

EXTRAORDINARY



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DEPARTMENT OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 1380.] [6th July, 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:—

	PAGE
No. 62 of 1955: General Law Amendment Act, 1955	2
No. 63 of 1955: Nursing Council and Board Continuation Act, 1955	20
No. 68 of 1955: Group Areas Further Amendment Act, 1955	22
No. 69 of 1955: Group Areas Development Act, 1955	40
No. 70 of 1955: Vocational Education Act, 1955 ..	74

DEPARTEMENT VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

No. 1380.] [6 Julie 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:—

	BLADSY
No. 62 van 1955: Algemene Regswysigingswet, 1955	3
No. 63 van 1955: Wet op Voortdoring van die Verpleegstersraad en -bestuur, 1955	21
No. 68 van 1955: Verdere Wysigingswet op Groepsgebiede, 1955	23
No. 69 van 1955: Wet op die Ontwikkeling van Groepsgebiede, 1955	41
No. 70 van 1955: Wet op Beroepsonderwys, 1955 ..	75

No. 62, 1955.]

ACT

To amend the Better Administration of Justice Act, 1896 of the Cape of Good Hope, the Better Administration of Justice and Remission of Treason Penalties Act, 1906 of the Cape of Good Hope, the South Africa Act, 1909, the Appellate Division Further Jurisdiction Act, 1911, the Administration of Justice Act, 1912, the Administration of Estates Act, 1913, the South-West Africa Affairs Act, 1922, the Licences Consolidation Act, 1925, the Immorality Act, 1927, the Liquor Act, 1928, the Performing Animals Protection Act, 1935, the Insolvency Act, 1936, the Prescription Act, 1943, the Magistrates' Courts Act, 1944, the General Law Amendment Act, 1949, the Prevention of Illegal Squatting Act, 1951, the Public Safety Act, 1953, and the law relating to the admission of advocates, to the alienation or mortgage of property, to procedure in civil cases, to the possession and acquisition of stolen property, and to gambling houses.

(Afrikaans text signed by the Governor-General.)
(Assented to 23rd June, 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 2 of Act 35 of 1896 (Cape).

1. Section *two* of the Better Administration of Justice Act, 1896, of the Cape of Good Hope is hereby amended by the insertion at the beginning thereof of the words "Subject to the provisions of section *thirteen*,".

Amendment of section 13 of Act 35 of 1896 (Cape).

2. Section *thirteen* of the Better Administration of Justice Act, 1896, of the Cape of Good Hope is hereby amended by the substitution for the words "Humansdorp, Uitenhage, Jansenville, Aberdeen, Murraysburg, Richmond and Hope Town" of the words "Humansdorp, Steytlerville, Jansenville, Aberdeen, Murraysburg, Graaff-Reinet, Middelburg, Hanover and Colesberg", and the addition at the end thereof of the following provisos:

"Provided that no action shall be instituted in the said Supreme Court by a plaintiff residing in any such district or territory against a defendant so residing on any cause of action arising in any such district or territory unless the leave of the Court of the Eastern Districts has first been obtained or unless all parties to the action agree in writing that the action shall be instituted in the said Supreme Court: Provided further that the Governor-General may by proclamation in the *Gazette* exclude from the area of jurisdiction of the Court of the Eastern Districts any area included therein in terms of this section, or include therein any additional area."

Amendment of section 18 of Act 35 of 1896 (Cape).

3. Section *eighteen* of the Better Administration of Justice Act, 1896, of the Cape of Good Hope is hereby amended by the substitution for the words "Province of Griqualand West and the Territory of British Bechuanaland" of the words "districts of Barkly West, Britstown, De Aar, Gordonia, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Mafeking, Philipstown, Postmasburg, Prieska, Taung, Vryburg and Warrenton: Provided that the Governor-General may by proclamation in the *Gazette* exclude from the area of jurisdiction of the High Court any area included therein in terms of this section, or include therein any additional area.

Repeal of section 5 of Act 29 of 1906 (Cape).

4. Section *five* of the Better Administration of Justice and Remission of Treason Penalties Act, 1906, of the Cape of Good Hope is hereby repealed.

Amendment of section 103 of the South Africa Act, 1909, as amended by section 104 of Act 46 of 1935.

5. (1) Section *one hundred and three* of the South Africa Act, 1909, is hereby amended—

(a) by the insertion in sub-section (1) after the word "matter" of the following proviso:

No. 62, 1955.]

WET

Tot wysiging van die „Better Administration of Justice Act, 1896” van die Kaap die Goeie Hoop, die „Better Administration of Justice and Remission of Treason Penalties Act, 1906” van die Kaap die Goeie Hoop, die „Zuid-Afrika Wet, 1909”, die „Afdeling van Appèl Verdere Jurisdiktie Wet, 1911”, die „Wet op de Rechtspleging, 1912”, die „Boedelwet, 1913”, die „Wet betreffende Aangelegenheden van Zuidwest-Afrika, 1922”, die „Licenties Konsolidatie Wet, 1925”, die Ontug Wet, 1927, die Drankwet, 1928, die Beskerming van Gedresseerde Diere Wet, 1935, die Insolvensiewet, 1936, die Verjaringswet, 1943, die Magistraatshowewet, 1944, die Algemene Regswysigingswet, 1949, die Wet op die Voorkoming van Onregmatige Plakkery, 1951, die Wet op Openbare Veiligheid, 1953, en van die regsbepalings op die toelating van advokate, op die vervreemding of beswaring met verband van eiendom, op prosedure in siviele gedinge, op die besit en verkryging van gesteelde goed en op speelhuise.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 23 Junie 1955.)

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

1. Artikel *twee* van die „Better Administration of Justice Act, 1896” van die Kaap die Goeie Hoop word hiermee gewysig deur aan die begin daarvan die woorde „Subject to the provisions of section *thirteen*,” in te voeg. Wysiging van artikel 2 van Wet 35 van 1896 (Kaap).

2. Artikel *dertien* van die „Better Administration of Justice Act, 1896” van die Kaap die Goeie Hoop word hiermee gewysig deur die woorde „Humansdorp, Uitenhage, Jansenville, Aberdeen, Murraysburg, Richmond, and Hopetown” te vervang deur die woorde „Humansdorp, Steytlerville, Jansenville, Aberdeen, Murraysburg, Graaff-Reinet, Middelburg, Hanover and Colesberg”, en die volgende voorbehoudsbepalings aan die end daarvan by te voeg:

„Provided that no action shall be instituted in the said Supreme Court by a plaintiff residing in any such district or territory against a defendant so residing on any cause of action arising in any such district or territory unless the leave of the Court of the Eastern Districts has first been obtained or unless all parties to the action agree in writing that the action shall be instituted in the said Supreme Court: Provided further that the Governor-General may by proclamation in the *Gazette* exclude from the area of jurisdiction of the Court of the Eastern Districts any area included therein in terms of this section, or include therein any additional area.”.

3. Artikel *agtien* van die „Better Administration of Justice Act, 1896”, van die Kaap die Goeie Hoop, word hiermee gewysig deur die woorde „Province of Griqualand West and the Territory of British Bechuanaland” deur die woorde „districts of Barkly West, Britstown, De Aar, Gordonia, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Mafeking, Philipstown, Postmasburg, Prieska, Taung, Vryburg and Warrenton: Provided that the Governor-General may by proclamation in the *Gazette* exclude from the area of jurisdiction of the High Court any area included therein in terms of this section, or include therein any additional area.” te vervang. Wysiging van artikel 18 van Wet 35 van 1896 (Kaap).

4. Artikel *vyf* van die „Better Administration of Justice and Remission of Treason Penalties Act, 1906” van die Kaap die Goeie Hoop word hiermee herroep. Herroeping van artikel 5 van Wet 29 van 1906 (Kaap).

5. (1) Artikel *honderd-en-drie* van die „Zuid-Afrika Wet, 1909”, word hiermee gewysig—
(a) deur in sub-artikel (1) na die woorde „zou hebben gehad” die volgende voorbehoudsbepaling in te voeg: Wysiging van artikel 103 van die „Zuid-Afrika Wet, 1909”, soos gewysig deur artikel 104 van Wet 46 van 1935.

“Provided that the appeal from any such orders or judgments given by a single judge of the Eastern Districts Local Division shall be made to that Local Division.”;

(b) by the insertion in sub-section (1) after the word “provincial” where it occurs for the second, third, fourth and fifth times of the words “or local”.

(2) The provisions of sub-section (1) shall not apply in respect of any appeal noted before the commencement of this Act.

Amendment of sections 3 and 5 of Act 1 of 1911 as amended by sections 106 and 107, respectively, of Act 46 of 1935.

6. Sections *three* and *five* of the Appellate Division Further Jurisdiction Act, 1911, are hereby amended by the insertion after the word “Provincial” of the words “or Local”.

Amendment of section 15 of Act 27 of 1912 as amended by section 3 of Act 41 of 1941.

7. Section *fifteen* of the Administration of Justice Act, 1912, is hereby amended—

(a) by the substitution in sub-section (2) for the words “The judge of the provincial division of the Cape of Good Hope assigned and appointed under section *five* of Act No. 29 of 1906 of the Cape of Good Hope” of the words “Any judge appointed”; and

(b) by the substitution in sub-section (3) for the words “the judge assigned and appointed as aforesaid” of the words “any judge appointed”.

Amendment of section 2 of Act 24 of 1913.

8. Section *two* of the Administration of Estates Act, 1913, is hereby amended by the addition at the end of the definition of “magistrate” of the words “and in relation to any particular matter, act or thing to be performed or power or right exercisable or duty to be carried out by the magistrate of a district, the expression shall include an additional or assistant magistrate permanently carrying out at any place other than the seat of magistracy of that district the functions of the magistrate of that district in respect of any portion of that district, whenever such matter, act, thing, power, right or duty has to be performed, exercised or carried out by virtue of any death occurring, thing being or deceased having resided or carried on business, as the case may be, in such portion of that district;”.

Amendment of section 4 of Act 24 of 1913.

9. (1) Section *four* of the Administration of Estates Act, 1913, is hereby amended by the substitution in sub-section (2) for the words “an officer to be styled the Assistant Master” of the words “one or more officers to be styled Assistant Masters”.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of August, 1954.

Amendment of section 12 of Act 24 of 1913.

10. Section *twelve* of the Administration of Estates Act, 1913, is hereby amended—

(a) by the substitution for the words “save where it is otherwise provided in that Schedule to this Act, by means of revenue stamps affixed to the documents evidencing the act, matter or thing in respect of which the fee is paid” of the words “as provided in that Schedule”; and

(b) by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):

“(2) The Governor-General may from time to time by proclamation in the *Gazette* amend the said Fourth Schedule.”.

Amendment of section 91 of Act 24 of 1913.

11. Section *ninety-one* of the Administration of Estates Act, 1913, is hereby amended by the deletion in paragraph (c) of sub-section (1) of the words “with the approval of the Minister”.

Substitution of Fourth Schedule to Act 24 of 1913 as amended by section 21 of Act 17 of 1938.

12. The Schedule set out in the First Schedule to this Act is hereby substituted for the Fourth Schedule to the Administration of Estates Act, 1913: Provided that the amendment effected by this section shall not apply in respect of estates of deceased persons dying before the commencement of this Act and estates under curatorship at such commencement.

„Met dien verstande dat het appèl van enige zodanige orders of uitspraken door een enkel rechter van de Oostelike Distrikten Lokale Afdeling geleverd naar die Lokale Afdeling zal worden gemaakt.”;

- (b) deur in sub-artikel (1) na die woord „provinciale” waar dit die tweede, derde, vierde en vyfde keer voorkom, die woorde „of lokale” in te voeg.

(2) Die bepalings van sub-artikel (1) is nie van toepassing nie ten opsigte van 'n appèl voor die inwerkingtreding van hierdie Wet aangeteken.

6. Artikels drie en vyf van die „Afdeling van Appèl Verdere Jurisdiktie Wet, 1911”, word hiermee gewysig deur na die woord „Provinciale” die woorde „of Lokale” in te voeg.

Wysiging van artikels 3 en 5 van Wet 1 van 1911 soos gewysig deur onderskeidelik artikels 106 en 107 van Wet 46 van 1935.

7. Artikel vyftien van die „Wet op de Rechtspleging, 1912”, word hiermee gewysig—

- (a) deur in sub-artikel (2) die woorde „De rechter van de provinciale afdeling van de Kaap de Goede Hoop, die ingevolge artikel vijf van Wet No. 29 van 1906 van de Kaap de Goede Hoop toegewezen is aan, en” deur die woorde „Een rechter, die” te vervang; en

- (b) deur in sub-artikel (3) die woorde „de rechter, die zoals voormeld toegewezen is aan, en” deur die woorde „een rechter, die” te vervang.

Wysiging van artikel 15 van Wet 27 van 1912 soos gewysig deur artikel 3 van Wet 41 van 1941.

8. Artikel twee van die „Boedelwet, 1913”, word hiermee gewysig deur aan die end van die omskrywing van „magistraat” die woorde „en met betrekking tot een biezondere aangelegenheid te worden verricht, of bevoegdheid of recht te worden uitgeoefend, of plicht te worden uitgevoerd, door de magistraat van een distrikt, wordt onder de uitdrukking ook verstaan een additionele of assistent-magistraat die elders als op de magistraatzetel van dat distrikt permanent de werkzaamheden van de magistraat van dat distrikt ten aanzien van een deel van dat distrikt verricht, wanneer die aangelegenheid, bevoegdheid, recht of plicht verricht, uitgeoefend of uitgevoerd moet worden uit hoofde, al naar het geval, van een sterfgeval in bedoeld deel van dat distrikt, of van de aanwezigheid aldaar van enigiets, of van het feit dat een overledene aldaar woonachtig was of zijn bedrijf aldaar had;” by te voeg.

Wysiging van artikel 2 van Wet 24 van 1913.

9. (1) Artikel vier van die „Boedelwet, 1913”, word hiermee gewysig deur in sub-artikel (2) die woorde „ambtenaar aanstellen onder de naam van Assistent-Meester” te vervang deur die woorde „of meer ambtenaren aanstellen onder de naam van Assistent-Meesters”.

Wysiging van artikel 4 van Wet 24 van 1913.

(2) Sub-artikel (1) word geag op die eerste dag van Augustus 1954 in werking te getree het.

10. Artikel twaalf van die „Boedelwet, 1913”, word hiermee gewysig—

Wysiging van artikel 12 van Wet 24 van 1913.

- (a) deur die woorde „voorzover in de Bijlage tot deze Wet niet anders bepaald is, innen door middel van belastingzegels gehecht aan de stukken, waaruit van de werkzaamheid blijkt ten aanzien waarvan het loon betaald is” te vervang deur die woorde „innen zoals in bedoelde Bijlage bepaald is”; en

- (b) deur aan die end daarvan die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) De Gouverneur-generaal kan van tijd tot tijd bedoelde Vierde Bijlage bij proklamatie in de Staatskoerant wijzigen.”.

11. Artikel een-en-negentig van die „Boedelwet, 1913”, word hiermee gewysig deur in paragraaf (c) van sub-artikel (1) die woorde „met goedkeuring van de Minister” te skrap.

Wysiging van artikel 91 van Wet 24 van 1913.

12. Die Vierde Bylae by die „Boedelwet, 1913”, word hiermee deur die Bylae uiteengesit in die Eerste Bylae by hierdie Wet vervang: Met dien verstande dat die wysiging deur hierdie artikel aangebring, nie van toepassing is nie met betrekking tot boedels van oorlede persone wat voor die inwerkingtreding van hierdie Wet gesterf het en boedels wat by sodanige inwerkingtreding onder kuratele is.

Vervanging van Vierde Bylae by Wet 24 van 1913 soos gewysig deur artikel 21 van Wet 17 van 1938.

Amendment of section 2 of Act 24 of 1922 as amended by section 9 of Act 32 of 1952.

13. Section *two* of the South-West Africa Affairs Act, 1922, is hereby amended—

- (a) by the deletion in the proviso to paragraph (d) of sub-section (1) of all the words after the word "bail"; and
- (b) by the addition at the end of sub-section (1) of the following paragraphs:
 - “(e) When a magistrate decides to admit any person to bail under the proviso to paragraph (d), a recognizance shall be taken from such person alone or from such person and one or more sureties, as the magistrate may determine, regard being had to the nature and circumstances of the case.
 - (f) The condition of the recognizance shall be that the person concerned shall appear on a date to be specified in writing before the court or the magistrate in question in fulfilment of the terms of the warrant or order aforesaid.
 - (g) If it appears to the magistrate before whom such recognizance was entered into or to the court before which or magistrate before whom the person concerned has to appear in terms of the recognizance, that default has been made in the condition of the recognizance, the magistrate concerned or the court may—
 - (i) issue an order declaring the recognizance forfeited, and such order shall have the effect of a judgment on the recognizance for the amounts therein mentioned against the person admitted to bail and his sureties respectively;
 - (ii) issue a warrant for the arrest of the person admitted to bail and afterwards, upon being satisfied that the ends of justice would otherwise be defeated, commit him, when so arrested, to a gaol for detention therein until liberated or removed therefrom in due course of law.”

Insertion of section 7bis in Act 32 of 1925.

14. The following section is hereby inserted after section *seven* of the Licences Consolidation Act, 1925:

“Action in regard to licences where holders convicted of certain offences.

7bis. (1) Whenever any person who is the holder of any licence issued under this Act is convicted of the offence of theft or of receiving stolen property knowing it to have been stolen, committed in respect of goods belonging to any class of goods which he is entitled to sell under any such licence, the court so convicting him may, whether the said offence was committed before or after the date on which such licence was issued, suspend such licence for such period as it may determine or cancel such licence and declare the person so convicted disqualified for such period as the court may determine from obtaining any licence of the same description as and in the place of the licence so cancelled.

(2) Whenever in terms of sub-section (1) a licence has been suspended, the person to whom such licence was issued shall for all purposes be deemed not to be the holder of a licence, during the period of suspension, in respect of the business to which the suspended licence relates.

(3) Whenever in terms of sub-section (1) a licence has been suspended, or a licence has been cancelled and the person to whom it was issued declared to be disqualified from obtaining such a licence, no licence of the same description as the licence so suspended or cancelled shall, in respect of the period of such suspension or disqualification, be issued in the place of the licence so suspended or cancelled to the person to whom such licence was issued, and if such a licence is issued it shall be null and void.”

Amendment of section 1 of Act 5 of 1927 as amended by section 1 of Act 21 of 1950.

15. Section *one* of the Immorality Act, 1927, is hereby amended by the deletion of the words “in circumstances which do not amount to rape, an attempt to commit rape, indecent assault, or a contravention of section *two* or *four* of the Girls’ and Mentally Defective Women’s Protection Act, 1916 (Act No. 3 of 1916)”.

13. Artikel twee van die „Wet betreffende Aangelegenheden van Zuidwest-Afrika, 1922”, word hiermee gewysig—

- (a) deur in die voorbehoudsbepaling by paragraaf (d) van sub-artikel (1) al die woorde na die woorde „kan ontslaan” te skrap;
- (b) deur aan die end van sub-artikel (1) die volgende paragrafe by te voeg:
 - „(e) Wanneer een magistraat besluit iemand onder borgstelling te ontslaan krachtens de voorbehoudsbepaling bij paragraaf (d), dan moet een borgakte aangegaan worden hetzij door zodanige persoon alleen of door zodanige persoon en een of meer borgen, zoals de magistraat met inachtneming van de aard en omstandigheden van de zaak mocht bepalen.
 - (f) De voorwaarde van de borgakte is dat de betrokken persoon op een schriftelik te bepalen tijd voor het betrokken hof of de betrokken magistraat ter nakomen van de bepalingen van genoemde lastbrief of order moet verschijnen.
 - (g) Blijkt het aan de magistraat voor wie zodanige borgakte aangegaan is of aan het hof voor hetwelk of de magistraat voor wie de betrokken persoon ingevolge de borgakte moet verschijnen dat de voorwaarde van de borgakte verbroken is, dan kan de betrokken magistraat of het hof—
 - (i) een order uitreiken waarbij de borgakte verbeurdverklaard wordt, zullende die order de kracht van een vonnis op de borgakte hebben voor de daarin vermelde bedragen tegen de onder borgstelling ontslane persoon en zijn borgen respektievelik;
 - (ii) een lastbrief uitreiken voor de gevangenneming van de onder borgstelling vrijgelaten persoon en daarna, indien overtuigd dat de rechtsbedeling anderszins verijdeld zou worden, hem wanneer hij aldus gevangen genomen is, naar een gevangenis verwijzen om daar aangehouden te worden totdat hij volgens wet vrijgelaten is of daarvan verwijderd is.”

Wysiging van artikel 2 van Wet 24 van 1922 soos gewysig deur artikel 9 van Wet 32 van 1952.

14. Die volgende artikel word hiermee na artikel sewe van die „Licenties Konsolidatie Wet, 1925”, ingevoeg:

„Stappen in verband met licenties waar houders wegens zekere misdrijven veroordeeld worden.

- 7bis. (1) Wanneer iemand die de houder van een krachtens deze Wet uitgereikte licentie is, veroordeeld wordt wegens het misdrijf van diefstal of het ontvangen van gestolen goed wetende dat het gestolen is, gepleegd ten aanzien van goederen behorende tot een klasse van goederen die hij krachtens een zodanige licentie gerechtigd is te verkopen, kan het hof dat hem aldus veroordeelt, hetzij bedoeld misdrijf gepleegd werd voor of na de datum waarop die licentie uitgereikt was, die licentie voor een door het hof te bepalen tijdperk opschorten of die licentie kanselaren en de aldus veroordeelde persoon voor een door het hof te bepalen tijdperk onbevoegd verklaren een licentie van dezelfde aard als en in de plaats van de aldus gekanseleerde licentie te verkrijgen.
- (2) Wanneer ingevolge sub-artikel (1) een licentie opgeschort is, wordt de persoon aan wie die licentie uitgereikt was voor alle doeleinden geacht voor de duur van de opschorting niet de houder van een licentie te zijn ten aanzien van de bezigheid waarop de opgeschorte licentie betrekking heeft.
- (3) Wanneer ingevolge sub-artikel (1) een licentie opgeschort is of een licentie gekanseleerd is en de persoon aan wie dezelve uitgereikt was onbevoegd verklaard is een zodanige licentie te verkrijgen, wordt voor de duur van zodanige opschorting of onbevoegdheid geen licentie van dezelfde aard als de aldus opgeschorte of gekanseleerde licentie in de plaats van de aldus opgeschorte of gekanseleerde licentie uitgereikt aan de persoon aan wie bedoelde licentie uitgereikt was, en indien een zodanige licentie uitgereikt wordt, is dezelve nietig.”

Invoeging van artikel 7bis in Wet 32 van 1925.

15. Artikel een van die Ontug Wet, 1927, word hiermee gewysig deur die woorde „in omstandighede wat geen verkrachting, poging tot verkrachting, onsedelike aanranding of ’n oortreding van artikel twee of vier van die „Meisjes en Geestelik Gekrenkte Vrouwen Beschermings Wet”, 1916 (Wet No. 3 van 1916), uitmaak” te skrap.

Wysiging van artikel 1 van Wet 5 van 1927 soos gewysig deur artikel 1 van Wet 21 van 1950.

Substitution of section 101 of Act 30 of 1928.

16. (1) The following section is hereby substituted for section *one hundred and one* of the Liquor Act, 1928:

"Issue of letter of exemption to native, Asiatic or coloured person.

101. (1) (a) The magistrate of any district may, subject to any regulation made under sub-section (5) in his discretion issue to any native, Asiatic or coloured person ordinarily resident in that district on application a letter exempting the recipient for a period stated therein of not exceeding twelve months from any prohibition, restriction or condition operative under or in pursuance of this Act in respect of him in that district.

(b) Any such letter, if endorsed by a magistrate or European member of the police of or above the rank of sergeant or in command of a police post, stationed in any other district, shall exempt the recipient in accordance with the terms thereof in such other district for a period determined by such magistrate or member of the police and also endorsed thereon, from any such prohibition, restriction or condition operative in respect of him in such other district in relation to the purchase or use of liquor.

(2) Whenever any native, Asiatic or coloured person proves to the satisfaction of a commissioned officer of the police that he is domiciled or ordinarily resident in a country outside the Union in which the sale of liquor to such person is not prohibited, and that he is resident in the Union for purely temporary purposes, such officer may, subject to any regulation made under sub-section (5), issue to such person a letter exempting the recipient for a period not exceeding three months stated in such letter from any or every prohibition, restriction or condition operative in respect of the sale or supply of liquor to him.

(3) Every licensee shall at the time of delivering any liquor upon a letter issued under sub-section (1), legibly endorse in ink upon the letter the date of delivery, the name and situation of the licensed premises concerned and the kind and quantity of liquor delivered.

(4) Any letter issued under this section may at any time be cancelled by the person who issued it or his successor in office, and such power of cancellation shall not be limited by any regulation made under sub-section (5).

(5) The Minister may make regulations which may differ in respect of different areas and of different classes, prescribing—

(a) the conditions to be complied with before any letter or class of letter referred to in this section may be issued;

(b) the form of any such letter and of the application therefor;

(c) any register and records to be kept in connection with any such letter and application and the form in which such register and records is to be kept;

(d) the circumstances in which any letter issued under this section shall be cancelled."

(2) Any letter issued or granted under sub-section (1) or (3) of section *one hundred and one* of the Liquor Act, 1928, before the commencement of this Act shall be deemed to have been issued under the provisions of paragraph (a) of sub-section (1) of the said section as substituted by sub-section (1) of this section, by the magistrate of the district in which the recipient was ordinarily resident on the date of the issue or grant thereof: Provided that a letter so issued under sub-section (1) of the said section *one hundred and one* by the Minister before the commencement of this Act shall lapse on the thirty-first day of December, 1955, unless it is cancelled before that date.

Amendment of section 127 of Act 30 of 1928.

17. Section *one hundred and twenty-seven* of the Liquor Act, 1928, is hereby amended by the substitution in sub-section (2) for the word "Minister" of the words "magistrate of the district wherein any such place is situate" and for the word "he" wherever it occurs of the words "the Minister".

16. (1) Artikel *honderd-en-een* van die Drankwet, 1928, word hiermee deur die volgende artikel vervang:

Vervanging van artikel 101 van Wet 30 van 1928.

„Uitreiking van vrystellingsbrief aan naturel, Asiaat of kleurling.

101. (1) (a) Behoudens enige kragtens sub-artikel (5) uitgevaardigde regulasie, kan die magistraat van 'n distrik aan 'n naturel, Asiaat of kleurling wat gewoonlik in daardie distrik woonagtig is en wat daarom aansoek doen, na goeë dunke 'n brief uitreik wat die ontvanger vrystel vir 'n daarin vermelde tydperk van hoogstens twaalf maande van enige verbod, beperking of voorwaarde wat kragtens of uit hoofde van hierdie Wet op hom in daardie distrik van toepassing is.
- (b) Indien dit deur 'n in 'n ander distrik gestasioneerde magistraat of blanke lid van die polisiemag wat die rang van sersant, of hoër, beklee of wat in bevel van 'n polisiepos is, geëndosseer word, stel so 'n brief ooreenkomstig die bepalinge daarvan die ontvanger vry in sodanige ander distrik vir 'n tydperk deur bedoelde magistraat of lid van die polisiemag bepaal en ook daarop geëndosseer, van enige sodanige verbod, beperking of voorwaarde met betrekking tot die koop of gebruik van drank wat in sodanige ander distrik op hom van toepassing is.

(2) Wanneer 'n naturel, Asiaat of kleurling 'n polisie-offisier met bewyse oortuig dat hy in 'n land buite die Unie gedomisileer of gewoonlik woonagtig is waar die verkoop van drank aan hom nie belet is nie en dat hy vir bloot tydelike doeleindes in die Unie woon, dan kan daardie offisier, met inagneming van enige kragtens sub-artikel (5) uitgevaardigde regulasie, aan daardie persoon 'n brief uitreik wat die ontvanger gedurende 'n in die brief vasgestelde termyn van hoogstens drie maande vrystel van enige of elke verbod, beperking of voorwaarde met betrekking tot die verkoop of verstrekking van drank aan hom.

(3) Elke lisensiehouer moet op die tydstip waarop hy ingevolge 'n kragtens sub-artikel (1) uitgereikte brief drank aflewer, die datum van aflewering, die naam en ligging van die betrokke gelisensieerde gebou en die soort en hoeveelheid drank wat afgelewer is, met ink op die brief leesbaar aanteken.

(4) 'n Kragtens hierdie artikel uitgereikte brief kan te eniger tyd ingetrek word deur die persoon wat dit uitgereik het of sy ampsopvolger, en hierdie intrekingsbevoegdheid word nie beperk deur 'n kragtens sub-artikel (5) uitgevaardigde regulasie nie.

(5) Die Minister kan regulasies uitvaardig wat met betrekking tot verskillende streke en verskillende klasse kan verskil, waarin voorgeskryf word—

- (a) aan watter voorwaardes voldoen moet word voordat enige in hierdie artikel vermelde brief of soort van brief uitgereik kan word;
- (b) die vorm van enige sodanige brief en van die aansoek daarom;
- (c) enige register en aantekenings wat in verband met so 'n brief en aansoek gehou moet word, en die vorm waarin sodanige register en aantekenings gehou moet word;
- (d) die omstandighede waaronder 'n kragtens hierdie artikel uitgereikte brief ingetrek moet word.”.

(2) 'n Brief wat kragtens sub-artikel (1) of (3) van artikel *honderd-en-een* van die Drankwet, 1928, voor die inwerkingtreding van hierdie Wet uitgereik of verleen is, word geag kragtens die bepalinge van paragraaf (a) van sub-artikel (1) van bedoelde artikel soos vervang deur sub-artikel (1) van hierdie artikel, uitgereik te gewees het deur die magistraat van die distrik waarin die ontvanger op die datum van uitreiking of verlening daarvan gewoonlik woonagtig was: Met dien verstande dat 'n brief kragtens sub-artikel (1) van bedoelde artikel *honderd-en-een* deur die Minister voor die inwerkingtreding van hierdie Wet aldus uitgereik op die een-en-dertigste dag van Desember 1955 verval tensy dit voor dié datum ingetrek word.

17. Artikel *honderd sewe-en-twintig* van die Drankwet, 1928, word hiermee gewysig deur in sub-artikel (2) die woord „Minister” deur die woorde „magistraat van die distrik waarbinne enige sodanige plek geleë is” en die woord „hy”, waar dit ook al voorkom, deur die woorde „die Minister” te vervang.

Wysiging van artikel 127 van Wet 30 van 1928.

- Amendment of section 2 of Act 24 of 1935. **18.** Section *two* of the Performing Animals Protection Act, 1935, is hereby amended—
- (a) by the substitution for the word "Minister" where it occurs for the first time, of the words "magistrate of the district in which such person resides";
 - (b) by the substitution in paragraphs (a) and (c) of the proviso for the word "Minister" of the word "magistrate".
- Amendment of section 4 of Act 24 of 1936 as amended by section 3 of Act 16 of 1943. **19.** Section *four* of the Insolvency Act, 1936, is hereby amended by the addition at the end of sub-section (5) of the words "or, if the debtor resides or so carries on business in a portion of such district in respect of which an additional or assistant magistrate permanently carries out the functions of the magistrate of the district at a place other than the seat of magistracy of that district, at the office of such additional or assistant magistrate."
- Amendment of section 108 of Act 24 of 1936. **20.** Section *one hundred and eight* of the Insolvency Act, 1936, is hereby amended by the insertion in sub-section (1) after the words "that district" of the words "or, if the insolvent resided or carried on business in a portion of that district in respect of which an additional or assistant magistrate permanently carries out the functions of the magistrate of that district at a place other than the seat of magistracy of that district, to such additional or assistant magistrate,".
- Amendment of section 153 of Act 24 of 1936. **21.** Section *one hundred and fifty-three* of the Insolvency Act, 1936, is hereby amended—
- (a) by the insertion in sub-section (1) after the word "matters" of the words "and in the manner"; and
 - (b) by the insertion after sub-section (1) of the following sub-section:
 "(1)*bis*. The Governor-General may from time to time by proclamation in the *Gazette* amend the said Third Schedule."
- Substitution of Third Schedule to Act 24 of 1936 as amended by section 31 of Act 17 of 1938. **22.** The Schedule set out in the Second Schedule to this Act is hereby substituted for the Third Schedule to the Insolvency Act, 1936: Provided that the amendment effected by this section shall not apply in respect of estates sequestrated before the commencement of this Act.
- Amendment of section 3 of Act 18 of 1943 as amended by section 27 of Act 46 of 1945. **23.** Section *three* of the Prescription Act, 1943, is hereby amended by the deletion of sub-paragraph (iv) of paragraph (b) of sub-section (2).
- Amendment of section 93 of Act 32 of 1944 as amended by section 22 of Act 40 of 1952. **24.** Section *ninety-three* of the Magistrates' Courts Act, 1944, is hereby amended by the insertion in sub-section (2) after the words "his finding" of the words "and shall in such event also set aside his finding in respect of any other accused person who has been convicted after being tried jointly with such first-mentioned accused person,".
- Amendment of section 96 of Act 32 of 1944 as amended by section 25 of Act 40 of 1952. **25.** Section *ninety-six* of the Magistrates' Courts Act, 1944, is hereby amended—
- (a) by the insertion in sub-section (1) after the words "criminal cases" of the words "(other than sentences imposed by courts of regional divisions)";
 - (b) by the deletion in the said sub-section of the words "or in the case of a court of a regional division, for a period exceeding one year or a fine exceeding one hundred pounds"; and
 - (c) by the deletion in sub-section (2) of the words "or in the case of a court of a regional division exceeds one year or one hundred pounds,".
- Amendment of section 104 of Act 32 of 1944. **26.** Section *one hundred and four* of the Magistrates' Courts Act, 1914, is hereby amended by the substitution in sub-section (1) for the word "magistrate" of the words "judicial officer concerned".
- Amendment of section 8 of Act 54 of 1949 as amended by section 18 of Act 21 of 1954. **27.** Section *eight* of the General Law Amendment Act, 1949, is hereby amended—
- (a) by the substitution in paragraph (b) of sub-section (1) for the words "in the province of the Cape of Good Hope" of the words "in that portion of the province of the Cape of Good Hope which is not subject to the

- 18. Artikel twee van die Beskerming van Gedresseerde Diere Wet, 1935, word hiermee gewysig—**
- (a) deur die woord „Minister” waar dit die eerste keer voorkom deur die woorde „magistraat van die distrik waarin bedoelde persoon woon” te vervang;
- (b) deur in paragrafe (a) en (c) van die voorbehoudsbepaling die woord „Minister” deur die woord „magistraat” te vervang.
- Wysiging van artikel 2 van Wet 24 van 1935.
- 19. Artikel vier van die Insolvensiewet, 1936, word hiermee gewysig deur in sub-artikel (5) na die woorde „die distrik” die woorde „of, indien die skuldenaar woon of aldus besigheid dryf in ’n deel van die distrik ten opsigte waarvan ’n addisionele of assistent-magistraat permanent op ’n ander plek as die magistraatsetel van die distrik die werksaamhede van die magistraat van die distrik verrig, by die kantoor van sodanige addisionele of assistent-magistraat” in te voeg.**
- Wysiging van artikel 4 van Wet 24 van 1936 soos gewysig deur artikel 3 van Wet 16 van 1943.
- 20. Artikel honderd-en-agt van die Insolvensiewet, 1936, word hiermee gewysig deur in sub-artikel (1) na die woorde „daardie distrik” die woorde „of indien die insolvent gewoon of besigheid gedryf het in ’n deel van daardie distrik ten opsigte waarvan ’n addisionele of assistent-magistraat permanent op ’n ander plek as die magistraatsetel van die distrik die werksaamhede van die magistraat van daardie distrik verrig, aan sodanige addisionele of assistent-magistraat” in te voeg.**
- Wysiging van artikel 108 van Wet 24 van 1936.
- 21. Artikel honderd drie-en-vyftig van die Insolvensiewet, 1936, word hiermee gewysig—**
- (a) deur in sub-artikel (1) na die woord „leges” die woorde „op die aldus aangegeve wyse” in te voeg; en
- (b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:
- „(1)*bis* Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* bedoelde Derde Bylae van tyd tot tyd wysig.”
- Wysiging van artikel 153 van Wet 24 van 1936.
- 22. Die Derde Bylae by die Insolvensiewet, 1936, word hiermee deur die Bylae uiteengesit in die Tweede Bylae by hierdie Wet vervang: Met dien verstande dat die wysiging aangebring deur hierdie artikel nie van toepassing is nie met betrekking tot boedels wat voor die inwerkingtreding van hierdie Wet gesekwestreer is.**
- Vervanging van Derde Bylae by Wet 24 van 1936 soos gewysig deur artikel 31 van Wet 17 van 1938.
- 23. Artikel drie van die Verjaringswet, 1943, word hiermee gewysig deur sub-paragraaf (iv) van paragraaf (b) van sub-artikel (2) te skrap.**
- Wysiging van artikel 3 van Wet 18 van 1943 soos gewysig deur artikel 27 van Wet 46 van 1945.
- 24. Artikel drie-en-negentig van die Magistraatshowewet, 1944, word hiermee gewysig deur in sub-artikel (2) na die woorde „ter syde stel”, die woorde „en moet in so ’n geval ook sy bevinding ter syde stel ten opsigte van enige ander beskuldigde wat nadat hy tesame met sodanige eersgenoemde beskuldigde verhoor was, skuldig bevind is,” in te voeg.**
- Wysiging van artikel 93 van Wet 32 van 1944 soos gewysig deur artikel 22 van Wet 40 van 1952.
- 25. Artikel ses-en-negentig van die Magistraatshowewet, 1944, word hiermee gewysig—**
- (a) deur in sub-artikel (1) na die woord „strafsake” die woorde „(behalwe vonnisse opgelê deur howe van streek-afdelings)” in te voeg;
- (b) deur in bedoelde sub-artikel die woorde „of in die geval van die hof van ’n streek-afdeling, vir ’n tydperk van meer as een jaar of ’n boete van meer as honderd pond” te skrap; en
- (c) deur in sub-artikel (2) die woorde „of in die geval van die hof van ’n streek-afdeling, een jaar of eenhonderd pond” te skrap.
- Wysiging van artikel 96 van Wet 32 van 1944 soos gewysig deur artikel 25 van Wet 40 van 1952.
- 26. Artikel honderd-en-vier van die Magistraatshowewet, 1944, word hiermee gewysig deur in sub-artikel (1) die woord „magistraat” deur die woorde „betrokke regterlike beampte” te vervang.**
- Wysiging van artikel 104 van Wet 32 van 1944.
- 27. Artikel agt van die Algemene Regswysigingswet, 1949, word hiermee gewysig—**
- (a) deur in paragraaf (b) van sub-artikel (1) die woorde „in die provinsie die Kaap die Goede Hoop” te vervang deur die woorde „in daardie gedeelte van die provinsie die Kaap die Goede Hoop wat nie onder die regsmag
- Wysiging van artikel 8 van Wet 54 van 1949 soos gewysig deur artikel 18 van Wet 21 van 1954.

jurisdiction of the Griqualand West Local Division," and for the words "the portion" of the words "that portion of the said portion";

(b) by the addition at the end of sub-section (1) of the following paragraph:

"(c) for a judge of the Griqualand West Local Division to divide that portion of the province of the Cape of Good Hope which is subject to the jurisdiction of that Division by notice in the *Gazette* into two or more circuit districts, and to fix the boundaries of every such district and to alter such boundaries from time to time as occasion may require.";

(c) by the insertion in sub-section (2) after the expression "Judge-President", wherever it appears, of the words "or judge"; and

(d) by the substitution for sub-section (3) of the following sub-section:

"(3) Any Circuit Court held in terms of the provisions of this section shall be deemed for all purposes to be a Circuit Court held in terms of the provisions of section *thirty-eight* of the Charter of Justice of the Cape of Good Hope, 1832, or of Part III of the Supreme Court Act, 1896, of Natal or of section *twenty* of the Administration of Justice Ordinance, 1902, of the Orange Free State, or of section *four* of the Superior Courts Criminal Jurisdiction Ordinance, 1903, of the Transvaal, according as the district has been determined—

(a) by the Judge-President of the Cape Provincial Division, or of the Eastern Districts Local Division, or by a judge of the Griqualand West Local Division, or

(b) by the Judge-President of the Natal Provincial Division, or

(c) by the Judge-President of the Orange Free State Provincial Division, or

(d) by the Judge-President of the Transvaal Provincial Division."

Amendment of section 10 of Act 54 of 1949 as amended by section 22 of Act 32 of 1952.

28. Section *ten* of the General Law Amendment Act, 1949, is hereby amended by the substitution for paragraph (k) of sub-section (3) of the following paragraph:

"(k) articles capable of releasing lachrymatory, asphyxiating, blinding, incapacitating or other harmful substances, and cartridges therefor;"

Insertion of section 10bis in Act 54 of 1949.

29. The following section is hereby inserted after section *ten* of the General Law Amendment Act, 1949:

"Prohibition of battle-axes. 10bis. (1) Subject to the provisions of sub-section (2), any person who manufactures, sells, supplies, possesses or acquires a battle-axe shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(2) Nothing in this section contained shall prohibit the acquisition or possession of a battle-axe by any person solely as a trophy, curiosity or ornament, if he is authorized thereto in writing by the Commissioner of the South African Police.

(3) Any person charged with contravening sub-section (1) may, if it is not proved that the article to which the charge relates is a battle-axe but is proved that such article is a dangerous weapon as defined in sub-section (3) of section *ten* and that he has in respect of that article committed any offence mentioned in sub-section (1) or (2) of section *ten*, be convicted of that offence."

Amendment of section 5 of Act 52 of 1951.

30. Section *five* of the Prevention of Illegal Squatting Act, 1951, is hereby amended—

(a) by the deletion in sub-section (1) of the words "without delay" and the insertion in the said sub-section after the words "local authorities concerned" of the words "or its or their authorized representative or representatives";

- van die plaaslike afdeling Griekwaland-Wes val nie," en die woorde „die gedeelte" deur die woorde „daardie gedeelte van bedoelde gedeelte";
- (b) deur die volgende paragraaf aan die end van sub-artikel (1) by te voeg:
- „(c) vir 'n regter van die plaaslike afdeling Griekwaland-Wes om daardie gedeelte van die provinsie die Kaap die Goede Hoop wat onder die regsmag van daardie afdeling val, by kennisgewing in die *Staatskoerant* in twee of meer rondgang-distrikte te verdeel, en om die grense van elke sodanige distrik vas te stel en om sodanige grense van tyd tot tyd na dit nodig mag wees te verander.”;
- (c) deur in sub-artikel (2) na die uitdrukking „Regter-president” waar dit ook al voorkom die woorde „of regter” in te voeg; en
- (d) deur sub-artikel (3) deur die volgende sub-artikel te vervang:
- „(3) 'n Rondgaande hofsitting wat ooreenkomstig die bepalings van hierdie artikel gehou word, word vir alle doeleindes geag 'n rondgaande hofsitting te wees wat gehou is ooreenkomstig die bepalings van artikel *agt-en-dertig* van die ‚Charter of Justice’ van die Kaap die Goede Hoop, 1832, of van Deel III van die ‚Supreme Court Act, 1896’ van Natal, of van artikel *twintig* van die ‚Administration of Justice Ordinance, 1902’ van die Oranje-Vrystaat, of van artikel *vier* van die ‚Superior Courts Criminal Jurisdiction Ordinance, 1903’ van die Transvaal, na gelang die distrik vasgestel is—
- (a) deur die Regter-president van die provinsiale afdeling die Kaap die Goede Hoop, of van die plaaslike afdeling die Oostelike Distrikte, of deur 'n regter van die plaaslike afdeling Griekwaland-Wes, of
- (b) deur die Regter-president van die provinsiale afdeling Natal, of
- (c) deur die Regter-president van die provinsiale afdeling die Oranje-Vrystaat, of
- (d) deur die Regter-president van die provinsiale afdeling Transvaal.”

28. Artikel *tien* van die Algemene Regswysigingswet, 1949, word hiermee gewysig deur paragraaf (k) van sub-artikel (3) deur die volgende paragraaf te vervang:

„(k) voorwerpe wat in staat is om traanverwekkende, verstikkende, verblindende, onbekwaammakende of ander skadelike stowwe vry te laat, en patrone daarvoor;”

Wysiging van artikel 10 van Wet 54 van 1949 soos gewysig deur artikel 22 van Wet 32 van 1952.

29. Die volgende artikel word hiermee na artikel *tien* van die Algemene Regswysigingswet, 1949, ingevoeg:

Invoeging van artikel 10bis in Wet 54 van 1949.

„Verbod op 10bis. (1) Behoudens die bepalings van sub-artikel (2), is iemand wat 'n strydbyl vervaardig, verkoop, verskaf, besit of verkry aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en sodanige gevangenisstraf.

(2) Die bepalings van hierdie artikel belet nie die verkryging of besit van 'n strydbyl deur iemand uitsluitlik as trofee, kuriositeit of ornament nie, indien hy daartoe deur die Kommissaris van die Suid-Afrikaanse Polisie skriftelik gemagtig word.

(3) Iemand wat weens die oortreding van sub-artikel (1) aangekla word, kan indien dit nie bewys word dat die voorwerp waarop die aanklag betrekking het 'n strydbyl is nie maar bewys word dat daardie voorwerp 'n gevaarlike wapen is soos in sub-artikel (3) van artikel *tien* omskrywe en dat hy ten opsigte van daardie voorwerp 'n in sub-artikel (1) of (2) van artikel *tien* bedoelde misdryf gepleeg het, aan daardie misdryf skuldig bevind word.”

30. Artikel *vyf* van die Wet op die Voorkoming van Onregmatige Plakkery, 1951, word hiermee gewysig—

Wysiging van artikel 5 van Wet 52 van 1951.

- (a) deur in sub-artikel (1) die woorde „sonder versuim” te skrap en na die woorde „plaaslike owerhede” die woorde „of sy of hulle gemagtigde verteenwoordiger of verteenwoordigers” in te voeg;

(b) by the deletion in paragraph (i) of sub-section (1) of the word "immediate".

Amendment of section 3 of Act 3 of 1953.

31. Section *three* of the Public Safety Act, 1953, is hereby amended by the insertion after sub-section (4) of the following sub-section:

"(4)*bis* Whenever any regulation made under sub-section (1) provides for the summary arrest and detention of any person, and any person has been arrested in pursuance of such a regulation, he may be detained under that regulation at any place within the Union, whether such place be within or outside the area in which the existence of the state of emergency has been declared under section *two*, and any regulation made under sub-section (1) of this section and any order, rule or by-law made under any such regulation and which relates to the detention of any person arrested in the said area or to the place of detention of such a person, shall in relation to the detention of such a person at a place outside the aforesaid area, apply at and in relation to the place where such person is detained as if that place were within the aforesaid area."

Restriction on admission of certain persons as advocates.

32. (1) Notwithstanding anything to the contrary in any law contained—

(a) no person shall be admitted as an advocate if at any time within a period of six months before the date of his application to be so admitted his name has been on the Roll of Attorneys or of Notaries or of Conveyancers of any division of the Supreme Court of South Africa, of the High Court of South-West Africa, of the High Court of Basutoland, Bechuanaland Protectorate or Swaziland or of the High Court of Southern Rhodesia: Provided that the Court hearing the application of any such person for admission as an advocate shall have a discretion to admit him as an advocate if he proves that for a continuous period of six months immediately before the date of his application he has in no way been associated or connected with the practice of, or acted directly or indirectly as, an attorney, notary or conveyancer in the Union, the territory of South-West Africa (as defined in section *one* of the South-West Africa Affairs Amendment Act, 1949 (Act No. 23 of 1949)), Basutoland, Bechuanaland Protectorate, Swaziland or Southern Rhodesia;

(b) no person who has been a clerk or assistant, whether for remuneration or not, to any person practising as an attorney, notary or conveyancer in the Union, the territory of South-West Africa as defined as aforesaid, Basutoland, Bechuanaland Protectorate, Swaziland or Southern Rhodesia shall be admitted as an advocate unless he proves that for a continuous period of six months immediately before the date of his application to be so admitted he has in no way been associated or connected with the practice of, or acted directly or indirectly as, an attorney, notary or conveyancer in any of the said countries.

(2) Sub-section (1) shall not apply in respect of any application for admission as an advocate made to the Natal Provincial Division of the Supreme Court of South Africa by any person referred to in section *one* of the Natal Advocates and Attorneys Preservation of Rights Act, 1939 (Act No. 27 of 1939).

(3) Any person who was employed in the office of the State Attorney or in any branch thereof, established in terms of the State Attorney Act, 1925 (Act No. 25 of 1925), shall be deemed, for the purposes of sub-section (1), not to have been associated or connected in any way with the practice of, or to have acted directly or indirectly as, an attorney, notary or conveyancer for the period during which he was so employed.

Court may grant its consent to alienation or mortgage of property subject to certain restrictions.

33. (1) Whenever under a will or other instrument any unborn person will be entitled to any interest in immovable property which is subject to any restriction imposed by such will or other instrument, any provincial or local division of the Supreme Court may grant its consent on behalf of any such unborn person (whether already conceived or not) to the alienation or mortgage of such property as if such unborn person were a minor *in esse*.

- (b) deur in paragraaf (i) van sub-artikel (1) die woord „onmiddellike” te skrap.

31. Artikel *drie* van die Wet op Openbare Veiligheid, 1953, word hiermee gewysig deur na sub-artikel (4) die volgende sub-artikel in te voeg: Wysiging van artikel 3 van Wet 3 van 1953.

„(4)*bis* Wanneer 'n kragtens sub-artikel (1) uitgevaardigde regulasie voorsiening maak vir die summiere arrestasie en aanhouding van enige persoon en iemand uit kragte van so 'n regulasie in hegtenis geneem is, kan hy kragtens so 'n regulasie op enige plek binne die Unie aangehou word, hetsy sodanige plek binne of buite die gebied waarin die bestaan van die noodtoestand kragtens artikel *twee* verklaar is, geleë is, en enige kragtens sub-artikel (1) van hierdie artikel uitgevaardigde regulasie en enige bevel, reël of verordening kragtens so 'n regulasie uitgevaardig wat betrekking het op die aanhouding van iemand wat in bedoelde gebied in hegtenis geneem is of op die plek van aanhouding van so iemand, is met betrekking tot die aanhouding van so iemand op 'n plek buite voormelde gebied, van toepassing by en met betrekking tot die plek waar so iemand aangehou word asof bedoelde plek binne voormelde gebied geleë was.”

32. (1) Ondanks andersluidende wetsbepalings—

(a) mag niemand as advokaat toegelaat word nie indien sy naam te eniger tyd binne 'n tydperk van ses maande voor die datum van sy aansoek om aldus toegelaat te word, op die Rol van Prokureurs of van Notarisse of van Transportbesorgers van 'n afdeling van die Hooggeregshof van Suid-Afrika, van die Hoëhof van Suidwes-Afrika, van die Hoëhof van Basoetoland, Betsjoeanaland-protectoraat of Swasieland of van die Hoëhof van Suid-Rhodesië verskyn het: Met dien verstande dat die Hof wat die aansoek van so iemand om as advokaat toegelaat te word, bereg, hom na goeddunke as advokaat kan toelaat indien hy bewys lewer dat hy vir 'n onafgebroke tydperk van ses maande onmiddellik voor die datum van sy aansoek in geen opsig verbonde was aan die praktyk van, of regstreeks of onregstreeks opgetree het as, 'n prokureur, notaris of transportbesorger in die Unie, die gebied Suidwes-Afrika (soos in artikel *een* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949 (Wet No. 23 van 1949), omskrywe), Basoetoland, Betsjoeanaland-protectoraat, Swasieland of Suid-Rhodesië;

Beperking op toelating van sekere persone as advokate.

(b) mag niemand wat hetsy teen vergoeding al dan nie klerk of assistent was van iemand wat as prokureur, notaris of transportbesorger gepraktiseer het in die Unie, die gebied Suidwes-Afrika, soos hierbo vermeld omskrywe, Basoetoland, Betsjoeanaland-protectoraat, Swasieland of Suid-Rhodesië, as advokaat toegelaat word nie tensy hy bewys lewer dat hy vir 'n onafgebroke tydperk van ses maande onmiddellik voor die datum van sy aansoek om aldus toegelaat te word, in geen opsig verbonde was aan die praktyk van, of regstreeks of onregstreeks opgetree het as, 'n prokureur, notaris of transportbesorger in enigen van voormelde lande.

(2) Sub-artikel (1) is nie van toepassing nie ten opsigte van 'n aansoek om toelating as advokaat wat by die Natalse Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika gedoen word deur 'n in artikel *een* van die Natalse Advokate en Prokureurs Behoud van Regte Wet, 1939 (Wet No. 27 van 1939), bedoelde persoon;

(3) Iemand wat in diens was in die by die „Staatsprokureur Wet, 1925” (Wet No. 25 van 1925), ingestelde kantoor van die Staatsprokureur of in 'n tak daarvan word by die toepassing van sub-artikel (1) geag nie in enige opsig verbonde te gewees het aan die praktyk van, of regstreeks of onregstreeks op te getree het as, 'n prokureur, notaris of transportbesorger vir die tydperk gedurende welke hy aldus in diens was nie.

33. (1) Wanneer 'n ongebore persoon ingevolge 'n testament of ander stuk geregtig sal wees op 'n belang in onroerende eiendom wat aan 'n deur daardie testament of ander stuk opgelegde beperking onderworpe is, kan 'n provinsiale of plaaslike afdeling van die Hooggeregshof ten behoeve van so 'n ongebore persoon (hetsy alreeds verwek al dan nie) toestemming verleen tot die vervreemding of beswaring met 'n verband van sodanige eiendom asof bedoelde ongebore persoon 'n minderjarige *in esse* was.

Hof kan toestemming verleen tot vervreemding of beswaring met verband van eiendom aan sekere beperkings onderworpe.

(2) Proceedings in connection with the granting of such consent shall be deemed to be civil proceedings within the meaning of paragraph (c) of section *three* of the Appellate Division Further Jurisdiction Act, 1911 (Act No. 1 of 1911).

Ministers and officials to be cited by official titles.

34. Whenever any Minister of State or public official is cited in his official capacity in any legal proceedings in any court, he shall be cited by his official title and not by name.

Interim interdicts against the State.

35. Notwithstanding anything to the contrary contained in any law, no court shall issue any rule *nisi* operating as an interim interdict against the Government of the Union including the South African Railways and Harbours Administration or the Administration of any Province, or any Minister, Administrator or other officer of the said Government or Administration in his capacity as such, unless notice of the intention to apply for such a rule, accompanied by copies of the petition and of the affidavits which are intended to be used in support of the application, was served upon the said Government, Administration, Minister, Administrator or officer at least seventy-two hours, or such lesser period as the court may in all the circumstances of the case consider reasonable, before the time mentioned in the notice for the hearing of the application.

Failure to give a satisfactory account of possession of goods.

36. Any person who is found in possession of any goods, other than stock or produce as defined in section *thirteen* of the Stock Theft Act, 1923 (Act No. 26 of 1923), in regard to which there is reasonable suspicion that they have been stolen and is unable to give a satisfactory account of such possession, shall be guilty of an offence and liable on conviction to the penalties which may be imposed on a conviction of theft.

Absence of reasonable cause for believing goods properly acquired.

37. (1) Any person who in any manner, otherwise than at a public sale, acquires or receives into his possession from any other person stolen goods, other than stock or produce as defined in section *thirteen* of the Stock Theft Act, 1923, without having reasonable cause, proof of which shall be on such first-mentioned person, for believing at the time of such acquisition or receipt that such goods are the property of the person from whom he receives them or that such person has been duly authorized by the owner thereof to deal with or to dispose of them, shall be guilty of an offence and liable on conviction to the penalties which may be imposed on a conviction of receiving stolen property knowing it to have been stolen.

(2) For the purposes of sub-section (1) "public sale" means a sale effected—

- (a) at any public market; or
- (b) by any shopkeeper during the hours when his shop may in terms of any law remain open for the transaction of business; or
- (c) by a duly licensed auctioneer at a public auction; or
- (d) in pursuance of an order of a competent court.

Prosecutions in connection with gambling houses.

38. In any prosecution under any statute or under the common law for keeping or visiting a gambling house it shall not be a defence that the premises to which the charge relates—

- (a) are available only for the use of subscribers or members or a group of members, or are not available for use by the public in general; or
- (b) are used only by personal friends of the owner or occupier,

if it is proved that any such use occurs habitually.

Short title.

39. (1) This Act shall be called the General Law Amendment Act, 1955.

(2) Sections *one*, *two* and *three* shall not come into operation until a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(2) 'n Geding wat in verband staan met die verlening van sodanige toestemming word geag 'n „civiele zaak” binne die bedoeling van paragraaf (c) van artikel drie van die „Afdeling van Appèl Verdere Jurisdiktie Wet, 1911” (Wet No. 1 van 1911), uit te maak.

34. Wanneer 'n Staatsminister of openbare beampte in enige regsgeding in sy amptelike hoedanigheid gesitêr word, word hy by sy ampstitel gesitêr en nie by name nie.

Ministers en beamptes word by ampstitels gesitêr.

35. Ondanks andersluidende wetsbepalings, reik geen hof 'n bevel *nisi* uit nie wat as tussentydse interdik geld teen die Regering van die Unie met inbegrip van die Suid-Afrikaanse Spoorweg- en Hawensadministrasie, of die Administrasie van 'n Provinsie, of 'n Minister, Administrateur of ander amptenaar van bedoelde Regering of Administrasie in sy hoedanigheid as sodanig, tensy kennisgewing van die voorneme om om so 'n bevel aansoek te doen, vergesel van afskrifte van die petisie en van die beëdigde verklarings wat ter staving van die aansoek gebruik gaan word, op bedoelde Regering, Administrasie, Minister, Administrateur of amptenaar gedien is minstens twee-en-sewentig uur, of sodanige korter tydperk as wat die hof met inagneming van al die omstandighede van die geval redelik beskou, voor die tyd in die kennisgewing vermeld vir die verhoor van die aansoek.

Tussentydse interdikte teen die Staat.

36. Iemand wat in besit gevind word van ander goed as „vee” of „produkten” soos in artikel *dertien* van die „Veediefstal Wet, 1923” (Wet No. 26 van 1923), omskrywe, ten opsigte waarvan daar redelike verdenking bestaan dat dit gesteelde goed is en wat nie in staat is om voldoende rekenskap van sodanige besit te gee nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die straf wat by 'n veroordeling weens diefstal opgelê kan word.

Versuim om van besit van goed voldoende rekenskap te gee.

37. (1) Iemand wat op enige wyse, behalwe by 'n openbare verkoping, ander gesteelde goed as „vee” of „produkten” soos in artikel *dertien* van die „Veediefstal Wet, 1923”, omskrywe, van iemand anders verkry of in sy besit ontvang sonder om redelike gronde, waarvan die bewyslas op eersgenoemde persoon rus, daarvoor te hê om ten tyde van sodanige verkryging of ontvangs aan te neem dat die goed die eiendom is van die persoon van wie hy dit ontvang of dat daardie persoon deur die eienaar van die goed behoorlik gemagtig is om daarvoor te beskik of om dit van die hand te sit, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die straf wat by 'n veroordeling weens die ontvang van gesteelde goed wetende dat dit gesteel is, opgelê kan word.

Afwesigheid van redelike gronde om aan te neem dat goed wettiglik verkry is.

(2) By die toepassing van sub-artikel (1) beteken „openbare verkoping” 'n verkoping wat gesluit is—

- (a) by 'n openbare mark; of
- (b) deur 'n winkelier gedurende die ure wanneer sy winkel ingevolge enige wetsbepaling kan oopbly vir die doen van sake; of
- (c) deur 'n behoorlik gelisensieerde afslaer by 'n openbare veiling; of
- (d) uit hoofde van 'n bevel uitgereik deur 'n bevoegde hof.

38. By 'n vervolging ingevolge 'n wet of die gemenerereg weens die hou of besoek van 'n speelhuus, is dit geen verweer nie dat die perseel waarop die aanklag betrekking het—

Vervolgings in verband met speelhuise.

- (a) slegs vir gebruik deur intekenaars of lede of 'n groep lede beskikbaar is, of nie vir gebruik deur die publiek in die algemeen toeganklik is nie; of
- (b) slegs deur persoonlike vriende van die eienaar of okkupeerder gebruik word,

indien bewys word dat enige sodanige gebruik gereeld plaasvind.

39. (1) Hierdie Wet heet die Algemene Regswysigingswet, Kort titel. 1955.

(2) Artikels *een*, *twee* en *drie* tree nie in werking voor 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasstel nie.

First Schedule.

(Section 12.)

SUBSTITUTION OF FOURTH SCHEDULE TO ACT 24 OF 1913.

"FOURTH SCHEDULE.

TARIFF OF FEES.

1. (1) On all estates of deceased persons or estates under curatorship (except estates under the charge of a *curator bonis* pending the appointment of an executor) the gross value of which—

	£	s.	d.
(a) is £500 or more but less than £1,000	1	0	0
(b) is £1,000 or more, for each £1,000	2	0	0
subject to a maximum fee of	100	0	0

(2) The fees referred to in sub-paragraph (1) shall be payable in cash.

2. (1) The following fees shall be payable in respect of the documents or services mentioned—

(a) (i) taxing the remuneration of executors, tutors and curators, upon every pound or fraction thereof of the taxed amount	1	0	0
(ii) taxing the remuneration of sworn appraisers, upon every pound or fraction thereof of the taxed amount	1	0	0
(b) (i) for extracts or copies of documents made in the office of a Master, for every one hundred words or fraction thereof	1	0	0
(ii) for extracts or copies of documents certified in the office of a Master (whether or not made in such office), for every one hundred words or fraction thereof	1	0	0
(c) for binding the records of any one estate according to the size thereof, a fee in the discretion of the Master from 7s. to	1	10	0
(d) for custody of any will during the testator's lifetime	10	0	0
(e) for the inspection of the records or information concerning any one estate (except in the case of the executor or curator of such estate or his lawful agent or surety)	2	6	0

(2) The fees referred to in items (a) (ii), (b), (d) and (e) of sub-paragraph (1) shall be payable by means of revenue stamps affixed to the relevant documents and those referred to in items (a) (i) and (c) of the said sub-paragraph shall be payable in cash.

3. Upon all unclaimed moneys paid into the hands of a Master in pursuance of section *ninety-two* of this Act or for account of absent or unknown creditors of any estate or for account of absent or unknown creditors or contributories of any company a commission upon the amount paid in of five per cent. shall be payable in cash and be deducted from the unclaimed moneys so paid into the hands of the Master."

Second Schedule.

(Section 22.)

SUBSTITUTION OF THIRD SCHEDULE TO ACT 24 OF 1936.

"THIRD SCHEDULE.

MASTER'S FEES OF OFFICE (SECTION 153).

	£	s.	d.
1. For inspection of documents in any one estate, excepting by or on behalf of a trustee or his surety	2	6	0
2. For binding documents in each estate according to the size of the estate, in the discretion of the Master from 7s. to	1	10	0
3. For taxing a trustee's remuneration or a bill of costs (but not a deputy sheriff's account) on every one pound or fraction of a pound of the amount taxed	1	0	0
4. Upon the assets in an insolvent estate available for distribution among creditors—			
(a) upon the first £5,000: $\frac{1}{4}$ per cent., with a minimum of £1;			
(b) upon any amount in excess of the first £5,000: $\frac{1}{8}$ per cent.			
5. (a) For extracts or copies of documents made in the office of a Master, for every one hundred words or part thereof	1	0	0
(b) For extracts or copies of documents certified in the office of a Master (whether or not made in such office), for every one hundred words or part thereof	1	0	0
6. On any amount paid by the trustee into the Guardian's Fund for account of creditors: 5 per cent.			
7. The fees referred to in items 1 and 5 shall be payable by means of revenue stamps affixed to the relevant document and those referred to in items 2, 3, 4 and 6 shall be payable in cash."			

Eerste Bylae.
 (Artikel 12.)

VERVANGING VAN VIERDE BYLAE BY WET 24 VAN 1913.

„VIERDE BIJLAGE.

TARIEF VAN LONEN.

1. (1) Op alle boedels van overleden personen of op boedels onder kuratele (behalve boedels, waarover een *curator bonis* gesteld is in afwachting van de aanstelling van een eksekuteur) waarvan de bruto-waarde—

	£	s.	d.
(a) £500 of hoger is doch £1,000 niet te boven gaat ..	1	0	0
(b) £1,000 of hoger is, voor elke £1,000 ..	2	0	0
met een maximum tarief van ..	100	0	0

(2) De in sub-paragraaf (1) bedoelde lonen zijn betaalbaar in gereed geld.

2. (1) Het volgend tarief wordt geheven ten aanzien van de vermelde dokumenten of diensten—

(a) (i) voor taksatie van de beloning van eksekuteurs, voogden en kurators op elke pond of onderdeel daarvan, van het getakseerd bedrag ..	1	0	0
(ii) voor taksatie van de beloning van beëdigde taksateurs, op elke pond of onderdeel daarvan, van het getakseerd bedrag ..	1	0	0
(b) (i) voor uittreksels of afschriften van dokumenten gemaakt in het kantoor van een Meester, voor elk honderdtal woorden of onderdeel daarvan ..	1	0	0
(ii) voor uittreksels of afschriften van dokumenten gecertificeerd in het kantoor van een Meester (hetzij gemaakt in bedoeld kantoor al dan nie), voor elk honderdtal woorden of onderdeel daarvan ..	1	0	0
(c) voor het binden van de stukken van elke boedel naar gelang van zijn omvang, een tarief ter beoordeling van de Meester vanaf 7s. tot ..	1	10	0
(d) voor de bewaring van een testament gedurende het leven van de testateur ..	10	0	0
(e) voor inzage van de stukken van of inlichtingen omtrent elke boedel (behalve in het geval van de eksekuteur of kurator van de betrokken boedel of zijn wettige agent of borg) ..	2	6	0

(2) De lonen in items (a) (ii), (b), (d) en (e) van sub-paragraaf (1) vermeld zijn betaalbaar door middel van belastingzegels aan de betrokken stukken gehecht en de lonen in items (a) (i) en (c) van de bedoelde sub-paragraaf vermeld zijn betaalbaar in gereed geld.

3. Op alle onopgevraagde gelden in handen van een Meester overeenkomstig artikel twee en negentig van deze Wet of voor rekening van afwezigte of onbekende schuldeisers van een boedel, of voor rekening van afwezigte of onbekende schuldeisers of aandeelschuldigen van een maatschappij is er betaalbaar in gereed geld een kommissie op het gestorte bedrag van vijf percent, te worden afgetrokken van de onopgevraagde, alzo in handen van de Meester gestorte gelden.”

Tweede Bylae.
 (Artikel 22.)

VERVANGING VAN DERDE BYLAE BY WET 24 VAN 1936.

„DERDE BYLAE.

LEGES VAN DIE MEESTER (ARTIKEL 153).

	£	s.	d.
1. Vir die insage van stukke in een bepaalde boedel, behalwe deur of namens 'n kurator of sy borg ..	2	6	0
2. Vir die inbind van stukke in elke boedel, al na die grootte van die boedel, volgens goeëdunke van die Meester: 7s. tot ..	1	10	0
3. Vir die takseer van 'n kurator se vergoeding of van 'n kosterekening (maar nie die rekening van 'n onderbalju nie), op elke pond of breukdeel van 'n pond van die getakseerde bedrag ..	1	0	0
4. Op die bates in 'n insolvente boedel wat vir verdeling onder skuldeisers beskikbaar is—			
(a) op die eerste £5,000: ¼ persent met 'n minimum van £1;			
(b) op enige bedrag bo die eerste £5,000: ¼ persent.			
5. (a) Vir uittreksels of afskrifte van stukke wat in die kantoor van 'n Meester gemaak is, vir elke honderdtal of deel van 'n honderdtal woorde ..	1	0	0
(b) Vir uittreksels of afskrifte van stukke wat in die kantoor van 'n Meester gesertifiseer is (hetsy in so 'n kantoor gemaak al dan nie), vir elke honderdtal of deel van 'n honderdtal woorde ..	1	0	0
6. Op elke bedrag wat deur die kurator op rekening van skuldeisers in die Voogdyfonds gestort word: 5 persent.			
7. Die in items 1 en 5 bedoelde leges is betaalbaar deur middel van inkomsteseëls aan die betrokke stuk geheg, en die in items 2, 3, 4 en 6 bedoelde leges is kontant betaalbaar.”			

No. 63, 1955.]

ACT

To provide for the extension of the period of office of members of the South African Nursing Council and of the Board of the South African Nursing Association.

*(English text signed by the Governor-General.)
(Assented to 24th June, 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—

“Board” means the Board of the South African Nursing Association established under section *seventeen* of the Nursing Act, 1944; and

“Council” means the South African Nursing Council established under section *two* of the Nursing Act, 1944.

Extension of period of office of members of the Board and Council.

2. Notwithstanding anything to the contrary contained in the Nursing Act, 1944 (Act No. 45 of 1944), or any regulations made thereunder, the members of the Board and Council as constituted at the commencement of this Act, shall for all purposes be deemed to have been elected or appointed, as the case may be, for a period terminating on a date to be determined by the Governor-General by proclamation in the *Gazette*, which date shall not be earlier than—

(a) the eighth day of November, 1955, in the case of members of the Board;

(b) the seventh day of November, 1956, in the case of members of the Council;

or, in either case, later than the thirty-first day of December, 1957.

Short title.

3. This Act shall be called the Nursing Council and Board Continuation Act, 1955.

No. 63, 1955.]

WET

Om voorsiening te maak vir die verlenging van die ampstermyn van lede van die Suid-Afrikaanse Verpleegstersraad en van die Bestuur van die Suid-Afrikaanse Verpleegstersvereniging.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 24 Junie 1955.)

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

1. In hierdie Wet beteken—
„Bestuur” die kragtens artikel *sewentien* van die Wet op Verpleegsters, 1944, ingestelde Bestuur van die Suid-Afrikaanse Verpleegstersvereniging; en
„Raad” die kragtens artikel *twee* van die Wet op Verpleegsters, 1944, ingestelde Suid-Afrikaanse Verpleegstersraad.
Woordomskrivings.

2. Ondanks andersluidende bepalings van die Wet op Verpleegsters, 1944 (Wet No. 45 van 1944), of enige regulasies daarkragtens uitgevaardig, word die lede van die Bestuur en Raad soos by die inwerkingtreding van hierdie Wet saamgestel, vir alle doeleindes geag gekies of aangestel te gewees het, na gelang van die geval, vir 'n tydperk eindigende op 'n datum wat deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal word, watter datum nie vroeër mag wees nie as—
(a) die agste dag van November 1955, in die geval van lede van die Bestuur;
(b) die sewende dag van November 1956, in die geval van lede van die Raad,
of, in albei gevalle, later mag wees nie as die een-en-dertigste dag van Desember 1957.
Verlenging van ampstermyn van lede van die Bestuur en Raad.

3. Hierdie Wet heet die Wet op Voortdoring van die Verpleegstersraad en -bestuur, 1955.
Kort titel.

No. 68, 1955.]

ACT

To amend the Group Areas Act, 1950, and the Precious and Base Metals Act, 1908 of the Transvaal, and to repeal certain other laws.

(Afrikaans text signed by the Governor-General.)

(Assented to 24th June, 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 41 of 1950, as amended by section 1 of Act 65 of 1952.

1. Section *one* of the Group Areas Act, 1950 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution in the definition of "board" for the words "Land Tenure Advisory" of the words "Group Areas";
- (b) by the substitution in the definition of "disqualified person" for all the words after the word "company", of the words "means a person of any group if a controlling interest in that company is held or deemed to be held by or on behalf or in the interest of a person who is a member of another group";
- (c) by the insertion in the definition of "Minister" after the words "immovable property" where they occur for the second time of the words "or to the occupation of any land or premises";
- (d) by the addition thereto of the following sub-section, the existing section becoming sub-section (1):

“(2) A controlling interest in a company wherein a controlling interest is not held or deemed under any other provision of this Act to be held by or on behalf or in the interest of any person, shall for the purposes of this Act be deemed to be held by any person who holds any shares in that company or who has any claim against that company arising from a loan made to or debentures issued by that company.”.

Amendment of section 3 of Act 41 of 1950, as amended by section 3 of Act 65 of 1952.

2. Section *three* of the principal Act is hereby amended—

- (a) by the addition to paragraph (a) of sub-section (3) of the following sub-paragraph:

“(iv) if it is issued in respect of an area for the native group or a group defined under sub-section (2) of section *two* consisting of members of the native group and such area is situate wholly within an area which is a released area in terms of the Native Trust and Land Act, 1936 (Act No. 18 of 1936).”;
- (b) by the insertion in paragraph (b) of sub-section (3) after the word "has" where it occurs for the second time of the words "except in the case of an area for the native group or a group defined under sub-section (2) of section *two* consisting of members of the native group,”.

Insertion of sections 3ter and 3quat in Act 41 of 1950.

3. The following sections are hereby inserted in the principal Act after section *three bis*:

“Border strips.

3ter. (1) The Governor-General may by proclamation in the *Gazette* define any area which is contiguous to the whole or any portion of the perimeter of any group area or an area defined under section *three bis* and declare that such area—

- (a) shall as from a date specified in the proclamation, which shall be a date not less than one year after the date of the publication thereof, be a border strip;
- (b) is destined to be declared as a border strip under paragraph (a):

Provided that no such proclamation shall be issued unless the board has reported in terms of section

No. 68, 1955.]

WET

Om die Wet op Groepsgebiede, 1950 en die „Precious and Base Metals Act, 1908” van die Transvaal te wysig en om sekere ander wetsbepalings te herroep.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goed gekeurop 24 Junie 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 Wet op Groepsgebiede, 1950 (hieronder die Hoofwet genoem), word hiermee gewysig—
 - (a) deur in die omskrywing van „raad” die woorde „Adviserende Raad vir Grondbesit” deur die woord „Groepsgebiederaad” te vervang;
 - (b) deur in die omskrywing van „onbevoegde persoon” al die woorde na die woorde „maatskappy is”, deur die woorde „’n persoon van enige groep indien ’n beheersende belang in bedoelde maatskappy deur of ten behoeve of ten voordele van ’n persoon wat ’n lid van ’n ander groep is, besit word of geag word te besit word” te vervang;
 - (c) deur in die omskrywing van „Minister” na die woorde „buite so ’n gebied” die woorde „of tot die okkupasie van enige grond of perseel” in te voeg;
 - (d) deur die volgende sub-artikel daarby te voeg terwyl die bestaande artikel sub-artikel (1) word:

„(2) ’n Beheersende belang in ’n maatskappy waarin ’n beheersende belang nie deur of ten behoeve of ten voordele van ’n persoon besit word of kragtens ’n ander bepaling van hierdie Wet geag word besit te word nie, word by die toepassing van hierdie Wet geag besit te word deur ’n persoon wat enige aandeel in bedoelde maatskappy besit of wat enige vordering teen bedoelde maatskappy het uit hoofde van ’n lening toegestaan aan of obligasies uitgereik deur bedoelde maatskappy.”

2. Artikel *drie* van die Hoofwet word hiermee gewysig—
 - (a) deur die volgende sub-paragraaf by paragraaf (a) van sub-artikel (3) te voeg:

„(iv) indien dit uitgereik word ten opsigte van ’n gebied vir die natuurlike-groep of vir ’n kragtens sub-artikel (2) van artikel *twee* omskrewe groep wat uit lede van die natuurlike-groep bestaan en bedoelde gebied geheel en al binne ’n gebied geleë is wat volgens die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), ’n oopgestelde gebied is.”;
 - (b) deur in paragraaf (b) van sub-artikel (3) na die woord „en” waar dit die eerste maal voorkom die woorde „behalwe in die geval van ’n gebied vir die natuurlike-groep of vir ’n kragtens sub-artikel (2) van artikel *twee* omskrewe groep wat uit lede van die natuurlike-groep bestaan,” in te voeg.

3. Die volgende artikels word hiermee in die Hoofwet na artikel *drie bis* ingevoeg:

3*ter*. (1) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* ’n gebied omskrywe wat grens aan die geheel of ’n gedeelte van die omtrek van ’n groepsgebied of ’n kragtens artikel *drie bis* omskrewe gebied en verklaar dat bedoelde gebied—

 - (a) vanaf ’n in die proklamasie genoemde datum, wat ’n datum minstens een jaar na die datum van die publikasie daarvan moet wees, ’n grensstrook sal wees;
 - (b) bestem is om as ’n grensstrook kragtens paragraaf (a) verklaar te word:

Met dien verstande dat geen sodanige proklamasie uitgereik word nie tensy die raad ingevolge artikel

Wysiging van artikel 1 van Wet 41 van 1950 soos gewysig deur artikel 1 van Wet 65 van 1952.

Wysiging van artikel 3 van Wet 41 van 1950 soos gewysig deur artikel 3 van Wet 65 van 1952.

Invoeging van artikels 3*ter* en 3*quat* in Wet 41 van 1950.

„Grens-strooke.

twenty-seven that there exists no natural or other barrier upon or near the perimeter of the group area concerned which would have substantially the same effect as a border strip.

(2) As from the date specified in the relevant proclamation under paragraph (a) of sub-section (1) and notwithstanding anything contained in any special or other statutory provision relating to the ownership, occupation or use of land or premises, no person shall, except under the authority of a permit—

- (a) sell or otherwise dispose of any land or premises situate in any border strip to which the proclamation relates except to the State, including the Railway Administration or a provincial administration, or to any local authority or statutory body;
- (b) occupy or allow any person to occupy any land or premises in such border strip;
- (c) use any land or premises in such border strip for a purpose not authorized by such a permit.

(3) No person, other than a local authority or statutory body, who is the owner of any land or premises situate in an area defined by a proclamation issued under paragraph (b) of sub-section (1) shall, except under the authority of a permit—

- (a) sub-divide any such land;
- (b) use any such premises or the surface of any such land for any purpose for which it was not being used on the date of such proclamation or, in the case of land or premises in respect of which any such permit has been issued, for any purpose not authorized by the permit;
- (c) enter into any agreement whereby he purports to grant to any person the right to use such land or premises in contravention of the provisions of paragraph (b).

(4) The provisions of paragraph (c) of sub-section (2) and paragraph (b) of sub-section (3) shall not apply in respect of the use of any land for the purpose of prospecting or mining for minerals.

Survey of areas to be proclaimed under this Act.

3quat. (1) The Minister may, for the purposes of any proclamation under sub-section (1) of section *three*, sub-section (1) of section *three bis* or sub-section (1) of section *three ter*, cause any area to be defined in any such proclamation to be surveyed and a diagram thereof to be prepared.

(2) The costs of any survey under sub-section (1) shall be defrayed from moneys appropriated by Parliament for the purpose.”

Amendment of section 4 of Act 41 of 1950, as amended by section 5 of Act 65 of 1952.

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

- (a) by the deletion in paragraph (f) of sub-section (2) of the words “owner, lessee or”;
- (b) by the addition to sub-section (2) of the following paragraph:

“(g) as the *bona fide* servant or employee of any person lawfully carrying on or entitled to carry on prospecting or mining operations or operations necessary or incidental thereto, on land held under mining title or on land which is proclaimed land or land deemed to be proclaimed land in terms of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal or in terms of the said Act as applied to the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936): Provided that the provisions of this paragraph shall apply in respect of any group area or any part of any group area only if the Governor-General has by proclamation in the *Gazette* declared them to apply in respect of that group area, or that part thereof, and only to the extent and subject to the conditions (if any) which may be specified in the proclamation.”

sewe-en-twintig verslag gedoen het dat daar geen natuurlike of ander hindernis op of naby die grens van die betrokke groepsgebied bestaan wat wesenlik dieselfde uitwerking as 'n grensstrook sou hê nie.

(2) Vanaf die datum in die toepaslike proklamasie kragtens paragraaf (a) van sub-artikel (1) genoem en ondanks enigiets vervat in enige spesiale of ander statutêre bepaling betreffende die besit, okkupasie of gebruik van grond of persele, mag geen persoon dan alleen uit hoofde van 'n permit—

(a) enige grond of perseel wat in 'n grensstrook waarop die proklamasie betrekking het, geleë is, verkoop of andersins van die hand sit nie behalwe aan die Staat, met inbegrip van die Spoorwegadministrasie of 'n provinsiale administrasie of aan 'n plaaslike bestuur of 'n statutêre liggaam;

(b) enige grond of perseel in so 'n grensstrook okkuper of toelaat dat iemand dit okkuper nie;

(c) enige grond of perseel in so 'n grensstrook vir 'n doel wat nie deur so 'n permit gemagtig word, gebruik nie.

(3) Niemand, behalwe 'n plaaslike bestuur of statutêre liggaam, wat die eenaar is van grond of persele geleë in 'n gebied omskryf by 'n kragtens paragraaf (b) van sub-artikel (1) uitgereikte proklamasie mag, dan alleen uit hoofde van 'n permit—

(a) sulke grond onderverdeel nie;

(b) sulke persele of die oppervlakte van sulke grond vir 'n doel gebruik waarvoor dit nie op die datum van bedoelde proklamasie in gebruik was nie, of in die geval van grond of persele ten opsigte waarvan so 'n permit uitgereik is, vir 'n doel wat nie deur die permit gemagtig word nie;

(c) 'n ooreenkoms aangaan waarby hy aan enigiemand die reg heet te verleen om sulke grond of persele in stryd met die bepalings van paragraaf (b) te gebruik nie.

(4) Die bepalings van paragraaf (c) van sub-artikel (2) en paragraaf (b) van sub-artikel (3) is nie van toepassing ten opsigte van die gebruik van grond vir die doeleindes van die prospekter of myn van minerale nie.

Opmeting van gebiede wat kragtens hierdie Wet geproklameer staan te word.

3quat. (1) Die Minister kan, vir die doeleindes van 'n proklamasie kragtens sub-artikel (1) van artikel *drie*, sub-artikel (1) van artikel *drie bis* of sub-artikel (1) van artikel *drie ter*, 'n gebied wat in so 'n proklamasie omskryf staan te word, laat opmeet en 'n kaart daarvan laat opstel.

(2) Die koste van 'n opmeting kragtens sub-artikel (1) word uit gelde wat die Parlement vir die doel beskikbaar gestel het, bestry."

4. Artikel vier van die Hoofwet word hiermee gewysig—

(a) deur in paragraaf (f) van sub-artikel (2) die woorde „eenaar, huurder of” te skrap;

(b) deur die volgende paragraaf by sub-artikel (2) te voeg:

„(g) as die *bona fide* dienaar of werknemer van 'n persoon wat prospekter- of mynwerkzaamhede of werksaamhede wat in verband daarmee nodig is of staan, wettiglik voortsit of geregtig is om dit voort te sit op grond wat onder myntitel besit word of op grond wat geproklameerde grond is of geag word geproklameerde grond te wees ingevolge die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908) van Transvaal of ingevolge bedoelde Wet soos deur die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936), op die Oranje-Vrystaat toegepas: Met dien verstande dat die bepalings van hierdie paragraaf ten opsigte van 'n groepsgebied of 'n gedeelte van 'n groepsgebied van toepassing is slegs as die Goewerneur-generaal hul by proklamasie in die *Staatskoerant* ten opsigte van daardie groepsgebied of daardie gedeelte daarvan van toepassing verklaar het, en dan alleen vir sover in die proklamasie bepaal en onderworpe aan die voorwaardes (as daar is) wat daarin vermeld word.”

Wysiging van artikel 4 van Wet 41 van 1950 soos gewysig deur artikel 5 van Wet 65 van 1952.

Amendment of section 9 of Act 41 of 1950.

5. Section *nine* of the principal Act is hereby amended—
- (a) by the insertion in sub-section (1) after the word "thereafter" of the words "ceases to be a company of any group or";
- (b) by the insertion in sub-section (2) after the word "thereafter" of the words "ceases to be a company of any group or".

Amendment of section 9bis of Act 41 of 1950, as inserted by section 7 of Act 65 of 1952.

6. Section *nine bis* of the principal Act is hereby amended—
- (a) by the insertion in sub-section (1) after the word "property" where it occurs for the second time of the words "or dispose thereof to any person who is not a member of the same group as the group of which he was a member before he became a member of that other group or to a company in which a controlling interest is held or deemed to be held by or on behalf or in the interest of a person who is a member of a group other than the group of which he was a member before he became a member of that other group,";
- (b) by the insertion in sub-section (2) after the word "property" where it occurs for the second time of the words "or dispose thereof to any person who is not a member of the same group as the group of which he was a member before he became a member of that other group or to a company in which a controlling interest is held or deemed to be held by or on behalf or in the interest of a person who is a member of a group other than the group of which he was a member before he became a member of that other group,".

Amendment of section 10 of Act 41 of 1950, as amended by section 8 of Act 65 of 1952.

7. (1) Section *ten* of the principal Act is hereby amended—
- (a) by the substitution for paragraph (a) of sub-section (2) of the following paragraph:
- "(a) in pursuance of a lease entered into under the authority of a permit and in terms of which such person is entitled to occupy the land or premises leased,";
- (b) by the insertion in paragraph (b) of sub-section (2) after the word "any" where it occurs for the first and the fourth times of the word "written";
- (c) by the substitution for the proviso to paragraph (h) of sub-section (2) of the following proviso:
- "Provided that the provisions of this paragraph shall apply in the controlled area or in any part of the controlled area only if the Governor-General has by proclamation in the *Gazette*, declared them to apply in the controlled area or that part thereof, and only to the extent and subject to the conditions (if any) which may be specified in the proclamation,";
- (d) by the deletion in paragraph (j) of sub-section (2) of the words "owner, lessee or";
- (e) by the addition to sub-section (2) of the following paragraphs:
- "(k) as a squatter as defined in section *forty-nine* of the Native Trust and Land Act, 1936 (Act No. 18 of 1936), and who is duly registered as such in terms of section *thirty-two* of the said Act;
- (l) as a *bona fide* scholar attending a school controlled or aided by the State;
- (m) as a lawful resident in an emergency camp established in terms of the Prevention of Illegal Squatting Act, 1951 (Act No. 52 of 1951);
- (n) as the *bona fide* servant or employee of any person lawfully carrying on or entitled to carry on prospecting or mining operations or operations necessary or incidental thereto on land held under mining title or on land which is proclaimed land or land deemed to be proclaimed land in terms of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal or in terms of the said Act as applied to the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936): Provided that the provisions of this paragraph shall apply in the controlled area or in any part of the controlled area only if the Governor-General has by

5. Artikel *nege* van die Hoofwet word hiermee gewysig— Wysiging van artikel 9 van Wet 41 van 1950.
- (a) deur in sub-artikel (1) na die woord „daarna” die woorde „ophou om ’n maatskappy van een of ander groep te wees of” in te voeg;
- (b) deur in sub-artikel (2) na die woord „daarna” die woorde „ophou om ’n maatskappy van een of ander groep te wees of” in te voeg.
6. Artikel *nege bis* van die Hoofwet word hiermee gewysig— Wysiging van artikel 9*bis* van Wet 41 van 1950 soos ingevoeg deur artikel 7 van Wet 65 van 1952.
- (a) deur in sub-artikel (1) na die woorde „besit nie” die woorde „of dit van die hand sit nie aan ’n persoon wat nie ’n lid van dieselfde groep is as die groep waarvan hy ’n lid was voordat hy ’n lid van daardie ander groep geword het nie of aan ’n maatskappy waarin ’n beheersende belang besit word of geag word besit te word deur of ten behoeve of ten voordele van ’n persoon wat ’n lid is van ’n ander groep dan die groep waarvan hy ’n lid was voordat hy ’n lid van daardie ander groep geword het,” in te voeg;
- (b) deur in sub-artikel (2) na die woorde „besit nie” die woorde „of dit van die hand sit nie aan ’n persoon wat nie ’n lid van dieselfde groep is as die groep waarvan hy ’n lid was voordat hy ’n lid van daardie ander groep geword het nie of aan ’n maatskappy waarin ’n beheersende belang besit word of geag word te besit word deur of ten behoeve of ten voordele van ’n persoon wat ’n lid is van ’n ander groep dan die groep waarvan hy ’n lid was voordat hy ’n lid van daardie ander groep geword het,” in te voeg.
7. (1) Artikel *tien* van die Hoofwet word hiermee gewysig— Wysiging van artikel 10 van Wet 41 van 1950 soos gewysig deur artikel 8 van Wet 65 van 1952.
- (a) deur paragraaf (a) van sub-artikel (2) deur die volgende paragraaf te vervang:
„(a) ingevolge ’n huur wat uit hoofde van ’n permit aangegaan is en ingevolge waarvan so iemand geregtig is om die verhuurde grond of perseel te okkupeer;”;
- (b) deur in paragraaf (b) van sub-artikel (2) die woord „ooreenkoms” waar dit die eerste en tweede maal voorkom deur die woorde „skriftelike ooreenkoms” te vervang;
- (c) deur die voorbehoudsbepaling by paragraaf (h) van sub-artikel (2) deur die volgende voorbehoudsbepaling te vervang:
„Met dien verstande dat die bepalings van hierdie paragraaf in die beheerde gebied of in ’n gedeelte van die beheerde gebied van toepassing is slegs as die Goewerneur-generaal hul by proklamasie in die *Staatskoerant* in die beheerde gebied of in daardie gedeelte daarvan van toepassing verklaar het, en dan alleen vir sover in die proklamasie bepaal en onderworpe aan die voorwaardes (as daar is) wat daarin vermeld word;”;
- (d) deur in paragraaf (j) van sub-artikel (2) die woorde „eienaar, huurder of” te skrap;
- (e) deur die volgende paragrawe by sub-artikel (2) te voeg:
„(k) as ’n plakker soos omskryf in artikel *nege-en-veertig* van die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), en wat behoorlik as sodanig ingevolge artikel *twee-en-dertig* van bedoelde Wet geregistreer is;
- (l) as ’n *bona fide* leerling wat ’n deur die Staat beheerde of ondersteunde skool bywoon;
- (m) as ’n wettige inwoner van ’n noodkamp opgerig ingevolge die Wet op die Voorkoming van Onreematige Plakkery, 1951 (Wet No. 52 van 1951);
- (n) as die *bona fide* dienaar of werknemer van ’n persoon wat prospekter- of mynwerkzaamhede of werksaamhede wat in verband daarmee nodig is of staan wettiglik voortsit of geregtig is om dit voort te sit op grond wat onder myntitel besit word of op grond wat geproklameerde grond is of geag word geproklameerde grond te wees ingevolge die *Precious and Base Metals Act, 1908*’ (Wet No. 35 van 1908) van Transvaal of ingevolge bedoelde Wet soos deur die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936), op die Oranje-Vrystaat toegepas: Met dien verstande dat die bepalings van hierdie paragraaf in die beheerde gebied of in ’n gedeelte van die beheerde gebied van toepassing is slegs as die Goewerneur-generaal hul by proklamasie in die

proclamation in the *Gazette*, declared them to apply in the controlled area or that part thereof, and only to the extent and subject to the conditions (if any) which may be specified in the proclamation.”.

(2) Paragraph (b) of sub-section (1) shall come into operation on the first day of July, 1957.

Amendment of section 12 of Act 41 of 1950, as amended by section 10 of Act 65 of 1952.

8. Section *twelve* of the principal Act is hereby amended by the substitution in sub-section (2) for the expression “and (j)” of the expression “(j), (l), (m) and (n)”.

Amendment of section 13 of Act 41 of 1950, as amended by section 11 of Act 65 of 1952.

9. Section *thirteen* of the principal Act is hereby amended—

(a) by the addition to sub-section (2) of the following proviso:

“Provided that if such building was immediately before its demolition or extension occupied by two or more persons of different groups, the Minister shall, subject to the provisions of sub-sections (3), (4), (5) and (7), on the written application of the owner, determine the group by a member of which the building so erected or extended, or any part thereof specified by the Minister, shall for the said purposes be deemed to have been occupied at the specified date, and until such a determination is made in respect of the building so erected or extended or any part thereof, the building or the part thereof shall for the said purposes be deemed to have been unoccupied at the specified date.”;

(b) by the insertion in paragraph (b) of sub-section (3) after the word “extended” of the words “or about to be completed, erected or extended.”;

(c) by the insertion in sub-section (7) after the word “permit” where it occurs for the first time of the words “other than a permit issued for a specified period or until withdrawn at the discretion of the Minister.”.

Amendment of section 14 of Act 41 of 1950, as amended by section 12 of Act 65 of 1952.

10. Section *fourteen* of the principal Act is hereby amended—

(a) by the insertion in sub-paragraph (iii) of paragraph (a) of sub-section (1) after the word “*bis*” of the words “or sub-section (3) of section *three ter*.”;

(b) by the substitution for the word “and” at the end of sub-paragraph (iii) of paragraph (a) of sub-section (1) of the word “or” and by the addition to the said paragraph of the following sub-paragraph:

“(iv) the disposition, use or occupation of or the granting of permission to occupy any land or premises in an area declared as a border strip under paragraph (a) of sub-section (1) of section *three ter*; and”;

(c) by the addition at the end of paragraph (b) of sub-section (1) of the word “and”, and by the addition to the said sub-section of the following paragraph:

“(c) direct that a permit authorizing the occupation of land or premises be issued with effect from a date prior to the date of issue thereof and specified by him.”;

(d) by the addition to sub-section (2) of the following paragraph:

“(b) authorizing the acquisition or holding of immovable property, or the occupation of land or premises on land, which in terms of any law relating to mining, is proclaimed land or land deemed to be proclaimed land or land upon which prospecting, digging or mining operations are being carried on, except after consultation with the Minister of Mines.”.

Insertion of section 14*bis* in Act 41 of 1950.

11. The following section is hereby inserted in the principal Act after section *fourteen*:

“Delegation of powers by Minister. 14*bis*. (1) The Minister may, subject to such conditions as he may determine, delegate to the chairman of the board such of his powers under sections *thirteen* and *fourteen* as he may deem fit.

(2) Any determination made or permit issued by the said chairman under a delegation under sub-section (1), shall for all purposes be deemed to have been made or issued by the Minister.

Staatskoerant in die beheerde gebied of in daardie gedeelte daarvan van toepassing verklaar het, en dan alleen vir sover in die proklamasie bepaal en onderworpe aan die voorwaardes (as daar is) wat daarin vermeld word."

(2) Paragraaf (b) van sub-artikel (1) tree op die eerste dag van Julie 1957 in werking.

8. Artikel *twaalf* van die Hoofwet word hiermee gewysig deur in sub-artikel (2) die uitdrukking „en (j)” deur die uitdrukking „(j), (l), (m) en (n)” te vervang.

Wysiging van artikel 12 van Wet 41 van 1950 soos gewysig deur artikel 10 van Wet 65 van 1952.

9. Artikel *dertien* van die Hoofwet word hiermee gewysig—
(a) deur die volgende voorbehoudsbepaling by sub-artikel (2) te voeg:

Wysiging van artikel 13 van Wet 41 van 1950 soos gewysig deur artikel 11 van Wet 65 van 1952.

„Met dien verstande dat indien so 'n gebou onmiddellik voor die afbraak of vergroting daarvan deur twee of meer persone van verskillende groepe geokkupeer was, wys die Minister, behoudens die by sub-artikels (3), (4), (5) en (7) bepaalde, op skriftelike aansoek van die eienaar, die groep aan deur 'n lid waarvan die aldus opgerigte of vergrote gebou of enige deur die Minister vermelde gedeelte daarvan, by die toepassing van bedoelde artikel, geag moet word op die bepaalde datum geokkupeer te gewees het, en totdat so 'n aanwysing ten opsigte van die aldus opgerigte of vergrote gebou of 'n gedeelte daarvan gedoen is, word die gebou of die gedeelte daarvan by die toepassing van bedoelde artikel, geag nie op die bepaalde datum geokkupeer te gewees het nie.”;

- (b) deur in paragraaf (b) van sub-artikel (3) na die woorde „vergroot word” die woorde „of op die punt staan om voltooi, opgerig of vergroot te word,” in te voeg;
- (c) deur in sub-artikel (7) die woord „permit” waar dit die eerste maal voorkom, deur die woorde „ander permit dan 'n permit wat uitgereik is vir 'n bepaalde tydperk of totdat dit na goeddunke van die Minister ingetrek word” te vervang.

10. Artikel *veertien* van die Hoofwet word hiermee gewysig—

Wysiging van artikel 14 van Wet 41 van 1950 soos gewysig deur artikel 12 van Wet 65 van 1952.

(a) deur in sub-paragraaf (iii) van paragraaf (a) van sub-artikel (1) na die woord „bis” die woorde „of sub-artikel (3) van artikel *drie ter*,” in te voeg;

(b) deur die woord „en” aan die end van sub-paragraaf (iii) van paragraaf (a) van sub-artikel (1) te vervang deur die woord „of” en deur die volgende sub-paragraaf by bedoelde paragraaf te voeg:

„(iv) die vervreemding, gebruik of okkupasie of die verlening van verlof tot okkupasie van enige grond of perseel in 'n gebied wat kragtens paragraaf (a) van sub-artikel (1) van artikel *drie ter* as 'n grensstrook verklaar is; en”;

(c) deur aan die end van paragraaf (b) van sub-artikel (1) die woord „en” by te voeg, en deur die volgende paragraaf by bedoelde sub-artikel te voeg:

„(c) gelas dat 'n permit wat magtiging verleen vir die okkupasie van grond of persele, uitgereik word met ingang van 'n datum voor die datum van uitreiking daarvan en deur hom vermeld.”;

(d) deur die volgende paragraaf by sub-artikel (2) te voeg:

„(b) wat magtiging verleen vir die verkryging of besit van onroerende goed, of die okkupasie van grond of 'n perseel op grond, wat volgens enige wetsbepaling op myne, geproklameerde grond is of geag word geproklameerde grond te wees of grond waarop daar geprospekteer, gedelf of gemyn word, behalwe na oorlegpleging met die Minister van Mynwese.”.

11. Die volgende artikel word hiermee in die Hoofwet na artikel *veertien* ingevoeg:

Invoeging van artikel 14bis in Wet 41 van 1950.

„Delegasie van bevoegdhede deur Minister.

14bis. (1) Die Minister kan, behoudens die voorwaardes wat hy mag bepaal, sodanige van sy bevoegdhede kragtens artikels *dertien* en *veertien* as wat hy mag goedgevind, aan die voorsitter van die raad delegeer.

(2) Enige aanwysing of permit wat bedoelde voorsitter uit hoofde van 'n delegasie kragtens sub-artikel (1) gedoen of uitgereik het, word vir alle doeleindes geag deur die Minister gedoen of uitgereik te gewees het.

(3) In relation to the exercise by the said chairman of his powers under a delegation under this section, the reference in sections *twenty-six* and *twenty-seven* to the Minister shall be construed as a reference to the said chairman,

(4) Any person who is aggrieved by any decision of the said chairman under a delegation under this section may at any time within sixty days thereafter appeal to the Minister."

Amendment of section 16 of Act 41 of 1950.

12. Section *sixteen* of the principal Act is hereby amended—

(a) by the substitution for sub-section (1) of the following sub-section:

"(1) No company which has issued any shares or share warrants or debentures entitling the bearer thereof to any rights in regard thereto, and no company wherein a controlling interest is held by or on behalf or in the interest of any such company, shall acquire or hold any immovable property, situated in the controlled area or in any group area, except under the authority of a permit: Provided that the Minister may by notice in the *Gazette* exempt, subject to such conditions as may be specified in the notice, any company or any class of companies specified in the notice, from any of the provisions of this sub-section."

(b) by the substitution in sub-section (2) for the words "the controlled area" of the words "any area referred to in sub-section (1)" and by the substitution in the said sub-section for the words "section *ten*" of the words "sections *five, eight and ten*,".

Amendment of section 20 of Act 41 of 1950, as amended by section 13 of Act 65 of 1952.

13. Section *twenty* of the principal Act is hereby amended—

(a) by the deletion in sub-section (1) of the words "agreed to by the person concerned and"; by the insertion in the said sub-section after the word "mortgagee" of the words "and the person concerned" and by the substitution in the said sub-section for the word "auction" of the word "tender";

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

"(1)*bis*. A person who has otherwise than under the authority of a permit or in pursuance of a sale in terms of sub-section (1) acquired immovable property from a person who has acquired or held or is deemed to have acquired that immovable property in contravention of any provision of this Act or from a person who has disposed of that immovable property to such person in contravention of any such provision, shall for the purposes of sub-section (1) be deemed to have acquired that immovable property in contravention of the relevant provision of this Act.

(1)*ter*. The notice referred to in sub-section (1) shall be served—

(a) by delivery of the notice to the person concerned personally; or

(b) by leaving the notice with some adult inmate of his place of residence; or

(c) by despatching the notice by registered post in an envelope addressed to his last known address; or

(d) if service cannot be effected as provided in paragraph (a), (b) or (c), by publication in both official languages of the Union in three consecutive ordinary issues of the *Gazette* and once a week during three consecutive weeks in a newspaper circulating in the district in which the property is situate.

(1)*quat*. A notice under sub-section (1), which has been served as provided in sub-section (1)*ter*, shall be deemed to have been duly served, and the date of service of a notice under paragraph (d) of sub-section (1)*ter*, shall be the date of the first publication thereof."

(c) by the insertion in paragraph (a) of sub-section (2) after the words "referred to in" of the words "paragraph (a) of sub-section (2) of section *three ter* or in".

Amendment of section 22 of Act 41 of 1950.

14. Section *twenty-two* of the principal Act is hereby amended by the insertion in sub-section (1) after the word "property" where it occurs for the second time of the words "or that the transferor may lawfully dispose thereof to the transferee".

(3) Met betrekking tot die uitoefening deur bedoelde voorsitter van sy bevoegdhede uit hoofde van 'n delegasie kragtens hierdie artikel, word die verwysing in artikels *ses-en-twintig* en *sewe-en-twintig* na die Minister, uitgelê as 'n verwysing na bedoelde voorsitter.

(4) Iemand wat gegrief is deur 'n beslissing van bedoelde voorsitter uit hoofde van 'n delegasie kragtens hierdie artikel, kan te eniger tyd binne sestig dae daarna na die Minister appelleer."

12. Artikel *sestien* van die Hoofwet word hiermee gewysig— Wysiging van artikel 16 van Wet 41 van 1950.

(a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Geen maatskappy wat aandele of aandeelbewyse of obligasies uitgereik het met verlening van daaraan verbonde regte aan die toonder daarvan, en geen maatskappy waarin 'n beheersende belang deur of ten behoeve of ten voordele van so 'n maatskappy besit word, mag enige onroerende goed wat in die beheerde gebied of in 'n groepsgebied geleë is, verkry of besit nie, dan alleen uit hoofde van 'n permit: Met dien verstande dat die Minister by kennisgewing in die *Staatskoerant* enige maatskappy of 'n kategorie van maatskappye in die kennisgewing vermeld, van enige van die bepalinge van hierdie sub-artikel behoudens die voorwaardes wat in die kennisgewing vermeld word, kan vrystel.”;

(b) deur in sub-artikel (2) die woorde „die beheerde gebied” deur die woorde „'n gebied in sub-artikel (1) bedoel” te vervang en deur in bedoelde sub-artikel die woorde „artikel *tien*” deur die woorde „artikels *vyf*, *agt* en *tien*,” te vervang.

13. Artikel *twintig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 20 van Wet 41 van 1950 soos gewysig deur artikel 13 van Wet 65 van 1952.

(a) deur in sub-artikel (1) die woorde „waarmee die betrokke persoon akkoord gaan en” te skrap; deur in bedoelde sub-artikel na die woord „verbandhouer” die woorde „en die betrokke persoon” in te voeg en deur in bedoelde sub-artikel die woord „veiling” deur die woord „tender” te vervang;

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

„(1)*bis*. Iemand wat andersins dan uit hoofde van 'n permit of ten gevolge van 'n verkoping ingevolge sub-artikel (1) onroerende goed verkry het van 'n persoon wat bedoelde onroerende goed in stryd met 'n bepaling van hierdie Wet verkry of besit het of geag word te verkry het, of van 'n persoon wat bedoelde onroerende goed aan so iemand in stryd met so 'n bepaling van die hand gesit het, word by die toepassing van sub-artikel (1), geag bedoelde onroerende goed in stryd met die toepaslike bepaling van hierdie Wet te verkry het.

(1)*ter*. Die in sub-artikel (1) bedoelde kennisgewing moet besorg word—

(a) deur die kennisgewing aan die betrokke persoon persoonlik af te lewer; of

(b) deur die kennisgewing te laat by 'n volwasse inwoner van die plek waar hy woon; of

(c) deur die kennisgewing per aangetekende pos te versend in 'n koevert aan sy laaste bekende adres gerig; of

(d) indien die kennisgewing nie volgens paragraaf (a), (b) of (c) besorg kan word nie, deur afkondiging in beide offisiële tale van die Unie in drie agtereenvolgende gewone uitgawes van die *Staatskoerant* en eenmaal per week gedurende drie agtereenvolgende weke in 'n nuusblad in omloop in die distrik waarin die eiendom geleë is.

(1)*quat*. 'n Kennisgewing kragtens sub-artikel (1) wat volgens voorskrif van sub-artikel (1)*ter* besorg is, word geag behoorlik besorg te gewees het, en die datum van besorging van 'n kennisgewing kragtens paragraaf (d) van sub-artikel (1)*ter* is die datum waarop dit die eerste maal afgekondig word.”;

(c) deur in paragraaf (a) van sub-artikel (2) na die woorde „eiendom in” die woorde „paragraaf (a) van sub-artikel (2) van artikel *drie ter* of in” in te voeg.

14. Artikel *twee-en-twintig* van die Hoofwet word hiermee gewysig deur aan die end van sub-artikel (1) die woorde „of dat die transportgewer dit aldus wettiglik aan die transportnemer van die hand kan sit” by te voeg. Wysiging van artikel 22 van Wet 41 van 1950.

Substitution of section 23 of Act 41 of 1950, as substituted by section 14 of Act 65 of 1952.

15. The following section is hereby substituted for section *twenty-three* of the principal Act:

"Trading licences.

23. (1) No authority entrusted by or under any law with the issue of any certificate authorizing the issue of any licence to carry on any business, trade or occupation on any land or premises or the transfer of such a licence to other land or premises, shall issue such a certificate unless the person applying therefor produces to such authority a certificate signed by an officer authorized thereto by the board, setting out—

- (a) the title deed description and extent of the land or premises on which the business, trade or occupation concerned is proposed to be carried on and the nature of the business, trade or occupation;
- (b) the name of the applicant for the licence or the transfer of a licence to other premises, as the case may be, and the group of which the applicant is a member or, if the applicant is a company, the group of which the person by whom or on whose behalf or in whose interest a controlling interest is held by or deemed to be held in such company, is a member;
- (c) the group or groups of which the person or persons who will be in actual control of the business, trade or occupation concerned is a member or are members;
- (d) that the persons referred to in paragraph (c) may lawfully occupy the land or premises whereon the said business, trade or occupation is proposed to be carried on;
- (e) the period, if any, during which and the conditions subject to which, the persons referred to in paragraph (c) may lawfully occupy the land or premises whereon the said business, trade or occupation is proposed to be carried on.

(2) The board shall on the application of any person for a certificate referred to in sub-section (1), conduct such enquiry as it may consider necessary, and for the purpose of any such enquiry, the provisions of sections *twenty-eight* and *twenty-nine* shall *mutatis mutandis* apply.

(3) If at any time any person is in or assumes actual control of any business, trade or occupation which is carried on on land or premises which such person may not lawfully occupy, any licence issued or renewed in respect of that business, trade or occupation, shall be invalid or lapse, as the case may be.

(4) The chief inspector referred to in sub-section (1) of section *thirty-one* may at any time apply to the magistrate of the district wherein the land or premises on which any business, trade or occupation is carried on, are situate, for an order declaring the licence issued or renewed in respect of that business, trade or occupation to be invalid or to have lapsed in accordance with the provisions of sub-section (3).

(5) The magistrate may, on dealing with an application under sub-section (4)—

- (a) hear evidence in regard to the matter before him;
- (b) declare to be invalid or as having lapsed any licence issued or renewed in respect of the business, trade or occupation;
- (c) make *mutatis mutandis* such order as to the costs of the application as he could have made if the application had been a civil trial in his court.

(6) Such costs shall be taxable, *mutatis mutandis*, in the same manner as costs incurred in connection with such a trial.

(7) The magistrate, who in terms of sub-section (5) declares any licence to be invalid or as having lapsed, shall order the person who carries on the business, trade or occupation to which the licence relates, to vacate the land or premises on which the said business, trade or occupation is carried on,

15. Artikel *drie-en-twintig* van die Hoofwet word hiermee deur die volgende artikel vervang:
- Handels-
lisensies.
23. (1) Geen gesag wat deur of ingevolge 'n wetsbepaling belas is met die uitreiking van enige sertifikaat wat magtiging verleen vir die uitreiking van enige lisensie om op enige grond of persele 'n besigheid of handel te dryf of 'n beroep te beoefen, of vir die oorplasing van so 'n lisensie na ander grond of persele, reik so 'n sertifikaat uit nie tensy die persoon wat daarom aansoek doen aan bedoelde gesag 'n sertifikaat voorlê wat deur 'n daartoe deur die raad gemagtigde amptenaar onderteken is, en waarin uiteengesit word—
- (a) die titelbewysbeskrywing en grootte van die grond of perseel waarop dit die voorneme is om die betrokke besigheid, handel of beroep te dryf of te beoefen en die aard van die besigheid, handel of beroep;
- (b) die naam van die applikant om die lisensie of die oorplasing van 'n lisensie na 'n ander perseel, na gelang van die geval, en die groep waarvan die applikant 'n lid is of, indien die applikant 'n maatskappy is, die groep waarvan die persoon deur wie of ten behoewe of ten voordele van wie 'n beheersende belang in die maatskappy besit word of geag word te besit word, 'n lid is;
- (c) die groep of groepe waarvan die persoon of persone wat die werklike beheer sal voer oor die betrokke besigheid, handel of beroep, 'n lid of lede is;
- (d) dat die in paragraaf (c) bedoelde persone die grond of perseel waarop dit die voorneme is om bedoelde besigheid, handel of beroep te dryf of te beoefen, wettiglik kan okkupeer;
- (e) die tydperk, indien daar is, gedurende welke en die voorwaardes waaronder die in paragraaf (c) bedoelde persone die grond of perseel waarop dit die voorneme is om bedoelde besigheid, handel of beroep te dryf of te beoefen, wettiglik kan okkupeer.
- (2) Die raad stel op aansoek van enige persoon om 'n in sub-artikel (1) bedoelde sertifikaat, die ondersoek in wat die raad nodig ag, en vir die doeleindes van so 'n ondersoek is die bepaling van artikels *agt-en-twintig* en *nege-en-twintig mutatis mutandis* van toepassing.
- (3) Indien 'n persoon te eniger tyd die werklike beheer voer of oorneem oor 'n besigheid, handel of beroep wat op grond of 'n perseel gedryf of beoefen word wat so 'n persoon nie wettiglik mag okkupeer nie, dan is die lisensie wat ten opsigte van bedoelde besigheid, handel of beroep uitgereik of hernu is, ongeldig of verval dit, na gelang van die geval.
- (4) Die in sub-artikel (1) van artikel *een-en-dertig* bedoelde hoofinspekteur kan te eniger tyd aansoek doen by die magistraat van die distrik waarin die grond of perseel geleë is waarop 'n besigheid, handel of beroep gedryf of beoefen word, om 'n bevel wat verklaar dat die lisensie wat ten opsigte van bedoelde besigheid, handel of beroep uitgereik of hernu is, ooreenkomstig die bepaling van sub-artikel (3) ongeldig is of verval het.
- (5) By die behandeling van 'n aansoek ingevolge sub-artikel (4) kan die magistraat—
- (a) getuienis aanhoor in verband met die geval wat voor hom is;
- (b) verklaar dat 'n lisensie wat ten opsigte van die besigheid, handel of beroep uitgereik of hernu is, ongeldig is of verval het;
- (c) *mutatis mutandis* die bevel betreffende die koste van die aansoek gee wat hy sou kon gegee het as die aansoek 'n siviele verhoor in sy hof was.
- (6) Bedoelde koste kan getakseer word *mutatis mutandis* op dieselfde wyse as koste in verband met so 'n verhoor opgeloo.
- (7) Die magistraat wat ingevolge sub-artikel (5) verklaar dat 'n lisensie ongeldig is of verval het, moet die persoon wat die besigheid of handel dryf of die beroep beoefen waarop die lisensie betrekking het, gelas om die grond of perseel waarop bedoelde besigheid, handel of beroep gedryf of beoefen word,

Vervanging van artikel 23 van Wet 41 van 1950 soos vervang deur artikel 14 van Wet 65 van 1952.

on or before a date to be specified in such order but not less than fourteen days from the date of the order.

(8) The decision of the magistrate on any such application shall be subject to an appeal to the provincial division of the supreme court having jurisdiction as if it were a civil judgment of a magistrate's court.

(9) The provisions of this section shall not apply in relation to a licence in relation to the issue of which the provisions of sub-section (3) of section *twenty-four* of the Native Trust and Land Act, 1936 (Act No. 18 of 1936), apply.

(10) For the purposes of this section 'magistrate' includes an additional magistrate and an assistant magistrate."

Amendment of section 24 of Act 41 of 1950, as amended by section 15 of Act 65 of 1952.

16. Section *twenty-four* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "Land Tenure Advisory" of the words "Group Areas" and for the word "nine" of the word "twelve";
- (b) by the insertion after sub-section (2) of the following sub-section:

"(2)*bis*. The chairman of the board shall also be the chief administrative officer of the board."

Amendment of section 25 of Act 41 of 1950.

17. Section *twenty-five* of the principal Act is hereby amended by the insertion in sub-section (1) after the word "board" where it occurs for the second time of the words "or, if authorized thereto by the board, the chairman of the board".

Amendment of section 26 of Act 41 of 1950, as amended by section 16 of Act 65 of 1952.

18. Section *twenty-six* of the principal Act is hereby amended—

- (a) by the insertion after the word "*bis*" of the words "sub-section (1) of section *three ter*";
- (b) by the substitution for the expression "paragraph (d)" of the expression "paragraph (d), (e) or (g)" and for the expression "paragraph (h)" of the expression "paragraph (h), (h)*bis* or (n)".

Amendment of section 27 of Act 41 of 1950, as amended by section 17 of Act 65 of 1952.

19. Section *twenty-seven* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (2) after the word "*bis*" wherever it occurs, of the words "or sub-section (1) of section *three ter*";
- (b) by the insertion after sub-section (2) of the following sub-sections:

"(2)*bis*. Before publishing a notice in relation to any area referred to in sub-section (2), the board may define an area and may publish at least once in a newspaper circulating in the district in which such defined area is situated, a notice specifying such defined area and stating that the board intends to publish in terms of sub-section (2) a notice in relation to areas situated within such defined area and inviting all interested persons to lodge with the board at an address specified in such notice and within a period so specified (which shall not be less than twenty-one days from the last publication of such notice) or within such further period or periods as the board may from time to time allow on a written application lodged with the board prior to the expiration of such firstmentioned period or any such extended period, proposals as to any area or areas to be included in such notice together with the reasons in support of any such proposal.

(2)*ter*. Upon receipt of any proposal lodged in terms of sub-section (2)*bis*, the board shall conduct such enquiry as it may consider necessary to enable it to decide whether such proposal should be accepted or rejected: Provided that the board shall not reject any such proposal unless the board has afforded the person who made the proposal an opportunity of being heard or of submitting written representations to it, and the Minister has approved of the rejection of the proposal."

op of voor 'n datum in die bevel vermeld, maar minstens veertien dae na die datum van die bevel, te ontruim.

(8) Teen die beslissing van die magistraat by so 'n aansoek kan na die bevoegde provinsiale afdeling van die Hooggeregshof geappelleer word asof dit 'n siviele vonnis van 'n magistraatshof was.

(9) Die bepalings van hierdie artikel is nie van toepassing nie met betrekking tot 'n lisensie met betrekking tot die uitreiking waarvan die bepalings van sub-artikel (3) van artikel vier-en-twintig van die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), van toepassing is.

(10) By die toepassing van hierdie artikel beteken „magistraat” ook 'n addisionele magistraat en 'n assistent-magistraat.”.

16. Artikel vier-en-twintig van die Hoofwet word hiermee gewysig—

(a) deur in sub-artikel (1) die woorde „Adviserende Raad vir Grondbesit” deur die woorde „Groepsgebiede-raad” en die woord „nege” deur die woord „twaalf” te vervang;

(b) deur na sub-artikel (2) die volgende sub-artikel in te voeg:

„(2)*bis*. Die voorsitter van die raad is ook die administratiewe hoof-amptenaar van die raad.”.

Wysiging van artikel 24 van Wet 41 van 1950 soos gewysig deur artikel 15 van Wet 65 van 1952.

17. Artikel vyf-en-twintig van die Hoofwet word hiermee gewysig deur in sub-artikel (1) na die woord „raad” waar dit die tweede maal voorkom, die woorde „of, indien deur die raad daartoe gemagtig, die voorsitter van die raad” in te voeg.

Wysiging van artikel 25 van Wet 41 van 1950.

18. Artikel ses-en-twintig van die Hoofwet word hiermee gewysig—

(a) deur na die woord „*bis*” die woorde „sub-artikel (1) van artikel drie ter” in te voeg;

(b) deur die uitdrukking „paragraaf (d)” deur die uitdrukking „paragraaf (d), (e) of (g)” en die uitdrukking „paragraaf (h)” deur die uitdrukking „paragraaf (h), (h)*bis* of (n)” te vervang.

Wysiging van artikel 26 van Wet 41 van 1950 soos gewysig deur artikel 16 van Wet 65 van 1952.

19. Artikel sewe-en-twintig van die Hoofwet word hiermee gewysig—

(a) deur in sub-artikel (2) na die woord „*bis*” waar dit ookal voorkom, die woorde „of sub-artikel (1) van artikel drie ter” in te voeg;

(b) deur na sub-artikel (2) die volgende sub-artikels in te voeg:

„(2)*bis*. Voordat hy 'n kennisgewing met betrekking tot 'n in sub-artikel (2) bedoelde gebied publiseer, kan die raad 'n gebied omskryf en kan hy in 'n nuusblad wat in omloop is in die distrik waarin so 'n omskrewe gebied geleë is, minstens eenmaal 'n kennisgewing publiseer waarin bedoelde omskrewe gebied genoem word en waarin vermeld word dat die raad voornemens is om ingevolge sub-artikel (2) 'n kennisgewing met betrekking tot gebiede wat binne die omskrewe gebied geleë is, te publiseer, en alle persone wat daarby belang het, versoek word om by die raad by 'n adres in die kennisgewing vermeld en binne 'n aldus vermelde tydperk (wat minstens een-en-twintig dae na die laaste publikasie van die kennisgewing moet wees) of binne so 'n verdere tydperk of tydperke as wat die raad van tyd tot tyd op 'n skriftelike aansoek wat by die raad ingedien word voor verstryking van eersbedoelde tydperk of enige verlengde tydperk, mag toelaat, voorstelle in te dien met betrekking tot enige gebied of gebiede wat by so 'n kennisgewing ingesluit moet word tesame met die redes ter ondersteuning van so 'n voorstel.

(2)*ter*. By ontvangs van 'n voorstel wat ingevolge sub-artikel (2)*bis* ingedien is, stel die raad die ondersoek in wat hy nodig ag om hom in staat te stel om te besluit of so 'n voorstel aanvaar of verwerp behoort te word: Met dien verstande dat die raad nie so 'n voorstel verwerp nie tensy die raad die persoon wat die voorstel gemaak het 'n geleentheid toegestaan het om gehoor te word of om skriftelike verhoë aan hom te rig, en die Minister die verwerping van die voorstel goedgekeur het;”;

Wysiging van artikel 27 van Wet 41 van 1950 soos gewysig deur artikel 17 van Wet 65 van 1952.

- (c) by the insertion in sub-section (4) after the word "*bis*" of the words "or sub-section (1) of section *three ter.*"

Amendment of section 28 of Act 41 of 1950, as amended by section 18 of Act 65 of 1952 and section 1 of Act 6 of 1955.

20. Section *twenty-eight* of the principal Act is hereby amended—

- (a) by the addition to sub-section (1) of the following paragraph:

"(d) for the purpose of any enquiry conducted by it, request any person in writing to furnish to the board in the form specified by the board any information required by it.";

- (b) by the addition thereto of the following sub-section:

"(5) Any expenditure incurred by a local authority or statutory body in pursuance of any provision of this section, shall for all purposes be deemed to have been lawfully incurred by that local authority or statutory body."

Amendment of section 31 of Act 41 of 1950.

21. Section *thirty-one* of the principal Act is hereby amended by the deletion in sub-section (1) of the words "or any officer referred to in section *twenty-three*".

Amendment of section 34 of Act 41 of 1950, as amended by section 19 of Act 65 of 1952.

22. Section *thirty-four* of the principal Act is hereby amended—

- (a) by the insertion in paragraph (a) of sub-section (1) after the word "*bis*" of the words "paragraph (b) or (c) of sub-section (2) or sub-section (3) of section *three ter.*";

- (b) by the substitution in paragraph (c) of sub-section (1) for the figure "(4)" of the expression "(2) or (4)";

- (c) by the substitution for paragraph (k) of sub-section (1) of the following paragraph:

"(k) whether on his own behalf or on behalf or in the interest of any other person, enters into any agreement in terms whereof any immovable property is or purports to be disposed of to any person in contravention of paragraph (a) of sub-section (2) of section *three ter* or sub-section (1) or (2) of section *nine bis.*";

- (d) by the substitution in sub-section (3) for the figure "(8)" of the figure "(7)";

- (e) by the addition thereto of the following sub-section:

"(4) For the purpose of paragraph (k) of sub-section (1) a sheriff, deputy-sheriff, messenger of the court, trustee, executor, liquidator, curator or administrator dealing with immovable property in his capacity as such, or any other person dealing with immovable property in a representative capacity, shall be deemed to be acting on behalf or in the interest of the person in whose name the property is registered."

Amendment of section 69 of Act 35 of 1908 (Transvaal), as amended by section 2 of Act 15 of 1942.

23. Section *sixty-nine* of the Precious and Base Metals Act, 1908, of the Transvaal is hereby amended by the insertion in sub-section (1) after the word "may" where it occurs for the first time, of the words "subject to the provisions of section *one hundred and thirty-one*".

Amendment of section 71 of Act 35 of 1908 (Transvaal).

24. Section *seventy-one* of the Precious and Base Metals Act, 1908, of the Transvaal is hereby amended by the insertion after the word "may" where it occurs for the first time, of the words "subject to the provisions of section *one hundred and thirty-one*", and after the word "may" where it occurs for the second time, of the words "subject to the said provisions".

Substitution of section 130 of Act 35 of 1908 (Transvaal), as amended by section 1 of Act 35 of 1932 and section 3 of Act 30 of 1936.

25. The following section is hereby substituted for section *one hundred and thirty* of the Precious and Base Metals Act, 1908, of the Transvaal:

"Prohibition against acquisition of rights under this Act by coloured persons.

130. (1) Save as is provided in section *twenty-four*, no right under this Act, Law 15 of 1898 or a similar prior law may be acquired by a coloured person: Provided that this section shall not apply in relation to the acquisition by a coloured person of immovable property as defined in the Group Areas Act, 1950 (Act No. 41 of 1950), which such coloured person may lawfully acquire under the said Act.

(2) Any person contravening the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds."

- (c) deur in sub-artikel (4) na die woord „bis” die woorde „of sub-artikel (1) van artikel *drie ter*” in te voeg.

20. Artikel *agt-en-twintig* van die Hoofwet word hiermee gewysig—

- (a) deur die volgende paragraaf by sub-artikel (1) te voeg:
 „(d) vir die doeleindes van ’n ondersoek wat hy instel, enigiemand versoek om in die vorm wat die raad meld, enige inligting wat hy vereis aan die raad te verskaf.”;
- (b) deur die volgende sub-artikel daarby te voeg:
 „(5) Enige uitgawe wat ’n plaaslike bestuur of statutêre liggaam ingevolge ’n bepaling van hierdie artikel aangaan, word vir alle doeleindes geag wettiglik deur bedoelde plaaslike bestuur of statutêre liggaam aangegaan te gewees het.”.

21. Artikel *een-en-dertig* van die Hoofwet word hiermee gewysig deur in sub-artikel (1) die woorde „of ’n in artikel *drie-en-twintig* bedoelde amptenaar” te skrap.

22. Artikel *vier-en-dertig* van die Hoofwet word hiermee gewysig—

- (a) deur in paragraaf (a) van sub-artikel (1) na die woord „bis” die woorde „paragraaf (b) of (c) van sub-artikel (2) of sub-artikel (3) van artikel *drie ter*,” in te voeg;
- (b) deur in paragraaf (c) van sub-artikel (1) die syfer „(4)” deur die uitdrukking „(2) of (4)” te vervang;
- (c) deur paragraaf (k) van sub-artikel (1) deur die volgende paragraaf te vervang:
 „(k) hetsy ten behoeve van homself of ten behoeve of ten voordele van ’n ander persoon ’n ooreenkoms aangaan waarvolgens onroerende goed in stryd met die bepalings van paragraaf (a) van sub-artikel (2) van artikel *drie ter* of sub-artikel (1) of (2) van artikel *nege bis* aan ’n persoon van die hand gesit word of heet gesit te word.”;
- (d) deur in sub-artikel (3) die syfer „(8)” deur die syfer „(7)” te vervang;
- (e) deur die volgende sub-artikel daarby te voeg:
 „(4) By die toepassing van paragraaf (k) van sub-artikel (1) word ’n balju, adjunk-balju, geregsbode, trustee, eksekuteur, likwidateur, kurator of administrateur wat in sy hoedanigheid as sodanig met betrekking tot onroerende goed handel, of enige ander persoon wat in sy verteenwoordigende hoedanigheid met betrekking tot onroerende goed handel, geag ten behoeve of ten voordele van die persoon op wie se naam die goed geregistreer is, te handel.”.

23. Artikel *nege-en-sestig* van die „Precious and Base Metals Act, 1908” van Transvaal word hiermee gewysig deur in sub-artikel (1) na die woord „may” waar dit die eerste maal voorkom, die woorde „subject to the provisions of section *one hundred and thirty-one*” in te voeg.

24. Artikel *een-en-sewentig* van die „Precious and Base Metals Act, 1908” van Transvaal word hiermee gewysig deur na die woord „may” waar dit die eerste maal voorkom, die woorde „subject to the provisions of section *one hundred and thirty-one*” en na die woord „may” waar dit die tweede maal voorkom, die woorde „subject to the said provisions” in te voeg.

25. Artikel *honderd-en-dertig* van die „Precious and Base Metals Act, 1908” van Transvaal word hiermee deur die volgende artikel vervang:

- „Prohibition against acquisition of rights under this Act by coloured persons.
- 130.** (1) Save as is provided in section *twenty-four*, no right under this Act, Law 15 of 1898 or a similar prior law may be acquired by a coloured person: Provided that this section shall not apply in relation to the acquisition by a coloured person of immovable property as defined in the Group Areas Act, 1950 (Act No. 41 of 1950), which such coloured person may lawfully acquire under the said Act.
- (2) Any person contravening the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.”.

Substitution of section 131 of Act 35 of 1908 (Transvaal), as amended by section 4 of Act 30 of 1936.

26. The following section is hereby substituted for section *one hundred and thirty-one* of the Precious and Base Metals Act, 1908, of the Transvaal:

"Restriction on residence of coloured persons on certain proclaimed land.

131. (1) No coloured person shall, in any mining district comprised in Class A referred to in sub-section (2) of section *seven*, reside on or occupy any land which has been or is deemed to have been proclaimed a public digging under any provision of this Act or Law 15 of 1898 or a prior law and which has not been lawfully deproclaimed, whatever may be or may have been, on the date of such proclamation, its situation, the nature of its tenure, the nature and extent of any rights in regard thereto under this Act or any other law, or the condition of its surface, except in a location, mining compound or such other place as the mining commissioner may permit for the residence of coloured persons employed in mining or any activity incidental to mining.

(2) Sub-section (1) shall not apply in relation to the residence on or occupation of land by a coloured person who may lawfully occupy such land under the Group Areas Act, 1950 (Act No. 41 of 1950).

(3) Any coloured person contravening this section shall be liable on conviction to imprisonment for a period not exceeding one month, and upon such conviction the mining commissioner may cause any structures occupied by or erected for the use of such coloured person to be removed."

Repeal of laws.

27. (1) The laws specified in the Schedule are hereby repealed to the extent set out in the second column of the Schedule: Provided that any person who by virtue of any law repealed by this section lawfully held or occupied or resided on any land or premises immediately prior to the date of commencement of this Act shall, subject to the provisions of such law or any other law, be entitled to continue to hold or occupy or to reside on such land or premises as if such law had not been repealed.

(2) Section *ten* of the Municipal Amending Ordinance, 1905 (Ordinance No. 17 of 1905 of the Transvaal), is hereby repealed: Provided that the provisions of the said section shall continue to apply in and in relation to any area which has, prior to the date of commencement of this Act, been set apart under the said section, and shall continue so to apply until such area is proclaimed under either section *three*, *three bis*, or *three ter* of the principal Act.

Short title and date of commencement.

28. This Act shall be called the Group Areas Further Amendment Act, 1955, and shall, except in so far as is otherwise expressly provided, come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*: Provided that different dates may be so fixed in respect of section *twelve* and the other provisions of this Act.

Schedule.

Law Repealed.	Extent of Repeal.
The Precious and Base Metals Act, 1908 (Act No. 35 of 1908 of the Transvaal).	Section <i>one hundred and thirty-one A</i> .
The Gold Law (Coloured Persons) Act, 1919 (Act No. 37 of 1919).	So much as is unrepealed.
The Asiatic (Cape Malay) Amendment Act, 1924 (Act No. 12 of 1924).	The whole.
The Transvaal Asiatic Land Tenure Act, 1932 (Act No. 35 of 1932).	So much as is unrepealed.
The Transvaal Asiatic Land Tenure Amendment Act, 1935 (Act No. 35 of 1935).	The whole.
The Transvaal Asiatic Land Tenure Amendment Act, 1936 (Act No. 30 of 1936).	Sections <i>three</i> , <i>four</i> , <i>five</i> , <i>seven</i> and <i>eleven</i> .
The Transvaal Asiatic Land Tenure Further Amendment Act, 1937 (Act No. 32 of 1937).	Sections <i>one</i> and <i>four</i> .

26. Artikel *honderd een-en-dertig* van die „Precious and Base Metals Act, 1908” van Transvaal word hiermee deur die volgende artikel vervang:

„Restriction on residence of coloured persons on certain proclaimed land.

131. (1) No coloured person shall, in any mining district comprised in Class A referred to in sub-section (2) of section *seven*, reside on or occupy any land which has been or is deemed to have been proclaimed a public digging under any provision of this Act or Law 15 of 1898 or a prior law and which has not been lawfully deproclaimed, whatever may be or may have been, on the date of such proclamation, its situation, the nature of its tenure, the nature and extent of any rights in regard thereto under this Act or any other law, or the condition of its surface, except in a location, mining compound or such other place as the mining commissioner may permit for the residence of coloured persons employed in mining or any activity incidental to mining.

(2) Sub-section (1) shall not apply in relation to the residence on or occupation of land by a coloured person who may lawfully occupy such land under the Group Areas Act, 1950 (Act No. 41 of 1950).

(3) Any coloured person contravening this section shall be liable on conviction to imprisonment for a period not exceeding one month, and upon such conviction the mining commissioner may cause any structures occupied by or erected for the use of such coloured person to be removed.”

Vervanging van artikel 131 van Wet 35 van 1908 (Transvaal) soos gewysig deur artikel 4 van Wet 30 van 1936.

27. (1) Die wette in die Bylae genoem, word hiermee herroep vir sover in die tweede kolom van die Bylae aangedui: Met dien verstande dat 'n persoon wat onmiddellik voor die datum van die inwerkingtreding van hierdie Wet enige grond of 'n perseel uit hoofde van 'n wet wat deur hierdie artikel herroep word, wettiglik besit of geokkupeer of bewoon het, geregtig is om, behoudens die bepalings van bedoelde wet of 'n ander wetsbepaling, bedoelde grond of perseel te bly besit of te okkupeer of te bewoon asof bedoelde wet nie herroep was nie.

(2) Artikel *tien* van die „Municipal Amending Ordinance, 1905” (Ordonnansie No. 17 van 1905 van die Transvaal), word hiermee herroep: Met dien verstande dat die bepalings van bedoelde artikel van toepassing bly in en met betrekking tot 'n gebied wat voor die datum van inwerkingtreding van hierdie Wet kragtens bedoelde artikel afgesonder is, en aldus van toepassing bly totdat bedoelde gebied kragtens of artikel *drie, drie bis, of drie ter* van die Hoofwet geproklameer word.

Herroeping van wette.

28. Hierdie Wet heet die Verdere Wysigingswet op Groepsgebiede, 1955, en tree, behalwe vir sover uitdruklik anders bepaal word, in werking op 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasgestel te word: Met dien verstande dat verskillende datums ten opsigte van artikel *twaalf* en die ander bepalings van hierdie Wet aldus vasgestel kan word.

Kort titel en datum van inwerkingtreding.

Bylae.

Herroepe Wet.	In hoeverre herroep.
Die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908 van die Transvaal).	Artikel <i>honderd een-en-dertig A</i> .
Die „Wysigingswet op de Goudwet (Kleurlingen), 1919” (Wet No. 37 van 1919).	Soveel as wat nog nie herroep is nie.
Die „Aziaten (Kaapse Maleiers) Wysigings Wet, 1924” (Wet No. 12 van 1924).	Die geheel.
Die Wet op Grondbesit van Asiate in Transvaal, 1932 (Wet No. 35 van 1932).	Soveel as wat nog nie herroep is nie.
Die Wysigingswet op Grondbesit van Asiate in Transvaal, 1935 (Wet No. 35 van 1935).	Die geheel.
Die Wysigingswet op Grondbesit van Asiate in Transvaal, 1936 (Wet No. 30 van 1936).	Artikels <i>drie, vier, vyf, sewe en elf</i> .
Die Verdere Wysigingswet op Grondbesit van Asiate in Transvaal, 1937 (Wet No. 32 van 1937).	Artikels <i>een en vier</i> .

No. 69, 1955.]

ACT

To provide for the control of the disposal and for the acquisition of immovable property in group areas and other areas defined under the Group Areas Act, 1950, and for the proper development of such areas, and for the said purposes to establish a board and to define its functions, and to provide for matters incidental thereto.

(English text signed by the Governor-General.)
(Assented to 24th June, 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. (1) In this Act, unless otherwise defined in this section or unless the context otherwise indicates, any expression, other than the expression "Administrator", to which a meaning has been assigned in the Group Areas Act, 1950 (Act No. 41 of 1950) shall, when used in this Act, have the same meaning, and—

- (i) "affected property" means any immovable property situate—
 - (a) in any area defined in a proclamation under paragraph (a) of sub-section (1) of section *three* of the principal Act and occupied by a person who is not a member of the group specified in the proclamation;
 - (b) in any area defined in a proclamation under paragraph (b) of sub-section (1) of section *three* of the principal Act and owned or occupied by a person who is not a member of the group specified in the proclamation, or owned by a company wherein a controlling interest is held or deemed to be held by or on behalf or in the interest of a person who is not a member of the group specified in the proclamation;
 - (c) in any area defined in a proclamation under paragraph (b) of sub-section (1) of section *three* of the principal Act and—
 - (i) which forms part of the controlled area for the purpose of the provisions of the principal Act relating to the occupation of land or premises in the controlled area, and which is occupied by a person who is not a member of the group of which the owner of such immovable property is a member or, if the owner is a company, is occupied by a person of any group if a controlling interest in that company is held or deemed to be held by or on behalf or in the interest of a person who is a member of another group; or
 - (ii) to which the provisions of sections *twelve* and *thirteen* of the principal Act apply and which is occupied by a person who is not a member of the group specified in the proclamation;
 - (d) in any area defined in a proclamation under sub-section (1) of section *three bis* of the principal Act and occupied by a person who is not a member of the group specified in the proclamation;
 - (e) in any area defined in a proclamation under sub-section (1) of section *three ter* of the principal Act and not owned by the State, a statutory body or a local authority; (v)

No. 69, 1955.]

WET

Om voorsiening te maak vir die beheer oor die vervreemding en vir die verkryging van onroerende eiendom in groepsgebiede en ander kragtens die Wet op Groepsgebiede, 1950, omskrewe gebiede, en vir die behoorlike ontwikkeling van sulke gebiede, en om vir genoemde doeleindes 'n raad in te stel en om sy werksaamhede te omskryf, en om vir daarmee in verband staande aangeleenthede voorsiening te maak.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 24 Junie 1955.)

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

1. (1) In hierdie Wet, tensy in hierdie artikel anders omskrywe of tensy uit die samehang anders blyk, het enige uitdrukking, behalwe die uitdrukking „Administrateur”, waaraan 'n betekenis in die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950), toegeskryf is, waar dit in hierdie Wet gebesig word, dieselfde betekenis, en beteken—

Woordbepaling.

- (i) „akteskantoor” met betrekking tot onroerende eiendom bedoel in paragraaf (b) van die omskrywing van „eienaar”, die kantoor van De Beers Consolidated Mines, Limited of die kantoor van die Stadsklerk van Kimberley, na gelang die betrokke huur of lisensie in die een of die ander van bedoelde kantore geregistreer is; (vi)
- (ii) „basiese datum” met betrekking tot geaffekteerde eiendom, die datum van publikasie in die *Staatskoerant* van die proklamasie ten gevolge waarvan bedoelde eiendom vir die eerste maal geaffekteerde eiendom geword het of, nadat dit opgehou het om geaffekteerde eiendom te wees, weer geaffekteerde eiendom geword het; (ii)
- (iii) „basiese waarde” met betrekking tot—
 - (a) grond wat geaffekteerde eiendom is, die markwaarde van die grond onmiddellik voor die basiese datum bepaal ooreenkomstig die bepalings van artikel *twee-en-dertig*;
 - (b) 'n gebou wat geaffekteerde eiendom is, die geraamde koste van oprigting daarvan ten tyde van die skatting daarvan, verminder met die bedrag van die waardevermindering weens slytasie en die ongeskiktheid, geheel of ten dele, van die gebou vir die doel waarvoor dit aanvanklik bedoel was of ten tyde van die skatting gebruik word, na gelang van watter bedrag groter is, tensy sodanige ongeskiktheid geheel of ten dele te wyte is aan die feit dat bedoelde gebou geaffekteerde eiendom is;
 - (c) geaffekteerde eiendom, die basiese waarde van die grond plus die basiese waarde van die geboue daarop; (iii)
- (iv) „eienaar” met betrekking tot—
 - (a) onroerende eiendom of 'n reg op onroerende eiendom, behalwe sulke eiendom as wat in paragraaf (b) bedoel word, die persoon in wie se naam daardie eiendom of ten gunste van wie daardie reg op onroerende eiendom geregistreer is;
 - (b) onroerende eiendom wat deel uitmaak van die plaas Alexanderfontein of die plaas Bultfontein in die distrik Kimberley en wat besit word uit hoofde van 'n huur of lisensie waarvolgens die huurder of lisensiehouer en sy regsopvolgers geregtig is om bedoelde eiendom te okkupeer, die persoon wat in die akteskantoor as die huurder of lisensiehouer van bedoelde eiendom geregistreer is,

en by die toepassing van artikel *twintig*, ook 'n balju, adjunk-balju, geregsbode, trustee, eksekuteur, likwi-

- (ii) "basic date" in relation to affected property means the date of the publication in the *Gazette* of the proclamation by virtue of which such property first became affected property or, having ceased to be affected property, again became affected property; (ii)
- (iii) "basic value" in relation to—
 - (a) land which is affected property, means the market value of the land immediately prior to the basic date determined in accordance with the provisions of section *thirty-two*;
 - (b) any building which is affected property, means the estimated cost of erection thereof at the time of the valuation thereof, reduced by the amount of depreciation due to wear and tear and to the unsuitability, wholly or partly, of the building for the purpose for which it was originally intended or is being used at the time of the valuation, whichever is the greater, unless such unsuitability is due, wholly or partly, to the fact that such building is affected property;
 - (c) affected property, means the basic value of the land plus the basic value of the buildings thereon; (iii)
- (iv) "board" means the Group Areas Development Board referred to in section *two*; (xiv)
- (v) "bond" includes a cession *in securitatem debiti* of any lease or licence referred to in paragraph (b) of the definition of "owner"; (xvi)
- (vi) "deeds registry" in relation to immovable property referred to in paragraph (b) of the definition of "owner", means the office of De Beers Consolidated Mines, Limited or the office of the Town Clerk of Kimberley, according to whether the relevant lease or licence is registered in the one or the other of those offices; (i)
- (vii) "group area" means any area proclaimed under section *three, three bis* or *three ter* of the principal Act; (vi)
- (viii) "immovable property" means land and any buildings thereon and includes any interest in immovable property other than any right to any mineral or any right to prospect for or dig or mine any mineral or a lease or sub-lease of any such right; (xiii)
- (ix) "inspector" means an inspector appointed under section *thirty-five*; (x)
- (x) "land" includes any portion of land and any improvements thereon other than buildings; (vii)
- (xi) "lessee or licensee" in relation to immovable property referred to in paragraph (b) of the definition of "owner", does not include the person to whom the relevant lease or licence has been ceded *in securitatem debiti*; (ix)
- (xii) "list" means the list of affected properties referred to in section *fifteen*; (xi)
- (xiii) "Minister" means the Minister of the Interior; (xii)
- (xiv) "mortgagee" includes the holder of a cession *in securitatem debiti* of any lease or licence referred to in paragraph (b) of the definition of "owner"; (xvii)
- (xv) "owner" means, in relation to—
 - (a) immovable property or any interest in immovable property other than such property as is referred to in paragraph (b), the person in whose name that property or in whose favour that interest in immovable property is registered;
 - (b) immovable property forming part of the farm Alexanderfontein or the farm Bultfontein in the district of Kimberley and held under a lease or licence which entitles the lessee or licensee and his successors in title to occupy such property, the person registered in the deeds registry as the lessee or licensee of that property, and for the purpose of section *twenty* includes any sheriff, deputy-sheriff, messenger of the court, trustee, executor, liquidator, curator, administrator or other person lawfully entitled or required to dispose of that property; (iv)

- dateur, kurator, administrateur of enige ander persoon wat wettiglik geregtig of verplig is om bedoelde eiendom van die hand te sit; (xv)
- (v) „geaffekteerde eiendom” enige onroerende eiendom wat geleë is—
- (a) binne 'n gebied omskryf in 'n proklamasie uitgevaardig kragtens paragraaf (a) van sub-artikel (1) van artikel *drie* van die Hoofwet en wat geokkupeer word deur 'n persoon wat nie 'n lid van die in die proklamasie vermelde groep is nie;
- (b) binne 'n gebied omskryf in 'n proklamasie uitgevaardig kragtens paragraaf (b) van sub-artikel (1) van artikel *drie* van die Hoofwet en wat besit of geokkupeer word deur 'n persoon wat nie 'n lid van die in die proklamasie vermelde groep is nie, of wat besit word deur 'n maatskappy waarin 'n beheersende belang besit word of geag word besit te word deur of ten behoewe of ten voordele van 'n persoon wat nie 'n lid van die in die proklamasie vermelde groep is nie;
- (c) binne 'n gebied omskryf in 'n proklamasie uitgevaardig kragtens paragraaf (b) van sub-artikel (1) van artikel *drie* van die Hoofwet en—
- (i) wat by die toepassing van die bepalings van die Hoofwet betreffende die okkupasie van grond of persele in die beheerde gebied, deel van die beheerde gebied uitmaak en wat geokkupeer word deur 'n persoon wat nie 'n lid is nie van die groep waarvan die eienaar van bedoelde onroerende eiendom 'n lid is of, indien die eienaar 'n maatskappy is, geokkupeer word deur 'n persoon van enige groep indien 'n beheersende belang in bedoelde maatskappy besit word of geag word besit te word deur of ten behoewe of ten voordele van 'n persoon wat 'n lid van 'n ander groep is; of
- (ii) waarop die bepalings van artikels *twaalf* en *dertien* van die Hoofwet van toepassing is en wat geokkupeer word deur 'n persoon wat nie 'n lid van die in die proklamasie vermelde groep is nie;
- (d) binne 'n gebied omskryf in 'n proklamasie uitgevaardig kragtens sub-artikel (1) van artikel *drie bis* van die Hoofwet en wat geokkupeer word deur 'n persoon wat nie 'n lid van die in die proklamasie vermelde groep is nie;
- (e) binne 'n gebied omskryf in 'n proklamasie uitgevaardig kragtens sub-artikel (1) van artikel *drie ter* van die Hoofwet en wat nie in besit van die Staat, 'n statutêre liggaam of 'n plaaslike bestuur is nie; (i)
- (vi) „groepsgebied” enige kragtens artikel *drie*, *drie bis* of *drie ter* van die Hoofwet geproklameerde gebied;
- (vii) „grond” ook enige gedeelte van grond en enige verbeterings daarop behalwe geboue; (x)
- (viii) „Hoofwet” die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950); (xvi)
- (ix) „huurder of lisensiehouer” met betrekking tot onroerende eiendom bedoel in paragraaf (b) van die omskrywing van „eienaar”, nie ook iemand aan wie die betrokke huur of lisensie *in securitatem debiti* gesedeer is nie; (xi)
- (x) „inspekteur” 'n kragtens artikel *vyf-en-dertig* aangestelde inspekteur; (ix)
- (xi) „lys” die in artikel *vyftien* bedoelde lys van geaffekteerde eiendomme; (xii)
- (xii) „Minister” die Minister van Binnelandse Sake; (xiii)
- (xiii) „onroerende eiendom” enige grond en die geboue daarop en ook enige reg op onroerende eiendom, behalwe 'n reg op enige mineraal of 'n reg om vir 'n mineraal te prospekter of om dit te delf of te myn of 'n huur of onderhuur van so 'n reg; (viii)
- (xiv) „raad” die in artikel *twee* bedoelde Groepgesbiede-ontwikkelingsraad; (iv)
- (xv) „registreer van aktes” met betrekking tot onroerende eiendom bedoel in paragraaf (b) van die omskrywing van „eienaar”, die Sekretaris van De Beers Consolidated Mines, Limited of die Stadsklerk van Kimberley, na gelang die betrokke huur of lisensie in die kantoor van De Beers Consolidated Mines, Limited of in die Kantoor van bedoelde Stadsklerk geregistreer is; (xvii)

(xvi) "principal Act" means the Group Areas Act, 1950 (Act No. 41 of 1950); (viii)

(xvii) "registrar of deeds", in relation to immovable property referred to in paragraph (b) of the definition of "owner", means the Secretary of De Beers Consolidated Mines, Limited or the Town Clerk of Kimberley according to whether the relevant lease or licence is registered in the office of De Beers Consolidated Mines, Limited or in the office of the said Town Clerk. (xv)

(2) A cession of any lease or licence referred to in paragraph (b) of the definition of "owner" which is registered in a deeds registry or any other disposal of any rights under such a lease or licence, other than a cession *in securitatem debiti*, shall for the purposes of this Act be deemed to be a disposal of the immovable property to which the lease or licence relates, and the registration in the deeds registry of such a cession, other than a cession *in securitatem debiti*, shall, for the said purposes, be deemed to be a transfer to the cessionary of the said immovable property.

Establishment of Group Areas Development Board.

2. (1) There is hereby established a board to be known as the Group Areas Development Board, which shall be a body corporate capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the exercise of its powers and the performance of its functions and duties under this Act.

(2) The board shall not be liable for any tax, duty, fee or other charge imposed by or under any law for the benefit of the Consolidated Revenue Fund or a provincial revenue fund.

(3) The Rents Act, 1950 (Act No. 43 of 1950) shall not apply in relation to any immovable property acquired by the board under this Act.

Constitution of board.

3. (1) The board shall consist of a chairman and not more than six other members who shall be appointed by the Governor-General.

(2) Of the members of the board, at least one shall be nominated by the Minister, one by the Minister of Finance, one by the Minister of Native Affairs, one by the Minister of Lands and one by the Minister responsible for the administration of the Housing Act, 1920 (Act No. 35 of 1920).

(3) For every member of the board, other than the chairman, there shall be an alternate member who shall be appointed in the same manner as such member.

Tenure of office of members of board.

4. (1) A member or alternate member of the board shall be appointed for such a period as the Governor-General may in each case determine, and shall be eligible for re-appointment on the termination of any period for which he has been appointed.

(2) A member or alternate member of the board shall vacate his office—

(a) if he resigns or dies;

(b) if his estate is sequestrated or a notice with reference to him is published under sub-section (1) of section *ten* of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935);

(c) if he becomes of unsound mind or is convicted of an offence under section *eight* or of any other offence and sentenced to imprisonment without the option of a fine; or

(d) if he has absented himself from three consecutive meetings of the board without its leave which shall not be granted for a period exceeding six months in any period of twelve months.

(3) A member or alternate member of the board may at any time be removed from his office by the Governor-General.

Meetings of the board.

5. (1) The first meeting of the board shall be held at a time and place to be determined by the Minister, and all subsequent meetings shall, subject to the provisions of sub-section (2), be held at such times and places as the board or the chairman of the board, if authorized thereto by it, may determine.

(2) The chairman of the board may at any time call a special meeting of the board, and shall call such meeting within fourteen days after receipt of a written request signed by not less than three members of the board desiring such a meeting to be called.

(3) Three members of the board shall form a quorum for a meeting of the board.

- (xvi) „verband” ook ’n sessie *in securitatem debiti* van ’n huur of lisensie bedoel in paragraaf (b) van die omskrywing van „eienaar”; (v)
- (xvii) „verbandhouer” ook die houer van ’n sessie *in securitatem debiti* van ’n huur of lisensie bedoel in paragraaf (b) van die omskrywing van „eienaar”; (xiv)
- (2) ’n Sessie van ’n huur of lisensie bedoel in paragraaf (b) van die omskrywing van „eienaar” wat in ’n akteskantoor geregistreer is of enige ander vervreemding van enige regte uit hoofde van so ’n huur of lisensie, behalwe ’n sessie *in securitatem debiti*, word by die toepassing van hierdie Wet geag ’n vervreemding te wees van die onroerende eiendom waarop die huur of lisensie betrekking het en die registrasie in die akteskantoor van so ’n sessie, behalwe ’n sessie *in securitatem debiti*, word by bedoelde toepassing, geag ’n oordrag van bedoelde onroerende eiendom aan die sessionaris te wees.

2. (1) Hierby word ’n raad ingestel bekend as die Groepsgebiede-ontwikkelingsraad, wat met regs persoonlikheid beklee is en bevoeg is om in sy naam as regs persoon as eiser en verweerder in regte op te tree en om alle handeling te verrig wat vir die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede en pligte ingevolge hierdie Wet nodig is of daarmee in verband staan.

Instelling van Groepsgebiede-ontwikkelingsraad.

(2) Die raad is nie vir enige belasting, reg, gelde of ander heffing deur of kragtens een of ander wetsbepaling ten bate van die Gekonsolideerde Inkomstefonds of ’n provinsiale inkomstefonds opgelê, aanspreeklik nie.

(3) Die Wet op Huurgelde, 1950 (Wet No. 43 van 1950), is nie van toepassing met betrekking tot onroerende eiendom wat deur die raad ingevolge hierdie Wet verkry is nie.

3. (1) Die raad bestaan uit ’n voorsitter en hoogstens ses ander lede wat deur die Goewerneur-generaal aangestel word.

Samestelling van raad.

(2) Van die lede van die raad word minstens een deur die Minister, een deur die Minister van Finansies, een deur die Minister van Naturellesake, een deur die Minister van Lande en een deur die Minister wat verantwoordelik is vir die administrasie van die Woningwet, 1920 (Wet No. 35 van 1920), benoem.

(3) Vir iedere lid van die raad, behalwe die voorsitter, is daar ’n plaasvervangende lid wat op dieselfde wyse as so ’n lid aangestel word.

4. (1) ’n Lid of plaasvervangende lid van die raad word aangestel vir die tydperk wat die Goewerneur-generaal in elke geval bepaal, en kan by verstryking van ’n tydperk waarvoor hy aangestel is, weer aangestel word.

Ampsduur van raadslede.

(2) ’n Lid of plaasvervangende lid van die raad ontruim sy amp—

- (a) indien hy bedank of te sterwe kom;
- (b) indien sy boedel gesekwestreer word of ’n kennisgewing ingevolge sub-artikel (1) van artikel *tien* van die Boere-Bystandswet, 1935 (Wet No. 48 van 1935), met betrekking tot hom gepubliseer word;
- (c) indien hy kranksinnig word of weens ’n misdryf ingevolge artikel *agt* skuldig bevind word of weens ’n ander misdryf skuldig bevind en tot gevangenisstraf sonder die keuse van ’n boete gevonnissen word; of
- (d) indien hy van drie agtereenvolgende raadsvergaderings afwesig was sonder verlof van die raad wat nie vir ’n langer tydperk as ses maande in enige tydperk van twaalf maande toegestaan word nie.

(3) ’n Lid of plaasvervangende lid van die raad kan te eniger tyd deur die Goewerneur-generaal uit sy amp ontslaan word.

5. (1) Die eerste vergadering van die raad word gehou op die tyd en plek wat die Minister bepaal, en alle daaropvolgende vergaderings word, behoudens die bepalinge van sub-artikel (2), gehou op die tye en plekke wat die raad of die voorsitter van die raad, indien deur die raad daartoe gemagtig, mag bepaal.

Vergaderings van raad.

(2) Die voorsitter van die raad kan te eniger tyd ’n spesiale vergadering van die raad byeenroep, en moet so ’n vergadering byeenroep binne veertien dae na ontvangs van ’n skriftelike versoek wat deur minstens drie lede van die raad onderteken is en waarin die byeenroeping van so ’n vergadering verlang word.

(3) Drie lede van die raad maak ’n kworum uit vir ’n vergadering van die raad.

(4) The chairman of the board shall preside at all meetings of the board at which he is present, and if he is absent from any meeting the members present thereat may elect one of their number to preside at such meeting.

(5) The decision of a majority of the members of the board present at any meeting thereof shall be deemed to be a decision of the board: Provided that in the event of an equality of votes on any matter before a meeting of the board, the person presiding at such meeting shall have a casting vote in addition to his deliberative vote.

(6) A member or alternate member of the board shall not be present at or take part in the discussion of or vote upon any matter before the board, or any committee thereof in which he or his spouse, or his partner or employer, other than the State, or the partner or employer of his spouse, has, directly or indirectly, any pecuniary interest.

Remuneration and allowances of members of board.

6. (1) There shall be payable to a member or alternate member of the board who is not in the full-time employment of the State such remuneration and allowances in respect of his services as the Minister may in consultation with the Minister of Finance determine.

(2) Any remuneration or allowances which may become payable under this section shall be paid out of the funds of the board.

(3) The board shall refund to any department of State for the benefit of the Consolidated Revenue Fund any amount paid out of public funds by that department by way of transport or subsistence allowance to a member or alternate member whilst engaged in connection with the business of the board, including any such business entrusted to the executive committee appointed under section *seven* or any committee appointed under paragraph (b) of sub-section (1) of section *twelve*.

Appointment and powers of executive committee.

7. (1) The board may appoint an executive committee consisting of the chairman of the board and two other members or alternate members of the board.

(2) The chairman of the board shall be the chairman of the executive committee.

(3) The executive committee may, subject to the directions of the board, exercise all the powers and perform all the functions of the board between meetings of the board, but shall not have the power, save in so far as the board otherwise directs, to set aside or vary any decision of the board, and any action taken or decision made by the executive committee shall be subject to review at the first ensuing meeting of the board.

(4) The executive committee shall meet at such times and places as the chairman of the board may direct.

Prohibition on receiving of fees or rewards and preservation of secrecy.

8. (1) Any member or alternate member of the board who directly or indirectly receives any fee or reward from any person in connection with any matter whatsoever dealt with by the board shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year.

(2) Any member or alternate member of the board or any officer or other person in its service who discloses, except with the consent of the board or in the performance of his duties or as a witness in a court of law, any information acquired by him in the course of his duties, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

Staff of the board.

9. (1) The administrative work incidental to the performance by the board of its functions shall be performed at its expense and under its directions and control by officers in the public service who may on the recommendation of the Public Service Commission be seconded to the service of the board.

(2) The Minister shall designate one of the officers so seconded as secretary to the board and such officer shall be the chief administrative officer of the board.

(3) Any officer seconded to the service of the board under this section shall in all respects remain subject to the laws governing the public service and for that purpose the chief administrative officer of the board shall be deemed to be the head of the department in which such officer is employed.

Funds and assets of the board.

10. (1) The funds of the board shall consist of—

(a) loans granted to the board on such conditions as the Minister of Finance may determine, out of moneys appropriated by Parliament for the purpose;

(4) Die voorsitter van die raad moet by alle raadsvergaderings waarop hy teenwoordig is, voorsit, en indien hy van 'n vergadering afwesig is, kan die aldaar aanwesige lede een uit hul midde kies om op die vergadering voor te sit.

(5) Die besluit van 'n meerderheid van die aanwesige raadslede op 'n vergadering van die raad word geag die besluit van die raad te wees: Met dien verstande dat by 'n staking van stemme oor enige aangeleentheid voor 'n vergadering van die raad, die persoon wat by daardie vergadering voorsit benewens sy beraadslagende stem ook 'n beslissende stem het.

(6) 'n Lid of plaasvervangende lid van die raad mag nie aanwesig wees by of deelneem aan die bespreking van of 'n stemming oor 'n saak voor die raad of 'n komitee daarvan, waarin hy of sy eggenote of sy vennoot of werkgewer, behalwe die Staat, of die vennoot of werkgewer van sy eggenote, regstreeks of onregstreeks 'n geldelike belang het nie.

6. (1) Daar moet aan 'n lid of plaasvervangende lid van die raad, wat nie in die voltydse diens van die Staat is nie, ten opsigte van sy dienste die besoldiging en toelaes betaal word wat die Minister in oorleg met die Minister van Finansies bepaal. Besoldiging en toelaes van lede van raad.

(2) Enige besoldiging of toelaes wat ingevolge hierdie artikel betaalbaar mag word, moet uit die raad se fondse betaal word.

(3) Die raad moet aan enige Staatsdepartement ten bate van die Gekonsolideerde Inkomstefonds enige bedrag terugbetaal wat by wyse van vervoer- of onderhoudstoelae deur bedoelde departement uit openbare fondse betaal word aan 'n lid of plaasvervangende lid van die raad terwyl hy besig is met die sake van die raad, met inbegrip van sodanige sake wat aan die ingevolge artikel *sewe* aangestelde uitvoerende komitee of 'n kragtens paragraaf (b) van sub-artikel (1) van artikel *twaalf* aangestelde komitee toevertrou word.

7. (1) Die raad kan 'n uitvoerende komitee aanstel wat bestaan uit die voorsitter van die raad en twee ander lede of plaasvervangende lede van die raad. Aanstelling en bevoegdhede van uitvoerende komitee.

(2) Die voorsitter van die raad is die voorsitter van die uitvoerende komitee.

(3) Die uitvoerende komitee kan, onderworpe aan die voorskrifte van die raad, tussen raadsvergaderings al die bevoegdhede van die raad uitoefen en al sy werksaamhede verrig, maar is, behalwe vir sover die raad anders gelas, nie bevoeg om 'n besluit van die raad ter syde te stel of te wysig nie, en enige stappe deur die uitvoerende komitee gedoen of besluit deur hom geneem, is onderhewig aan hersiening op die eersvolgende vergadering van die raad.

(4) Die uitvoerende komitee kom byeen op die tye en plekke wat die voorsitter van die raad gelas.

8. (1) 'n Lid of plaasvervangende lid van die raad wat regstreeks of onregstreeks geld of beloning van enigiemand ontvang in verband met enige saak hoegenaamd wat deur die raad behandel word, is aan 'n misdryf skuldig en by veroordeling strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een jaar. Verbod op ontvangs van gelde of belonings en geheimhouding.

(2) 'n Lid of plaasvervangende lid van die raad, of 'n amptenaar of ander persoon in sy diens, wat, behalwe met die toestemming van die raad of by die uitvoering van sy pligte of as 'n getuie in 'n geregshof, inligting in die loop van sy pligte deur hom ingewin, bekendmaak, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond.

9. (1) Die administratiewe werk verbonde aan die verrigting van sy werksaamhede deur die raad, word op sy koste en onder sy opdrag en beheer verrig deur amptenare in die Staatsdiens wat op aanbeveling van die Staatsdienskommissie tydelik na die raad se diens oorgeplaas word. Personeel van raad.

(2) Die Minister moet een van die amptenare aldus tydelik oorgeplaas, as sekretaris van die raad aanwys, en bedoelde amptenaar is die administratiewe hoofamptenaar van die raad.

(3) 'n Amptenaar wat kragtens hierdie artikel tydelik na die diens van die raad oorgeplaas word, bly in alle opsigte onderworpe aan die wetsbepalings op die Staatsdiens en vir daardie doel word die administratiewe hoofamptenaar van die raad geag die hoof van die departement te wees waarin daardie amptenaar in diens is.

10. (1) Die fondse van die raad bestaan uit— Fondse en bates van raad.
 (a) enige lenings op voorwaardes wat die Minister van Finansies mag bepaal, uit gelde deur die Parlement vir die doel bewillig, aan die raad toegestaan;

- (b) moneys paid to the board by way of appreciation contributions under this Act;
- (c) moneys derived from the sale or lease of land or buildings owned by the board; and
- (d) all other moneys accruing to the board from any other source whatsoever.

(2) The board shall cause a full and correct account to be kept of all moneys received or expended by it.

(3) Any moneys in possession of the board which are not required for immediate use, shall, subject to the provisions of sub-section (4), be invested by it with the Public Debt Commissioners or in such other manner as the Minister may in consultation with the Minister of Finance determine.

(4) The board may from time to time pay to the Consolidated Revenue Fund such amounts from funds standing to its credit as may in each case be approved by the Minister in consultation with the Minister of Finance.

Auditing of accounts.

11. The books and statements of account and balance sheet of the board shall be audited annually by the Controller and Auditor-General.

Objects and general powers of board.

12. (1) The objects for which the board is established are to assist in and to control the disposal of affected properties in group areas, to develop such areas and to assist persons to acquire or hire in group areas immovable property in relation to which they are not disqualified persons, and to that end the board shall, in addition to any other powers vested in it by this Act, have power—

- (a) with the approval of the Minister and subject to such conditions as he may in consultation with the Minister of Finance determine, to acquire or hire such property and to appoint such persons as it may consider necessary for the effective performance of its functions;
- (b) to appoint from amongst its members one or more committees and to vest in a committee so appointed such of its powers as it may deem fit: Provided that vesting of any powers in any such committee shall not have the effect of divesting the board or the executive committee referred to in section *seven* of those powers, and that any action taken or decision made by any such committee shall be subject to review at the first ensuing meeting of the board, and, where a meeting of the executive committee takes place before such a meeting of the board, also at that meeting of the executive committee;
- (c) with the approval of the Minister given either generally or in any particular case—
 - (i) to acquire by purchase, exchange or otherwise any immovable property situate in a group area;
 - (ii) to develop any immovable property belonging to the board and to provide amenities and services on any such property or any portion thereof;
 - (iii) to sell, let, hypothecate or otherwise dispose of or encumber any immovable property belonging to the board or to exchange it for other immovable property or to donate it for any purpose or to deal therewith in any other manner as the board may deem fit;
- (d) with the approval of the Minister given either generally or in any particular case after consultation with the administrator of the province concerned and with the local authority, if any, for the area concerned, and subject to the provisions of any law relating to townships and townplanning in force in such area—
 - (i) to sub-divide, lay out, plan and develop any land belonging to the board or any portion thereof;
 - (ii) to cause surveys, plans, sections, maps, diagrams or drawings to be made in respect thereof;
 - (iii) to construct roads, streets, thoroughfares, bridges, subways, drains, sewers, aqueducts, conduits, water and other mains, power lines and such other works, including buildings, on or over such land as the board may deem necessary;
 - (iv) to reserve or set aside any portion thereof for streets, open spaces or other public purposes;

- (b) gelde aan die raad by wyse van waardevermeerderingskontribusies kragtens hierdie Wet betaal;
 - (c) gelde verkry uit die verkoop of verhuur van grond of geboue in besit van die raad; en
 - (d) alle ander gelde wat uit enige ander bron hoegenaamd aan die raad toeval.
- (2) Die raad moet 'n volledige en juiste rekening laat hou van alle gelde deur hom ontvang of uitgegee.
- (3) Enige gelde in besit van die raad wat nie vir onmiddellike gebruik nodig is nie, moet, behoudens die bepalinge van subartikel (4), deur hom belê word by die Openbare Skuldkommissaris of op 'n ander wyse wat die Minister in oorleg met die Minister van Finansies bepaal.
- (4) Die raad kan van tyd tot tyd in die Gekonsolideerde Inkomstefonds sodanige bedrae betaal uit gelde wat op sy krediet staan, as wat in elke geval deur die Minister in oorleg met die Minister van Finansies goedgekeur mag word.

11. Die boeke en rekenings en balansstaat van die raad word jaarliks deur die Kontroleur en Ouditeur-generaal geouditeer. Ouditering
van rekenings.

12. (1) Die oogmerke waarmee die raad ingestel word, is om behulpsaam te wees met en beheer uit te oefen oor die vervreemding van geaffekteerde eiendomme in groepsgebiede, om sulke gebiede te ontwikkel en om aan persone hulp te verleen by die verkryging of huur in groepsgebiede van onroerende goed met betrekking waartoe hulle nie onbevoegde persone is nie, en vir die bereiking van daardie oogmerke is die raad, benewens enige ander bevoegdhede by hierdie Wet aan hom verleen, bevoeg— Oogmerke en
algemene
bevoegdhede
van raad.

- (a) om met goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy in oorleg met die Minister van Finansies bepaal, die eiendom te verkry of te huur en die persone aan te stel wat hy vir die doeltreffende verrigting van sy werksaamhede nodig ag;
- (b) om uit sy lede een of meer komitees aan te stel en om na goeddunke van sy bevoegdhede aan 'n aldus aangestelde komitee oor te dra: Met dien verstande dat die oordrag van bevoegdhede aan so 'n komitee nie die uitwerking het om die raad of die in artikel *sewe* bedoelde uitvoerende komitee van daardie bevoegdhede te onthef nie, en dat enige stappe gedoen of besluit geneem deur so 'n komitee onderhewig is aan hersiening op die eersvolgende vergadering van die raad en, waar 'n vergadering van die uitvoerende komitee voor bedoelde vergadering van die raad plaasvind, ook op daardie vergadering van die uitvoerende komitee;
- (c) om met goedkeuring deur die Minister verleen, hetsy algemeen of in enige besondere geval—
 - (i) deur aankoop, ruil of andersins enige onroerende eiendom in 'n groepsgebied geleë, te verkry;
 - (ii) onroerende eiendom wat aan die raad behoort te ontwikkel en dienste en geriewe te voorsien op sulke eiendomme of 'n gedeelte daarvan;
 - (iii) onroerende eiendom wat aan die raad behoort te verkoop, te verhuur, te verhipotekeer of andersins daarvoor te beskik of dit andersins te beswaar of vir ander onroerende eiendom te verruil of vir enige doel te skenk of op enige ander wyse daarmee te handel soos die raad goedvind;
- (d) om met goedkeuring deur die Minister verleen hetsy algemeen of in enige besondere geval na oorlegpleging met die administrateur van die betrokke provinsie en met die plaaslike bestuur, as daar een is, van die betrokke gebied, en behoudens die wetsbepalinge wat in so 'n gebied met betrekking tot dorpe en dorpsaanlegskemas van krag is—
 - (i) enige grond in besit van die raad of enige gedeelte daarvan op te deel, uit te lê, te beplan en te ontwikkel;
 - (ii) opmetings, planne, seksies, kaarte, verdelingskaarte of tekenings ten opsigte daarvan te laat maak;
 - (iii) paaie, strate, deurgange, brûe, duikweë, afvoerslote, riole, waterleidings, pype, water- en ander hoofleidings, kraglyne en ander werke, met inbegrip van geboue, wat die raad nodig ag, op of oor sodanige grond te bou;
 - (iv) enige gedeelte daarvan vir strate, oop terreine of ander openbare doeleindes uit te hou of opsy te sit;

- (e) with the approval of the Minister given either generally or in any particular case and subject to such conditions as he may in consultation with the Minister of Finance determine—
- (i) to build houses or other structures or to demolish, alter or reconstruct any buildings on land belonging to the board and to grant leases over such land, houses or buildings or to dispose of the right of occupation of such houses or buildings;
 - (ii) to make available any such land for lease by any person for the purpose of enabling him, subject to the approval of the board, and on such conditions as it may deem fit, to provide for his own housing requirements;
 - (iii) to grant loans or advance money or make available materials for any purpose which in the opinion of the board will contribute towards the attainment of the objects for which the board is established;
- (f) to enter into contracts with the Union Government, including the South African Railways Administration and any provincial administration, any statutory or other body or person for the performance of any act which the board is empowered to perform; and
- (g) generally to do all such things as in the opinion of the board are necessary for or incidental to the attainment of the objects for which the board is established.

(2) The board shall keep a register of all immovable property acquired by it, reflecting the descriptions of such property, the dates and costs of acquisition thereof, details of any consolidations, sub-divisions or disposals and such other particulars as may be deemed necessary.

Delegation of powers by board.

13. (1) The board may, with the approval of the Minister and subject to such conditions as he may in consultation with the Minister of Finance and the Administrator of the province concerned determine, enter into an agreement with any local authority, statutory body or other body corporate whereby such powers, functions and duties of the board under this Act as it may deem fit and as may be specified in the agreement, are, subject to such conditions as may be set out in the agreement, delegated and assigned to such local authority, statutory body or other body corporate in respect of any area specified in the agreement in which the provisions of this Act apply.

(2) As from a date specified by the Minister by notice in the *Gazette*, any local authority, statutory body or other body corporate who has concluded an agreement in terms of sub-section (1) shall, notwithstanding anything to the contrary in any law contained, have in the area mentioned in the agreement and specified in the notice and subject to the conditions set out in the agreement and specified in the notice, all the powers and perform all the functions and be subject to all the duties delegated and assigned to it under the agreement and specified in the notice, whether or not such area falls within the area of jurisdiction of such local authority, statutory body or other body corporate, and thereupon any reference to the board in any provision of this Act relating to the powers, functions and duties so delegated or assigned, and in any other provision of this Act specified in the notice, shall in relation to the area concerned, be construed as a reference to such local authority, statutory body or other body corporate, as the case may be.

(3) The Minister may in any notice referred to in sub-section (2), declare that any provision of this Act specified in the notice shall, subject to such conditions as may be specified in the notice, apply with reference to any local authority, statutory body or other body corporate in any area in respect of which an agreement has been concluded by such local authority, statutory body or other body corporate in terms of sub-section (1), and thereupon any reference in any such provision to the board or the chairman of the board, shall in such area and subject to such conditions, be construed as a reference to such local authority, statutory body or other body corporate.

- (e) om met goedkeuring deur die Minister verleen hetsy algemeen of in enige besondere geval en onderworpe aan die voorwaardes wat hy in oorleg met die Minister van Finansies bepaal—
- (i) op grond wat aan die raad behoort, huise of ander strukture te bou, of geboue te sloop, te verander of te herbou, en sulke grond, huise of geboue te verhuur, of om die reg van okkupasie van bedoelde huise of geboue van die hand te sit;
 - (ii) sodanige grond te huur aan enige persoon beskikbaar te stel ten einde hom in staat te stel om, onderworpe aan die goedkeuring van die raad en op die voorwaardes wat hy goedvind, in sy eie behuisingsbehoefte te voorsien;
 - (iii) lenings toe te staan of geld voor te skiet of materiaal beskikbaar te stel vir enige doel wat volgens die raad se oordeel sal bydra tot die verwesenliking van die oogmerke waarmee die raad ingestel is;
- (f) om kontrakte aan te gaan met die Unie-regering, met inbegrip van die Suid-Afrikaanse Spoorwegadministrasie en 'n provinsiale administrasie, 'n statutêre of ander liggaam of persoon, vir die verrigting van enige handeling wat die raad gemagtig is om te verrig; en
- (g) om oor die algemeen alle handelinge te verrig wat volgens die raad se oordeel nodig is vir of in verband staan met die verwesenliking van die oogmerke waarmee die raad ingestel is.

(2) Die raad moet 'n register hou van alle onroerende eiendom wat deur die raad verkry word, met vermelding van die beskrywings van sodanige eiendom, die datums en koste van verkryging daarvan, besonderhede van enige konsolidasies of onderverdelings daarvan of beskikkings daarvoor, en sodanige ander besonderhede as wat nodig geag mag word.

13. (1) Die raad kan, met die goedkeuring van die Minister en behoudens die voorwaardes wat hy in oorleg met die Minister van Finansies en die administrateur van die betrokke provinsie bepaal, 'n ooreenkoms sluit met enige plaaslike bestuur, statutêre liggaam of ander regspersoon waarvolgens sodanige van die bevoegdhede, werksaamhede en pligte van die raad kragtens hierdie Wet as wat hy goedvind en wat in die ooreenkoms vermeld word, behoudens die voorwaardes wat in die ooreenkoms uiteengesit word, aan so 'n plaaslike bestuur, statutêre liggaam of ander regspersoon ten opsigte van 'n in die ooreenkoms vermelde gebied waarbinne die bepaling van hierdie Wet van toepassing is, gedelegeer en toegewys word.

Delegering van bevoegdhede deur raad.

(2) Vanaf 'n datum deur die Minister by kennisgewing in die *Staatskoerant* bepaal, het 'n plaaslike bestuur, statutêre liggaam of ander regspersoon wat 'n ooreenkoms ingevolge sub-artikel (1) gesluit het, ondanks andersluidende wetsbepalings, in die gebied in die ooreenkoms genoem en in die kennisgewing vermeld en behoudens die voorwaardes in die ooreenkoms uiteengesit en in die kennisgewing vermeld, al die bevoegdhede en verrig hy al die werksaamhede en is hy onderhewig aan al die verpligtings wat kragtens die ooreenkoms aan hom gedelegeer of toegewys is en wat in die kennisgewing vermeld word, hetsy bedoelde gebied binne die magsgebied van so 'n plaaslike bestuur, statutêre liggaam of ander regspersoon val al dan nie, en daarop word 'n verwysing na die raad in enige bepaling van hierdie Wet met betrekking tot die bevoegdhede, werksaamhede en pligte aldus gedelegeer of toegewys, en in enige ander in die kennisgewing vermelde bepaling van hierdie Wet, met betrekking tot die betrokke gebied uitgelê as 'n verwysing na so 'n plaaslike bestuur, statutêre liggaam of ander regspersoon, na gelang van die geval.

(3) Die Minister kan in 'n in sub-artikel (2) bedoelde kennisgewing verklaar dat enige in die kennisgewing vermelde bepaling van hierdie Wet, behoudens die voorwaardes in die kennisgewing vermeld, van toepassing is met betrekking tot 'n plaaslike bestuur, statutêre liggaam of ander regspersoon in 'n gebied ten opsigte waarvan 'n ooreenkoms ingevolge sub-artikel (1) deur so 'n plaaslike bestuur, statutêre liggaam of ander regspersoon gesluit is en daarop word 'n verwysing na die raad of die voorsitter van die raad in so 'n bepaling in so 'n gebied en behoudens bedoelde voorwaardes, uitgelê as 'n verwysing na so 'n plaaslike bestuur, statutêre liggaam of ander regspersoon.

(4) (a) Every agreement concluded under this section may contain a condition providing—

(i) for the payment from time to time to the board by the local authority, statutory body or other body corporate concerned, of a percentage of the amount of any appreciation contributions received by such local authority, statutory body or other body corporate during any specified period under any provision of this Act as applied with reference to such local authority, statutory body or other body corporate under sub-section (3), whether by way of a cash payment or by way of a deduction from the purchase price or the compensation paid in respect of any affected property purchased or expropriated by such local authority, statutory body or other body corporate; and

(ii) for the payment from time to time by the board to the local authority, statutory body or other body corporate concerned of a percentage of the amount of any depreciation contributions paid by such local authority, statutory body or other body corporate during any specified period under any provision of this Act as applied with reference to such local authority, statutory body or other body corporate in terms of sub-section (3), whether by way of a cash payment or by way of an addition to the purchase price or the compensation paid in respect of any affected property purchased or expropriated by such local authority, statutory body or other body corporate.

(b) A local authority, statutory body or other body corporate shall for the purposes of any condition stipulated under this sub-section, keep such books, records and accounts as may be prescribed by regulation made under section *thirty-six*, and such books, records and accounts shall be audited, in the case of a local authority, by the auditor who normally audits the books and accounts of that local authority, and, in any other case, by the Controller and Auditor-General.

(c) The auditor who audits the books, records and accounts of a local authority in terms of this sub-section shall as soon as possible after the completion of every annual audit of such books, records and accounts, transmit a copy of his certificate together with his comments on the said books, records and accounts to the board.

(5) Whenever the board has under sub-section (1) delegated or assigned any of its powers, functions and duties under this Act in respect of any area, it shall in respect of that area cease to have the powers so delegated or to perform the functions or to be subject to the duties so assigned, and whenever the Minister has under sub-section (2) or (3) declared that any provision of this Act shall in any area apply with reference to any local authority, statutory body or other body corporate, the said provision shall in that area cease to apply with reference to the board: Provided that if the local authority, statutory body or other body corporate to which the board has so delegated or assigned its powers, functions and duties, fails to exercise the powers or to perform the functions and duties delegated or assigned to it, the board may, after conducting such enquiry as it may deem fit (at which such local authority, statutory body or other body corporate shall be afforded an opportunity of being heard) in respect of the area concerned exercise those powers and perform those functions and duties on behalf of the said local authority, statutory body or other body corporate and may, in its discretion, recover from that local authority, statutory body or other body corporate, any expense incurred by the board in the exercise of those powers and the performance of those functions and duties, in respect of that area.

- (4) (a) Iedere ooreenkoms wat kragtens hierdie artikel gesluit word, kan 'n bepaling bevat wat voorsiening maak—
- (i) vir die betaling van tyd tot tyd aan die raad deur die betrokke plaaslike bestuur, statutêre liggaam of ander regspersoon, van 'n persentasie van die bedrag van enige waardevermeerderingskontribusies wat deur bedoelde plaaslike bestuur, statutêre liggaam of ander regspersoon gedurende 'n vermelde tydperk kragtens 'n bepaling van hierdie Wet soos met betrekking tot bedoelde plaaslike bestuur, statutêre liggaam of ander regspersoon kragtens sub-artikel (3) toegepas, ontvang is, hetsy by wyse van 'n kontantbetaling of by wyse van 'n aftrekking van die koopprys of die vergoeding wat betaal is ten opsigte van enige geaffekteerde eiendom wat deur bedoelde plaaslike bestuur, statutêre liggaam of ander regspersoon aangekoop of onteien is; en
 - (ii) vir die betaling van tyd tot tyd deur die raad aan die betrokke plaaslike bestuur, statutêre liggaam of ander regspersoon van 'n persentasie van die bedrag van enige waardeverminderingkontribusies wat deur bedoelde plaaslike bestuur, statutêre liggaam of ander regspersoon gedurende 'n vermelde tydperk kragtens 'n bepaling van hierdie wet soos met betrekking tot bedoelde plaaslike bestuur, statutêre liggaam of ander regspersoon kragtens sub-artikel (3) toegepas, betaal is, hetsy by wyse van 'n kontantbetaling of by wyse van 'n toevoeging tot die koopprys of die vergoeding wat betaal is ten opsigte van enige geaffekteerde eiendom wat deur bedoelde plaaslike bestuur, statutêre liggaam of ander regspersoon aangekoop of onteien is.
- (b) 'n Plaaslike bestuur, statutêre liggaam of ander regspersoon moet vir die doeleindes van 'n voorwaarde kragtens hierdie sub-artikel beding, die boeke, aantekeninge en rekeninge hou wat by 'n kragtens artikel *ses-en-dertig* uitgevaardigde regulasie voorgeskryf word, en sulke boeke, aantekeninge en rekeninge word geouditeer, in die geval van 'n plaaslike bestuur, deur die ouditeur wat normaalweg die boeke en rekeninge van bedoelde plaaslike bestuur ouditeer, en, in iedere ander geval deur die Kontroleur en Ouditeur-generaal.
- (c) Die ouditeur wat die boeke, aantekeninge en rekeninge van 'n plaaslike bestuur ingevolge hierdie sub-artikel ouditeer, moet so gou doenlik na voltooiing van iedere jaarlikse ouditering van sulke boeke, aantekeninge en rekeninge, 'n afskrif van sy sertifikaat, tesame met sy kommentaar op bedoelde boeke, aantekeninge en rekeninge aan die raad deurstuur.
- (5) Wanneer die raad kragtens sub-artikel (1) enige van sy bevoegdhede, werksaamhede en pligte kragtens hierdie Wet ten opsigte van 'n gebied gedelegeer of toegewys het, hou hy op om ten opsigte van daardie gebied die aldus gedelegeerde bevoegdhede te besit of om die aldus toegewysde werksaamhede te verrig of aan die aldus toegewysde pligte onderworpe te wees, en wanneer die Minister kragtens sub-artikel (2) of (3) verklaar het dat 'n bepaling van hierdie Wet in een of ander gebied met betrekking tot 'n plaaslike bestuur, statutêre liggaam of ander regspersoon van toepassing is, dan hou bedoelde bepaling op om in bedoelde gebied met betrekking tot die raad van toepassing te wees: Met dien verstande dat indien die plaaslike bestuur, statutêre liggaam of ander regspersoon waaraan die raad sy bevoegdhede, werksaamhede en pligte aldus gedelegeer of toegewys het, in gebreke bly om die aan hom gedelegeerde of toegewysde bevoegdhede, werksaamhede of pligte uit te oefen of te verrig, dan kan die raad, nadat hy die ondersoek ingestel het wat hy goetvind (waarby bedoelde plaaslike bestuur, statutêre liggaam of ander regspersoon die geleentheid gegee word om aangehoor te word), ten opsigte van die betrokke gebied daardie bevoegdhede en daardie werksaamhede en pligte ten behoeve van bedoelde plaaslike bestuur, statutêre liggaam of ander regspersoon uitoefen en verrig, en na sy goetdunke, die koste wat die raad in die uitoefening van bedoelde bevoegdhede en die verrigting van bedoelde werksaamhede en pligte ten opsigte van bedoelde gebied aangegaan het, op daardie plaaslike bestuur, statutêre liggaam of ander regspersoon verhaal.

(6) Any local authority or statutory body may with the approval of the board, given after consultation with the Administrator of the province concerned, and subject to such conditions as the board may prescribe, borrow such moneys as may be necessary for the exercise of its powers and the performance of its functions and duties under this section.

(7) Any local authority or statutory body may authorize any committee or officer of such local authority or statutory body on its behalf to exercise any power or to perform any function delegated to such local authority or statutory body in pursuance of this section.

Reports by
the board.

14. (1) The board shall from time to time, but not less than once every year, submit to the Minister reports on its activities, and the Minister shall lay copies of all such reports on the Tables of both Houses of Parliament within fourteen days after receipt thereof if Parliament is then in ordinary session or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

(2) The Minister shall forward to the administrator of every province copies of all reports submitted to him in terms of sub-section (1).

List of affected
properties.

15. (1) The board shall as soon as possible after any area has under section *three*, *three bis* or *three ter* of the principal Act been proclaimed within an area in which the provisions of this Act have been applied under section *thirty-eight* of this Act, or as soon as possible after the provisions of this Act have under section *thirty-eight* thereof been applied in an area in which any area has been proclaimed under section *three*, *three bis* or *three ter* of the principal Act, as the case may be, compile a list of all affected properties situate in any area so proclaimed, and shall record in respect of each affected property—

(a) the description and number of the property at the basic date;

(b) the name of the owner at the basic date, and the group (determined in accordance with the principal Act or any proclamation or regulation issued or made thereunder) of which he is a member, or in the case of a company, the group (so determined) of which the person by whom or on whose behalf or in whose interest a controlling interest is held or deemed to be held in such company, is a member;

(c) the name of the occupier and the group of which he is a member;

(d) the basic date and the basic value of the land and of the buildings thereon at the basic date.

(2) The list shall be open to public inspection in the office of the board or at such other place in or near the area to which it relates as may be prescribed by regulations made under section *thirty-six*.

(3) The board may from time to time amend the list by—

(a) deleting therefrom any property which ceases after the basic date to be affected property;

(b) making any alteration therein which is under this Act required to be made therein or which the board may consider necessary.

(4) The board shall not make any amendment to the list under sub-section (3) unless the owner of the affected property concerned has been afforded a reasonable opportunity of objecting to such amendment.

Pre-emptive
right of board
in respect of
affected
properties.

16. (1) The board shall, subject to the provisions of this Act, have a pre-emptive right in respect of every affected property.

(2) The pre-emptive right of the board in respect of any affected property shall, unless sooner waived by the board in terms of section *twenty*, lapse when that property ceases to be affected property.

Transfer of
affected
properties
included in list.

17. (1) Whenever any affected property has been included in the list in terms of section *fifteen*, the board shall forthwith notify the owner thereof and the registrar of deeds in whose deeds registry such property is registered, that the said property has been so included in the list.

(2) Upon receipt of the notice referred to in sub-section (1), the registrar of deeds concerned shall record thereon the time

(6) 'n Plaaslike bestuur of statutêre liggaam kan met goedkeuring van die raad wat verleen word na oorlegpleging met die administrateur van die betrokke provinsie en onderworpe aan die voorwaardes wat die raad voorskryf, die gelde leen wat nodig is vir die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede en pligte ingevolge hierdie artikel.

(7) 'n Plaaslike bestuur of statutêre liggaam kan 'n komitee of amptenaar van bedoelde plaaslike bestuur of statutêre liggaam magtig om namens hom enige bevoegdheid uit te oefen of enige werksaamheid te verrig wat ingevolge hierdie artikel aan bedoelde plaaslike bestuur of statutêre liggaam gedelegeer is.

14. (1) Die raad moet van tyd tot tyd, maar minstens eenmaal elke jaar, verslae oor sy bedrywighede aan die Minister voorlê, en die Minister moet afskrifte van alle sodanige verslae in beide Huise van die Parlement ter Tafel lê binne veertien dae na ontvangs daarvan as die Parlement dan in gewone sitting is, of, as die Parlement dan nie in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting.

Verslae van raad.

(2) Die Minister moet aan die Administrateur van iedere provinsie afskrifte stuur van alle verslae ingevolge sub-artikel (1) aan hom voorgelê.

15. (1) Die raad moet so gou doenlik nadat 'n gebied kragtens artikel *drie*, *drie bis* of *drie ter* van die Hoofwet geproklameer is binne 'n gebied waarbinne die bepalings van hierdie Wet kragtens artikel *agt-en-dertig* van hierdie Wet van toepassing verklaar is, of so gou doenlik nadat die bepalings van hierdie Wet kragtens artikel *agt-en-dertig* daarvan van toepassing verklaar is binne 'n gebied waarbinne 'n gebied kragtens artikel *drie*, *drie bis* of *drie ter* van die Hoofwet geproklameer is, na gelang van die geval, 'n lys opstel van alle geaffekteerde eiendomme wat in 'n aldus geproklameerde gebied geleë is, en maak ten opsigte van iedere geaffekteerde eiendom 'n aantekening van—

Lys van geaffekteerde eiendomme.

(a) die beskrywing en nommer van die eiendom op die basiese datum;

(b) die naam van die eienaar op die basiese datum en die groep (bepaal ooreenkomstig die Hoofwet of enige proklamasie of regulasie uit hoofde daarvan uitgereik of uitgevaardig) waarvan hy 'n lid is of, in die geval van 'n maatskappy, die groep (aldus bepaal) waarvan die persoon deur wie of ten behoeve of ten voordele van wie 'n beheersende belang in bedoelde maatskappy besit word of geag word besit te word, 'n lid is;

(c) die naam van die okkupeerder en die groep waarvan hy 'n lid is;

(d) die basiese datum en die basiese waarde van die grond en van die geboue daarop op die basiese datum.

(2) Die lys is vir openbare insae beskikbaar in die kantoor van die raad of by so 'n ander plek binne of naby die gebied waarop dit betrekking het as wat by kragtens artikel *ses-en-dertig* uitgevaardigde regulasie voorgeskryf mag word.

(3) Die raad kan van tyd tot tyd die lys wysig deur—

(a) 'n eiendom wat ná die basiese datum ophou om geaffekteerde eiendom te wees, daaruit te skrap;

(b) enige verandering daarop aan te bring wat kragtens hierdie Wet daarop aangebring moet word of wat die raad mag nodig ag.

(4) Die raad maak geen wysiging op die lys kragtens sub-artikel (3) nie tensy die eienaar van die betrokke geaffekteerde eiendom 'n billike geleentheid toegestaan is om teen so 'n wysiging beswaar te maak.

16. (1) Die raad het behoudens die bepalings van hierdie Wet 'n voorkeepsreg ten opsigte van iedere geaffekteerde eiendom.

Voorkeepsreg van raad ten opsigte van geaffekteerde eiendomme.

(2) Tensy die raad vroeër ingevolge artikel *twintig* daarvan afstand doen, verval die voorkeepsreg van die raad ten opsigte van 'n geaffekteerde eiendom wanneer daardie eiendom ophou om geaffekteerde eiendom te wees.

17. (1) Wanneer 'n geaffekteerde eiendom ingevolge artikel *vyftien* in die lys opgeneem is, stel die raad die eienaar daarvan en die registrateur van aktes in wie se akteskantoor bedoelde eiendom geregistreer is, onverwyld in kennis dat bedoelde eiendom aldus in die lys opgeneem is.

Oordrag van geaffekteerde eiendomme in lys opgeneem.

(2) By ontvangs van die in sub-artikel (1) bedoelde kennisgewing, teken die betrokke registrateur van aktes die tyd en

and date of receipt thereof, and shall note in the appropriate records that the said property has been included in the list.

(3) No affected property in respect of which a note referred to in sub-section (2) has been made, shall be transferred to any person other than the board unless a certificate signed by an officer designated thereto by the board is lodged with the registrar of deeds concerned that any appreciation contributions due to the board under this Act in respect of the disposal of the said property has been paid to the board, or that no such contributions are so due to the board.

(4) If any affected property is removed from the list in terms of section *twenty-three* the board shall likewise notify the registrar of deeds concerned who shall thereupon cancel the note made in respect of that property in terms of sub-section (2) of this section.

Alteration, extensions or additions to buildings or new buildings on affected property after basic date.

18. (1) The basic value of any new building erected after the basic date on land which is affected property shall on the application of the owner and if such building was erected with the approval of the board, but not otherwise, be determined and recorded on the list as the basic value of that building.

(2) The basic value of any building which is after the basic date altered or extended shall on the application of the owner and if such alteration or extension was made with the approval of the board, but not otherwise, be re-determined and thereupon the basic value so re-determined shall be substituted for the basic value recorded on the list in respect of that building.

Determination of basic value.

19. (1) The basic value of any affected property shall as soon as possible after the inclusion of that property in the list, be determined by one or more but not exceeding three persons (hereinafter referred to as valuers) appointed for the purpose by the Administrator of the province concerned.

(2) The valuator or valuers shall not determine the basic value of any affected property except after having afforded both the board and the owner of the affected property and every holder of a bond registered over such property a reasonable opportunity of submitting such information or of making such representations to him or to them as the board or the said owner or mortgagee may deem fit.

(3) As soon as the basic value of any affected property has been determined in accordance with the provisions of this section, the valuator or valuers shall inform the board thereof and thereupon the basic value so determined shall be recorded by the board on the list as the basic value of that affected property, and shall be final.

(4) A valuator shall be paid such remuneration or allowances for his services out of the funds of the board as the Minister may in consultation with the Minister of Finance and the Administrator of the province concerned, determine.

Procedure where owner intends to dispose of affected property.

20. (1) Whenever the owner of any affected property intends to dispose of such property for value, he shall notify the board in writing of his intention to do so and shall, unless he intends to dispose of such property by public auction or public tender without reserve, state the consideration (hereinafter referred to as the proposed consideration) for which he intends to dispose of such property.

(2) The board shall within fourteen days after receipt of the notice referred to in sub-section (1), notify the owner in writing that it elects either—

(a) to waive its pre-emptive right in respect of the said property, and—

(i) if the proposed consideration exceeds the basic value of that property, to claim an appreciation contribution equal to fifty per cent. of the difference between the consideration for which the said property is in fact disposed of or the proposed consideration, whichever is the greater, and the basic value thereof; or

(ii) if there is no proposed consideration or if the proposed consideration is less than the basic value of that property, and the consideration for

datum van ontvangs daarvan daarop aan, en maak hy 'n aantekening in die gepaste registers dat bedoelde eiendom in die lys opgeneem is.

(3) Geen geaffekteerde eiendom ten opsigte waarvan 'n in sub-artikel (2) bedoelde aantekening gemaak is, word aan enige persoon behalwe die raad getranspoteer nie tensy 'n sertifikaat onderteken deur 'n daartoe deur die raad aangewese amptenaar dat enige waardevermeerderingskontribusies wat kragtens hierdie Wet ten opsigte van die vervreemding van bedoelde eiendom aan die raad verskuldig is, aan die raad betaal is of dat geen sodanige kontribusies aldus aan die raad verskuldig is nie, by die betrokke registrateur van aktes ingedien word.

(4) Indien 'n geaffekteerde eiendom ingevolge artikel *drie-en-twintig* van die lys verwyder word, moet die raad die betrokke registrateur van aktes insgelyks in kennis stel, en laasgenoemde kanselleer daarop die aantekening wat ingevolge sub-artikel (2) van hierdie artikel ten opsigte van bedoelde eiendom gemaak is.

18. (1) Die basiese waarde van 'n nuwe gebou wat na die basiese datum op grond wat geaffekteerde eiendom is, opgerig word, word op aansoek van die eienaar en indien so 'n gebou met goedkeuring van die raad opgerig is, maar anders nie, bepaal en op die lys aangeteken as die basiese waarde van daardie gebou. Verandering of vergroting van of byvoegings tot geboue of nuwe geboue op geaffekteerde eiendom na basiese datum.

(2) Die basiese waarde van enige gebou wat na die basiese datum verander of vergroot word, word op aansoek van die eienaar en indien sodanige verandering of vergroting met goedkeuring van die raad gedoen is, maar anders nie, herbepaal en daarop word die basiese waarde wat op die lys ten opsigte van daardie gebou aangeteken is, deur die aldus herbepaalde basiese waarde vervang.

19. (1) Die basiese waarde van 'n geaffekteerde eiendom word so gou moontlik na die opname van daardie eiendom op die lys, bepaal deur een of meer maar hoogstens drie persone (hierna waardeerders genoem) wat vir die doel deur die administrateur van die betrokke provinsie aangestel word. Bepaling van basiese waarde.

(2) Die waardeerder of waardeerders bepaal nie die basiese waarde van 'n geaffekteerde eiendom nie behalwe nadat hy of hulle aan sowel die raad as die eienaar van die geaffekteerde eiendom en elke houër van 'n geregistreerde verband oor bedoelde eiendom 'n billike geleentheid toegestaan het om die inligting aan hom of hulle voor te lê of die vertoë aan hom of hulle te rig wat die raad of bedoelde eienaar of verbandhouër mag goedvind.

(3) So gou die basiese waarde van 'n geaffekteerde eiendom ooreenkomstig die bepalings van hierdie artikel bepaal is, stel die waardeerder of waardeerders die raad daarvan in kennis en daarop word die aldus bepaalde basiese waarde deur die raad op die lys as die basiese waarde van bedoelde geaffekteerde eiendom aangeteken en is dit afdoende.

(4) Aan 'n waardeerder word vir sy dienste die besoldiging of toelaes uit die fondse van die raad betaal wat die Minister in oorleg met die Minister van Finansies en die administrateur van die betrokke provinsie bepaal.

20. (1) Wanneer die eienaar van 'n geaffekteerde eiendom voornemens is om bedoelde eiendom teen teenwaarde van die hand te sit, moet hy die raad skriftelik in kennis stel van sy voornemens om dit te doen en, tensy hy voornemens is om bedoelde eiendom by publieke veiling of publieke tender sonder reserweprys van die hand te sit, moet hy die vergoeding meld (hieronder die voorgestelde vergoeding genoem) waarteen hy voornemens is om bedoelde eiendom van die hand te sit. Prosedure waar eienaar voornemens is om geaffekteerde eiendom van die hand te sit.

(2) Die raad moet binne veertien dae na ontvangs van die in sub-artikel (1) bedoelde kennisgewing, die eienaar skriftelik in kennis stel dat hy kies om òf—

(a) afstand te doen van sy voorkeepsreg ten opsigte van bedoelde eiendom en—

(i) indien die voorgestelde vergoeding die basiese waarde van bedoelde eiendom te bowe gaan, om 'n waardevermeerderingskontribusie gelyk aan vyftig persent van die verskil tussen die vergoeding waarteen bedoelde eiendom in werklikheid van die hand gesit word of die voorgestelde vergoeding, na gelang van watter hoër is, en die basiese waarde daarvan, te vorder; of

(ii) indien daar geen voorgestelde vergoeding is nie of indien die voorgestelde vergoeding minder dan die basiese waarde van bedoelde eiendom is,

which the said property is in fact disposed of, exceeds the basic value thereof, to claim an appreciation contribution equal to fifty per cent. of the difference between the consideration for which the said property is in fact disposed of and the basic value thereof; or

- (iii) if there is no proposed consideration or if the proposed consideration is less than the basic value of that property, and the consideration for which the said property is in fact disposed of, is less than the basic value thereof, to pay to the owner a depreciation contribution equal to eighty per cent. of the difference between the consideration for which the said property is in fact disposed of and the basic value thereof; or
- (b) to purchase the said property for a consideration to be agreed upon by the board and the owner: Provided that if the owner proves to the satisfaction of the board that a third person who may lawfully acquire the said property has offered and is willing to purchase the property for a consideration in excess of the consideration which the board is prepared to pay therefor, the board shall purchase the said property for that consideration or a consideration equal in value to that consideration or waive its pre-emptive right in respect of that property in terms of paragraph (a).
- (3) (a) If the intended disposal of any affected property is a proposed sale in execution of a judgment of any court, the board shall waive its pre-emptive right in respect of that property in terms of paragraph (a) of sub-section (2).
- (b) If the board fails within the period prescribed in sub-section (2) to make an election under that sub-section, the board shall be deemed to have waived its pre-emptive right in respect of the affected property concerned in terms of paragraph (a) of sub-section (2).
- (4) If the board acquires any affected property in terms of paragraph (b) of sub-section (2) for a consideration in excess of the basic value thereof, there shall be deducted from the consideration payable by the board an appreciation contribution equal to fifty per cent. of the difference between the consideration payable by the board or the proposed consideration whichever is the greater, and the basic value of the said property, or if the said property is acquired for a consideration which is less than the basic value thereof, there shall be added to the consideration payable by the board a depreciation contribution equal to eighty per cent. of the difference between the consideration payable by the board and the basic value of the said property.
- (5) Any appreciation contribution or any depreciation contribution which may be claimed or which may become payable by the board in terms of sub-section (2) shall be payable by the owner and the board respectively upon transfer of the affected property to the person to whom it is disposed of.
- (6) For the purposes of this section, the consideration in respect of any affected property shall—
- (a) in the case of a sale, be the selling price thereof;
- (b) in the case of an exchange for other property, be the market value of that other property at the time of the exchange or proposed exchange plus the amount or the value of any additional consideration received or demanded by the owner of the affected property or less the amount or the value of any additional consideration paid or payable by the said owner, as the case may be;
- (c) in the case of any other disposition, the value of the consideration received or proposed therefor.
- (7) The market value of any property exchanged or proposed to be exchanged for affected property or the value of any consideration received or payable for affected property shall, for the purpose of this section, in the absence of agreement

en die vergoeding waarteen bedoelde eiendom in werklikheid van die hand gesit word, die basiese waarde daarvan te bowe gaan, om 'n waardevermeerderingskontribusie gelyk aan vyftig persent van die verskil tussen die vergoeding waarteen bedoelde eiendom in werklikheid van die hand gesit word, en die basiese waarde daarvan, te vorder; of

- (iii) indien daar geen voorgestelde vergoeding is nie of indien die voorgestelde vergoeding minder dan die basiese waarde van bedoelde eiendom is, en die vergoeding waarteen bedoelde eiendom in werklikheid van die hand gesit word, minder dan die basiese waarde daarvan is, om aan die eenaar 'n waardeverminderingkontribusie gelyk aan tagtig persent van die verskil tussen die vergoeding waarteen die eiendom in werklikheid van die hand gesit word en die basiese waarde daarvan, te betaal; òf
- (b) bedoelde eiendom aan te koop teen 'n vergoeding waaroor deur die raad en die eenaar ooreengekom moet word: Met dien verstande dat indien die eenaar die raad oortuig dat 'n derde persoon wat bedoelde eiendom wettiglik mag verkry, aangebied het en gewillig is om die eiendom te koop teen 'n vergoeding wat die raad bereid is om daarvoor te betaal, te bowe gaan, die raad bedoelde eiendom teen daardie vergoeding of teen 'n vergoeding wat in waarde gelyk staan aan daardie vergoeding, moet koop of van sy voorkoopsreg ten opsigte van bedoelde eiendom ingevolge paragraaf (a) afstand moet doen.
- (3) (a) Indien die voorgenome vervreemding van 'n geaffekteerde eiendom 'n voorgestelde verkoop in eksekusie van 'n vonnis van 'n hof is, dan moet die raad ingevolge paragraaf (a) van sub-artikel (2) afstand doen van sy voorkoopsreg ten opsigte van daardie eiendom.
- (b) Indien die raad in gebreke bly om binne die in sub-artikel (2) voorgeskrewe tydperk 'n keuse kragtens daardie sub-artikel te doen, word dit geag dat die raad ingevolge paragraaf (a) van sub-artikel (2) afstand gedoen het van sy voorkoopsreg ten opsigte van die betrokke geaffekteerde eiendom.
- (4) Indien die raad 'n geaffekteerde eiendom ingevolge paragraaf (b) van sub-artikel (2) verkry teen 'n vergoeding wat die basiese waarde daarvan te bowe gaan, word daar van die deur die raad betaalbare vergoeding 'n waardevermeerderingskontribusie gelyk aan vyftig persent van die verskil tussen die deur die raad betaalbare vergoeding of die voorgestelde vergoeding, na gelang van watter hoër is, en die basiese waarde van bedoelde eiendom, afgetrek of, indien bedoelde eiendom verkry word teen 'n vergoeding wat minder is dan die basiese waarde daarvan, word daar by die deur die raad betaalbare vergoeding 'n waardeverminderingkontribusie gelyk aan tagtig persent van die verskil tussen die deur die raad betaalbare vergoeding en die basiese waarde van bedoelde eiendom, gevoeg.
- (5) Enige waardevermeerderingskontribusie of enige waardeverminderingkontribusie wat ingevolge sub-artikel (2) deur die raad gevorder of betaalbaar mag word, is deur die eenaar en die raad onderskeidelik betaalbaar by transport van die geaffekteerde eiendom aan die persoon aan wie dit van die hand gesit is.
- (6) By die toepassing van hierdie artikel, is die vergoeding ten opsigte van 'n geaffekteerde eiendom—
- (a) in die geval van 'n verkoping, die verkoopprijs daarvan;
- (b) in die geval van 'n ruil vir ander eiendom, die markwaarde van daardie ander eiendom ten tyde van die ruil of voorgestelde ruil, plus die bedrag of die waarde van enige addisionele vergoeding wat deur die eenaar van die geaffekteerde eiendom ontvang of geëis word of, na gelang van die geval, min die bedrag of die waarde van enige addisionele vergoeding deur bedoelde eenaar betaal of betaalbaar;
- (c) in die geval van enige ander vervreemding, die waarde van die vergoeding wat daarvoor ontvang of voorgestel is.
- (7) Die markwaarde van enige eiendom wat in ruil vir geaffekteerde eiendom gegee of voorgestel word of die waarde van enige vergoeding wat vir geaffekteerde eiendom ontvang of betaalbaar is, word, by die toepassing van hierdie artikel,

between the said owner and the board, be determined by arbitration in terms of section *thirty-one*.

Expropriation of affected property by the State or any person other than the board.

21. (1) Whenever any affected property is expropriated by the State or any other person (other than the board) and the compensation payable for such property is fixed at an amount which exceeds the basic value of that property, there shall be paid to the board an appreciation contribution equal to fifty per cent. of the difference between the compensation so fixed and the basic value of the said property, or if the compensation so fixed is less than the basic value of the said property, there shall be paid by the board to the owner of the said property, a depreciation contribution equal to eighty per cent. of the difference between the compensation so fixed and the basic value of the said property.

(2) Any appreciation contribution payable to the board under sub-section (1) shall be deducted from the compensation payable to the owner of the expropriated property and shall be paid to the board by the State or, as the case may be, such other person by whom the affected property was expropriated.

(3) Whenever a portion only of an affected property as described on the list is expropriated, the basic value of the portion expropriated shall for the purposes of this section be determined after the date of expropriation, anything to the contrary in this Act notwithstanding, and thereupon the basic value of the remaining portion of the affected property shall be the basic value recorded on the list in respect of the whole of that property less the amount of the basic value of the expropriated portion.

(4) For the purpose of this section "compensation payable" includes any compensation paid *ex gratia* by the State or other person in respect of the expropriated property.

Disposal of affected property after basic date without reference to board.

22. (1) If any affected property in respect of which the board has not waived its pre-emptive right in terms of section *twenty*, is after the basic date disposed of for value, to any person other than the board, there shall, if the consideration paid in respect of the affected property or the market value thereof at the time of the disposition, exceeds the basic value thereof, be paid by the owner to the board an appreciation contribution equal to seventy-five per cent. of the difference between the said consideration or the said market value, whichever is the greater, and the basic value of the said property.

(2) No depreciation contribution shall be payable by the board in respect of the disposition for value of any affected property in respect of which the board has not waived its pre-emptive right in terms of section *twenty*.

(3) If any affected property is after the basic date transferred from the person who was the owner thereof at the basic date, and the transfer is in pursuance of a disposition for value, it shall, for the purposes of sub-section (1) be presumed, until the contrary is proved by the owner, that the disposition took place after the basic date.

(4) For the purposes of sub-section (1) the consideration paid in respect of any affected property shall—

- (a) if the affected property was sold, be the purchase price thereof;
- (b) if the affected property was exchanged for other property, be the market value of that other property at the time of the exchange plus the amount or the value of any additional consideration received by the owner of the affected property or less the amount or the value of any additional consideration paid by the said owner, as the case may be;
- (c) if the affected property was disposed of in any other manner, be the value of the consideration received therefor.

(5) The market value of any affected property or of any property exchanged for affected property or the value of any consideration received for affected property shall, for the purposes of sub-section (1) in the absence of agreement between the said owner and the board, be determined by arbitration in terms of section *thirty-one*.

by ontstentenis van ooreenkoms tussen bedoelde eienaar en die raad, deur arbitrasie ingevolge artikel *een-en-dertig* bepaal.

21. (1) Wanneer geaffekteerde eiendom deur die Staat of enige ander persoon (behalwe die raad) onteien word, en die vergoeding wat vir bedoelde eiendom betaalbaar is, vasgestel word op 'n bedrag wat die basiese waarde van bedoelde eiendom te bowe gaan, word daar aan die raad 'n waardevermeerderingskontribusie gelyk aan vyftig persent van die verskil tussen die aldus vasgestelde vergoeding en die basiese waarde van bedoelde eiendom betaal, of indien die aldus vasgestelde vergoeding minder is dan die basiese waarde van bedoelde eiendom, word daar deur die raad aan die eienaar van bedoelde eiendom, 'n waardeverminderingkontribusie gelyk aan tagtig persent van die verskil tussen die aldus vasgestelde vergoeding en basiese waarde van bedoelde eiendom betaal.

Onteiening van geaffekteerde eiendom deur die Staat of enige persoon behalwe die raad.

(2) Enige waardevermeerderingskontribusie wat ingevolge sub-artikel (1) aan die raad betaalbaar is, word van die vergoeding wat aan die eienaar van die onteiene eiendom betaalbaar is, afgetrek en aan die raad oorbetal deur die Staat of, na gelang van die geval, die ander persoon deur wie die geaffekteerde eiendom onteien is.

(3) Wanneer slegs 'n gedeelte van 'n geaffekteerde eiendom soos op die lys beskrywe, onteien word, word die basiese waarde van die onteiene gedeelte by die toepassing van hierdie artikel, ondanks andersluidende bepalinge van hierdie Wet, na die datum van onteiening bepaal en daarop is die basiese waarde van die oorblywende gedeelte van die geaffekteerde eiendom die basiese waarde wat op die lys ten opsigte van die geheel van daardie eiendom aangeteken is, min die bedrag van die basiese waarde van die onteiene gedeelte.

(4) By die toepassing van hierdie artikel beteken „vergoeding wat betaalbaar is” ook enige vergoeding wat *ex gratia* deur die Staat of ander persoon ten opsigte van die onteiene eiendom betaal word.

22. (1) Indien geaffekteerde eiendom ten opsigte waarvan die raad nie van sy voorkoepsreg ingevolge artikel *twintig* afstand gedoen het nie, na die basiese datum teen teenwaarde van die hand gesit word aan 'n ander persoon dan die raad, word daar, indien die vergoeding wat ten opsigte van die geaffekteerde eiendom betaal is of die markwaarde daarvan ten tyde van die vervreemding, die basiese waarde daarvan te bowe gaan, deur die eienaar aan die raad 'n waardevermeerderingskontribusie gelyk aan vyf-en-sewentig persent van die verskil tussen bedoelde vergoeding of bedoelde markwaarde, na gelang van watter hoër is, en die basiese waarde van bedoelde eiendom, betaal.

Vervreemding van geaffekteerde eiendom na basiese datum sonder verwysing na raad.

(2) Geen waardeverminderingkontribusie is deur die raad ten opsigte van die vervreemding teen teenwaarde van geaffekteerde eiendom ten opsigte waarvan die raad nie van sy voorkoepsreg ingevolge artikel *twintig* afstand gedoen het nie, betaalbaar nie.

(3) Indien geaffekteerde eiendom na die basiese datum oorgedra word van die persoon wat die eienaar daarvan op die basiese datum was, en die oordrag ten gevolge van 'n vervreemding teen teenwaarde geskied, word dit, by die toepassing van sub-artikel (1) vermoed, totdat die teendeel deur die eienaar bewys word, dat die vervreemding na die basiese datum geskied het.

(4) By die toepassing van sub-artikel (1) is die vergoeding wat ten opsigte van geaffekteerde eiendom betaal is—

- (a) indien die geaffekteerde eiendom verkoop was, die koopprys daarvan;
- (b) indien die geaffekteerde eiendom in ruil gegee is vir ander eiendom, die markwaarde van daardie ander eiendom ten tyde van die ruil plus die bedrag of die waarde van enige addisionele vergoeding deur die eienaar van die geaffekteerde eiendom ontvang of min die bedrag of die waarde van enige addisionele vergoeding deur bedoelde eienaar betaal, na gelang van die geval;
- (c) indien die geaffekteerde eiendom op 'n ander wyse van die hand gesit is, die waarde van die vergoeding daarvoor ontvang.

(5) Die markwaarde van geaffekteerde eiendom of van enige eiendom wat vir geaffekteerde eiendom in ruil gegee is of die waarde van enige vergoeding wat vir geaffekteerde eiendom ontvang is, word by die toepassing van sub-artikel (1), by ontstentenis van ooreenkoms tussen bedoelde eienaar en die raad, deur arbitrasie ingevolge artikel *een-en-dertig* bepaal.

Removal of affected property from list.

23. (1) Whenever the board considers that the market value of any affected property included in the list is equal to or exceeds the basic value of that property, it may notify the owner of that property in writing of its estimate of the market value thereof, and if the owner agrees to such estimate, or if the board and the owner agree on a valuation which is equal to or exceeds the basic value of that property, the board shall, upon payment to the board of an appreciation contribution equal to fifty per cent. of the difference, if any, between the market value thus agreed upon between the board and the owner and the basic value of the said property, remove such property from the list.

(2) Whenever the owner of any affected property included in the list considers that the market value of that property is equal to or exceeds the basic value thereof, he may notify the board in writing that he desires the said property to be removed from the list and may state his estimate of the market value thereof, and if the board agrees to such estimate, or if the board and the owner agree on a valuation which is equal to or exceeds the basic value of that property, or if in the absence of such agreement the market value of the said property as determined by arbitration in terms of section *thirty-one* is equal to or exceeds the basic value of the said property, the board shall, upon payment to the board of an appreciation contribution equal to fifty per cent. of the difference, if any, between the market value thus agreed upon between the board and the owner or determined by arbitration, as the case may be, and the basic value of the said property, remove such property from the list.

(3) Every affected property—

- (a) acquired by the board in terms of section *twenty* or *twenty-four*; or
- (b) which has after the basic date been disposed of for value by the person who was the owner thereof on the basic date,

shall be removed from the list.

(4) Any affected property removed from the list in terms of this section shall for the purposes of this Act cease to be affected property and shall not thereafter again be included in the list.

Acquisition of immovable property by the board by agreement or expropriation.

24. (1) The board may with the written approval of the Minister, if it is satisfied that it is expedient to do so for the proper development of any group area, acquire by agreement or by expropriation any immovable property situated within that group area.

(2) If the purchase price or the compensation payable by the board in respect of the acquisition under sub-section (1) of any affected property exceeds the basic value of that property, there shall be deducted from the said purchase price or the said compensation, an appreciation contribution equal to fifty per cent. of the difference between the said purchase price or compensation as the case may be, and the basic value thereof, and if the said purchase price or compensation is less than the basic value of the said property, there shall be added to the said purchase price or compensation, as the case may be, a depreciation contribution equal to eighty per cent. of the difference between the said purchase price or compensation, as the case may be, and the basic value of the said property.

Procedure on expropriation.

25. (1) Upon receipt of the written approval of the Minister to expropriate any immovable property, the board shall serve or cause to be served on the owner a notice in the manner prescribed in sub-section (2) setting forth clearly and fully a description of the property and inviting the owner to state the amount claimed by him for that property.

(2) The notice referred to in sub-section (1) shall be served—

- (a) by delivery of the notice to the owner personally; or
- (b) by leaving the notice with some adult inmate of his place of residence; or
- (c) by despatching the notice by registered post in an envelope addressed to his last known address; or
- (d) if service cannot be effected as provided in paragraph (a), (b) or (c), by publication in both official languages of the Union in three consecutive ordinary issues of

23. (1) Wanneer die raad van oordeel is dat die markwaarde van geaffekteerde eiendom wat in die lys opgeneem is, gelyk is aan die basiese waarde van daardie eiendom of dit te bowe gaan, kan die raad die eienaar van daardie eiendom skriftelik in kennis stel van sy raming van die markwaarde daarvan, en indien die eienaar met bedoelde raming instem, of indien die raad en die eienaar ooreenkom oor 'n waardering wat gelyk is aan die basiese waarde van daardie eiendom of dit te bowe gaan, dan moet die raad, by betaling aan die raad van 'n waardevermeerderingskontribusie gelyk aan vyftig persent van die verskil, indien daar is, tussen die markwaarde waarvoor aldus ooreengekom is tussen die raad en die eienaar, en die basiese waarde van bedoelde eiendom, bedoelde eiendom uit die lys skrap.

Verwydering van geaffekteerde eiendom van lys.

(2) Wanneer die eienaar van geaffekteerde eiendom wat in die lys opgeneem is, van oordeel is dat die markwaarde van daardie eiendom gelyk is aan die basiese waarde daarvan of dit te bowe gaan, kan hy die raad skriftelik in kennis stel dat hy verlang dat bedoelde eiendom uit die lys geskrap moet word en kan hy sy raming van die markwaarde daarvan meld, en indien die raad met bedoelde raming instem, of indien die raad en die eienaar ooreenkom oor 'n waardering wat gelyk is aan die basiese waarde van daardie eiendom of dit te bowe gaan, of indien by ontstentenis van so 'n ooreenkoms die markwaarde van bedoelde eiendom soos deur arbitrasie ingevolge artikel *een-en-dertig* bepaal, gelyk is aan die basiese waarde van bedoelde eiendom of dit te bowe gaan, dan moet die raad, by betaling aan die raad van 'n waardevermeerderingskontribusie gelyk aan vyftig persent van die verskil, indien daar is, tussen die markwaarde waarvoor aldus ooreengekom is tussen die raad en die eienaar of wat aldus deur arbitrasie bepaal is, na gelang van die geval, en die basiese waarde van bedoelde eiendom, bedoelde eiendom uit die lys skrap.

(3) Iedere geaffekteerde eiendom—

(a) wat ingevolge artikel *twintig* of *vier-en-twintig* deur die raad verkry is; of

(b) wat na die basiese datum teen teenwaarde van die hand gesit is deur die persoon wat op die basiese datum die eienaar daarvan was,

word uit die lys geskrap.

(4) Enige geaffekteerde eiendom wat ingevolge hierdie artikel uit die lys geskrap word, hou vir die doeleindes van hierdie Wet op om geaffekteerde eiendom te wees en word daarna nie weer in die lys opgeneem nie.

24. (1) Die raad kan met die skriftelike goedkeuring van die Minister, indien die raad oortuig is dat dit raadsaam is sulks te doen vir die behoorlike ontwikkeling van 'n groepsgebied, enige onroerende eiendom wat binne daardie groepsgebied geleë is, by ooreenkoms of deur onteiening verkry.

Verkryging van onroerende eiendom deur die raad by ooreenkoms of deur onteiening.

(2) Indien die koopprys of die vergoeding wat deur die raad betaalbaar is ten opsigte van die verkryging kragtens sub-artikel (1) van enige geaffekteerde eiendom, die basiese waarde van daardie eiendom te bowe gaan, word daar van bedoelde koopprys of bedoelde vergoeding 'n waardevermeerderingskontribusie afgetrek gelyk aan vyftig persent van die verskil tussen bedoelde koopprys of vergoeding, na gelang van die geval, en die basiese waarde daarvan, en indien bedoelde koopprys of vergoeding minder is dan die basiese waarde van bedoelde eiendom, word daar by bedoelde koopprys of vergoeding, na gelang van die geval, 'n waardeverminderingkontribusie gevoeg gelyk aan tagtig persent van die verskil tussen bedoelde koopprys of vergoeding, na gelang van die geval, en die basiese waarde van bedoelde eiendom.

25. (1) By ontvangs van die Minister se skriftelike goedkeuring om onroerende eiendom te onteien, moet die raad op die in sub-artikel (2) voorgeskrewe wyse aan die eienaar 'n kennisgewing besorg of laat besorg waarin 'n duidelike en volledige beskrywing van die onroerende eiendom uiteengesit word en die eienaar uitgenooi word om die bedrag wat hy vir daardie eiendom verlang, te vermeld.

Prosedure by onteiening.

(2) Die in sub-artikel (1) bedoelde kennisgewing moet besorg word—

(a) deur die kennisgewing aan die eienaar persoonlik af te lewer; of

(b) deur die kennisgewing te laat by 'n volwasse inwoner van die plek waar hy woon; of

(c) deur die kennisgewing per aangetekende pos te versend in 'n koevert aan sy laaste bekende adres gerig; of

(d) indien die kennisgewing nie volgens paragraaf (a), (b) of (c) besorg kan word nie, deur afkondiging in beide offisiële tale van die Unie in drie agtereen-

the *Gazette* and once a week during three consecutive weeks in a newspaper circulating in the magisterial district in which the property is situate.

(3) A notice under sub-section (1), which has been served as provided in sub-section (2) shall be deemed to have been duly served, and the date of service of a notice under paragraph (d) of sub-section (2) shall be the date of the first publication thereof.

(4) A notice to expropriate shall be served within thirty days after receipt of the approval by the Minister and if not served within that time, such approval shall lapse unless the Minister has agreed in writing to the extension thereof.

(5) Upon the service of any such notice the ownership in the immovable property described in the notice shall pass to the board and the board may, after expiry of a period of not less than three months from the date of such service, take possession of the property.

Duties of board,
registrar of
deeds, mortgagee
and owner on
expropriation.

26. (1) Whenever any immovable property has been expropriated under section *twenty-five*, the board shall forthwith—

(a) transmit to the registrar of deeds in whose deeds registry the property is registered, a certified copy of the notice by which the expropriation has taken place; and

(b) transmit to every holder of a bond registered over such property, whose name and address are known to it, a copy of such notice.

(2) Upon receipt of the copy referred to in sub-section (1) the registrar of deeds shall—

(a) record thereon the time and date of such receipt; and

(b) note in the appropriate records that the property in question has been expropriated.

(3) A mortgagee to whom a copy of a notice of expropriation has been transmitted shall within thirty days of the date of receipt thereof, transmit to the board—

(a) a statement in writing setting forth the amounts received by him in payment of the debt secured by the bond and particulars of the amount still owing thereunder; and

(b) the bond of which he is the holder and any document of title relating to the immovable property which may be in his possession or under his control.

(4) (a) Every owner on whom a notice has been served under section *twenty-five* shall, within thirty days after the date of expropriation, or within such further period as the board may allow, deliver or cause to be delivered to the board—

(i) a statement in writing setting forth the amount of compensation, if any, claimed by him;

(ii) his documents of title to the immovable property if these are in his possession or under his control;

(iii) a list signed by him of the said documents if these are not in his possession or under his control, setting forth the registration numbers and dates thereof and the name and address of the person in whose possession or under whose control those documents are and the registration numbers and dates of mortgage bonds, if any, on the immovable property and the names and addresses of the holders thereof.

(b) The board may by notice in writing call upon any person named in any list delivered to it under subparagraph (iii) of paragraph (a), to deliver or cause to be delivered to the board, within a period specified in the notice, the documents referred to in that subparagraph.

Determination
of compensation.

27. If the owner of any immovable property and the board are unable to agree on the amount of compensation to be paid for the property expropriated under section *twenty-five*, such amount shall be determined by arbitration in terms of section *thirty-one*, and shall not exceed the market value of the immovable property at the date of the service of the notice of expropriation in terms of section *twenty-five*.

volgende gewone uitgawes van die *Staatskoerant* en een maal per week gedurende drie agtereenvolgende weke in 'n koerant in omloop in die magistraats-distrik waarin die eiendom geleë is.

(3) 'n Kennisgewing kragtens sub-artikel (1) wat volgens voorskrif van sub-artikel (2) besorg is, word geag behoorlik besorg te gewees het, en die datum van besorging van 'n kennisgewing kragtens paragraaf (d) van sub-artikel (2) is die datum waarop dit die eerste maal afgekondig word.

(4) 'n Kennisgewing om te onteien, moet besorg word binne dertig dae na ontvangs van die Minister se goedkeuring, en indien dit nie binne daardie tyd besorg word nie, verval die goedkeuring, tensy die Minister skriftelik tot die verlenging daarvan ingestem het.

(5) By besorging van so 'n kennisgewing gaan die eiendomsreg op die onroerende eiendom wat in die kennisgewing beskryf word, oor op die raad, en die raad kan na verstryking van 'n tydperk van minstens drie maande vanaf die datum van sodanige besorging die eiendom in besit neem.

26. (1) Wanneer onroerende eiendom kragtens artikel vyf-en-twintig onteien is, moet die raad onverwyld— Pligte van raad, registrateur van aktes, verbandhouer en eienaar by onteiening.

(a) aan die registrateur van aktes in wie se akteskantoor die eiendom geregistreer is, 'n gesertifiseerde afskrif stuur van die kennisgewing waarby die onteiening plaasgevind het; en

(b) aan elke houder van 'n geregistreerde verband oor die eiendom van wie die naam en adres aan die raad bekend is, 'n afskrif van bedoelde kennisgewing stuur.

(2) By ontvangs van die in sub-artikel (1) bedoelde afskrif moet die registrateur van aktes—

(a) die tyd en datum van ontvangs van bedoelde afskrif daarop aanteken; en

(b) in die gepaste registers aanteken dat die betrokke eiendom onteien is.

(3) 'n Verbandhouer aan wie 'n afskrif van 'n kennisgewing van onteiening gestuur is, moet binne dertig dae na die datum van ontvangs daarvan aan die raad—

(a) 'n skriftelike verklaring stuur waarin die bedrae deur hom ontvang by wyse van afbetaling van die skuld deur die verband versekureer en besonderhede van die bedrag nog daaronder verskuldig, uiteengesit word; en

(b) die verbandakte stuur waarvan hy die houder is, asook enige dokument van eiendomsreg wat op die onroerende eiendom betrekking het en wat in sy besit of onder sy beheer mag wees.

(4) (a) Elke eienaar aan wie 'n kennisgewing kragtens artikel vyf-en-twintig besorg is, moet binne dertig dae na die datum van onteiening, of binne so 'n verdere tydperk as wat die raad mag toelaat, aan die raad lewer of laat lewer—

(i) 'n skriftelike verklaring waarin die bedrag van die vergoeding (as daar is) wat hy verlang, uiteengesit word;

(ii) die stukke wat sy titelbewyse op die onroerende eiendom uitmaak, indien dit in sy besit of onder sy beheer is;

(iii) 'n deur hom ondertekende lys van bedoelde stukke indien dit nie in sy besit of onder sy beheer is nie, met vermelding van die registrasienommers en datums daarvan en die naam en adres van die persoon in wie se besit of onder wie se beheer daardie stukke is en die registrasienommers en datums van verbande op die onroerende eiendom (as daar is) en die name en adresse van die houters daarvan.

(b) Die raad kan by skriftelike kennisgewing iemand wat in 'n ingevolge sub-paragraaf (iii) van paragraaf (a) aan hom gelewerde lys genoem word, aansê om binne 'n in die kennisgewing vermelde tydperk die in daardie sub-paragraaf bedoelde stukke aan die raad te lewer of te laat lewer.

27. Indien die eienaar van onroerende eiendom en die raad nie kan ooreenkom oor die bedrag van die vergoeding wat ten opsigte van die kragtens artikel vyf-en-twintig onteiene eiendom betaal moet word nie, word bedoelde bedrag deur arbitrasie ingevolge artikel een-en-dertig bepaal, en gaan dit nie die markwaarde van die onroerende eiendom op die datum van besorging van die kennisgewing van onteiening ingevolge artikel vyf-en-twintig te bowe nie. Bepaling van vergoeding.

Payment of compensation.

28. Any compensation for immovable property expropriated shall subject to the provisions of section *twenty-four* be paid to the owner of such property, if his address is known, or, if his address is not known, to the master of the Supreme Court for deposit in the guardian's fund: Provided that where the immovable property is mortgaged or serves otherwise as security for any charges against the owner, the compensation shall be applied as far as may be required towards the payment of the claims of mortgagees and of claimants in respect of such charges in their legal order of preference provided such mortgagees have complied with the provisions of section *twenty-six* or, as the case may be, such charges have been proved to the satisfaction of the board.

Registration of transfer of affected property expropriated by board.

29. (1) The registrar of deeds shall, subject to the provisions of section *thirty-one* of the Deeds Registries Act, 1937 (Act No. 47 of 1937)—

- (a) register the transfer to the board of any immovable property expropriated by it;
- (b) if such property is subject to any bond, endorse upon the bond and note in the appropriate records that the property is released therefrom.

(2) Notwithstanding anything to the contrary in any other law contained, the registrar of deeds may, on being satisfied that the title deeds of any property expropriated as aforesaid have been lost or destroyed, register the transfer to the board of such property without the production thereof or the authority of any order of court.

(3) No transfer of property which has been expropriated under this Act shall be registered unless the registrar of deeds has been furnished with a certificate signed on behalf of the board that—

- (a) the procedure prescribed in section *twenty-five* has been observed; and
- (b) all amounts payable by the board on the transaction have been paid or guaranteed.

Group Areas Account.

30. (1) The board shall, as soon as possible after the application of the provisions of this Act in any area in terms of section *thirty-eight*, establish an account, to be known as the Group Areas Account for that area.

(2) The board shall—

(a) credit such account with—

- (i) such moneys as the board may from time to time make available for carrying out the functions of the board in the area concerned;
- (ii) all moneys received by the board from the sale, lease or exchange of immovable property situate in that area;
- (iii) all appreciation contributions received by the board in terms of this Act in respect of affected properties situate in that area;
- (iv) all other moneys received by the board in connection with the application of the provisions of this Act in that area; and

(b) debit such account with—

- (i) all moneys paid by the board in respect of the acquisition of immovable property situate in the area concerned;
- (ii) all moneys expended by the board in connection with the demolition, renovation, reconstruction, alteration or maintenance of any immovable property acquired by the board in that area;
- (iii) all expenses incurred by the board in connection with arbitration or legal proceedings in connection with any immovable property situate in that area;
- (iv) all depreciation contributions paid by the board in terms of this Act in respect of affected properties situate in that area;
- (v) all other moneys lawfully expended under this Act by the board in or in respect of that area.

Arbitration.

31. (1) If the owner of any property and the board do not, within a period of sixty days from the date on which a dispute arises as to the value of any property or the compensation payable in respect of the expropriation under section *twenty-five* of any immovable property, or within such further period as the

28. Vergoeding vir onteiene onroerende eiendom word behoudens die bepalings van artikel *vier-en-twintig* aan die eienaar van daardie eiendom betaal, indien sy adres bekend is, of, as sy adres nie bekend is nie, aan die meester van die Hooggeregshof om in die voogdyfonds gestort te word: Met dien verstande dat waar die onroerende eiendom met verband beswaar is of andersins as sekuriteit dien vir vorderings teen die eienaar, die vergoeding vir sover nodig aangewend moet word vir die betaling van die eise van verbandhouders en van eisers ten opsigte van sulke vorderings volgens hul wetlike rangorde, mits bedoelde verbandhouders aan die voorskrifte van artikel *ses-en-twintig* voldoen het of, na gelang van die geval, sodanige vorderings tot oortuiging van die raad bewys is.

Betaling van vergoeding.

29. (1) Die registrateur van aktes moet, onderworpe aan die bepalings van artikel *een-en-dertig* van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937)—

Registrasie van oordrag van geaffekteerde eiendom deur die raad onteien.

(a) die oordrag aan die raad van onroerende eiendom wat die raad onteien het, registreer;

(b) indien bedoelde eiendom deur verband beswaar is, op die verband en in die gepaste registers aanteken dat die eiendom daarvan onthef is.

(2) Ondanks andersluidende wetsbepalings kan die registrateur van aktes, indien hy oortuig is dat die transportakte van eiendom wat soos voormeld onteien is, verlore of vernietig is, die oordrag van daardie eiendom aan die raad sonder die voorlegging van bedoelde transportakte of magtiging deur 'n hofbevel, registreer.

(3) Geen oordrag van eiendom wat kragtens hierdie Wet onteien is, word geregistreer nie, tensy daar aan die registrateur van aktes 'n ten behoeve van die raad ondertekende sertifikaat verstrekkend is ten effekte dat—

(a) die in artikel *vyf-en-twintig* voorgeskrewe prosedure nagekom is; en

(b) alle bedrae deur die raad op die transaksie verskuldig, betaal of gewaarborg is.

30. (1) Die raad moet, so gou doenlik na die toepassing ingevolge artikel *agt-en-dertig* van die bepalings van hierdie Wet in enige gebied, 'n rekening bekend as die Groepsgebiede-rekening vir bedoelde gebied instel.

Groepsgebiede-rekening.

(2) Die raad—

(a) krediteer bedoelde rekening met—

(i) die gelde wat die raad van tyd tot tyd beskikbaar stel vir die verrigting van die werksaamhede van die raad in die betrokke gebied;

(ii) alle gelde wat ten opsigte van die verkoop, huur of ruil van onroerende goed in bedoelde gebied geleë, deur die raad ontvang word;

(iii) alle waardevermeerderingskontribusies wat ingevolge hierdie Wet ten opsigte van geaffekteerde eiendomme in bedoelde gebied geleë, deur die raad ontvang word;

(iv) alle ander gelde wat deur die raad in verband met die toepassing van die bepalings van hierdie Wet in bedoelde gebied ontvang is, en;

(b) debiteer bedoelde rekening met—

(i) alle gelde wat ten opsigte van die verkryging van onroerende eiendom in die betrokke gebied geleë, deur die raad uitbetaal word;

(ii) alle gelde wat die raad in verband met die sloping, reparasie, rekonstruksie, verandering of instandhouding van onroerende eiendom wat die raad in bedoelde gebied verkry het, uitgee;

(iii) alle uitgawes deur die raad aangegaan in verband met arbitrasieverrigtinge of regsdinge in verband met onroerende eiendom in bedoelde gebied geleë;

(iv) alle waardeverminderingkontribusies wat ingevolge hierdie Wet ten opsigte van geaffekteerde eiendomme in bedoelde gebied geleë deur die raad uitbetaal word;

(v) alle ander gelde wat die raad wettiglik kragtens hierdie Wet in of ten opsigte van bedoelde gebied uitgee.

31. (1) Indien die eienaar van enige eiendom en die raad nie binne 'n tydperk van sestig dae vanaf die datum waarop 'n geskil ontstaan met betrekking tot die waarde van enige eiendom of die vergoeding wat ten opsigte van die onteiening kragtens artikel *vyf-en-twintig* van onroerende eiendom betaalbaar is, of binne so 'n verdere tydperk as wat die raad mag

Arbitrasie.

board may allow, come to an agreement as to the value concerned, or the compensation payable, such value or compensation shall be determined by three arbitrators appointed by the administrator of the province concerned, of whom if possible, one shall be an advocate or an attorney, one a building contractor and one a sworn appraiser.

(2) The arbitrators shall receive such remuneration or allowances for their services as the Minister may, in consultation with the Minister of Finance, determine.

(3) The costs, calculated in accordance with the table of costs in magistrates' courts, in connection with the determination of any value or compensation in terms of this section, including the remuneration of the arbitrators shall, in the absence of any agreement between the parties, be paid as directed by the arbitrators.

Determination of market value

32. (1) In determining the market value of any land or buildings regard shall be had *inter alia* to—

- (a) the actual or estimated cost of erection of the buildings;
- (b) any local authority valuation of the land or buildings;
- (c) any building society valuation of the land or buildings;
- (d) the purpose for which the land or buildings are used.

(2) For the purpose of determining the basic value of any land which is affected property the market value of the land immediately prior to the basic date shall be determined without regard to the effect upon the land of the proclamation by reason of which such land became affected property and as if such proclamation was not issued.

Exemption from rates in respect of immovable property belonging to the board.

33. (1) No rates shall be levied upon any immovable property owned by the board so long as such property has not been leased or sold to any person by the board.

(2) Whenever any immovable property is leased or sold by the board it shall become rateable as from the date of the lease or sale.

(3) In respect of the year in which any immovable property is leased or sold as aforesaid rates on such property may be levied on the same basis as that on which rates on other immovable property within the same area are levied for that year, and the board or, in the case of a sale of the property, the person to whom the property is so sold, shall in respect of that year pay such a portion of the rates thereon as is represented by the proportion which the unexpired portion of the year as from the date of the lease or sale bears to the whole year.

Priority of appreciation contributions upon insolvency

34. The amount of any appreciation contribution due to the board under this Act by any person shall—

- (a) upon the date of sequestration or assignment of that person's estate under the law relating to insolvency; or
- (b) if that person is a company, upon the winding-up of that company under the law relating to companies,

notwithstanding anything to the contrary in any other law contained, have priority over all debts whatsoever other than debts secured by special bond, tacit hypothec, pledge or right of retention and the expenses, costs, fees and charges referred to in the Insolvency Act, 1936 (Act No. 24 of 1936), and in the case of the winding-up of a company, all expenditure properly incurred in the winding-up, including the remuneration of the liquidator.

Appointment and duties of inspectors.

35. (1) The chairman of the board may appoint in writing any member or officer of the board or, after consultation with the chief inspector referred to in sub-section (1) of section *thirty-one* of the principal Act, any inspector referred to in the said sub-section as an inspector under this Act who may at all reasonable times in furtherance of the objects for which the board is established—

- (a) enter upon any premises in any area in which the provisions of this Act apply;
- (b) question any person found in or upon such premises;
- (c) inspect the title deeds, books or other records of any person which relate in any way to the ownership or

toelaat, tot 'n ooreenkoms geraak aangaande die betrokke waarde of die vergoeding wat betaal moet word nie, word daardie waarde of vergoeding bepaal deur drie arbiters wat aangestel word deur die administrateur van die betrokke provinsie, waarin, indien doenlik, een 'n advokaat of prokureur, een 'n bou-aannemer en een 'n beëdigde waardeerder moet wees.

(2) Die arbiters ontvang die besoldiging of toelaes vir hul dienste wat die Minister, in oorleg met die Minister van Finansies bepaal.

(3) Die koste, bereken volgens die tabel van koste in magistratshowe, in verband met die bepaling van enige waarde of vergoeding ingevolge hierdie artikel, met inbegrip van die besoldiging van die arbiters word, by ontstentenis van ooreenkoms tussen die partye, betaal soos die arbiters gelas.

32. (1) By die bepaling van die markwaarde van grond of geboue word rekening gehou met onder andere— Bepaling van markwaarde.

- (a) die werklike of geraamde koste van oprigting van die geboue;
- (b) enige plaaslike bestuurswaardering van die grond of geboue;
- (c) enige bouvereniging-waardering van die grond of geboue;
- (d) die doel waarvoor die grond of geboue gebruik word.

(2) By die bepaling van die basiese waarde van grond wat geaffekteerde eiendom is, word die markwaarde van die grond onmiddellik voor die basiese datum bepaal sonder om rekening te hou met die uitwerking op die grond van die proklamasie ten gevolge waarvan bedoelde grond geaffekteerde eiendom geword het en asof bedoelde proklamasie nie uitgereik was nie.

33. (1) Geen belastings word op onroerende eiendom wat aan die raad behoort, gehef nie, solank as wat daardie eiendom nie deur die raad aan enige persoon verhuur of verkoop is nie. Vrystelling van belastings ten opsigte van onroerende eiendom wat aan raad behoort.

(2) Wanneer onroerende eiendom deur die raad verhuur of verkoop word, word dit vanaf die datum van die verhuring of verkoping aan belasting onderhewig.

(3) Ten opsigte van die jaar waarin onroerende eiendom soos voormeld verhuur of verkoop word, kan belastings op daardie eiendom gehef word op dieselfde grondslag as dié waarop belastings op ander onroerende eiendom binne dieselfde gebied vir daardie jaar gehef word, en die raad of, in die geval van 'n verkoop van die eiendom, die persoon aan wie die eiendom aldus verkoop word, moet ten opsigte van daardie jaar so 'n gedeelte van die belasting daarop betaal as wat verteenwoordig word deur die verhouding waarin die onverstreke deel van daardie jaar vanaf die datum van die verhuring of verkoping tot die hele jaar staan.

34. Die bedrag van enige waardevermeerderingskontribusie aan die raad deur enige persoon kragtens hierdie Wet verskuldig— Voorrang van waardevermeerderingskontribusies by insolvensie.

- (a) op die datum van die sekwestrasie of afstand van bedoelde persoon se boedel ingevolge die wetsbepalings op insolvensie; of
- (b) indien bedoelde persoon 'n maatskappy is, by die likwidasië van daardie maatskappy kragtens die wetsbepalings op maatskappye,

het, ondanks enige andersluidende wetsbepaling, voorrang bo alle skulde hoegenaamd, behalwe skulde wat deur spesiale verband, regshipoteek, pand of retensiereg gewaarborg is en die uitgawe, koste, gelde en aansprake bedoel in die Insolvensiewet, 1936 (Wet No. 24 van 1936) en, in die geval van die likwidasië van 'n maatskappy, die uitgawe behoorlik opgeloopt in verband met die likwidasië, met inbegrip van die besoldiging van die likwidateur.

35. (1) Die voorsitter van die raad kan skriftelik 'n lid of amptenaar van die raad of, na oorlegpleging met die hoofinspekteur bedoel in sub-artikel (1) van artikel *een-en-dertig* van die Hoofwet, 'n in bedoelde sub-artikel bedoelde inspekteur aanstel as 'n inspekteur kragtens hierdie Wet wat op alle redelike tye ter bevordering van die oogmerke waarmee die raad ingestel is— Aanstelling en pligte van inspekteurs.

- (a) enige perseel in 'n gebied waarbinne die bepaling van hierdie Wet van toepassing is, kan betree;
- (b) enigiemand wat in of op so 'n perseel gevind word, kan ondervra;
- (c) die titelbewyse, boeke of ander aantekeninge van enigiemand wat op enigerlei wyse op die eiendomsreg

- occupation of or residence on land or premises in such area or the disposal of any affected property and make extracts from such title deeds, books or other records;
- (d) call upon any person to furnish any information at his disposal relating to the ownership or occupation of or residence on such land or premises or the disposal of any affected property.

(2) Any inspector referred to in sub-section (1) may be accompanied by an interpreter or other assistant in the performance of his functions under that sub-section.

(3) An interpreter or assistant shall, while acting under the lawful directions of any inspector referred to in sub-section (1) whom he accompanies, be deemed to be an inspector, and any question put through, reply made to, requirement made by or obstructing or hindering of or interference with an interpreter or assistant while so acting, shall be deemed to be a question put by, reply made to, requirement made by, obstructing or hindering of or interference with an inspector.

Regulations.

36. (1) The Minister may make regulations as to—

- (a) the planning or replanning and laying out of any land owned by the board, the reservation or setting aside of any such land by the board for public purposes and the siting, construction, erection, maintenance and control of buildings and other improvements thereon;
- (b) the vacation of immovable property expropriated by the board;
- (c) the powers, functions and duties of valuers and inspectors;
- (d) the conduct of and procedure at arbitration proceedings, including the subpoenaing of witnesses and the payment of allowances to such witnesses;
- (e) the procedure relating to the calling for and acceptance of tenders for the execution of any work on behalf of the board or for the supply of any goods or material to the board;
- (f) the compilation and maintenance of the lists referred to in section *fifteen*;
- (g) the procedure relating to the determination of the basic value of any affected property;
- (h) the powers, functions and duties of any local authority, statutory body or other body corporate which has concluded an agreement under section *thirteen* and the control by the board of the exercise and the performance by any such local authority, statutory body or other body corporate of such powers, functions and duties;
- (i) generally as to any other matter which is required to be prescribed by this Act or which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) (a) Different regulations may be made in respect of different areas in which the provisions of this Act apply.

(b) No regulations shall be made under paragraph (a) of sub-section (1) except after consultation with the administrator of the province concerned.

(3) Regulations made under sub-section (1) may prescribe penalties for contravention thereof or failure to comply therewith, but no such penalty shall exceed a fine of one hundred pounds or imprisonment for a period exceeding six months.

(4) Any regulations made under sub-section (1) shall be laid on the Tables of both Houses of Parliament within fourteen days after promulgation thereof if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session, and shall remain on the said Tables for at least twenty-eight consecutive days, and if Parliament is prorogued before the necessary twenty-eight days have elapsed such regulations shall again be laid on the said Tables as aforesaid within fourteen days after the commencement of its next ensuing ordinary session.

(5) If both Houses of Parliament by resolution passed in the same session (being a session during which such regulations have been laid on the Tables of both Houses of Parliament in terms of sub-section (4)) disapprove of any such regulations or

of okkupasie van of verblyf op grond of 'n perseel in so 'n gebied of op die vervreemding van geaffekteerde eiendom betrekking het, kan inspekteer, en uittreksels uit sodanige titelbewyse, boeke of ander aantekenings kan maak;

- (d) van enigiemand kan verlang om inligting tot sy beskikking met betrekking tot die eiendomsreg of okkupasie van of verblyf op sodanige grond of so 'n perseel of die vervreemding van geaffekteerde eiendom te verstrek.

(2) 'n Inspekteur in sub-artikel (1) bedoel, kan by die verrigting van sy werksaamhede ingevolge daardie sub-artikel deur 'n tolk of ander assistent vergesel wees.

(3) 'n Tolk of assistent word terwyl hy ingevolge die wettige opdragte optree van 'n in sub-artikel (1) bedoelde inspekteur wat hy vergesel, geag 'n inspekteur te wees, en 'n vraag gestel deur, antwoord gegee aan, vereiste gestel deur of verhinderings of belemmering van of bemoeiing met 'n tolk of assistent terwyl hy aldus optree, word geag 'n vraag gestel deur, antwoord gegee aan, vereiste gestel deur, verhinderings of belemmering van of bemoeiing met 'n inspekteur te wees.

36. (1) Die Minister kan regulasies uitvaardig aangaande— **Regulasies.**

- (a) die beplanning of herbeplanning en uitlê van enige grond wat aan die raad behoort, die uithou of opsy sit van sodanige grond deur die raad vir openbare doeleindes, en die bepaling van die ligging, konstruksie, oprigting, instandhouding en beheer van geboue en ander verbeterings daarop;
- (b) die ontruiming van deur die raad onteiene onroerende eiendom;
- (c) die bevoegdhede, werksaamhede en pligte van waardeerders en inspekteurs;
- (d) die bestuur van en prosedure by verrigtings in verband met arbitrasie, met inbegrip van die dagvaarding van getuies en die betaling van toelaes aan sodanige getuies;
- (e) die prosedure in verband met die vra en aanneem van tenders vir die uitvoering van werk ten behoeve van die raad of vir die verskaffing van goedere of materiaal aan die raad;
- (f) die opstel en instandhouding van die in artikel *vyftien* bedoelde lysste;
- (g) die prosedure in verband met die bepaling van die basiese waarde van 'n geaffekteerde eiendom;
- (h) die bevoegdhede, werksaamhede en pligte van 'n plaaslike bestuur, statutêre liggaam of ander regspersoon wat 'n ooreenkoms kragtens artikel *dertien* gesluit het en die beheer deur die raad van die uitoefening en die verrigting deur so 'n plaaslike bestuur, statutêre liggaam of ander regspersoon van sodanige bevoegdhede, werksaamhede en pligte;
- (i) oor die algemeen, aangaande enige ander aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet word of wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

(2) (a) Verskillende regulasies kan ten opsigte van verskillende gebiede waarbinne die bepaling van hierdie Wet van toepassing is, uitgevaardig word.

(b) Geen regulasies word kragtens paragraaf (a) van sub-artikel (1) uitgevaardig nie behalwe na oorlegpleging met die administrateur van die betrokke provinsie.

(3) Kragtens sub-artikel (1) uitgevaardigde regulasies kan strawwe voorskryf vir 'n oortreding daarvan of 'n versuim om daaraan te voldoen, maar so 'n straf gaan 'n boete van honderd pond of gevangenisstraf vir 'n tydperk van ses maande nie te bowe nie.

(4) Enige kragtens sub-artikel (1) uitgevaardigde regulasies word binne veertien dae na afkondiging daarvan in beide Huisse van die Parlement ter Tafel gelê indien die Parlement dan in gewone sitting is, of indien die Parlement nie dan in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting, en bly op genoemde Tafels vir minstens agt-en-twintig agtereenvolgende dae, en indien die Parlement geprorogeer word voordat die nodige agt-en-twintig dae verloop het, word sodanige regulasies weer soos voormeld binne veertien dae na die aanvang van sy eersvolgende gewone sitting ter Tafel gelê.

(5) Indien beide Huisse van die Parlement by besluit wat gedurende dieselfde sitting geneem word (naamlik 'n sitting waarin sulke regulasies ooreenkomstig sub-artikel (4) in beide Huisse van die Parlement ter Tafel gelê is) sulke regulasies of 'n

of any provision thereof, such regulations or such provision thereof shall thereafter cease to be of force and effect to the extent to which they are so disapproved, but without prejudice to the validity of anything done in terms of such regulations or of such provision thereof up to the date upon which they so ceased to be of force and effect, or to any right, privilege, obligation or liability acquired, accrued or incurred as at the said date under and by virtue of such regulations or such provision thereof.

Penalties.

37. Any person who—

- (a) for the purpose of any provision of this Act makes any statement or furnishes any document or any particulars which are false, knowing the same to be false; or
- (b) falsely holds himself out to be an inspector; or
- (c) refuses or fails, without sufficient cause, to answer fully and satisfactorily to the best of his knowledge and belief any relevant question lawfully put to him by an inspector or a valuator in the exercise of his powers or to comply with any lawful requirement of an inspector or valuator in the exercise of his powers; or
- (d) gives an answer to any question or makes any relevant statement to an inspector, or a valuator, which is false in any material particular, knowing such answer or statement to be false; or
- (e) obstructs, hinders, resists or interferes with any inspector or valuator in the exercise of his powers or the performance of his functions or duties in terms of this Act or any regulation made thereunder; or
- (f) fails to comply with a notice under paragraph (b) of sub-section (4) of section *twenty-six*,

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

Application of Act.

38. (1) The provisions of this Act shall only apply in an area in which the Governor-General has by proclamation in the *Gazette* applied the said provisions and with effect from a date specified in the proclamation.

(2) No proclamation shall be issued under sub-section (1) or (3) unless the Minister has considered a written report in regard thereto by the Group Areas Board established under the principal Act.

(3) The Governor-General may at any time in like manner withdraw or amend any proclamation issued under sub-section (1).

Short title and date of commencement.

39. This Act shall be called the Group Areas Development Act, 1955, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

bepaling daarvan afkeur, verval die regsrag van sulke regulasies of so 'n bepaling daarvan vir sover hulle aldus afgekeur word, dog sonder afbreuk te doen aan die geldigheid van enigiets wat ingevolge sulke regulasies of so 'n bepaling daarvan tot op die datum waarop die regsrag van sulke regulasies of so 'n bepaling daarvan aldus verval het, gedoen is, of aan enige reg, voorreg, verpligting of aanspreeklikheid wat op bedoelde datum reeds ingevolge sulke regulasies of so 'n bepaling daarvan verkry, opgeloo of aangegaan is.

37. Iemand wat—

Strafbepalings.

- (a) vir die doeleindes van enige bepaling van hierdie Wet 'n verklaring maak of 'n dokument of enige besonderhede verskaf wat vals is, wetende dat dit vals is; of
- (b) valslik voorgee dat hy 'n inspekteur is; of
- (c) sonder voldoende rede weier of versuim om volledig en op bevredigende wyse na die beste van sy wete en oortuiging te antwoord op enige ter sake dienende vraag wat 'n inspekteur of 'n waardeerder by die uitoefening van sy bevoegdhede wettiglik aan hom gestel het of om aan 'n wettige vereiste van 'n inspekteur of waardeerder by die uitoefening van sy bevoegdhede te voldoen; of
- (d) 'n antwoord gee op 'n vraag of 'n ter sake dienende verklaring aan 'n inspekteur of 'n waardeerder doen wat vals is wat 'n wesenlike besonderheid betref, met die wete dat die antwoord of verklaring vals is; of
- (e) 'n inspekteur of waardeerder by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede of pligte ingevolge hierdie Wet of 'n daarkragtens uitgevaardigde regulasie hinder, belemmer of weerstaan of hom met so 'n inspekteur bemoei; of
- (f) in gebreke bly om te voldoen aan 'n kennisgewing ingevolge paragraaf (b) van sub-artikel (4) van artikel *ses-en-twintig*,

is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens vyfhonderd pond of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met beide daardie boete en daardie gevangenisstraf.

38. (1) Die bepalinge van hierdie Wet is slegs van toepassing in 'n gebied waarbinne die Goewerneur-generaal bedoelde bepalinge by proklamasie in die *Staatskoerant* van toepassing verklaar het en vanaf 'n in die proklamasie vermelde datum. Toepassing van Wet.

(2) Geen proklamasie word kragtens sub-artikel (1) of (3) uitgevaardig nie, tensy die Minister 'n skriftelike verslag in verband daarmee van die Groepsgebiederraad ingestel kragtens die Hoofwet oorweeg het nie.

(3) Die Goewerneur-generaal kan te eniger tyd 'n kragtens sub-artikel (1) uitgevaardigde proklamasie op soortgelyke wyse intrek of wysig.

39. Hierdie Wet heet die Wet op die Ontwikkeling van Groepsgebiede, 1955, en tree in werking op 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal te word. Kort titel en datum van inwerkingtreding.

No. 70, 1955.]

ACT

To provide for the establishment, maintenance, management and control of vocational schools and part-time classes; for the transfer of the maintenance, management and control of certain declared institutions and State-aided vocational schools to the Government in its Department of Education, Arts and Science; for the recognition of certain institutions as State-aided vocational schools and the making of grants-in-aid to such institutions; for the recognition of certain courses of instruction and training as being included in higher education; for the recognition of certain classes as continuation classes and the making of grants-in-aid in respect of such classes; for the admission of persons to and their instruction and training at vocational schools, State-aided vocational schools, continuation classes and part-time classes; for the repeal of certain laws relating to higher education; and for other incidental matters.

(Afrikaans text signed by the Governor-General.)
(Assented to 24th June, 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) "college council" means the governing authority of a declared institution; (xi)
 - (ii) "commercial vocational education" means a course of instruction and training in which more than a third of the subjects are prescribed commercial subjects or in respect of which more than eight hours per week are devoted to prescribed commercial subjects; (vi)
 - (iii) "Commission" means the Public Service Commission appointed under section *two* of the Public Service Act, 1923 (Act No. 27 of 1923); (xii)
 - (iv) "continuation class" means a continuation class recognized by the Minister in terms of section *nine*; (xxv)
 - (v) "council" means the council of a vocational school appointed under section *four*; (xvii)
 - (vi) "declared institution" means a declared institution as defined in sub-section (1) of section *one* of the Higher Education Act, 1923 (Act No. 30 of 1923); (xxiii)
 - (vii) "Department" means the Department of Education, Arts and Science; (v)
 - (viii) "domestic science vocational education" means a course of instruction and training in respect of which more than eight hours per week are devoted to prescribed domestic science subjects; (x)
 - (ix) "governing body" means the governing authority of a State-aided vocational school; (iii)
 - (x) "handicraft" means a course of instruction and training in woodwork, metal work or any other practical art or craft not being specific instruction or training for any prescribed trade, and the duration of which does not exceed eight hours per week, irrespective of the number of handicraft subjects taken in such course; (vii)
 - (xi) "higher education" means higher education within the meaning of section *seventeen* of the Financial Relations Consolidation and Amendment Act, 1945 (Act No. 38 of 1945); (ix)
 - (xii) "Minister" means the Minister of Education, Arts and Science; (xiii)
 - (xiii) "part-time class" means a class established in terms of section *ten*; (iv)
 - (xiv) "Pension Fund" means the Union Public Service Pension Fund established under section *three* of the Government Service Pensions Act 1936 (Act No. 32 of 1936); (xiv)

WET

Om voorsiening te maak vir die instelling, instandhouding, bestuur en beheer van beroepskole en deeltydse klasse; vir die oorplasing van die instandhouding, bestuur en beheer van sekere verklaarde instellings en staatsondersteunde beroepskole na die Regering in sy Departement van Onderwys, Kuns en Wetenskap; vir die erkenning van sekere inrigtings as staatsondersteunde beroepskole en die maak van hulptoekennings aan sodanige inrigtings; vir die erkenning van sekere kursusse van onderwys en opleiding as inbegrepe by hoër onderwys; vir die erkenning van sekere klasse as voortsettingsklasse en die maak van hulptoekennings ten opsigte van sodanige klasse; vir die toelating van persone tot en hul onderwys en opleiding aan beroepskole, staatsondersteunde beroepskole, voortsettingsklasse en deeltydse klasse; vir die herroeping van sekere wette met betrekking tot hoër onderwys; en vir ander daarmee in verband staande aangeleenthede.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
 (Goedgekeur op 24 Junie 1955.)

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

1. In hierdie Wet, tensy uit die samehang anders blyk, Woordbepalings. beteken—

- (i) „beroepskool”, ’n beroepskool wat kragtens hierdie Wet ingestel is of geag word aldus ingestel te gewees het; (xxv)
- (ii) „beroepsonderwys”, handels-beroepsonderwys, huishoudkundige beroepsonderwys en tegniese beroepsonderwys, maar nie ook beroepsonderwys wat kragtens die Wet op Spesiale Skole, 1948 (Wet No. 9 van 1948), aan die Administrateur van ’n provinsie opgedra is nie; (xxiv)
- (iii) „bestuursliggaam”, die bestuur van ’n staatsondersteunde beroepskool; (ix)
- (iv) „deeltydse klas”, ’n klas wat ingevolge artikel *tien* ingestel is; (xiii)
- (v) „Departement”, die Departement van Onderwys, Kuns en Wetenskap; (vii)
- (vi) „handels-beroepsonderwys”, ’n kursus van onderwys en opleiding waarin meer as ’n derde van die vakke voorgeskrewe handelsvakke is of ten opsigte waarvan meer as agt uur per week aan voorgeskrewe handelsvakke gewy word; (ii)
- (vii) „handwerk”, ’n kursus van onderwys en opleiding in houtwerk, metaalwerk of enige ander praktiese kuns of handwerk wat nie spesifieke onderwys of opleiding vir ’n voorgeskrewe ambag is nie, en die duur waarvan hoogstens agt uur per week is, afgesien van die getal handwerkvakke wat vir sodanige kursus geloop word; (x)
- (viii) „hierdie Wet”, ook ’n regulasie; (xxii)
- (ix) „hoër onderwys”, hoër onderwys binne die bedoeling van artikel *sewentien* van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (Wet No. 38 van 1945); (xi)
- (x) „huishoudkundige beroepsonderwys”, ’n kursus van onderwys en opleiding ten opsigte waarvan meer as agt uur per week aan voorgeskrewe huishoudkundige vakke gewy word; (viii)
- (xi) „kollegeraad”, die bestuur van ’n verklaarde instelling; (i)
- (xii) „Kommissie”, die Staatsdienskommissie kragtens artikel *twee* van die Staatsdienswet, 1923 (Wet No. 27 van 1923), aangestel; (iii)
- (xiii) „Minister”, die Minister van Onderwys, Kuns en Wetenskap; (xii)
- (xiv) „Pensioenfonds”, die Unie-staatsdienspensioenfonds kragtens artikel *drie* van die Regeringsdiens Pensioenwet, 1936 (Wet No. 32 van 1936), ingestel; (xiv)

- (xv) "pensionable age" means—
- (a) in the case of a member of the Pension Fund, the pensionable age as defined in section *eighty-three* of the Government Service Pensions Act, 1936; and
- (b) in the case of a member of the provident fund and pension scheme established under section *nineteen* of the Higher Education Act, 1923, the superannuation date as defined in the regulations framed under the lastmentioned Act; (xv)
- (xvi) "pensionable emoluments" means pensionable emoluments as defined in section *eighty-three* of the Government Service Pensions Act, 1936; (xvi)
- (xvii) "prescribed" means prescribed by regulation; (xxiv)
- (xviii) "public service" means the public service as defined in section *one* of the Public Service Act, 1923; (xx)
- (xix) "regulation" means any regulation made and in force under this Act and includes any regulation made under the Vocational Education Act, 1928 (Act No. 29 of 1928) in so far as such regulation remains in force by virtue of the proviso to section *thirty-five* of this Act; (xviii)
- (xx) "Secretary" means the Secretary for Education, Arts and Science; (xix)
- (xxi) "technical vocational education" means a course of instruction and training (theoretical or practical or both theoretical and practical) that includes instruction and training in any prescribed trade but excludes instruction and training in handicraft; (xxi)
- (xxii) "this Act" includes any regulation; (viii)
- (xxiii) "Treasury" means the Minister of Finance or any officer in the Department of Finance or in the Department of Pensions authorized by the said Minister to perform the functions assigned to the Treasury by this Act; (xxii)
- (xxiv) "vocational education" means commercial vocational education, domestic science vocational education and technical vocational education, but does not include vocational education as entrusted to the Administrator of any province in terms of the Special Schools Act, 1948 (Act No. 9 of 1948); (ii)
- (xxv) "vocational school" means a vocational school established or deemed to have been established under this Act. (i)

Establishment of vocational schools.

2. (1) The Minister may in consultation with the Minister of Finance out of moneys appropriated by Parliament for the purpose establish, maintain and conduct vocational schools to provide such higher education as he may determine.

(2) The Minister may, after consultation with the council concerned, disestablish a vocational school.

(3) Every such establishment or disestablishment shall be notified in the *Gazette*.

(4) Every school established or deemed to be a school established under the Vocational Education Act, 1928, for vocational education and in existence at the commencement of this Act, shall, as from such commencement, be deemed for all purposes to be a vocational school established under this Act, and every person employed at such a school immediately prior to the commencement of this Act shall, as from such commencement, become and be subject to the provisions of this Act.

Transfer of maintenance, management and control of declared institutions to the Government.

3. (1) The Minister may in consultation with the Minister of Finance by notice in the *Gazette* vest the maintenance, management and control of any declared institution or such part of a declared institution as the Minister may determine in consultation with the Minister of Finance, in the Government in its Department of Education, Arts and Science, with effect from a date to be fixed by the Minister in such notice.

(2) As from the date fixed in the notice referred to in subsection (1)—

(a) there shall cease to be vested in the college council concerned any rights, duties, powers, authorities and functions in respect of the declared institution or part of a declared institution specified in such notice;

(b) all rights, duties, powers, authorities and functions conferred or imposed upon or entrusted to the college council concerned by or under any law in respect of the declared institution or part of a declared institution specified in such notice, shall be exercised or performed by the Minister;

- (xv) „pensioenleeftyd”—
 (a) in die geval van 'n lid van die Pensioenfonds, die pensioenleeftyd soos omskryf in artikel *drie-en-tagtig* van die Regeringsdiens Pensioenwet, 1936; en
 (b) in die geval van 'n lid van die voorsorgsfonds en pensioenskema kragtens artikel *negentien* van die Hoër Onderwyswet, 1923, ingestel, die pensioendatum soos omskryf in die regulasies kragtens laasgenoemde Wet uitgevaardig; (xv)
- (xvi) „pensioengewende verdienste”, pensioengewende verdienste soos omskryf in artikel *drie-en-tagtig* van die Regeringsdiens Pensioenwet, 1936; (xvi)
- (xvii) „raad”, die raad van 'n beroepskool kragtens artikel *vier* aangestel; (v)
- (xviii) „regulasie”, 'n regulasie wat kragtens hierdie Wet uitgevaardig en van krag is en ook 'n regulasie wat kragtens die Wet op Beroepsonderwys, 1928 (Wet No. 29 van 1928), uitgevaardig is vir sover sodanige regulasie van krag bly uit hoofde van die voorbehoudsbepaling by artikel *vyf-en-dertig* van hierdie Wet; (xix)
- (xix) „Sekretaris”, die Sekretaris van Onderwys, Kuns en Wetenskap; (xx)
- (xx) „staatsdiens”, die staatsdiens soos omskryf in artikel *een* van die Staatsdienswet, 1923; (xviii)
- (xxi) „tegniese beroepsonderwys”, 'n kursus van onderwys en opleiding (teoreties of prakties of beide teoreties en prakties), wat onderwys en opleiding in enige voorgeskrewe ambag insluit maar wat onderwys en opleiding in handwerk uitsluit; (xxi)
- (xxii) „Tesourie”, die Minister van Finansies of 'n amptenaar in die Departement van Finansies of in die Departement van Pensioene wat deur bedoelde Minister gemagtig is om die werksaamhede wat deur hierdie Wet aan die Tesourie opgedra word, te verrig; (xxiii)
- (xxiii) „verklaarde instelling”, 'n verklaarde instelling soos omskryf in sub-artikel (1) van artikel *een* van die Hoër Onderwyswet, 1923 (Wet No. 30 van 1923); (vi)
- (xxiv) „voorgeskryf”, by regulasie voorgeskryf; (xvii)
- (xxv) „voortsettingsklas”, 'n voortsettingsklas wat deur die Minister ingevolge artikel *nege* erken is. (iv)

2. (1) Die Minister kan, in oorleg met die Minister van Finansies, uit gelde wat deur die Parlement vir daardie doel beskikbaar gestel word, beroepskole instel, in stand hou en bestuur om die hoër onderwys wat hy bepaal, te verskaf. Instelling van beroepskole.

(2) Die Minister kan, na oorleg met die betrokke raad, die instelling van 'n beroepskool intrek.

(3) Elke sodanige instelling of intrekking word in die *Staatskoerant* aangekondig.

(4) Elke skool wat kragtens die Wet op Beroepsonderwys, 1928, vir beroepsonderwys ingestel is of geag word 'n skool te wees wat aldus ingestel is en wat by die inwerkingtreding van hierdie Wet bestaan, word, vanaf daardie inwerkingtreding, vir alle doeleindes geag 'n kragtens hierdie Wet ingestelde beroepskool te wees, en elke persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet by so 'n skool in diens was, val vanaf daardie inwerkingtreding onder die bepalings van hierdie Wet.

3. (1) Die Minister kan, in oorleg met die Minister van Finansies, by kennisgewing in die *Staatskoerant* die instandhouding, bestuur en beheer van of oor 'n verklaarde instelling of sodanige deel van 'n verklaarde instelling as wat die Minister in oorleg met die Minister van Finansies bepaal, na die Regering in sy Departement van Onderwys, Kuns en Wetenskap oordra met ingang van 'n datum deur die Minister in bedoelde kennisgewing vasgestel te word. Oordrag van instandhouding en bestuur van en beheer oor verklaarde instellings na die Regering.

(2) Vanaf die datum wat in die in sub-artikel (1) bedoelde kennisgewing vasgestel word—

(a) berus daar nie langer enige regte, pligte, bevoegdhede, magte of werksaamhede by die betrokke kollegeraad ten opsigte van die verklaarde instelling of deel van 'n verklaarde instelling wat in bedoelde kennisgewing vermeld word nie;

(b) word alle regte, pligte, bevoegdhede, magte en werksaamhede wat deur of kragtens een of ander wetsbepaling aan die betrokke kollegeraad verleen of opgeleë of toevertrou is ten opsigte van die verklaarde instelling of deel van 'n verklaarde instelling wat in bedoelde kennisgewing vermeld word, deur die Minister uitgeoefen of nagekom;

- (c) the declared institution or part of a declared institution specified in such notice shall be deemed for all purposes to be a vocational school established under this Act;
- (d) all the property, movable or immovable, which immediately prior to the said date was vested in the college council concerned or which, if this Act had not been passed, would have accrued to or vested in that college council, or such portion thereof as immediately prior to the said date was used for or in connection with the part of a declared institution specified in such notice, shall, without payment of transfer duty, stamp duty or other fees, accrue to and vest in the Government subject to any charge with which the same may be burdened: Provided that all funds which immediately prior to the said date were vested in the college council concerned by trust, donation or bequest shall be applied by the Secretary or, under the direction and control of the Secretary, by a trust committee appointed under section *five*, in accordance with the conditions of the trust, donation or bequest; and
- (e) the Government shall assume and be liable for all lawful debts and liabilities of the college council in respect of the declared institution or part of a declared institution concerned, subject to all lawful conditions under which those debts and liabilities were incurred.

Councils of vocational schools.

4. (1) The Minister may appoint a council for any vocational school, and may accord any person or body of persons interested in higher education such representation on the council as he may determine.

(2) The constitution, functions, powers, duties and procedure at meetings of a council shall be as prescribed.

(3) The members of a council shall be appointed for such periods and on such conditions as may be prescribed.

(4) No remuneration shall be paid to any member of a council but there may be paid to any such member, while he is engaged upon the business of the council, such reasonable travelling and subsistence allowance as may be prescribed: Provided that if any member is in the whole-time employment of the State any allowance payable to him shall be in accordance with the laws governing the conditions of his employment.

Trust committees of vocational schools.

5. (1) The Minister may, subject to such conditions as he may determine, appoint the members of the council of a vocational school as a trust committee to receive and administer, under the direction and control of the Secretary, any funds donated or bequeathed to the school or collected by the school (otherwise than by way of tuition or boarding fees) from sources other than the State.

(2) The constitution, functions, powers, duties and procedure at meetings of a trust committee shall be as prescribed.

(3) The members of a trust committee shall be appointed for such periods and on such conditions as may be prescribed.

(4) The Secretary may cause any funds referred to in the proviso to paragraph (d) of sub-section (2) of section *three* to be paid to the trust committee of the vocational school concerned for administration in terms of this section.

(5) Funds referred to in sub-sections (1) and (4) shall be applied in accordance with the conditions of the trust, donation or bequest, as the case may be, under which they were acquired.

Recognition and subsidization of certain institutions as State-aided vocational schools.

6. (1) Whenever any institution, whether in existence at the commencement of this Act or established thereafter, not being a vocational school, provides vocational education and is desirous of receiving financial assistance from the State, application may be made to the Minister for the recognition of such institution as a State-aided vocational school under this Act, and such institution may upon such recognition being accorded by the Minister in consultation with the Minister of Finance, receive grants-in-aid out of moneys appropriated by Parliament for the purpose, on such basis and subject to such conditions as may be determined by the Minister, in consultation with the Minister of Finance, in respect of that particular institution, and to such other conditions as may be prescribed.

- (c) word die verklaarde instelling of deel van 'n verklaarde instelling wat in bedoelde kennisgewing vermeld word, vir alle doeleindes geag 'n kragtens hierdie Wet ingestelde beroepskool te wees;
- (d) gaan alle goedere, roerend of onroerend, wat onmiddellik voor bedoelde datum aan die betrokke kollegeraad behoort het, of wat, indien hierdie Wet nie ingevoer was nie aan daardie kollegeraad sou toegekome of behoort het, of sodanige gedeelte daarvan as wat onmiddellik voor bedoelde datum gebruik was vir of in verband met die deel van 'n verklaarde instelling wat in bedoelde kennisgewing vermeld word, sonder betaling van hereregte, seëlregte of registrasie-gelde, oor op die Regering, met behoud van enige las waarmee dit beswaar mag wees: Met dien verstande dat alle gelde wat onmiddellik voor bedoelde datum aan die betrokke kollegeraad behoort het uit hoofde van 'n trust, skenking of bemaking, deur die Sekretaris, of, onder leiding en beheer van die Sekretaris, deur 'n kragtens artikel vyf aangestelde trustkomitee, ooreenkomstig die voorwaardes van die trust, skenking of bemaking gebruik moet word; en
- (e) neem die Regering alle wettige skulde en verpligtings van die kollegeraad ten opsigte van die betrokke verklaarde instelling of deel van 'n verklaarde instelling oor en is die Regering daarvoor aanspreeklik, met behoud van alle wettige voorwaardes waaronder daardie skulde en verpligtings aangegaan is.

4. (1) Die Minister kan 'n raad vir 'n beroepskool aanstel en kan aan enige persoon of liggaam van persone wat in hoër onderwys belang stel, sodanige verteenwoordiging op die raad vergun as wat hy bepaal.

Rade van
beroepskole.

(2) Die samestelling, werksaamhede, bevoegdhede, pligte en prosedure op vergaderings van 'n raad is soos wat voorgeskryf word.

(3) Die lede van 'n raad word vir sodanige tydperke en op sodanige voorwaardes as wat voorgeskryf word, aangestel.

(4) Geen besoldiging word aan 'n lid van 'n raad betaal nie, maar daar kan aan so 'n lid, terwyl hy die besigheid van die raad verrig, sodanige redelike reis- en verblyftoelae betaal word as wat voorgeskryf word: Met dien verstande dat indien 'n lid in die voltydse diens van die Staat is, enige toelae wat aan hom betaalbaar word, ooreenkomstig die wetsbepalings wat sy diensvoorwaardes reël, is.

5. (1) Die Minister kan, onderworpe aan sodanige voorwaardes as wat hy bepaal, die lede van die raad van 'n beroepskool as 'n trustkomitee aanstel om enige gelde wat uit ander bronne as die Staat aan die skool geskenk of bemaak of deur die skool ingesamel word (behalwe by wyse van onderwys- of losiesgelde), te ontvang en onder die leiding en beheer van die Sekretaris te bestuur.

Trustkomitees
van beroepskole.

(2) Die samestelling, werksaamhede, bevoegdhede, pligte en prosedure op vergaderings van 'n trustkomitee is soos wat voorgeskryf word.

(3) Die lede van 'n trustkomitee word vir sodanige tydperke en op sodanige voorwaardes as wat voorgeskryf word, aangestel.

(4) Die Sekretaris kan enige in die voorbehoudsbepaling by paragraaf (d) van sub-artikel (2) van artikel drie bedoelde gelde laat betaal aan die trustkomitee van die betrokke beroepskool vir bestuur ingevolge hierdie artikel.

(5) Gelde waarna in sub-artikels (1) en (4) verwys word, word ooreenkomstig die voorwaardes van die trust, skenking of bemaking, na gelang van die geval, waaronder dit verkry is, gebruik.

6. (1) Wanneer 'n inrigting, hetsy dit by die inwerkingtreding van hierdie Wet bestaan of daarna ingestel word, wat nie 'n beroepskool is nie, beroepsonderwys verskaf en begerig is om geldelike steun van die Staat te ontvang, kan by die Minister aansoek gedoen word om die erkenning van daardie inrigting as 'n staatsondersteunde beroepskool kragtens hierdie Wet, en daardie inrigting kan na bedoelde erkenning deur die Minister in oorleg met die Minister van Finansies vergun is, hulptoelae ontvang uit gelde wat deur die Parlement vir daardie doel beskikbaar gestel word, op sodanige grondslag en onderworpe aan sodanige voorwaardes as wat deur die Minister in oorleg met die Minister van Finansies ten opsigte van daardie besondere inrigting bepaal word en aan sodanige ander voorwaardes as wat voorgeskryf word

Erkenning en
subsidiëring
van sekere
inrigtings as
staatsonder-
steunde
beroepskole.

(2) Every institution recognized as a State-aided vocational school under the Vocational Education Act, 1928, and in existence at the commencement of this Act, shall, as from such commencement, be deemed for all purposes to be a State-aided vocational school recognized as such under this Act, and every person employed at such a school immediately prior to the commencement of this Act shall, as from such commencement, become and be subject to the provisions of this Act.

Transfer of the maintenance, management and control of State-aided vocational schools to the Government.

7. (1) The Minister may, in consultation with the Minister of Finance, by notice in the *Gazette* vest the maintenance, management and control of any State-aided vocational school in the Government in its Department of Education, Arts and Science, with effect from a date to be fixed by the Minister in such notice.

(2) As from the date fixed in the notice referred to in sub-section (1), the provisions of sub-section (2) of section *three* shall apply *mutatis mutandis* in respect of the State-aided vocational school specified in such notice.

Minister may recognize courses of instruction and training as being included in higher education.

8. (1) The Minister may recognize any course of instruction and training which is intended for persons who are not subject to compulsory school attendance in terms of any law or who have been exempted from any such law as being included in higher education: Provided that no such course held in an institution controlled by the administration of any province shall be so recognized without the concurrence of that administration.

(2) The conditions as to the nature and length of such a course, the conditions for admission, the payment of tuition fees, the tests by examination, inspection or otherwise of the efficiency of the instruction and training given and the granting of diplomas or certificates, shall be as prescribed.

(3) Such conditions may differ in respect of different courses of instruction and training.

Recognition and subsidization of continuation classes.

9. Whenever any person or institution, other than a vocational school, conducts a class for the purpose of providing any course of instruction and training referred to in sub-section (1) of section *eight*, and is desirous of receiving financial assistance from the State for that purpose, application may be made to the Minister for the recognition of such class as a continuation class under this Act, and such person or institution may upon such recognition being accorded, receive grants-in-aid out of moneys appropriated by Parliament for the purpose, on such basis and subject to such conditions as may be determined by the Minister in consultation with the Minister of Finance in respect of that particular continuation class, and to such other conditions as may be prescribed.

Establishment of part-time classes.

10. The Minister may out of moneys appropriated by Parliament for the purpose establish, maintain and conduct part-time classes to provide any course of instruction and training referred to in sub-section (1) of section *eight*.

Minister may conduct examinations and issue diplomas and certificates.

11. The Minister may conduct examinations and issue diplomas and certificates in respect of—

(a) any course conducted at a vocational school or at any institution under the control of the Department whether established under this Act or any other Act; and

(b) any other course approved by him.

Admission of pupils to vocational schools and State-aided vocational schools and fees payable.

12. (1) A pupil may be admitted to a vocational school or a State-aided vocational school subject to such conditions as may be prescribed.

(2) A pupil so admitted shall be required to pay such fees for tuition or board or for both tuition and board, as may be determined from time to time by the Minister in consultation with the Minister of Finance.

Financial and other assistance to pupils at vocational schools.

13. The Minister may, out of moneys appropriated by Parliament for the purpose and subject to such conditions as may, in consultation with the Minister of Finance, be prescribed, grant to any pupil of a vocational school such financial or other material assistance or both such financial and other material assistance as he may determine, including bursaries or loans or both bursaries and loans to pupils in training as teachers.

(2) Elke inrigting wat kragtens die Wet op Beroepsonderwys, 1928, as 'n staatsondersteunde beroepskool erken is en by die inwerkingtreeding van hierdie Wet bestaan, word vanaf sodanige inwerkingtreeding vir alle doeleindes geag 'n kragtens hierdie Wet erkende staatsondersteunde beroepskool te wees, en elke persoon wat onmiddellik voor die inwerkingtreeding van hierdie Wet by so 'n skool in diens was, val vanaf daardie inwerkingtreeding onder die bepalings van hierdie Wet.

7. (1) Die Minister kan in oorleg met die Minister van Finansies by kennisgewing in die *Staatskoerant* die instandhouding, bestuur en beheer van of oor 'n staatsondersteunde beroepskool na die Regering in sy Departement van Onderwys, Kuns en Wetenskap oordra met ingang van 'n datum deur die Minister in bedoelde kennisgewing vasgestel te word.

Oordrag van instandhouding en bestuur van en beheer oor staatsondersteunde beroepskole na die Regering.

(2) Vanaf die datum wat in die in sub-artikel (1) bedoelde kennisgewing vasgestel word, is die bepalings van sub-artikel (2) van artikel *drie mutatis mutandis* van toepassing ten opsigte van die staatsondersteunde skool in bedoelde kennisgewing vermeld.

8. (1) Die Minister kan enige kursus van onderwys en opleiding wat bedoel is vir persone wat nie aan skoolplig ingevolge een of ander wetsbepaling onderworpe is nie of wat van so 'n wetsbepaling vrygestel is, erken as inbegrepe by hoër onderwys: Met dien verstande dat geen sodanige kursus gehou in 'n inrigting onder die beheer van die administrasie van 'n provinsie aldus erken sal word sonder die medewerking van daardie administrasie nie.

Minister kan kursusse van onderwys en opleiding erken as inbegrepe by hoër onderwys.

(2) Die voorwaardes wat betref die aard en lengte van so 'n kursus, die voorwaardes vir toelating, die betaling van onderwysgelde, die toetse deur eksamens, inspeksie of andersins van die doeltreffendheid van die gegewe onderwys en opleiding, en die toekenning van diplomas of sertifikate, is soos wat voorgeskryf word.

(3) Bedoelde voorwaardes kan verskil ten opsigte van verskillende kursusse van onderwys en opleiding.

9. Wanneer 'n persoon of inrigting, wat nie 'n beroepskool is nie, 'n klas bestuur vir die doel om 'n in sub-artikel (1) van artikel *agt* bedoelde kursus van onderwys en opleiding te verskaf en begerig is om vir daardie doel geldelike steun van die Staat te ontvang, kan by die Minister aansoek gedoen word om die erkenning van daardie klas as 'n voortsettingsklas kragtens hierdie Wet, en daardie persoon of inrigting kan, na bedoelde erkenning vergun is, hulptoelae ontvang uit gelde wat deur die Parlement vir daardie doel beskikbaar gestel word, op sodanige grondslag en onderworpe aan sodanige voorwaardes as wat deur die Minister in oorleg met die Minister van Finansies ten opsigte van daardie besondere voortsettingsklas bepaal word en aan sodanige ander voorwaardes as wat voorgeskryf word.

Erkenning en subsidiëring van voortsettingsklasse.

10. Die Minister kan uit gelde wat deur die Parlement vir daardie doel beskikbaar gestel word, deelydse klasse instel, in stand hou en bestuur om enige in sub-artikel (1) van artikel *agt* bedoelde kursus van onderwys en opleiding te verskaf.

Instelling van deelydse klasse.

11. Die Minister kan eksamens afneem en diplomas en sertifikate uitreik ten opsigte van—

Minister kan eksamens afneem en diplomas en sertifikate uitreik.

(a) enige kursus wat by 'n beroepskool of by enige inrigting onder die beheer van die Departement aangebied word, hetsy daardie inrigting kragtens hierdie Wet of 'n ander Wet ingestel is; en

(b) enige ander kursus wat deur hom goedgekeur word.

12. (1) 'n Leerling kan tot 'n beroepskool of 'n staatsondersteunde beroepskool toegelaat word onderworpe aan sodanige voorwaardes as wat voorgeskryf word.

Toelating van leerlinge tot beroepskole en staatsondersteunde beroepskole en gelde betaalbaar.

(2) Van 'n leerling aldus toegelaat word vereis dat hy die gelde vir onderwys of losies of vir beide onderwys en losies wat van tyd tot tyd deur die Minister in oorleg met die Minister van Finansies bepaal word, moet betaal.

13. Die Minister kan, uit gelde wat deur die Parlement vir daardie doel beskikbaar gestel word en onderhewig aan sodanige voorwaardes as wat in oorleg met die Minister van Finansies voorgeskryf word, aan 'n leerling aan 'n beroepskool sodanige finansiële of ander materiële hulp of beide sodanige finansiële en materiële hulp verleen as wat hy bepaal, insluitende beurse of lenings of beide beurse en lenings aan leerlinge wat as onderwysers opgelei word.

Finansiële en ander hulp aan leerlinge aan beroepskole.

Exclusion of provisions of Workmen's Compensation Act, 1941.

14. No pupil at any vocational school shall, for the purposes of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), be deemed to be a workman or other person entitled to payment thereunder.

Application of laws relating to compulsory school attendance.

15. (1) Every vocational school or State-aided vocational school shall be deemed to be a school for the purposes of any law relating to compulsory school attendance.

(2) Notwithstanding anything to the contrary in any law contained, every pupil who is subject to compulsory school attendance in terms of any law and who regularly attends a vocational school or State-aided vocational school on a full-time basis, shall be deemed to comply with all the requirements relating to compulsory school attendance.

Appointment of staff at vocational schools.

16. (1) The establishment at any vocational school shall be determined by the Minister on a basis to be laid down from time to time on the recommendation of the Commission and with the approval of the Treasury.

(2) The power to appoint, promote, transfer or discharge persons employed at any vocational school shall, subject to the provisions of this Act, be vested in the Minister who may delegate any or all of the said powers to the Secretary: Provided that in respect of any post designated by the Minister any such appointment, promotion, transfer or discharge may be effected by any officer of the Department deputed thereto, either generally or specially, by the Minister.

Conditions of service of persons employed at vocational schools.

17. Notwithstanding anything to the contrary in any law contained, the conditions of service, scales of salary and allowances, and leave privileges of all persons employed in a permanent or temporary capacity at a vocational school (other than officers in the public service) shall be determined by the Minister on the recommendation of the Commission: Provided that such conditions of service and leave privileges shall also be prescribed: Provided further that such conditions of service, scales of salary and allowances, and leave privileges may differ in respect of different vocational schools.

Appointment of staff at State-aided vocational schools, continuation classes and part-time classes.

18. (1) The establishment at any State-aided vocational school, continuation class or part-time class, shall be determined by the Minister.

(2) The power to appoint, promote, transfer or discharge persons employed at any State-aided vocational school or continuation class, and to determine the salaries and salary scales, conditions of service and leave privileges of such persons, shall be vested in the Minister, who may delegate any or all of the said powers to the Secretary: Provided that in respect of any post designated by the Minister any such appointment, promotion, transfer, discharge or determination may be effected by any officer of the Department deputed thereto, either generally or specially, by the Minister.

(3) The provisions of sub-section (2) shall apply *mutatis mutandis* in respect of persons employed on a part-time basis at part-time classes.

Transfer of certain persons employed by a college council to the service of the Government.

19. (1) Every person who immediately prior to the date fixed in the relevant notice referred to in sub-section (1) of section *three* was in the employ of the college council concerned at the declared institution specified in such notice or at the part of the declared institution so specified shall, as from that date and subject to the provisions of this Act, become an employee of the Government in its Department of Education, Arts and Science.

(2) As from the date referred to in sub-section (1), the conditions of service, scale of salary and allowances, and leave privileges, of every person who becomes an employee of the Government in terms of the said sub-section, shall be governed by the provisions of section *seventeen*, and every such person shall be adjusted to the scale of salary applicable to his post at such notch on that scale as may be determined by the Minister: Provided that except with his own consent or in accordance with the provisions of any law, the pensionable emoluments or the salary or scale of salary at or in accordance with which any such person was remunerated immediately prior to the said date, shall not be reduced.

14. Geen leerling aan 'n beroepskool word by die toepassing van die Ongevallewet, 1941 (Wet No. 30 van 1941), geag 'n werksman of ander persoon wat daarkragtens op betaling geregtig is, te wees nie.

Uitsluiting van bepalinge van Ongevallewet, 1941.

15. (1) Elke beroepskool of staatsondersteunde beroepskool word by die toepassing van een of ander wetsbepaling met betrekking tot skoolplig geag 'n skool te wees.

Toepassing van wette met betrekking tot skoolplig.

(2) Ondanks andersluidende wetsbepalinge, word elke leerling wat ingevolge een of ander wetsbepaling verplig is om 'n skool by te woon en wat 'n beroepskool of 'n staatsondersteunde beroepskool gereeld op 'n voltydse grondslag bywoon, geag aan al die vereistes met betrekking tot skoolplig te voldoen.

16. (1) Die diensstaat by enige beroepskool word deur die Minister bepaal op 'n grondslag wat van tyd tot tyd op aanbeveling van die Kommissie en met die goedkeuring van die Tesourie vasgestel word.

Aanstelling van personeel aan beroepskole.

(2) Die bevoegdheid om persone wat by 'n beroepskool in diens is aan te stel, te bevorder, te verplaas of te ontslaan, berus, behoudens die bepalinge van hierdie Wet, by die Minister wat een of ander of almal van bedoelde bevoegdhede aan die Sekretaris kan deleger: Met dien verstande dat met betrekking tot enige betrekking wat deur die Minister aangewys word, so 'n aanstelling, bevordering, verplasing of ontslag bewerkstellig kan word deur 'n amptenaar van die Departement wat òf in die algemeen òf in die besonder deur die Minister daartoe gemagtig is.

17. Ondanks andersluidende wetsbepalinge, word die diensvoorwaardes, salarisskale en toelaes, en verlofvoorregte van alle persone (behalwe amptenare in die staatsdiens), wat by 'n beroepskool in 'n permanente of tydelike hoedanigheid in diens is, deur die Minister op aanbeveling van die Kommissie bepaal: Met dien verstande dat bedoelde diensvoorwaardes en verlofvoorregte ook voorgeskryf word: Met dien verstande voorts dat sodanige diensvoorwaardes, salarisskale en toelaes, en verlofvoorregte ten opsigte van verskillende beroepskole verskillend kan wees.

Diensvoorwaardes van persone in diens by beroepskole.

18. (1) Die diensstaat by enige staatsondersteunde beroepskool, voortsettingsklas, of deelydse klas, word deur die Minister bepaal.

Aanstelling van personeel by staatsondersteunde beroepskole, voortsettingsklasse en deelydse klasse.

(2) Die bevoegdheid om persone wat by 'n staatsondersteunde beroepskool of voortsettingsklas in diens is aan te stel, te bevorder, te verplaas of te ontslaan en om die salarisse en salarisskale, diensvoorwaardes en verlofvoorregte van sodanige persone te bepaal, berus by die Minister wat een of ander of almal van bedoelde bevoegdhede aan die Sekretaris kan deleger: Met dien verstande dat met betrekking tot enige betrekking wat deur die Minister aangewys word, so 'n aanstelling, bevordering, verplasing, ontslag of bepaling bewerkstelling kan word deur 'n amptenaar van die Departement wat òf in die algemeen òf in die besonder deur die Minister daartoe gemagtig is.

(3) Die bepalinge van sub-artikel (2) is *mutatis mutandis* van toepassing ten opsigte van persone wat op 'n deelydse grondslag by deelydse klasse in diens is.

19. (1) Elke persoon wat onmiddellik voor die datum wat in die in sub-artikel (1) van artikel drie bedoelde toepaslike kennisgewing vasgestel word, in diens van die betrokke kollegeraad was by die verklaarde instelling wat in bedoelde kennisgewing vermeld word of by die deel van die verklaarde instelling aldus vermeld, word, vanaf daardie datum en onderworpe aan die bepalinge van hierdie Wet, 'n werknemer van die Regering in sy Departement van Onderwys, Kuns en Wetenskap.

Oorplasing van sekere persone in diens van 'n kollegeraad na die diens van die Regering.

(2) Vanaf die in sub-artikel (1) bedoelde datum word die diensvoorwaardes, salarisskaal en toelaes, en verlofvoorregte van elke persoon wat ingevolge bedoelde sub-artikel 'n werknemer van die Regering word, deur die bepalinge van artikel sewentien gereël, en elke sodanige persoon word aangepas by die salarisskaal wat op sy betrekking toepaslik is, teen die kerf op daardie skaal wat deur die Minister bepaal word: Met dien verstande dat, behalwe met sy eie toestemming of ooreenkomstig een of ander wetsbepaling, die pensioengewende verdienste of die salaris of salarisskaal waarteen of waarvolgens so iemand onmiddellik voor bedoelde datum besoldig was, nie verminder mag word nie.

(3) Any disciplinary proceedings in respect of misconduct committed before the date referred to in sub-section (1) by any person who becomes an employee of the Government in terms of the said sub-section, may be continued or instituted by the Department as if such misconduct had been committed after the said date.

Transfer of certain persons employed by a governing body to the service of the Government.

20. (1) Every person who immediately prior to the date fixed in the relevant notice referred to in sub-section (1) of section *seven*, was in the employ of the governing body concerned at the State-aided vocational school specified in such notice, shall, as from that date and subject to the provisions of this Act, become an employee of the Government in its Department of Education, Arts and Science.

(2) The provisions of sub-sections (2) and (3) of section *nineteen* shall apply *mutatis mutandis* in respect of every person who becomes an employee of the Government in terms of sub-section (1) of this section.

Classification of certain posts on establishments of vocational schools as posts in the public service.

21. (1) The Minister may on the recommendation of the Commission designate any non-teaching post on the establishment of a vocational school which shall be classified under section *one* of the Public Service Act, 1923, as a post in one of the divisions of the public service.

(2) The conditions of service of any person appointed to a post so classified shall be governed by the laws regulating the public service.

Appointment of certain persons on establishments of vocational schools to posts in the public service.]

22. (1) Notwithstanding any limitations in respect of age, educational or other qualifications, other than health, prescribed by or under the Public Service Act, 1923, but subject otherwise to the provisions of that Act, any person referred to in section *nineteen* or *twenty* who is a South African citizen and who has not attained the prescribed age of retirement may, upon the recommendation of the Commission, be appointed on probation or otherwise to a post which has been classified in one of the divisions of the public service in terms of sub-section (1) of section *twenty-one*, provided the Commission is satisfied that such person is sufficiently proficient in the use of both official languages to enable him to discharge efficiently the duties of his post.

(2) Any person appointed to the public service in terms of sub-section (1) shall be adjusted to the scale of salary applicable to the post to which he has been appointed at such notch on that scale as may be recommended by the Commission.

(3) In addition to the salary payable to any such person from time to time by virtue of his occupancy of a post in the public service, there shall be paid to him a personal allowance equal to the difference between his said salary for the time being and the higher salary (if any) to which he was or would have been entitled in accordance with the scale of salary applicable to him as an employee of a college council or governing body immediately prior to the date fixed in the relevant notice referred to in sub-section (1) of section *three* or in sub-section (1) of section *seven*, as the case may be: Provided that such allowance shall be deemed to be part of such person's pensionable emoluments for the purposes of the Government Service Pensions Act, 1936, or the provident fund and pension scheme established under the provisions of section *nineteen* of the Higher Education Act, 1923, if such higher salary was pensionable for the purposes of the said scheme.

Pension rights and retirement benefits.

23. (1) Notwithstanding anything to the contrary in any law contained and subject to the provisions of section *twenty-five*, any person (other than an officer in the public service) who is employed on a whole-time basis and in a permanent capacity at—

(a) a vocational school or part-time class; or

(b) a State-aided vocational school or continuation class and whose salary is paid in full by the Department,

shall in respect of pension and retirement benefits be dealt with as if he were employed in a post classified in the public service.

(2) Notwithstanding anything to the contrary in the Government Service Pensions Act, 1936, contained, but subject to the provisions of section *sixty-five* of that Act, any European person employed at a State-aided vocational school or continuation class on a whole-time basis and in a temporary capacity, whose

(3) Enige dissiplinêre stappe ten opsigte van wangedrag wat voor die in sub-artikel (1) bedoelde datum gepleeg is deur iemand wat ingevolge bedoelde sub-artikel 'n werknemer van die Regering word, kan deur die Departement voortgesit of ingestel word asof die wangedrag na bedoelde datum gepleeg was.

20. (1) Elke persoon wat onmiddellik voor die datum wat in die in sub-artikel (1) van artikel *sewe* bedoelde toepaslike kennisgewing vasgestel word, in diens was van die betrokke bestuursliggaam van die staatsondersteunde beroepskool wat in bedoelde kennisgewing vermeld word, word vanaf daardie datum en onderworpe aan die bepalings van hierdie Wet, 'n werknemer van die Regering in sy Departement van Onderwys, Kuns en Wetenskap.

Oorplasing van sekere persone in diens van 'n bestuursliggaam na die diens van die Regering.

(2) Die bepalings van sub-artikels (2) en (3) van artikel *negentien* is *mutatis mutandis* van toepassing ten opsigte van elke persoon wat ingevolge sub-artikel (1) van hierdie artikel 'n werknemer van die Regering word.

21. (1) Die Minister kan op aanbeveling van die Kommissie enige nie-doserende betrekking op die diensstaat van 'n beroepskool aanwys wat kragtens die bepalings van artikel *een* van die Staatsdienswet, 1923, as 'n betrekking in een van die afdelings van die staatsdiens ingedeel moet word.

Indeling van sekere betrekkinge op diensstate van beroepskole as betrekkinge in die staatsdiens.

(2) Die diensvoorwaardes van iemand wat aangestel word in 'n betrekking wat aldus ingedeel word, word gereël deur die wetsbepalings op die staatsdiens.

22. (1) Ondanks enige beperkings ten opsigte van ouderdom, opvoedkundige of ander kwalifikasies behalwe gesondheid, wat deur of kragtens die Staatsdienswet, 1923, voorgeskryf word, maar onderworpe origens aan die bepalings van daardie Wet, kan 'n in artikel *negentien* of *twintig* bedoelde persoon wat 'n Suid-Afrikaanse burger is en wat nie die voorgeskrewe leeftyd vir uitdienstreding bereik het nie, op aanbeveling van die Kommissie op proef of andersins aangestel word in 'n betrekking wat ingevolge sub-artikel (1) van artikel *een-en-twintig* in een van die afdelings van die staatsdiens ingedeel is, mits die Kommissie oortuig is dat daardie persoon genoegsaam bedrewe is in die gebruik van albei amptelike tale om hom in staat te stel om die pligte aan sy betrekking verbonde doeltreffend uit te voer.

Aanstelling van sekere persone op diensstate van beroepskole in betrekkinge in die staatsdiens.

(2) Enigiemand wat ingevolge sub-artikel (1) in die staatsdiens aangestel is, word aangepas by die salarisskaal wat toepaslik is op die betrekking waarin hy aangestel is, teen die kerf op daardie skaal wat deur die Kommissie aanbeveel word.

(3) Benewens die salaris wat van tyd tot tyd aan so iemand op grond van sy bekleding van 'n betrekking in die staatsdiens betaalbaar is, word daar aan hom 'n persoonlike toelae betaal gelyk aan die verskil tussen sy bedoelde salaris asdan en die hoër salaris (indien daar is) waarop hy geregtig was of sou gewees het ooreenkomstig die salarisskaal wat onmiddellik voor die datum wat in die in sub-artikel (1) van artikel *drie* of in sub-artikel (1) van artikel *sewe* bedoelde toepaslike kennisgewing, na gelang van die geval, vasgestel word, op hom as 'n werknemer van 'n kollegeraad of bestuursliggaam van toepassing was: Met dien verstande dat bedoelde toelae geag word deel van daardie persoon se pensioengewende verdienste te wees vir die doeleindes van die Regeringsdiens Pensioenwet, 1936, of die voorsorgfonds en pensioenskema wat kragtens die bepalings van artikel *negentien* van die Hoër Onderwyswet, 1923, ingestel is, indien daardie hoër salaris vir die doeleindes van bedoelde skema pensioengewend was.

23. (1) Ondanks andersluidende wetsbepalings en behoudens die bepalings van artikel *vyf-en-twintig*, word enigiemand (behalwe 'n amptenaar in die staatsdiens) wat op 'n voltydse grondslag en in 'n permanente hoedanigheid in diens is by—

Pensioenregte en aftredingsvoordele.

(a) 'n beroepskool of deeltydse klas; of

(b) 'n staatsondersteunde beroepskool of voortsettingsklas en wie se salaris ten volle deur die Departement betaal word,

ten opsigte van pensioen- en aftredingsvoordele behandel asof hy in diens is in 'n betrekking wat in die staatsdiens ingedeel is.

(2) Ondanks andersluidende bepalings van die Regeringsdiens Pensioenwet, 1936, maar onderworpe aan die bepalings van artikel *vyf-en-sestig* van daardie Wet, word 'n blanke persoon wat op 'n voltydse grondslag en in 'n tydelike hoedanigheid by 'n staatsondersteunde beroepskool of voortsettingsklas in diens

salary is paid in full by the Department, shall for the purposes of Chapter VI of the said Act be deemed to be an employee of the Government.

Continuous whole-time employment by a college council or a governing body recognized for certain purposes as employment in the service of the Government.

24. (1) Subject to the provisions of this Act, continuous whole-time employment by a college council or governing body of any person referred to in section *nineteen*, section *twenty* or section *twenty-two*, immediately prior to the date fixed in the relevant notice referred to in sub-section (1) of section *three* or in sub-section (1) of section *seven*, shall for leave purposes be deemed to be employment in the service of the Government: Provided that the sick and accumulative vacation leave standing to the credit of such a person at that date, shall, subject to such conditions as the Minister, on the recommendation of the Commission, may determine, be deemed to be leave earned in terms of this Act.

(2) Notwithstanding anything to the contrary in the Government Service Pensions Act, 1936, contained, the amount computed in terms of section *twenty-six* of the said Act in respect of any period of the past pensionable service of a person who had made an election in terms of sub-section (2) of section *twenty-five* shall for the purposes of the Pension Fund or the Government Employees' Provident Fund established under section *sixty-three* of the said Act, as the case may be, be based on such emoluments as the Treasury, on the recommendation of the Commission may determine, and such emoluments shall for the purposes of the said Act be deemed to have been or to be, as the case may be, the pensionable emoluments of that person.

Pension rights and retirement benefits of persons transferred to the service of the Government in terms of this Act.

25. (1) Subject to the provisions of the succeeding sub-sections of this section—

(a) any person who becomes an employee of the Government in terms of section *nineteen* or section *twenty* or to whom section *twenty-two* refers, shall retain all the rights and privileges and remain subject to all the obligations acquired or incurred by him for pension purposes under any law to which he was subject immediately prior to the date fixed in the relevant notice referred to in sub-section (1) of section *three* or in sub-section (1) of section *seven*;

(b) as from the date referred to in paragraph (a)—

(i) any contributions which in terms of the regulations governing the provident fund and pension scheme established under section *nineteen* of the Higher Education Act, 1923, would have been payable by a college council to the said provident fund in respect of any person referred to in paragraph (a), had that person not become an employee of the Government;

(ii) any annuity or gratuity which may be granted to such a person additional to the benefit payable from a provident fund and to which a contribution is approved in terms of the said regulations; and

(iii) any annuity which prior to the said date has been awarded by a college council to an employee retired from its service or to a dependant of a deceased employee, shall be paid from moneys appropriated by Parliament for the purpose.

(2) Any person to whom sub-section (1) applies and who immediately prior to the date referred to therein was a member of the provident fund established under section *nineteen* of the Higher Education Act, 1923, may on such conditions as the Treasury may determine, elect in writing—

(a) if he is a person referred to in section *nineteen*, within six months after the said date or within such additional period as the Treasury may in special circumstances allow; or

(b) if he is a person referred to in section *twenty-two*, within six months after the date of his appointment to a post classified in the public service in terms of section *twenty-one*, or within such additional period as the Treasury may in special circumstances allow,

is en wie se salaris ten volle deur die Departement betaal word, by die toepassing van Hoofstuk VI van bedoelde Wet geag 'n werknemer van die Regering te wees.

24. (1) Behoudens die bepalings van hierdie Wet word die ononderbroke voltydse diens by 'n kollegeraad of bestuursliggaam van enigiemand in artikel *negentien*, artikel *twintig* of artikel *twee-en-twintig* bedoel, onmiddellik voor die datum wat in die in sub-artikel (1) van artikel *drie* of in sub-artikel (1) van artikel *sewe* bedoelde toepaslike kennisgewing vasgestel word, vir verlofdoeleindes geag diens by die Regering te wees: Met dien verstande dat siekte- en olopende vakansieverlof wat op daardie datum op naam van so iemand staan, geag word, onderworpe aan sodanige voorwaardes as wat die Minister op aanbeveling van die Kommissie bepaal, verlof te wees wat ingevolge hierdie Wet verdien is.

Ononderbroke voltydse diens by 'n kollegeraad of bestuursliggaam vir sekere doeleindes erken as diens by die Regering.

(2) Ondanks andersluidende bepalings van die Regeringsdiens Pensioenwet, 1936, word die bedrag wat ingevolge artikel *ses-en-twintig* van bedoelde Wet bereken word ten opsigte van enige tydperk van die vorige pensioengewende diens van 'n persoon wat 'n keuse ingevolge sub-artikel (2) van artikel *vyf-en-twintig* gedoen het, vir doeleindes van die Pensioenfonds of die Regeringswerknemersondersteuningsfonds wat kragtens artikel *drie-en-sestig* van bedoelde Wet ingestel is, na gelang van die geval, op sodanige verdienste gebaseer as wat die Tesourie, op aanbeveling van die Kommissie, bepaal, en daardie verdienste word by die toepassing van bedoelde Wet geag die pensioengewende verdienste van daardie persoon te gewees het of te wees, na gelang van die geval.

25. (1) Behoudens die bepalings van die hieropvolgende sub-artikels van hierdie artikel—

(a) behou enigiemand wat ingevolge artikel *negentien* of artikel *twintig* 'n werknemer van die Regering word of na wie artikel *twee-en-twintig* verwys, al die regte en voorregte en bly onderworpe aan al die verpligtings wat hy vir pensioendoeleindes verkry of aangegaan het kragtens een of ander wetsbepaling wat op hom onmiddellik voor die datum wat in die in sub-artikel (1) van artikel *drie* of in sub-artikel (1) van artikel *sewe* bedoelde toepaslike kennisgewing vasgestel word, van toepassing was;

Pensioenregte en uitdiens-tredingsvoordele van persone wat ingevolge hierdie Wet na die diens van die Regering oorgeplaas word.

(b) vanaf die in paragraaf (a) bedoelde datum word—

(i) enige bydraes wat ingevolge die regulasies wat die kragtens artikel *negentien* van die Hoër Onderwyswet, 1923, opgerigte voorsorgsfonds en pensioenskema reël, deur 'n kollegeraad aan bedoelde voorsorgsfonds betaalbaar sou gewees het ten opsigte van 'n in paragraaf (a) bedoelde persoon as daardie persoon nie 'n werknemer van die Regering geword het nie;

(ii) enige jaargeld of gratifikasie wat aan so iemand toegeken mag word benewens die voordele wat uit die voorsorgsfonds betaalbaar is en waartoe 'n bydrae ingevolge bedoelde regulasies goedgekeur word; en

(iii) enige jaargeld wat voor bedoelde datum deur 'n kollegeraad toegeken is aan 'n werknemer wat uit sy diens getree het of aan 'n afhanklike van 'n oorlede werknemer, betaal uit gelde wat deur die Parlement vir daardie doel beskikbaar gestel word.

(2) Enigiemand op wie sub-artikel (1) van toepassing is en wat onmiddellik voor die daarin bedoelde datum 'n lid van die kragtens artikel *negentien* van die Hoër Onderwyswet, 1923, opgerigte voorsorgsfonds was, kan op sodanige voorwaardes as wat die Tesourie bepaal, skriftelik kies—

(a) as hy 'n in artikel *negentien* bedoelde persoon is, binne ses maande na bedoelde datum of binne sodanige verdere tydperk as wat die Tesourie onder buitengewone omstandighede toelaat; of

(b) as hy 'n in artikel *twee-en-twintig* bedoelde persoon is, binne ses maande na die datum van sy aanstelling in 'n betrekking wat ingevolge artikel *een-en-twintig* in die staatsdiens ingedeel is of binne sodanige verdere tydperk as wat die Tesourie onder buitengewone omstandighede toelaat,

to be freed from all obligations and to relinquish all rights and privileges in such scheme and to become a member of the Pension Fund in accordance with the provisions of sub-section (1) of section *twenty-six* of the Government Service Pensions Act, 1936 as if he had been transferred from the employment of a college council to a post in one of the divisions of the public service: Provided that—

- (i) if such person elects in terms of this sub-section to become a member of the Pension Fund he shall for the purposes of sub-section (2) of section *twenty-six* of the Government Service Pensions Act, 1936 be deemed to have elected to count his past pensionable service as pensionable service under that Act;
- (ii) for the purposes of sub-section (1) of section *twenty-six* of the Government Service Pensions Act, 1936, such transfer shall be deemed to have taken place on the first day of the month immediately following the month in which the election is made;
- (iii) if under the regulations governing the said scheme a policy of insurance has been accepted and the premiums paid as part of the provision made for such person, such policy shall be returned to him, or if he so wishes, the policy may be surrendered on his behalf for cash and the amount of the surrender value added to the amount standing to his credit in the said provident fund for payment to the Pension Fund; and
- (iv) if the amount available in the said provident fund for payment to the Pension Fund is more or less than the amount which is required by such Pension Fund in respect of such person's past pensionable service, the excess shall be dealt with or the deficit shall be made good in such manner as the Treasury may determine.

Transfer of certain persons employed at vocational schools to other posts or Departmental institutions.

26. Every person (other than an officer in the public service) employed at a vocational school may, if departmental interests so require, be transferred from any post in which he is employed to any other post at the same vocational school or at any other vocational school or at any other institution under the control of the Department, whether established under this Act or any other Act, and whether or not such transfer is to a post of a lower grade: Provided that no transfer involving a reduction in such person's pensionable emoluments shall be made without his consent, unless the transfer is in consequence of a degradation imposed under section *twenty-eight*, or in terms of section *thirty*: Provided further that a person who has been transferred to a post of lower grade without reduction of pensionable emoluments shall be re-employed in a post of the grade to which his salary is appropriate as soon as a suitable vacancy occurs.

Discharge of persons employed at vocational schools and part-time classes.

27. Every person (other than an officer in the public service) who is employed on a whole-time basis at a vocational school or part-time class, may be discharged by the Minister—

- (a) on account of attaining the pensionable age;
- (b) in the case of a female, on her marriage;
- (c) on account of continued ill-health;
- (d) owing to the abolition of his post or to any reduction in or re-organization or re-adjustment of the staff of the vocational school or part-time class at which he is employed;
- (e) if in the opinion of the Minister his discharge will facilitate improvements in the organization of the vocational school or part-time class at which he is employed by which greater efficiency or economy will be effected;
- (f) on account of any unfitness or incapacity described in section *thirty*; or
- (g) on account of any misconduct defined in section *twenty-eight*.

Definition and charge of misconduct of persons employed at vocational schools and part-time classes.

28. Every person (other than an officer in the public service) employed on a whole-time basis at a vocational school or part-time class who—

- (a) contravenes or fails to comply with any provision of this Act with which it is his duty to comply; or

om van alle verpligtings, regte en voorregte in daardie skema onthef te word en af te sien en om ooreenkomstig die bepalings van sub-artikel (1) van artikel *ses-en-twintig* van die Regeringsdiens Pensioenwet, 1936, 'n lid te word van die Pensioenfonds asof hy van die diens van 'n kollegeraad na 'n betrekking in een van die afdelings van die staatsdiens oorgeplaas was: Met dien verstande dat—

- (i) indien so iemand ingevolge hierdie sub-artikel kies om 'n lid van die Pensioenfonds te word, hy by die toepassing van sub-artikel (2) van artikel *ses-en-twintig* van die Regeringsdiens Pensioenwet, 1936, geag word te gekies het om sy vorige pensioengewende diens as pensioengewende diens kragtens daardie Wet te beskou;
- (ii) by die toepassing van sub-artikel (1) van artikel *ses-en-twintig* van die Regeringsdiens Pensioenwet, 1936, sodanige oorplasing geag word te geskied het op die eerste dag van die maand wat onmiddellik op die maand volg waarin die keuse gedoen word;
- (iii) indien ingevolge die regulasies wat bedoelde skema reël 'n versekeringspolis aangeneem is en die premies daarop betaal is as deel van die voorsiening wat vir daardie persoon gemaak is, die polis aan hom teruggegee word of, indien hy so verkies, die polis namens hom vir kontant afgekoop kan word en die bedrag van die afkoopwaarde by die bedrag wat in bedoelde voorsorgfonds op sy naam staan bygevoeg word vir oorbetaling aan die Pensioenfonds;
- (iv) indien die bedrag wat in bedoelde voorsorgfonds beskikbaar is vir betaling aan die Pensioenfonds meer of minder is as die bedrag wat deur bedoelde Pensioenfonds ten opsigte van daardie persoon se vorige pensioengewende diens benodig word, die oorskot behandel of die tekort aangevul word op sodanige wyse as wat die Tesourie bepaal.

26. Elke persoon (behalwe 'n amptenaar in die staatsdiens), wat by 'n beroepskool in diens is, kan, indien die belange van die Departement dit vereis, verplaas word van 'n betrekking waarin hy diens doen na enige ander betrekking in dieselfde beroepskool of in enige ander beroepskool of in enige ander inrigting onder die beheer van die Departement, hetsy dit kragtens hierdie Wet of enige ander Wet ingestel is en hetsy daardie verplasing na 'n betrekking met 'n laer graad is al dan nie: Met dien verstande dat geen verplasing wat 'n vermindering in daardie persoon se pensioengewende verdienste meebring sonder sy toestemming geskied nie, tensy die verplasing geskied as gevolg van 'n degradering wat kragtens artikel *agt-en-twintig* of ingevolge artikel *dertig* opgelê word: Met dien verstande voorts dat iemand wat na 'n betrekking met 'n laer graad sonder vermindering van pensioengewende verdienste verplaas is, weer in 'n betrekking met 'n graad wat by sy salaris pas, aangestel word sodra 'n geskikte vakature ontstaan.

Verplasing van sekere persone in diens by beroepskole na ander betrekkinge of departementele inrigtings.

27. Elke persoon (behalwe 'n amptenaar in die staatsdiens) wat op 'n voltydse grondslag in diens is by 'n beroepskool of deeltydse klas, kan deur die Minister ontslaan word—

- (a) weens bereiking van die pensioenleeftyd;
- (b) in die geval van 'n dame, as sy in die huwelik tree;
- (c) weens aanhoudende swak gesondheid;
- (d) weens die afskaffing van sy betrekking of enige vermindering in of herorganisasie of heraanpassing van die personeel van die beroepskool of deeltydse klas waar hy in diens is;
- (e) indien sy ontslag na die mening van die Minister verbeterings in die organisasie van die beroepskool of deeltydse klas waar hy in diens is, sal vergemaklik waardeur groter doeltreffendheid of besparing bewerkstellig sal word;
- (f) weens enige ongeskiktheid of onbekwaamheid soos in artikel *dertig* beskryf; of
- (g) weens enige wangedrag soos in artikel *agt-en-twintig* omskryf.

Ontslag van persone in diens by beroepskole en deeltydse klasse.

28. Elke persoon (behalwe 'n amptenaar in die staatsdiens), wat op 'n voltydse grondslag by 'n beroepskool of deeltydse klas in diens is en wat—

- (a) enige bepaling van hierdie Wet waaraan hy verplig is om te voldoen, oortree of versuim om daaraan te voldoen; of

Omskrywing en aanklag van wangedrag van persone in diens by beroepskole en deeltydse klasse.

- (b) disobeys, disregards or makes wilful default in carrying out a lawful order given to him by a person having authority to give the same, or by word or conduct displays insubordination; or
- (c) is negligent or indolent in the discharge of his duties; or
- (d) is or becomes inefficient or incompetent in the discharge of his duties from causes within his own control; or
- (e) conducts himself in a disgraceful, improper or unbecoming manner, or whilst on duty shows gross discourtesy to any person; or
- (f) is addicted to excessive use of intoxicants or stupefying drugs; or
- (g) becomes insolvent, or compromises with his creditors, or has a decree of civil imprisonment made against him by any court of law, unless he can show that his insolvency, compromise, or civil imprisonment, has been occasioned by unavoidable misfortune; or
- (h) becomes pecuniarily embarrassed, if such pecuniary embarrassment is occasioned by imprudence or other reprehensible cause and is prejudicial to the faithful performance of his duties; or
- (i) accepts without the approval of the Minister in respect of the performance of his duties any commission, fee or reward, pecuniary or otherwise (not being the emoluments payable to him in respect of his duties), or demands such commission, fee or reward, or fails to report to the Secretary the offer of any such commission, fee or reward; or
- (j) discloses, otherwise than in the discharge of his duties, information acquired in the course thereof, or uses for any purpose other than for the discharge of his official duties information gained by or conveyed to him through his connection with the Government service, notwithstanding that he does not disclose such information; or
- (k) misappropriates or improperly uses any property of the Government under circumstances which do not constitute a criminal offence; or
- (l) commits a criminal offence; or
- (m) absents himself from his school or duty without leave or valid cause; or
- (n) publicly comments adversely upon the administration of any department of the Government or of any province or of the territory of South-West Africa; or
- (o) with a view to obtaining any privilege or advantage in relation to his official position or his duties, or to causing prejudice or injury to the Department or the Government, makes an incorrect or false statement, knowing the same to be incorrect or false; or
- (p) does, or causes, or permits to be done, or connives at, any act which is prejudicial to the administration, discipline, or efficiency, of any department, office or institution in the public service,

shall be deemed to have been guilty of misconduct, and may be dealt with in terms of section *twenty-nine*.

Procedure to be followed on charge of misconduct.

29. (1) When a person is accused of misconduct as defined in section *twenty-eight*, the Secretary or any other person who has been authorized thereto by him, may charge him in writing under his hand with that misconduct.

(2) The person who signs the charge shall cause it to be sent by post in a registered letter or to be delivered to the person charged, or to be left at his last known place of residence.

(3) The charge shall contain or shall be accompanied by a direction calling upon the person charged to transmit or deliver, within a reasonable period specified in the direction, to a person likewise specified, a written admission or denial of the charge and, if he so desires, a written explanation of the misconduct charged.

(4) The Minister, or if authorized thereto by the Minister either specially in a particular case or generally, the Secretary or any officer in the Department, may suspend the person charged from duty.

(5) A person who has been suspended from duty as aforesaid shall not be entitled to any emoluments for the period of his suspension, but the Minister may, in his discretion, order payment to the said person of the whole or a portion of his emoluments.

- (b) 'n wettige bevel aan hom gegee deur iemand wat daartoe bevoeg is, nie gehoorsaam nie, veronagsaam of opsetlik nie uitvoer nie, of deur woord of gedrag insubordinasie pleeg; of
- (c) nalatig of traag is in die vervulling van sy pligte; of
- (d) deur oorsake wat van sy eie wil afhanklik is, onbekwaam of onbevoeg is of word vir die vervulling van sy pligte; of
- (e) hom op skandelige, onbehoorlike of onbetaamlike wyse gedra of, terwyl hy diens doen, hom uiters onbeleeft jeens 'n persoon betoon; of
- (f) verslaaf is aan buitensporige gebruik van sterk drank of bedwelmende middels; of
- (g) insolvent word, of met sy skuldeisers 'n akkoord aangaan, of teen wie 'n vonnis van siviele gyseling deur 'n geregshof gegee word, tensy hy kan aantoon dat sy insolvensie, akkoord of siviele gyseling deur onvermydelike teenspoed veroorsaak is; of
- (h) in geldelike moeilikhede geraak, indien daardie geldelike moeilikhede die gevolg is van onversigtigheid of ander afkeurenswaardige oorsaak, en tot nadeel strek van die getroue vervulling van sy pligte; of
- (i) sonder die goedkeuring van die Minister in verband met die vervulling van sy pligte 'n kommissie, fooi of beloning van geldelike of ander aard (behalwe die besoldiging aan hom betaalbaar in verband met sy pligte, aanneem, of so 'n kommissie, fooi of beloning eis, of versuim om aan die Sekretaris die aanbod van so 'n kommissie, fooi of beloning te rapporteer; of
- (j) anders as in die vervulling van sy pligte inligting deur hom in die loop van sy diens verkry, onthul, of vir enige ander doel as vir die vervulling van sy amptelike pligte gebruik maak van inligting deur hom ingewin of aan hom gegee as gevolg van sy verband met die Regeringsdiens, niteenstaande dat hy nie sodanige inligting onthul nie; of
- (k) homself regeringseiendom toeëien of daarvan onbehoorlik gebruik maak onder omstandighede wat geen misdryf uitmaak nie; of
- (l) 'n misdryf pleeg; of
- (m) van sy skool of diens sonder verlof of gegronde rede wegbly; of
- (n) in die openbaar kritiek uitoefen aangaande die administrasie van 'n staatsdepartement of van 'n provinsie of van die gebied Suidwes-Afrika; of
- (o) met die doel om 'n voorreg of voordeel met betrekking tot sy amptelike posisie of sy pligte te verkry, of om nadeel of skade aan die Departement of die Regering te berokken, 'n onjuiste of onware mededeling doen, terwyl hy weet dat dit onjuis of onwaar is; of
- (p) 'n handeling wat tot nadeel strek van die administrasie, tug of doeltreffendheid van 'n departement, kantoor of inrigting in die staatsdiens verrig, laat verrig of die verrigting daarvan toelaat,

word geag hom aan wangedrag skuldig te gemaak het en kan volgens die bepalinge van artikel *nege-en-twintig* behandel word.

29. (1) Wanneer iemand van wangedrag soos in artikel *aght-en-twintig* omskryf, beskuldig word, kan die Sekretaris of iemand anders wat deur hom daartoe gemagtig is, daardie persoon skriftelik onder sy handtekening van daardie wangedrag aankla.

Prosedure wat gevolg moet word by aanklag van wangedrag.

(2) Die persoon wat die aanklag onderteken, laat dit aan die aangeklaagde persoon deur die pos in 'n aangetekende brief stuur of oorhandig, of laat dit by sy laaste bekende woonplek afgee.

(3) Die aanklag bevat of gaan vergesel van 'n aansegging aan die aangeklaagde persoon om binne 'n redelike in die aansegging vermelde tydperk, 'n skriftelike erkenning of ontkenning van die aanklag en, indien hy so verkies, 'n skriftelike verduideliking van die ten laste gelegde wangedrag aan 'n persoon insgelyks vermeld, te stuur of te oorhandig.

(4) Die Minister, of indien deur die Minister hetsy spesiaal in 'n bepaalde geval of in die algemeen daartoe gemagtig, die Sekretaris, of 'n amptenaar in die Departement, kan die aangeklaagde persoon in sy diens skors.

(5) Iemand wat soos voormeld in sy diens geskors is, is nie op enige besoldiging gedurende sy skorsing geregtig nie, maar die Minister kan na goeddunke gelas dat aan bedoelde persoon sy hele besoldiging of 'n gedeelte daarvan uitbetaal word.

(6) The person who authorized the suspension may at any time cancel the suspension, but such cancellation shall in no way affect the prosecution of the charge.

(7) If the person charged admits the charge, he shall be deemed to be guilty of the misconduct with which he was charged.

(8) If the person charged denies the charge or fails to comply with the direction mentioned in sub-section (3), the Secretary shall appoint a suitable person to enquire into the charge.

(9) The person who is to hold the enquiry shall, in consultation with the person who signed the charge, fix the time and place of the enquiry, and the person who signed the charge shall give the person charged reasonable notice of the time and place so fixed.

(10) If the person who is to hold the enquiry has reason to believe that any person is able to give evidence or to produce a document or article which will be relevant to the enquiry, he may, either on his own initiative or at the request of any person interested in the enquiry summon the person in question by a summons under his hand to attend the enquiry at a time and place specified in the summons and to give evidence or to produce the document or article in question thereat, and at the enquiry the person holding it may administer an oath to, or accept an affirmation from, any person present thereat.

(11) Subject to the provisions of sub-section (12), any person who—

- (a) after having been summoned as aforesaid fails, without reasonable excuse, to attend the enquiry or to bring with him a document or article in accordance with the summons, or absents himself from the enquiry before its conclusion without having been excused by the person holding the enquiry from further attendance; or
- (b) when present at the enquiry, refuses to be sworn or to affirm as a witness or refuses to answer fully and satisfactorily any relevant question put to him, or to produce any document or article which he was summoned to produce; or
- (c) hinders or intimidates any person taking part in the enquiry or giving evidence thereat,

shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

(12) At the enquiry no person shall be obliged to answer a question if the answer to that question may render him liable to a criminal prosecution, and no person shall produce any document or article at the enquiry if any Minister of State has stated in writing that the production of that document or article at the enquiry would be contrary to the public interest.

(13) Any person who, while giving evidence at the enquiry on oath or after having made an affirmation, makes a material statement relevant to the enquiry which he knows to be false or which he does not believe to be true, shall be deemed to be guilty of perjury.

(14) The person who signed the charge may authorize any person to attend the enquiry, to adduce evidence and arguments in support of the charge and to cross-examine any person called as a witness for the defence.

(15) At the enquiry the person charged may be present and be heard either personally or by a representative, cross-examine any person called as a witness in support of the charge, inspect any document or article produced in evidence, give evidence himself and call any other person as a witness.

(16) The person holding the enquiry shall keep a record of the proceedings at the enquiry and of all evidence given thereat.

(17) If the person charged fails to attend, the enquiry may be held in his absence.

(18) If the misconduct set forth in the charge amounts to an offence of which the person charged has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall be sufficient proof that he committed the said offence, unless he was pardoned or unless the conviction has been set aside by a superior court: Provided that it shall be competent for the person charged to adduce evidence that he was in fact wrongly convicted.

(6) Die persoon wat die skorsing gemagtig het, kan te eniger tyd die skorsing intrek, maar daardie intrekking raak hoege-naamd nie die voortsetting van die aanklag nie.

(7) Indien die aangeklaagde persoon die aanklag erken, word hy geag skuldig te wees aan die wangedrag wat hom ten laste gelê is.

(8) Indien die aangeklaagde persoon die aanklag ontken of versuim om aan die in sub-artikel (3) bedoelde aansegging gevolg te gee, stel die Sekretaris 'n geskikte persoon aan om die aanklag te ondersoek.

(9) Die persoon wat die ondersoek moet hou, bepaal in oorleg met die persoon wat die aanklag onderteken het, die tyd en plek van die ondersoek, en die persoon wat die aanklag onderteken het, gee aan die aangeklaagde persoon redelike kennisgewing van die aldus bepaalde tyd en plek.

(10) Indien die persoon wat die ondersoek moet hou, 'n gegronde vermoede het dat iemand in staat is om getuienis af te lê, of om 'n dokument of voorwerp voor te lê wat by die ondersoek ter sake sal wees, kan hy, hetsy uit eie beweging of op versoek van iemand wat by die ondersoek belang het, die betrokke persoon deur middel van 'n deur hom ondertekende dagvaarding dagvaar om die ondersoek op 'n tyd en plek in die dagvaarding vermeld by te woon en om aldaar getuienis af te lê, of die betrokke dokument of voorwerp voor te lê, en by die ondersoek kan die persoon wat dit hou 'n eed oplê op of 'n bevestiging aanneem van enigeen wat by die ondersoek aanwesig is.

(11) Behoudens die bepalings van sub-artikel (12), is enig-iemand wat—

(a) nadat hy soos voormeld gedagvaar is, sonder redelike verontskuldiging versuim om ooreenkomstig die dagvaarding die ondersoek by te woon of 'n dokument of voorwerp saam te bring, of van die ondersoek wegbly voordat dit voltooi is, sonder dat die persoon wat die ondersoek hou hom van verdere bywoning vrygestel het; of

(b) wanneer hy by die ondersoek teenwoordig is, weier om as 'n getuie 'n eed af te lê of om te bevestig of weier om 'n vraag wat ter sake is en aan hom gestel is, volledig en bevredigend te beantwoord, of om 'n dokument of voorwerp voor te lê wat hy gedagvaar is om voor te lê; of

(c) iemand wat aan die ondersoek deelneem of aldaar getuienis aflê, hinder of intimideer,

aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens twintig pond.

(12) By die ondersoek is niemand verplig om 'n vraag te beantwoord indien die antwoord op daardie vraag hom aan 'n strafregtelike vervolging kan blootstel nie, en niemand mag 'n dokument of voorwerp by die ondersoek voorlê nie indien 'n Staatsminister skriftelik verklaar het dat die voorlegging van daardie dokument of voorwerp by die ondersoek teen die openbare belang sal wees.

(13) Enigiemand wat, terwyl hy by die ondersoek onder eed of nadat hy 'n plegtige verklaring afgelê het getuienis aflê, 'n verklaring van wesenlike belang maak wat by die ondersoek ter sake is, en wat hy weet vals is of wat hy nie glo waar te wees nie, word geag skuldig te wees aan meened.

(14) Die persoon wat die aanklag onderteken het, kan enigeen magtig om die ondersoek by te woon, om die aanklag deur bewyse en argumente te staaf en om iemand wat as verdedigingsgetuie opgeroep word onder kruisverhoor te neem.

(15) By die ondersoek kan die aangeklaagde persoon teenwoordig wees en persoonlik of deur middel van 'n gemagtigde sy saak voordra, iemand wat opgeroep is as getuie tot stawing van die aanklag onder kruisverhoor neem, 'n dokument of voorwerp wat as bewysstuk voorgelê word besigtig, self getuienis aflê en enigiemand anders as getuie oproep.

(16) Die persoon wat die ondersoek hou, notuleer die verrigtinge en alle getuienis wat aldaar afgelê word.

(17) Indien die aangeklaagde persoon versuim om aanwesig te wees, kan die ondersoek in sy afwesigheid gehou word.

(18) Indien die in die aanklag vermelde wangedrag 'n misdryf uitmaak, waaraan 'n geregshof die aangeklaagde skuldig bevind het, dien 'n gesertifiseerde afskrif van die notule van sy teregstelling en skuldigbevinding deur daardie hof as voldoende bewys dat hy bedoelde misdryf gepleeg het, tensy hom gracie verleen is of tensy die skuldigbevinding deur 'n hoër hof ter syde gestel is: Met dien verstande dat dit die aangeklaagde persoon vrystaan om getuienis aan te voer dat hy inderdaad ten onregte skuldig bevind is.

(19) At the conclusion of the enquiry, the person holding it shall find whether the person charged is guilty or not guilty of the misconduct with which he was charged, and shall inform the person charged of his finding. He shall report the result of the enquiry to the Secretary.

(20) If the person charged was suspended from duty and the person holding the enquiry has found that he is not guilty of the misconduct with which he was charged, the first-mentioned person shall be reinstated in his post and be paid full emoluments from the period of his suspension.

(21) If the person holding the enquiry has found the person charged guilty of misconduct, the latter may, within a period of fourteen days as from the date upon which he was informed of the finding, appeal therefrom to the Minister by delivering or forwarding by post to the Secretary a written notice of appeal wherein are set forth fully the grounds upon which the appeal is based.

(22) If the person holding the enquiry has made a finding in terms of sub-section (21), he shall forward to the Secretary the record of the proceedings at the enquiry, any documentary evidence admitted thereat, a statement of his finding and his reasons therefor, and any observations on the case which he may desire to offer.

(23) If the person found guilty of misconduct has noted an appeal, the Secretary shall furnish the appellant with a copy of the reasons for the finding against which the appeal is brought.

(24) If the person found guilty applies to the Secretary for a copy of the record of the proceedings at the enquiry and of any documents admitted in evidence thereat, within a period of fourteen days as from the date upon which he received a copy of the reasons for the finding or, if he lodged no appeal, within a period of twenty-one days as from the date upon which he was informed of the finding, the Secretary shall furnish him with such copies.

(25) The appellant may, within a period of fourteen days as from the date upon which he received the copy of the record of the proceedings, or if he did not apply for a copy of the record, within a period of twenty-one days as from the date upon which he received the copy of the reasons for the finding, submit to the Minister written representations in support of his appeal. Such written representations shall be delivered or forwarded by post to the Secretary.

(26) The Secretary shall submit to the Minister the record of the proceedings at the enquiry, all documents in his possession which relate to the enquiry or appeal, and his recommendation thereon.

(27) After consideration of the aforesaid record and documents, the Minister may allow the appeal wholly or in part and set aside or modify the finding, or dismiss the appeal and confirm the finding wholly or in part, or the Minister may, before arriving at a final decision on the appeal, remit any question in connection with the enquiry to the person who held the enquiry, and direct him to report thereon or to hold a further enquiry and arrive at a finding thereon.

(28) If the Minister has directed the holding of a further enquiry, the provisions of sub-sections (9) to and including (17) shall apply in connection with the further enquiry.

(29) When the Minister has arrived at a final decision on an appeal, that decision shall be conveyed in writing to the appellant.

(30) If the Minister allows the appeal of an appellant who was suspended from duty, such an appellant shall be reinstated in his post and be paid his full emoluments for the period of his suspension.

(31) If the person charged has admitted the charge in terms of sub-section (7), or if the record and documents mentioned in sub-section (22) have in terms of that sub-section been forwarded to the Secretary and no appeal was noted against the finding or if the Minister has dismissed the appeal, wholly or in part, the Secretary shall determine whether in his opinion the misconduct which the said person admitted or of which he was found guilty is or is not of a serious nature.

(32) In determining whether the misconduct in question is or is not of a serious nature, the Secretary shall give due regard to the probable effect of the misconduct on the tone and efficiency of the vocational school or part-time class at which the person charged was employed when the misconduct occurred, and on the pupils of such school or class.

(19) Aan die einde van die ondersoek beslis die persoon wat die ondersoek hou of die aangeklaagde persoon skuldig, of onskuldig is aan die wangedrag wat hom ten laste gelê is, en verwittig hy die aangeklaagde persoon van sy beslissing. Hy rapporteer die uitslag van die ondersoek aan die Sekretaris.

(20) Indien die aangeklaagde persoon in sy diens geskors is, en die persoon wat die ondersoek hou, beslis het dat hy onskuldig is aan die wangedrag wat hom ten laste gelê is, word die eersgenoemde persoon in sy betrekking herstel en volle besoldiging vir die tydperk van sy skorsing betaal.

(21) Indien die persoon wat die ondersoek hou die aangeklaagde persoon aan wangedrag skuldig bevind het, kan laasgenoemde binne 'n tydperk van veertien dae vanaf die dag waarop hy van die beslissing verwittig is, daarteen na die Minister appelleer deur 'n skriftelike kennisgewing van appèl, waarin die redes waarop die appèl gegrond is volledig uiteengesit word, aan die Sekretaris te oorhandig of deur die pos te stuur.

(22) Indien die persoon wat die ondersoek hou in die sin van sub-artikel (21) beslis het, stuur hy aan die Sekretaris die notule van die verrigtinge by die ondersoek, die bewysstukke wat aldaar toegelaat is, 'n optekening van sy beslissing en sy redes daarvoor en enige toeligting van die saak wat hy wenslik ag.

(23) Indien die persoon wat aan wangedrag skuldig bevind is appèl aangeteken het, verstrek die Sekretaris aan die appellant 'n afskrif van die redes vir die beslissing waarteen geappelleer word.

(24) Indien die persoon wat skuldig bevind is, binne 'n tydperk van veertien dae van die dag waarop hy 'n afskrif van die redes vir die beslissing ontvang het of, as hy geen appèl aangeteken het nie, binne 'n tydperk van een-en-twintig dae vanaf die dag waarop hy van die beslissing verwittig is, die Sekretaris versoek om 'n afskrif van die notule van die verrigtinge by die ondersoek en van enige bewysstukke aldaar toegelaat, verstrek die Sekretaris aan hom daardie afskrifte.

(25) Die appellant kan, binne 'n tydperk van veertien dae vanaf die dag waarop hy 'n afskrif van die notule van die verrigtinge ontvang het, of as hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne 'n tydperk van een-en-twintig dae vanaf die dag waarop hy 'n afskrif van die redes vir die beslissing ontvang het, aan die Minister skriftelike versoë ter ondersteuning van sy appèl voorlê. Die skriftelike versoë moet aan die Sekretaris oorhandig of deur die pos gestuur word.

(26) Die Sekretaris lê die notule van die verrigtinge by die ondersoek, alle stukke in sy besit wat op die ondersoek of appèl betrekking het, en sy aanbeveling daaromtrent aan die Minister voor.

(27) Na oorweging van voormelde notule en stukke, kan die Minister die appèl in sy geheel of gedeeltelik toestaan en die beslissing ter syde stel of wysig, of die appèl afwys en die beslissing in sy geheel of gedeeltelik bekragtig, of kan die Minister, voordat hy oor die appèl tot 'n finale beslissing geraak, een of ander vraag in verband met die ondersoek terugverwys na die persoon wat die ondersoek gehou het en hom gelas om daaromtrent verslag te doen, of om 'n verdere ondersoek te hou en daaromtrent te beslis.

(28) Indien die Minister die hou van 'n verdere ondersoek gelas het, is die bepalinge van sub-artikels (9) tot en met (17) van toepassing in verband met die verdere ondersoek.

(29) Wanneer die Minister oor die appèl tot 'n finale beslissing geraak het, word sy beslissing skriftelik aan die appellant meegedeel.

(30) Indien die Minister die appèl van 'n appellant wat in sy diens geskors is, toestaan, word hy in sy betrekking herstel en sy volle besoldiging vir die tydperk van sy skorsing betaal.

(31) Indien die aangeklaagde persoon die aanklag volgens sub-artikel (7) erken het, of indien die notule en stukke in sub-artikel (22) gemeld, ingevolge daardie sub-artikel aan die Sekretaris gestuur is, en daar geen appèl teen die beslissing aangeteken is nie, of indien die Minister die appèl in sy geheel of gedeeltelik afgewys het, bepaal die Sekretaris of die wangedrag wat die aangeklaagde erken het of waaraan hy skuldig bevind is, na sy oordeel van ernstige aard is al dan nie.

(32) By die bepaling of die betrokke wangedrag van ernstige aard is al dan nie, neem die Sekretaris die waarskynlike uitwerking van die wangedrag op die gees en doeltreffendheid van die beroepskool of deelydse klas waar die aangeklaagde persoon in diens was toe die wangedrag plaasgevind het, en op die leerlinge aan daardie skool of klas, behoorlik in aanmerking.

(33) If the Secretary has determined that the misconduct which the person charged has admitted or of which he has been found guilty is not of a serious nature, he may recommend that the Minister—

- (a) caution or reprimand the said person; or
- (b) impose upon him a fine not exceeding five pounds, and the Minister may thereupon adopt the course recommended or the other course which the Secretary could lawfully have recommended under this sub-section.

(34) If the Secretary has determined that the misconduct which the person charged has admitted or of which he has been found guilty is of a serious nature, he may recommend that the Minister—

- (a) caution or reprimand the said person; or
- (b) impose upon him a fine not exceeding one hundred pounds, which may be recovered in such instalments as the Minister may determine by deduction from his emoluments; or
- (c) reduce his emoluments or his grade or both his emoluments and his grade to an extent recommended; or
- (d) discharge him from the service of the Department or call upon him to resign therefrom as from a date to be specified by the Minister,

and the Minister may thereupon adopt the course recommended or any other course which the Secretary could lawfully have recommended under this sub-section.

(35) If a person who is under suspension from duty under sub-section (4) is dealt with in accordance with sub-section (33) or paragraph (a), (b) or (c) of sub-section (34), he shall be reinstated in the post which he held at the time of his suspension and be paid his full emoluments for the period of his suspension: Provided that if his grade is reduced in terms of the said paragraph (c) he shall be reinstated in the service of the Department in a post of the reduced grade and be paid for the period of his suspension the emoluments of that post; but if emoluments in excess of the emoluments of that post were, during his suspension, paid to him under sub-section (5), he shall not be obliged to refund the excess.

(36) If a person who was called upon to resign from the service of the Department in terms of sub-section (34) fails so to resign, he shall be deemed to have been discharged from such service on the date upon which he was called upon to resign.

Inefficient employees at vocational schools and part-time classes.

30. (1) If, at any time, after due enquiry, it is found that any person (other than an officer in the public service) employed on a whole-time basis at a vocational school or part-time class is unfitted for, or is incapable of performing efficiently, the duties of his post from causes not within his own control and not attributable to the performance of his official duties, the Minister may appoint such person to a post of a lower grade and reduce his annual emoluments to the maximum of such lower grade, or may discharge such person from the service of the Department.

(2) The provisions of section *twenty-nine* apply *mutatis mutandis* to any enquiry referred to in sub-section (1).

Misconduct and inefficiency of persons employed at State-aided vocational schools and continuation classes.

31. The provisions of sections *twenty-eight*, *twenty-nine* and *thirty* shall apply to all persons employed on a whole-time basis at any State-aided vocational school or continuation class: Provided that the powers vested in the Secretary by the said provisions shall vest in the chairman of the governing body of the State-aided vocational school or continuation class concerned.

Delegation of Minister's powers.

32. The Minister may delegate to the Secretary or to any other senior officer in the Department any or all of the rights, duties, powers, authorities and functions conferred upon him by paragraph (b) of sub-section (2) of section *three*, sub-section (1) of section *eight*, section *nine*, section *ten*, section *eleven*, sub-section (2) of section *twelve*, section *thirteen*, the proviso to sub-section (1) of section *twenty-four*, section *twenty-six* and paragraphs (a), (b) and (c) of section *twenty-seven*.

Regulations.

33. (1) The Minister may make regulations as to—

- (a) the establishment, maintenance, management and control of vocational schools and part-time classes, and the disestablishment of such vocational schools and part-time classes;

(33) Indien die Sekretaris bepaal het dat die wangedrag wat die aangeklaagde persoon erken het of waaraan hy skuldig bevind is, nie van ernstige aard is nie, kan hy aanbeveel dat die Minister—

- (a) bedoelde persoon waarsku of berispe; of
- (b) hom 'n boete van hoogstens vyf pond oplê, en daarop kan die Minister handel volgens die gedragslyn wat aanbeveel is of die ander gedragslyn wat die Sekretaris kragtens hierdie sub-artikel wettiglik sou kon aanbeveel het.

(34) Indien die Sekretaris bepaal het dat die wangedrag wat die aangeklaagde persoon erken het of waaraan hy skuldig bevind is, van ernstige aard is, kan hy aanbeveel dat die Minister—

- (a) bedoelde persoon waarsku of berispe; of
- (b) hom 'n boete oplê van hoogstens honderd pond wat in sodanige paaielemente as wat die Minister vasstel, verhaal kan word deur aftrekking van sy besoldiging; of
- (c) sy besoldiging of sy graad of beide sy besoldiging en sy graad verlaag in 'n mate wat aanbeveel word; of
- (d) hom uit die diens van die Departement ontslaan of hom gelas om daaruit te bedank vanaf 'n datum deur die Minister vermeld te word,

en daarop kan die Minister handel volgens die gedragslyn wat aanbeveel is of enige ander gedragslyn wat die Sekretaris kragtens hierdie sub-artikel wettiglik sou kon aanbeveel het.

(35) Indien met iemand wat onder skorsing in sy diens kragtens sub-artikel (4) staan, ooreenkomstig sub-artikel (33) of paragraaf (a), (b) of (c) van sub-artikel (34) gehandel word, word hy in die betrekking wat hy op die tyd stip van sy skorsing beklee het herstel, en sy volle besoldiging vir die tydperk van sy skorsing betaal: Met dien verstande dat, indien sy graad ingevolge bedoelde paragraaf (c) verlaag word, hy in die diens van die Departement herstel word in 'n betrekking met die verlaagde graad en vir die tydperk van sy skorsing die besoldiging verbonde aan daardie betrekking betaal word; maar indien gedurende sy skorsing 'n hoër besoldiging as die besoldiging verbonde aan daardie betrekking kragtens sub-artikel (5) aan hom uitbetaal is, hy nie verplig is om die verskil terug te betaal nie.

(36) Indien iemand wat ingevolge sub-artikel (34) gelas is om uit die diens van die Departement te bedank, versuim om aldus te bedank, word hy geag uit daardie diens ontslaan te gewees het op die dag waarop hy gelas is om te bedank.

30. (1) Indien te eniger tyd na behoorlike ondersoek bevind word dat enigiemand (behalwe 'n amptenaar in die staatsdiens), wat op 'n voltydse grondslag by 'n beroepskool of deelydse klas in diens is, ongeskik is vir die pligte aan sy betrekking verbonde of nie in staat is om dit uit te voer nie weens oorsake wat buite sy eie beheer is en nie aan die uitvoering van sy amptelike pligte toe te skryf is nie, kan die Minister daardie persoon in 'n betrekking met 'n laer graad aanstel en sy jaarlikse besoldiging tot die maksimum vir so 'n laer graad verminder, of kan hy daardie persoon uit die diens van die Departement ontslaan.

Onbekwame personeel aan beroepskole en deelydse klasse.

(2) Die bepaling van artikel *nege-en-twintig* is *mutatis mutandis* van toepassing op 'n in sub-artikel (1) bedoelde ondersoek.

31. Die bepaling van artikels *agt-en-twintig*, *nege-en-twintig* en *dertig* is van toepassing op alle persone wat op 'n voltydse grondslag in diens is by enige staatsondersteunde beroepskool of voortsettingsklas: Met dien verstande dat die bevoegdhede wat ingevolge bedoelde bepalinge by die Sekretaris berus, by die voorsitter van die bestuursliggaam van die betrokke staatsondersteunde beroepskool of voortsettingsklas berus.

Wangedrag en onbekwaamheid van persone in diens by staatsondersteunde beroepskole en voortsettingsklasse.

32. Die Minister kan aan die Sekretaris of aan enige ander senior amptenaar van die Departement een of ander of almal van die regte, pligte, bevoegdhede, magte en werksaamhede wat paragraaf (b) van sub-artikel (2) van artikel *drie*, sub-artikel (1) van artikel *agt*, artikel *nege*, artikel *tien*, artikel *elf*, sub-artikel (2) van artikel *twaalf*, artikel *dertien*, die voorbehoudsbepaling by sub-artikel (1) van artikel *vier-en-twintig*, artikel *ses-en-twintig*, en paragraawe (a), (b) en (c) van artikel *sewe-en-twintig*, aan hom verleen, delegeer.

Delegering van die Minister se bevoegdhede.

33. (1) Die Minister kan regulasies uitvaardig met betrekking tot—

Regulasies.

- (a) die instelling, instandhouding, bestuur en beheer van beroepskole en deelydse klasse en die afskaffing van sodanige beroepskole en deelydse klasse;

- (b) the transfer of the maintenance, management and control of declared institutions and State-aided vocational schools to the Government in its Department of Education, Arts and Science;
- (c) the constitution, functions, powers, duties and procedure at meetings of councils and of trust committees and the books, accounts and records to be kept by trust committees, the manner in which they shall be kept and audited and the returns and reports to be rendered by trust committees;
- (d) the appointment, resignation and discharge of members of councils and of trust committees and the payment of reasonable travelling and subsistence allowances to such members: Provided that the regulations in regard to such travelling and subsistence allowances shall be made in consultation with the Minister of Finance;
- (e) the recognition of institutions providing vocational education as State-aided vocational schools, and the conditions attaching to grants-in-aid to such State-aided vocational schools;
- (f) the recognition of courses of instruction and training as being included in higher education, and the conditions for admission, tuition fees, tests by examination, inspection or otherwise of the efficiency of the instruction and training given, and the granting of diplomas and certificates: Provided that the regulations in regard to tuition fees shall be made in consultation with the Minister of Finance;
- (g) the recognition of classes providing higher education as continuation classes, and the conditions attaching to grants-in-aid in respect of such continuation classes;
- (h) the courses of instruction and training at vocational schools;
- (i) the conduct of examinations and the granting of diplomas and certificates in terms of section *eleven*;
- (j) the admission of pupils to, the control of pupils at, and the discharge of pupils from, vocational schools and State-aided vocational schools;
- (k) the financial and other material assistance to pupils at vocational schools, including bursaries and loans to pupils in training as teachers: Provided that the conditions upon which any such assistance is granted, shall be prescribed in consultation with the Minister of Finance;
- (l) subject to the provisions of section *seventeen*, the appointment, grading, remuneration, promotion, transfer, discharge, discipline, conduct, powers, duties, hours of attendance, leave privileges, and the conditions of service including the occupation of official quarters, of persons employed at vocational schools;
- (m) the appointment, grading, remuneration, promotion, transfer, discharge, discipline, conduct, powers, duties, hours of attendance, leave privileges, and the conditions of service, of persons employed at State-aided vocational schools, continuation classes and part-time classes;
- (n) the rates of overtime payments and of any travelling, subsistence, climatic, local or other allowances, to be made to persons employed at vocational schools, State-aided vocational schools, continuation classes and part-time classes: Provided that any such regulation shall be made in consultation with the Minister of Finance;
- (o) the circumstances in which medical examinations shall be required for the purposes of any particular provision of this Act;
- (p) the form of any application, authority, certificate, diploma, consent, notice or order to be made, given, issued or kept under this Act, and any other forms required in connection with the administration of this Act;
- (q) any matter which in terms of any provision of this Act is to be prescribed;
- (r) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) The Minister may restrict the application of any of the regulations to one or more vocational schools or to one or more State-aided vocational schools, and may make different regulations in respect of different vocational schools, State-aided vocational schools, continuation classes or part-time classes.

- (b) die oordrag van die instandhouding, bestuur en beheer van verklaarde instellings en staatsondersteunde beroepskole aan die Regering in sy Departement van Onderwys, Kuns en Wetenskap;
 - (c) die samestelling, werksaamhede, bevoegdhede, pligte, en prosedure by vergaderings van rade en van trustkomitees en die boeke, rekenings en registers wat deur trustkomitees gehou moet word, die wyse waarop hulle gehou en geouditeer moet word en die opgawes en rapporte wat deur trustkomitees verstrekk moet word;
 - (d) die aanstelling, bedanking en ontslag van lede van rade en van trustkomitees, en die betaling van redelike reis- en verblyftoelaes aan sodanige lede: Met dien verstande dat die regulasies met betrekking tot die reis- en verblyftoelaes uitgevaardig word in oorleg met die Minister van Finansies;
 - (e) die erkenning van inrigtings wat beroepsonderwys verskaf as staatsondersteunde beroepskole en die voorwaardes waarvolgens hulptoekennings aan sodanige staatsondersteunde beroepskole gemaak word;
 - (f) die erkenning van kursusse van onderwys en opleiding as inbegrepe by hoër onderwys, die voorwaardes vir toelating, onderwysgelde, toetse deur eksamen, inspeksie of andersins van die doeltreffendheid van die onderwys en opleiding wat gegee word, en die toekenning van diplomas en sertifikate: Met dien verstande dat die regulasies met betrekking tot onderwysgelde uitgevaardig word in oorleg met die Minister van Finansies;
 - (g) die erkenning van klasse wat hoër onderwys verskaf as voortsettingsklasse, en die voorwaardes waarvolgens hulptoekennings ten opsigte van sodanige voortsettingsklasse gemaak word;
 - (h) die kursusse van onderwys en opleiding aan beroepskole;
 - (i) die afneem van eksamens en die toekenning van diplomas en sertifikate ingevolge artikel *elf*;
 - (j) die toelating van leerlinge tot, die beheer van leerlinge aan, en die ontslag van leerlinge uit beroepskole en staatsondersteunde beroepskole;
 - (k) die finansiële en ander materiële hulp aan leerlinge aan beroepskole, insluitende beurse en lenings aan leerlinge wat as onderwysers opgelei word: Met dien verstande dat die voorwaardes waarvolgens sodanige hulp verleen word, in oorleg met die Minister van Finansies voorgeskryf word;
 - (l) met inagneming van die bepaling van artikel *sewentien*, die aanstelling, gradering, besoldiging, bevordering, verplasing, ontslag, tug, gedrag, bevoegdhede, pligte, diensure, verlofvoorregte en die diensvoorwaardes, met inbegrip van die bewoning van amptelike kwartiere van persone in diens by beroepskole;
 - (m) die aanstelling, gradering, besoldiging, bevordering, verplasing, ontslag, tug, gedrag, bevoegdhede, pligte, diensure, verlofvoorregte en die diensvoorwaardes van persone in diens by staatsondersteunde beroepskole, voortsettingsklasse en deeltydse klasse;
 - (n) die skale van betaling vir oortyd en van reis-, verblyf-, klimaat-, plaaslike of ander toelaes wat aan persone wat in diens is by beroepskole, staatsondersteunde beroepskole, voortsettingsklasse en deeltydse klasse, betaal moet word;
 - (o) die omstandighede waaronder geneeskundige ondersoeke verlang word by die toepassing van enige besondere bepaling van hierdie Wet;
 - (p) die vorm van enige aansoek, magtiging, sertifikaat, diploma, toestemming, kennisgewing of bevel wat kragtens hierdie Wet gedoen, gegee, uitgereik of gehou moet word, en enige ander vorms wat in verband met die uitvoering van hierdie Wet nodig is;
 - (q) enige aangeleentheid wat ingevolge een of ander bepaling van hierdie Wet voorgeskryf moet word;
 - (r) in die algemeen, alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.
- (2) Die Minister kan die toepassing van enigeen van die regulasies tot een of meer beroepskole of tot een of meer staatsondersteunde beroepskole beperk, en kan verskillende regulasies ten opsigte van verskillende beroepskole, staatsondersteunde beroepskole, voortsettingsklasse of deeltydse klasse uitvaardig.

Substitution of new section for section 17 of Act 38 of 1945.

34. The following section is hereby substituted for section *seventeen* of the Financial Relations Consolidation and Amendment Act, 1945 (Act No. 38 of 1945):

'Definition of higher education for purposes of South Africa Act.

17. (1) The expression 'higher education' in section *eighty-five* of the South Africa Act, 1909, includes, *inter alia*—

- (a) education provided by universities incorporated by law;
- (b) education provided by the University College of Fort Hare;
- (c) education provided by such schools of art, music, agriculture, mining, pharmacy and nautical training, as the Minister of Education, Arts and Science may in consultation with the Minister of Finance declare to be places of higher education;
- (d) vocational education other than vocational education provided by such institutions under the control of the administration of any province as may be approved by the Minister of Education, Arts and Science, and for such period with effect from the commencement of the Vocational Education Act, 1955, as the said Minister, after consultation with the administration of the province concerned, may determine;
- (e) continued education for persons not subject to compulsory school attendance in terms of any law or who have been exempted from any such law;
- (f) education provided for the training of secondary and nursery school teachers;
- (g) any other education which with the consent of the provincial administration concerned the Minister of Education, Arts and Science may, in consultation with the Minister of Finance, declare to be higher education.

(2) For the purposes of sub-section (1)—
 'continued education' includes any course of instruction and training recognized by the Minister of Education, Arts and Science in terms of sub-section (1) of section *eight* of the Vocational Education Act, 1955 as being included in higher education; and
 'vocational education' means vocational education as defined in section *one* of the Vocational Education Act, 1955."

Repeal of laws and savings.

35. Section *twenty* of the Higher Education Act, 1923 (Act No. 30 of 1923), the Vocational Education Act, 1928 (Act No. 29 of 1928), the Special Schools Amendment Act, 1937 (Act No. 43 of 1937), and the Vocational Education and Special Schools Amendment Act, 1943 (Act No. 7 of 1943), are hereby repealed: Provided that any regulation relating to schools and State-aided schools made under the Vocational Education Act, 1928, and in force immediately before the commencement of this Act shall, in so far as it is not inconsistent with this Act, remain in force until it is repealed, altered or amended by regulation made under this Act.

Short title and date of commencement.

36. This Act shall be called the Vocational Education Act, 1955, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

34. Artikel *sewentien* van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (Wet No. 38 van 1945), word hiermee deur die volgende artikel vervang:

„Omskrywing van hoër onderwys vir doeleindes van Suid-Afrika Wet.

17. (1) Die uitdrukking „hoger onderwys” in artikel *vyf-en-tagtig* van die Suid-Afrika Wet, 1909, omvat *inter alia*—

- (a) onderwys gegee aan by wet ingelyfde universiteite;
- (b) onderwys gegee aan die Universiteitskollege van Fort Hare;
- (c) onderwys gegee aan sodanige kuns-, musiek-, landbou-, myn-, aptekers- en skeepvaartopleidingskole as wat die Minister van Onderwys, Kuns en Wetenskap in oorleg met die Minister van Finansies, skole van hoër onderwys verklaar;
- (d) beroepsonderwys behalwe beroepsonderwys wat gegee word aan sodanige inrigtings onder beheer van die administrasie van ’n provinsie as wat die Minister van Onderwys, Kuns en Wetenskap mag goedkeur en binne sodanige tydperk met ingang van die inwerkingtreding van die Wet op Beroepsonderwys, 1955, wat bedoelde Minister na oorlegpleging met die administrasie van die betrokke provinsie mag bepaal;
- (e) voortgesette onderwys gegee vir persone wat nie ingevolge een of ander wetsbepaling verplig is om ’n skool by te woon nie of wat van so ’n wetsbepaling vrygestel is;
- (f) onderwys gegee vir die opleiding van middelbare of kleuterskoolonderwysers;
- (g) enige ander onderwys wat die Minister van Onderwys, Kuns en Wetenskap in oorleg met die Minister van Finansies, met toestemming van die betrokke provinsiale administrasie as hoër onderwys verklaar.

(2) By die toepassing van sub-artikel (1) beteken—
 „voortgesette onderwys”, ook ’n kursus van onderwys en opleiding wat deur die Minister van Onderwys, Kuns en Wetenskap ingevolge sub-artikel (1) van artikel *agt* van die Wet op Beroepsonderwys, 1955, erken is as inbegrepe by hoër onderwys; en
 „beroepsonderwys”, beroepsonderwys soos omskryf in artikel *een* van die Wet op Beroepsonderwys, 1955.”.

Vervanging van artikel 17 van Wet 38 van 1945 deur ’n nuwe artikel.

35. Artikel *twintig* van die „Hoger Onderwys Wet, 1923” (Wet No. 30 van 1923), die Wet op Beroepsonderwys, 1928 (Wet No. 29 van 1928), die Wysigingswet op Spesiale Skole, 1937 (Wet No. 43 van 1937) en die Wysigingswet op Beroeps- en Spesiale Skole, 1943 (Wet No. 7 van 1943), word hiermee herroep: Met dien verstande dat enige regulasie met betrekking tot skole en staatsondersteunde skole wat kragtens die Wet op Beroepsonderwys, 1928, uitgevaardig is en onmiddellik voor die inwerkingtreding van hierdie Wet van krag was, van krag bly, vir sover dit nie met hierdie Wet strydig is nie, totdat dit by regulasie kragtens hierdie Wet uitgevaardig, herroep, verander of gewysig word.

Herroeping van Wette, en voorbehoude.

36. Hierdie Wet heet die Wet op Beroepsonderwys, 1955, en tree in werking op ’n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

Kort titel en datum van inwerkingtreding.