel *drie* vereiste sertifikaat en die besonderhede wat met so 'n aansoek verstrekk moet word, voorgeskryf word. Regulasies.

15. Die „Second-hand Goods Act, 1895” (Wet No. 10 van 1895), van die Kaap die Goeie Hoop, en Wet No. 11 van 1907 van Natal, onder die titel „Act to regulate the business of dealers in old metals” word hiermee herroep. Herroeping van Wette.

16. Hierdie Wet heet die Wet op Tweedehandse Goed, 1955, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

No. 24, 1955.]

# ACT

**To provide for the prevention or control of monopolistic conditions, to repeal the Undue Restraint of Trade Act, 1949, to amend the Board of Trade and Industries Act, 1944, and to provide for other incidental matters.**

*(Afrikaans text signed by the Governor-General.)  
(Assented to 3rd May, 1955.)*

**BE IT ENACTED** by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

**Definitions.**

1. In this Act, unless the context otherwise indicates—

- (i) "board" means the Board of Trade and Industries established under section *two* of the Board of Trade and Industries Act, 1944 (Act No. 19 of 1944); (v)
- (ii) "commodity" includes any make or brand of any commodity and any building or structure and any service, whether personal or otherwise, including any storage, transportation, insurance or banking service; (ii)
- (iii) "co-operative society" means a co-operative agricultural society or a co-operative agricultural company or a farmers' special co-operative company registered or deemed to be registered under the Co-operative Societies Act, 1939 (Act No. 29 of 1939); (iii)
- (iv) "distribution" includes storage, transportation, insurance, banking, purchase and sale; (i)
- (v) "Minister" means the Minister of Economic Affairs. (iv)

**Conditions to which this Act applies.**

2. (1) This Act shall, subject to the provisions of sub-section (2), apply in respect of every monopolistic condition, that is to say—

- (a) every agreement, arrangement or understanding, whether legally enforceable or not, between two or more persons;
- (b) every business practice or method of trading, including any method of fixing prices;
- (c) every act or omission on the part of any person, whether acting independently or in concert with any other person; and
- (d) every situation arising out of the activities of any person or class or group of persons,

which, by directly or indirectly restricting competition, has or is calculated to have the effect of—

- (i) restricting the output or disposal of any commodity; or
- (ii) limiting the facilities available for the production or distribution of any commodity; or
- (iii) enhancing or maintaining prices; or
- (iv) preventing the production or distribution of any commodity by the most efficient and economical means; or
- (v) preventing or retarding the development or introduction of technical improvements or the expansion of existing markets or the opening up of new markets; or
- (vi) preventing or restricting the entry of new producers or distributors into any branch of trade or industry; or
- (vii) preventing or retarding the adjustment of any branch of trade or industry to changing circumstances.

(2) The provisions of this Act shall not be applied in such a manner as to—

- (a) limit any right derived under the Patents Act, 1952 (Act No. 37 of 1952), or the Designs, Trade Marks and Copyright Act, 1916 (Act No. 9 of 1916); or
- (b) prevent organizations of employees from protecting the interests of their members by entering into agreements or arrangements with employers or associations

No. 24, 1955.]

## WET

**Om voorsiening te maak vir die voorkoming of beheer van monopolistiese toestande, om die Wet op Onbehoorlike Belemmering van die Handel, 1949, te herroep, tot wysiging van die Wet op die Raad van Handel en Nywerheid, 1944, en om vir ander bykomstige aangeleenthede voorsiening te maak.**

(Afrikaanse teks deur die Goewerneur-generaal geteken.)  
 (Goedgekeur op 3 Mei 1955.)

**DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet— Woordomskrywing.

- (i) „distribusie” ook opberging, vervoer, versekering, bankiersdienste, aankoop en verkoop; (iv)
- (ii) „handelsware” ook enige fabrikaat of merk van enige handelsware en enige gebou of struktuur en enige diens, hetsy persoonlik of andersins, met inbegrip van enige opbergings-, vervoer-, versekerings- of bankdiens; (ii)
- (iii) „koöperasie” ’n koöperatiewe landbouvereniging of ’n koöperatiewe landboumaatskappy of ’n spesiale koöperatiewe boeremaatskappy wat ingevolge die Wet op Koöperatiewe Verenigings, 1939 (Wet No. 29 van 1939), geregistreer is of geag word te wees; (iii)
- (iv) „Minister” die Minister van Ekonomiese Sake; (v)
- (v) „raad” die Raad van Handel en Nywerheid ingestel kragtens artikel twee van die Wet op die Raad van Handel en Nywerheid, 1944 (Wet No. 19 van 1944). (i)

2. (1) Hierdie Wet is, behoudens die bepalings van sub-artikel (2), van toepassing ten opsigte van elke monopolistiese toestand, dit wil sê— Toestande waarop hierdie Wet van toepassing is.

- (a) elke ooreenkoms, reëling of verstandhouding, hetsy wetlik afdwingbaar al dan nie, tussen twee of meer persone;
- (b) elke besigheidspraktyk of handelsmetode, met inbegrip van enige metode om pryse vas te stel;
- (c) elke handeling of versuim deur enigiemand, hetsy hy onafhanklik dan wel tesame met iemand anders optree; en
- (d) elke toestand wat uit die bedrywighede van enige persoon of klas of groep persone ontstaan, wat, deurdat dit mededinging regstreeks of onregstreeks beperk, die uitwerking het of bereken is om—

- (i) die oprings of afset van handelsware te beperk; of
- (ii) die fasiliteite beskikbaar vir die produksie of distribusie van handelsware in te kort; of
- (iii) pryse te verhoog of te handhaaf; of
- (iv) die produksie of distribusie van handelsware op die mees doeltreffende en ekonomiese manier te verhoed; of
- (v) die ontwikkeling of invoering van tegniese verbeterings of die uitbreiding van bestaande of skepping van nuwe markte te verhoed of te vertraag; of
- (vi) die toetrede van nuwe produsente of distribueerders tot enige tak van die handel of nywerheid te verhoed of te beperk; of
- (vii) die aanpassing van enige tak van die handel of nywerheid by veranderende toestande te verhoed of te vertraag.

(2) Die bepalings van hierdie Wet word nie op so ’n wyse toegepas dat dit—

- (a) enige reg verkry ingevolge die Wet op Patente, 1952 (Wet No. 37 van 1952) of die „Wet op Modellen, Handelsmerken en Auteursrecht, 1916” (Wet No. 9 van 1916), inkort nie; of
- (b) organisasies van werkliede belet om deur die aangaan van ooreenkomste of reëlings met werkgewers of verenigings van werkgewers met betrekking tot

of employers in regard to any matter which may form the subject of an agreement under the Industrial Conciliation Act, 1937 (Act No. 36 of 1937); or

(c) prevent—

(i) any co-operative society or any other body of producers of agricultural products from regulating the production or distribution of any agricultural commodity which has not undergone a process of manufacture; or

(ii) any regulatory board established under the Marketing Act, 1937 (Act No. 26 of 1937), or any board established under an Act specified in the Schedule to that Act, from regulating in accordance with the powers vested in it by virtue of the relevant Act the production or distribution of any agricultural commodity which has not undergone a process of manufacture in respect of which it has been established.

Investigation into suspected monopolistic conditions.

3. (1) The board shall on the directions of the Minister make such investigations as it may consider necessary—

(a) in order to ascertain whether any monopolistic condition exists;

(b) into any particular type of business agreement, arrangement, understanding, business practice or method of trading which in the opinion of the Minister is commonly adopted for the purpose of or in connection with the creation or maintenance of monopolistic conditions:

Provided that no direction shall be given by the Minister under paragraph (a) except where he has reason to suspect that a monopolistic condition exists.

(2) If after any investigation under this section the board is of the opinion that a monopolistic condition exists and is not satisfied that there are circumstances which justify the existence of such monopolistic condition in the public interest, the board shall recommend to the Minister that such action be taken under section six as it may consider necessary in the circumstances: Provided that no recommendation shall be made in connection with an investigation undertaken in pursuance of a direction under paragraph (a) of sub-section (1), unless the board has failed by negotiation with any person concerned to arrive at an arrangement which will ensure the discontinuance of the monopolistic condition in question, either wholly or to such extent as, in the opinion of the board, it is detrimental to the public interest, and until notice in writing of the board's intention to make such a recommendation has been given by the board to the person concerned.

(3) The board shall report to the Minister as to the result of any investigation undertaken by it under this section, including any investigation under sub-section (4), and as to any arrangement which may have been arrived at in pursuance of negotiations under sub-section (2), and the Minister may after consideration of a report by the board—

(a) confirm any such arrangement, either without modification or with such modifications, if any, as may be agreed to by the person concerned, and either unconditionally or subject to such conditions as may be agreed to by such person and as the Minister may deem fit; or

(b) set aside any such arrangement and give such directions or prescribe such requirements under section six as he may consider necessary under the circumstances,

and any such arrangement or modified arrangement, together with the conditions, if any, subject to which it has been confirmed, shall be published by the Minister by notice in the *Gazette*, and shall thereupon have the same effect as a notice published under paragraph (b) of sub-section (1) of section six.

(4) Whenever any arrangement made under sub-section (2) has been confirmed, whether with or without modifications, as provided in sub-section (3), or any notice has been published under section six, the board shall from time to time make such investigations as it may consider necessary to determine whether the terms of such arrangement or modified arrangement and the conditions, if any, subject to which it has been confirmed, or of such notice, as the case may be, are being observed by any person to whom it applies.



enige aangeleentheid wat die onderwerp van 'n ooreenkoms onder die Nywerheid-versoeningswet, 1937 (Wet No. 36 van 1937), kan uitmaak, die belange van hul lede te beskerm nie; of

(c) belet dat—

- (i) 'n koöperasie of ander liggaam van produsente van landbouprodukte die produksie of distribusie van landbouprodukte wat nie 'n vervaardigingsproses ondergaan het nie reël nie; of
- (ii) 'n beherende raad ingestel kragtens die Bemarkingswet, 1937 (Wet No. 26 van 1937) of 'n raad ingestel kragtens 'n Wet in die Bylae van daardie Wet genoem, die produksie of distribusie van landbouprodukte wat nie 'n vervaardigingsproses ondergaan het nie ten opsigte waarvan hy ingestel is, ooreenkomstig die uit hoofde van die betrokke Wet aan hom verleende bevoegdhede reël nie.

3. (1) Die raad moet in opdrag van die Minister die ondersoek instel wat die raad nodig ag—

Ondersoek na vermoedelijke monopolistiese toestande.

- (a) ten einde te bepaal of 'n monopolistiese toestand bestaan;
- (b) na enige besondere tipe besigheidsooreenkoms, reëling, verstandhouding, besigheidspraktyk of handelsmetode wat volgens die Minister se oordeel algemeen vir die doeleindes van of in verband met die skepping of handhawing van monopolistiese toestande aangewend word:

Met dien verstande dat geen opdrag kragtens paragraaf (a) deur die Minister gegee word nie behalwe waar hy rede het om te vermoed dat 'n monopolistiese toestand bestaan.

(2) Indien die raad na ondersoek ingevolge hierdie artikel van mening is dat 'n monopolistiese toestand bestaan, en nie oortuig is dat daar omstandighede is wat die bestaan van so 'n monopolistiese toestand in die openbare belang regverdig nie, moet die raad by die Minister aanbeveel dat kragtens artikel ses opgetree word soos die raad onder die omstandighede nodig ag: Met dien verstande dat geen aanbeveling in verband met 'n ondersoek wat ingevolge 'n opdrag kragtens paragraaf (a) van sub-artikel (1) onderneem word, gemaak word nie tensy die raad nie daarin geslaag het nie om deur onderhandeling met enige betrokke persoon 'n reëling te tref wat die beëindiging van die betrokke monopolistiese toestand sal verseker, hetsy geheel en al of vir sover dit volgens die raad se oordeel vir die openbare belang skadelik is, en totdat deur die raad aan die betrokke persoon skriftelik kennis gegee is van die raad se voorneme om so 'n aanbeveling te maak.

(3) Die raad moet aan die Minister verslag doen aangaande die uitslag van enige ondersoek uit hoofde van hierdie artikel deur hom onderneem, met inbegrip van enige ondersoek kragtens sub-artikel (4), en aangaande enige reëling wat ingevolge onderhandelings kragtens sub-artikel (2) getref mag wees, en die Minister kan na oorweging van 'n verslag van die raad—

- (a) so 'n reëling bekragtig, hetsy sonder wysigings of met die wysigings, as daar is, waarmee die betrokke persoon instem, en of onvoorwaardelik of onderworpe aan sodanige voorwaardes, waarmee bedoelde persoon instem, as wat die Minister goedvind; of
- (b) so 'n reëling ter syde stel en kragtens artikel ses die opdragte gee of vereistes voorskryf wat hy onder die omstandighede nodig ag,

en so 'n reëling of gewysigde reëling, tesame met die voorwaardes, as daar is, waarop dit bekragtig is, moet deur die Minister by kennisgewing in die *Staatskoerant* afgekondig word, en het daarop dieselfde uitwerking as 'n kennisgewing kragtens paragraaf (b) van sub-artikel (1) van artikel ses afgekondig.

(4) Wanneer 'n reëling kragtens sub-artikel (2) aangegaan, volgens voorskrif van sub-artikel (3) bekragtig is, hetsy met of sonder wysigings, of 'n kennisgewing kragtens artikel ses afgekondig is, moet die raad van tyd tot tyd die ondersoek instel wat hy nodig ag ten einde te bepaal of die bepalings van daardie reëling of gewysigde reëling en die voorwaardes, as daar is, onderworpe waaraan dit bekragtig is, of van daardie kennisgewing, al na die geval, deur enigiemand op wie dit van toepassing is, nagekom word.

(5) The board shall for the purpose of any investigation under this section have the same powers as it has for the purpose of any investigation by it under the Board of Trade and Industries Act, 1944, and all the provisions of that Act relating to investigations thereunder shall, save as is otherwise provided in this Act, *mutatis mutandis* apply in connection with any investigation under this section: Provided that in the application of the provisions of sub-section (3) of section *ten* of the said Act, the reference therein to a fine of two hundred and fifty pounds shall be deemed to be a reference to a fine of one thousand pounds.

(6) The board shall not in any report made by it in pursuance of a direction under sub-section (1), mention the name or particulars of the business of any person whose business has been investigated, except where in its opinion such person is concerned in the existence of a monopolistic condition or is a party to any agreement, arrangement or understanding or is engaged in any business practice or method of trading referred to in paragraph (b) of sub-section (1) which is detrimental to the public interest.

Persons whose activities are investigated entitled to be heard.

4. The board shall, before submitting to the Minister a report on any investigation made by it under this Act, afford any person whose business or activities have been investigated by it, an opportunity of lodging with the board such written or oral representations as he may consider necessary in regard to the subject of the investigation: Provided that the board may, by notice in writing addressed to any such person, require any such representations to be lodged with it within a period specified in the notice, not being less than two months after the date of such notice.

Power to require submission of written returns.

5. (1) The board may, in connection with any investigation under this Act, by notice in writing require any person to submit to the board, within a time specified in the notice, or from time to time at such times or within such periods as may be so specified, a written return showing in detail such information with respect to the business or activities of such person as may be specified in the notice, including information as to any business agreements which such person may at any time have entered into with any other person, or as to any arrangement or understanding to which such person may be or may at any time have been a party.

(2) No person shall in any notice under sub-section (1) be required to submit to the board any return specified in that notice within a period of less than ten days after the date of such notice.

Manner of dealing with monopolistic conditions.

6. (1) Whenever after consideration of a report submitted to him by the board in pursuance of any investigation undertaken by it under paragraph (a) of sub-section (1) of section *three*, the Minister is of the opinion that a monopolistic condition exists and is not satisfied that there are circumstances which justify the existence of such monopolistic condition in the public interest—

(a) the Minister of Finance may, at the request of the Minister, by notice in the *Gazette* suspend, as from the date of the publication of such notice, any duty to be paid upon imported goods of like nature to any goods affected by the operation of that monopolistic condition, to the extent and for such period as he may deem fit;

(b) the Minister may by notice in the *Gazette*—

(i) require any party to any agreement, arrangement or understanding, or any person employing any business practice or method of trading or committing any act or bringing about any situation, which may be specified in the notice, to terminate or to cease to be a party to such agreement, arrangement or understanding, or to refrain from applying such business practice or method of trading or from committing such act or bringing about such situation, either wholly or to such extent and in such manner as may be specified in the notice;

(ii) declare any such monopolistic condition to be unlawful, and require any person who, in the opinion of the Minister, is concerned in the

(5) Die raad het vir die doeleindes van 'n ondersoek ingevolge hierdie artikel dieselfde bevoegdheids as wat hy vir die doeleindes van 'n ondersoek deur hom ingevolge die Wet op die Raad van Handel en Nywerheid, 1944, het, en al die bepalings van daardie Wet met betrekking tot 'n ondersoek daarkragtens is, behalwe vir sover in hierdie Wet anders bepaal word, *mutatis mutandis* van toepassing in verband met 'n ondersoek ingevolge hierdie artikel: Met dien verstande dat by die toepassing van die bepalings van sub-artikel (3) van artikel tien van genoemde Wet die verwysing daarin na 'n boete van tweehonderd-en-vyftig pond as 'n verwysing na 'n boete van duisend pond opgevat word.

(6) Die raad mag nie in 'n verslag ingevolge 'n opdrag kragtens sub-artikel (1) deur hom gedoen, die naam of besonderhede van die besigheid van iemand wie se besigheid ondersoek is, vermeld nie, behalwe waar so iemand volgens die raad se oordeel betrokke is by die bestaan van 'n monopolistiese toestand of party is by 'n ooreenkoms, reëling of verstandhouding of betrokke is by 'n besigheidspraktyk of handelsmetode bedoel in paragraaf (b) van sub-artikel (1) wat vir die openbare belang skadelik is.

4. Die raad moet voordat hy aan die Minister verslag doen oor enige ondersoek ingevolge hierdie Wet deur hom gedoen, aan enigiemand wie se besigheid of bedrywighede deur hom ondersoek is 'n geleentheid gee om met betrekking tot die onderwerp van die ondersoek by die raad sodanige skriftelike of mondelinge vertoë in te dien as wat so iemand nodig mag ag: Met dien verstande dat die raad by skriftelike kennisgewing aan so iemand gerig, kan verlang dat enige sodanige vertoë by hom ingedien word binne 'n tydperk in die kennisgewing vermeld, maar minstens twee maande na die datum van daardie kennisgewing.

Persone wie se bedrywighede ondersoek word, geregtig om aangehoor te word.

5. (1) Die raad kan, in verband met 'n ondersoek ingevolge hierdie Wet, enigiemand by skriftelike kennisgewing aansê om binne 'n tydperk in die kennisgewing vermeld, of van tyd tot tyd op die tye of binne die tydperke aldus vermeld, aan die raad 'n skriftelike opgawe te verstrek waarin in besonderhede sodanige inligting met betrekking tot die besigheid of bedrywighede van so iemand aangegee word as wat in die kennisgewing vermeld staan, met inbegrip van inligting aangaande enige besigheids-ooreenkomste wat so iemand te eniger tyd met enigiemand anders mag aangegaan het, of aangaande enige reëling of verstandhouding waarby so iemand 'n party is of te eniger tyd mag gewees het.

Bevoegdheid om verstrekking van skriftelike opgawes te eis.

(2) Niemand mag in 'n kennisgewing ingevolge sub-artikel (1) aangesê word om 'n in daardie kennisgewing vermelde opgawe binne 'n tydperk van minder as tien dae na die datum van bedoelde kennisgewing aan die raad te verstrek nie.

6. (1) Wanneer die Minister na oorweging van 'n verslag deur die raad aan hom voorgelê na aanleiding van 'n ondersoek ingevolge paragraaf (a) van sub-artikel (1) van artikel drie deur die raad onderneem, van mening is dat 'n monopolistiese toestand bestaan, en nie oortuig is dat daar omstandighede is wat die bestaan van so 'n monopolistiese toestand in die openbare belang regverdig nie—

Wyse waarop in verband met monopolistiese toestande gehandel kan word.

(a) kan die Minister van Finansies op versoek van die Minister, by kennisgewing in die *Staatskoerant*, enige reg wat betaal moet word op ingevoerde goedere van soortgelyke aard as enige goedere wat deur die werking van daardie monopolistiese toestand geraak word, vanaf die datum van publikasie van bedoelde kennisgewing, opskort in die mate en vir die tydperk wat hy goedvind;

(b) kan die Minister by kennisgewing in die *Staatskoerant*—

(i) enige party by 'n in die kennisgewing vermelde ooreenkoms, reëling of verstandhouding of enigiemand wat 'n aldus vermelde besigheidspraktyk of handelsmetode toepas of handeling verrig of toestand teweegbring, gelas om daardie ooreenkoms, reëling of verstandhouding te beëindig of om op te hou om 'n party daarby te wees, of om van daardie besigheidspraktyk of handelsmetode af te sien of om op te hou om daardie handeling te verrig of daardie toestand teweeg te bring, hetsy geheel en al of in die mate en op die wyse in die kennisgewing vermeld;

(ii) so 'n monopolistiese toestand onwettig verklaar en enigiemand wat na die Minister se oordeel by die bestaan van bedoelde toestand betrokke is,

existence of that condition, to take such action, including steps for the dissolution of any body corporate or unincorporate or the severance of any connection or of any form of association between two or more persons, including any such bodies, as the Minister may consider necessary to ensure the discontinuance of such monopolistic condition or to eliminate any undesirable features thereof.

(2) The Minister of Finance may at any time after further investigation by the board and after consultation with the Minister, withdraw any notice published under paragraph (a) of sub-section (1) or amend it in such manner as he may deem fit.

(3) Any notice under paragraph (b) of sub-section (1)—

(a) shall not be published until after the relevant report of the board has been made available by the Minister to any person who is or in the opinion of the Minister is likely to be concerned, and for that purpose any such report may be so made available before it has been laid upon the Table of either House of Parliament;

(b) shall, subject to the provisions of sub-section (4), come into operation upon a date to be fixed by the Minister and specified in such notice, not being less than six weeks after the date of publication thereof;

(c) may apply to all persons or to all persons belonging to any class or group of persons or to one or more specified persons;

(d) may prescribe such requirements as the Minister may consider necessary to achieve the objects of that notice, and specify the persons by whom the terms of such notice or any such requirement shall be complied with, and the times within which, and the conditions subject to which those terms or that requirement shall be complied with by any such person;

(e) may at any time after further investigation by the board be withdrawn by the Minister or be amended by him in such manner as he may deem fit.

(4) In the event of an appeal being lodged with the Minister in accordance with sub-section (5) of section *seven*, in respect of any notice published under paragraph (b) of sub-section (1) of this section, such notice shall, subject to the order of the special court which hears the appeal, come into operation upon a date to be determined by the Minister and made known by notice in the *Gazette* not being less than six weeks after the date of the publication of that order as provided in sub-section (14) of the first mentioned section.

(5) After consideration of a report submitted to him by the board in connection with an investigation undertaken by it in pursuance of a direction under paragraph (b) of sub-section (1) of section *three*, the Minister may with the approval, by resolution, of both Houses of Parliament, by notice in the *Gazette*, declare any particular type of agreement, understanding, business practice or method of trading to be unlawful, and prohibit any person from entering into or being or continuing to be a party to any such agreement or understanding or from applying any such business practice or method of trading either wholly or to such extent or subject to such exceptions as may be specified in the notice, provided the Minister has not less than one month before the date on which the first of such resolutions was taken, published the terms of the notice in question in the *Gazette*, together with a statement of his intention to submit that notice to both such Houses for approval of the terms thereof.

(6) For the purpose of sub-section (4), the Minister shall give notice in the *Gazette* of the lodging with him of any appeal under sub-section (5) of section *seven*, as soon as practicable after the appeal has been so lodged.

Appeals from  
Minister's  
decisions.

7. (1) There shall be a right of appeal by any person affected by a notice published under paragraph (b) of sub-section (1) of section *six*, to a special court which shall be constituted as provided in this section.

(2) A special court may be constituted by the Governor-General by proclamation in the *Gazette*, with jurisdiction throughout the Union or in one or more specified areas, for

glas om die stappe te doen, met inbegrip van stappe vir die ontbinding van enige liggaam, hetsy met regspersoonlikheid beklee al dan nie, of die verbreking van enige verband of vorm van assosiasie tussen twee of meer persone, met inbegrip van enige sodanige liggame, wat die Minister nodig ag om die beëindiging van daardie monopolistiese toestand te verseker of enige ongewenste kenmerke daarvan uit te skakel.

(2) Die Minister van Finansies kan te eniger tyd na verder ondersoek deur die raad en na oorlegpleging met die Minister, 'n kragtens paragraaf (a) van sub-artikel (1) gepubliseerde kennisgewing herroep of dit wysig op die wyse wat hy goedvind.

(3) 'n Kennisgewing ingevolge paragraaf (b) van sub-artikel (1)—

- (a) word nie gepubliseer nie totdat die tersaaklike verslag van die raad deur die Minister beskikbaar gestel is aan enige persoon wat daarby betrokke is of volgens die Minister se oordeel waarskynlik betrokke is, en vir dié doel kan so 'n verslag aldus beskikbaar gestel word voordat dit in een of ander Huis van die Parlement ter Tafel gelê is;
- (b) tree, behoudens die bepalings van sub-artikel (4) in werking op 'n datum deur die Minister vasgestel en in die kennisgewing vermeld, wat nie minder as ses weke na die datum van publikasie daarvan is nie;
- (c) kan op alle persone of op alle persone wat behoort tot een of ander vermeldde kategorie of groep van persone of op een of meer vermeldde persone van toepassing wees;
- (d) kan die vereistes voorskryf wat die Minister nodig ag om die oogmerke van daardie kennisgewing te verwesenlik, en die persone vermeld wat aan die bepalings van daardie kennisgewing of so 'n vereiste moet voldoen, en die tye waarin en die voorwaardes waarop enige sodanige persoon aan daardie bepalings of vereiste moet voldoen;
- (e) kan te eniger tyd, na verder ondersoek deur die raad, deur die Minister herroep of op die wyse wat hy goedvind, gewysig word.

(4) Ingeval ten opsigte van 'n kennisgewing kragtens paragraaf (b) van sub-artikel (1) van hierdie artikel gepubliseer, 'n appèl ooreenkomstig sub-artikel (5) van artikel *sewe* by die Minister ingedien word, tree daardie kennisgewing, onderworpe aan die bevel van die spesiale hof wat bedoelde appèl verhoor, in werking op 'n datum wat die Minister bepaal en by kennisgewing in die *Staatskoerant* bekendgemaak het maar nie vroeër nie as ses weke na die datum van publikasie, volgens voorskrif van sub-artikel (14) van laasbedoelde artikel, van daardie bevel.

(5) Na oorweging van 'n verslag deur die raad aan hom voorgelê in verband met 'n ondersoek ingevolge 'n opdrag kragtens paragraaf (b) van sub-artikel (1) van artikel *drie* deur die raad onderneem, kan die Minister, met goedkeuring, by besluit, van beide Huise van die Parlement, by kennisgewing in die *Staatskoerant* enige besondere tipe van ooreenkoms, verstandhouding, besigheidspraktyk of handelsmetode onwettig verklaar, en enigiemand verbied om so 'n ooreenkoms of verstandhouding aan te gaan of 'n party daarby te wees of te bly of om so 'n besigheidspraktyk of handelsmetode toe te pas hetsy geheel en al of in die mate of onderworpe aan die uitsonderings in die kennisgewing vermeld, mits die Minister minstens een maand voor die datum waarop die eerste van bedoelde besluite geneem was, die bepalings van die betrokke kennisgewing in die *Staatskoerant* gepubliseer het, tesame met 'n verklaring van sy voorneme om daardie kennisgewing aan beide sodanige Huise vir goedkeuring van die bepalings daarvan voor te lê.

(6) Vir die toepassing van sub-artikel (4) moet die Minister in die *Staatskoerant* van die indiening by hom van 'n appèl kragtens sub-artikel (5) van artikel *sewe* kennis gee so gou doenlik nadat die appèl aldus ingedien is.

7. (1) Daar is 'n reg van appèl deur enige persoon wat deur 'n kragtens paragraaf (b) van sub-artikel (1) van artikel *ses* gepubliseerde kennisgewing geraak word, na 'n spesiale hof wat volgens voorskrif van hierdie artikel ingestel word.

(2) 'n Spesiale hof kan deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* ingestel word met regsbevoegdheid in die hele Unie of in een of meer vermeldde

Appèlle teen beslissings van Minister.

the hearing of all or any one or more appeals lodged with the Minister under sub-section (5), as the Governor-General may consider necessary.

(3) Any such court shall consist of a judge of the Supreme Court of South Africa, who shall be the president of the court, and two other members, of whom—

(a) one shall be the holder of a university degree in economics, who in the opinion of the Governor-General has a thorough knowledge of economics; and

(b) one shall be a person who in the opinion of the Governor-General has wide experience of industrial, commercial or financial matters or of the operation of co-operative societies, or where the Governor-General in his discretion upon application by an appellant so directs, is a qualified engineer.

(4) The members of a special court who are not in the full-time employment of the State may be paid such remuneration and allowances as may in each case be determined by the Minister with the approval of the Minister of Finance and after consultation with the Minister of Justice.

(5) An appeal to a special court under this section shall be lodged with the Minister in writing within six weeks after the date of publication of the notice to which the appeal relates, and shall set forth the grounds on which the appeal is based.

(6) The date, time and place for the hearing of any such appeal shall be fixed by the president of the special court concerned and shall be communicated in writing to the appellant through the Minister not less than thirty days before the date so fixed.

(7) The Minister may be represented at the hearing of any such appeal by any person nominated by him, and the appellant may appear at such hearing in person or be represented thereat by his counsel, attorney or agent.

(8) Any such hearing may from time to time be adjourned by the president of the special court concerned to such date, time and place as he may deem fit.

(9) The sittings of a special court shall be held in public, but the president of the court may exclude from being present thereat or require to withdraw therefrom any person whose attendance is not necessary.

(10) A special court may after consideration of any appeal, confirm or set aside the notice to which the appeal relates or amend it in such manner as it may deem equitable, and may make such orders as to costs as it may consider just.

(11) (a) The decision of a majority of the members of a special court shall be the decision of the court: Provided that any matter of law arising for decision by that court and any question as to whether a matter for decision is a matter of fact or a matter of law, shall be decided by the president of the court and no other member shall have any voice in the decision.

(b) Any decision by the president of the court in terms of paragraph (a) shall be subject to appeal as if it were a decision by a judge of the provincial division of the Supreme Court of the Province of the Union in which such special court was sitting at the time such decision was made.

(12) An order as to costs made by a special court shall have effect and may be enforced as if it had been given in the course of proceedings before a division of the Supreme Court of South Africa having jurisdiction in the place where the sitting at which that order was made took place.

(13) The decision of a special court, other than a decision on a matter in relation to which the president of the court alone has jurisdiction, shall not be subject to appeal to or review by any court of law.

(14) An order of a special court confirming, setting aside or amending the notice to which the order relates, shall be made known by the Minister by notice in the *Gazette*, and any amendment made to a notice by such an order shall have effect as if it were an amendment made under paragraph (e) of sub-section (3) of section *six* by the Minister.

(15) The provisions of sections *seventy-nine bis* and *seventy-nine ter* of the Income Tax Act, 1941 (Act No. 31 of 1941), shall *mutatis mutandis* apply with reference to a special court constituted under this section.

Offences and penalties.

8. (1) Any person who contravenes or fails to comply with any notice published under sub-section (3) of section *three* or

gebiede vir die verhoor van alle of een of meer appèlle kragtens sub-artikel (5) by die Minister ingedien, na gelang die Goewerneur-generaal nodig ag.

(3) So 'n hof bestaan uit 'n regter van die Hooggeregshof van Suid-Afrika, wat die president van die hof is, en twee ander lede, van wie—

(a) een iemand moet wees wat 'n universiteitsgraad in die ekonomie besit en volgens die Goewerneur-generaal se oordeel deeglike kennis van ekonomie het; en

(b) een iemand wat volgens die Goewerneur-generaal se oordeel breë ondervinding van nywerheids-, handels- of finansiële aangeleenthede of van die werking van koöperatiewe verenigings het of, waar die Goewerneur-generaal na goeddunke op aansoek deur 'n appellant aldus gelas, 'n bevoegde ingenieur moet wees.

(4) Daar kan aan die lede van 'n spesiale hof wat nie in die voltydse diens van die Staat is nie, die besoldiging en toelaes betaal word wat in elke geval deur die Minister met goedkeuring van die Minister van Finansies en na oorlegpleging met die Minister van Justisie bepaal word.

(5) 'n Appèl na 'n spesiale hof ingevolge hierdie artikel moet skriftelik by die Minister ingedien word binne ses weke na die datum van publikasie van die kennisgewing waarop die appèl betrekking het, en moet die gronde waarop die appèl berus, uiteensit.

(6) Die datum, tyd en plek van die verhoor van so 'n appèl moet deur die president van die betrokke spesiale hof bepaal word en moet minstens dertig dae voor die aldus bepaalde datum skriftelik deur die Minister aan die appellant bekendgemaak word.

(7) Die Minister kan by die verhoor van so 'n appèl verteenwoordig word deur iemand wat hy aanwys, en die appellant kan by daardie verhoor persoonlik verskyn of deur sy advokaat, prokureur of agent verteenwoordig word.

(8) So 'n verhoor kan van tyd tot tyd deur die president van die betrokke spesiale hof verdaag word tot 'n datum, tyd en plek wat hy goedvind.

(9) Die sittings van 'n spesiale hof word in die openbaar gehou, maar die president van die hof kan enigiemand wie se aanwesigheid nie nodig is nie van aanwesigheid aldaar uitsluit of hom gelas om hom daarvan te onttrek.

(10) 'n Spesiale hof kan na oorweging van 'n appèl, die kennisgewing waarop die appèl betrekking het, bekragtig of ter syde stel of wysig op die wyse wat hy billik ag en kan die bevel wat hy regverdig ag met betrekking tot koste verleen.

(11) (a) Die beslissing van 'n meerderheid van die lede van 'n spesiale hof is die beslissing van die hof: Met dien verstande dat enige regspunt wat vir beslissing deur so 'n hof opkom, en enige vraag of 'n punt vir beslissing 'n feitpunt of 'n regspunt is, deur die president van die hof beslis word, en geen ander lid het by die beslissing seggenskap nie.

(b) 'n Beslissing deur die president van die hof kragtens paragraaf (a) is aan appèl onderhewig asof dit 'n beslissing is deur 'n regter van die provinsiale afdeling van die Hooggeregshof van die Provinsie van die Unie waarin die spesiale hof gesit het toe dié beslissing gegee is.

(12) 'n Bevel met betrekking tot koste deur 'n spesiale hof verleen, het die uitwerking en word ten uitvoer gelê asof dit gegee was in die loop van 'n geding voor 'n afdeling van die Hooggeregshof van Suid-Afrika wat regsbevoeg is in die plek waar die sitting waar daardie bevel verleen was, plaasgevind het.

(13) Die beslissing van 'n spesiale hof, uitgesonderd 'n beslissing oor 'n aangeleentheid met betrekking waartoe die president alleen regsbevoeg is, is nie aan appèl na of hersiening deur 'n geregshof onderhewig nie.

(14) 'n Bevel van 'n spesiale hof wat die kennisgewing waarop die bevel betrekking het, bekragtig, ter syde stel of wysig, moet deur die Minister by kennisgewing in die *Staatskoerant* bekendgemaak word, en 'n wysiging wat deur so 'n bevel aan 'n kennisgewing aangebring word, geld asof dit 'n wysiging was wat kragtens paragraaf (e) van sub-artikel (3) van artikel ses deur die Minister aangebring is.

(15) Die bepaling van artikels *nege-en-sewentig bis* en *nege-en-sewentig ter* van die Inkomstebelastingwet, 1941 (Wet No. 31 van 1941), is *mutatis mutandis* van toepassing met betrekking tot 'n spesiale hof kragtens hierdie artikel ingestel.

8. (1) Iemand wat 'n kennisgewing gepubliseer kragtens sub-artikel (3) van artikel drie of artikel ses oortree of versuim Oortredings en strawwe.

section *six* shall be guilty of an offence and liable on conviction to a fine not exceeding ten thousand pounds or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(2) Any person who fails to comply with any notice under section *five*, or who in response to any such notice knowingly furnishes information which is false in any material particular, shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand pounds or to imprisonment for a period not exceeding two-and-a-half years or to both such fine and such imprisonment.

**Regulations.**

9. The Governor-General may make regulations, not inconsistent with this Act, in regard to any matter which he considers it necessary to prescribe for the purpose of giving effect to the objects of this Act, including regulations prescribing the procedure to be observed in the conduct and hearing of appeals under section *seven*.

Repeal of Act 59 of 1949 and section 9(1)(f) and (4) of Act 9 of 1944.

10. The Undue Restraint of Trade Act, 1949, and paragraph (f) of sub-section (1) and sub-section (4) of section *nine* of the Board of Trade and Industries Act, 1944, are hereby repealed.

Short title and commencement.

11. This Act shall be called the Regulation of Monopolistic Conditions Act, 1955, and shall come into operation on the first day of January, 1956.



om daaraan te voldoen, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens tienduisend pond of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met daardie boete sowel as daardie gevangenisstraf.

(2) Iemand wat versuim om aan 'n kennisgewing kragtens artikel vyf te voldoen, of wat in antwoord op so 'n kennisgewing wetens inligting verstrek wat in 'n wesentlike opsig vals is, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens vyfduisend pond of met gevangenisstraf vir 'n tydperk van hoogstens twee en 'n half-jaar of met daardie boete sowel as daardie gevangenisstraf.

**9.** Die Goewerneur-generaal kan regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie, met betrekking tot enige aangeleentheid wat hy nodig ag om voor te skryf ten einde aan die oogmerke van hierdie Wet gevolg te gee, met inbegrip van regulasies wat die prosedure voorskryf wat in verband met die behandeling en verhoor van appèlle ingevolge artikel sewe gevolg moet word. Regulasies.

**10.** Die Wet op Onbehoorlike Belemmering van die Handel, 1949, en paragraaf (f) van sub-artikel (1) en sub-artikel (4) van artikel nege van die Wet op die Raad van Handel en Nywerheid, 1944, word hiermee herroep. Herroeping van Wet 59 van 1949 en artikel 9(1)(f) en (4) van Wet 19 van 1944.

**11.** Hierdie Wet heet die Wet op Reëling van Monopolistiese Toestande, 1955, en tree in werking op die eerste dag van Januarie 1956. Kort titel en inwerkingtreëding.