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EXTRAORDINARY BUITENGEWONE

THE UNION OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

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DEPARTMENT OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 993.] [5th July, 1957.

It is hereby notified that His Excellency the Officer Administering the Government has been pleased to assent to the following Acts, which are hereby published for general information:—

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DEPARTEMENT VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

No. 993.] [5 Julie 1957.

Hierby word bekend gemaak dat dit Sy Eksellensie die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag behaag het om sy goedkeuring te heg aan onderstaande Wette, wat hierby ter algemene inligting gepubliseer word:—

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No. 54, 1957.]

ACT

To consolidate and amend the laws relating to the organization and administration of the public service of the Union, the regulation of the conditions of employment, tenure of office, discipline, retirement and discharge of members of the public service and other incidental matters.

(Afrikaans text signed by the Officer Administering the Government.)

(Assented to 19th June, 1957.)

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:—

CHAPTER I.

PRELIMINARY PROVISIONS.

Interpretation of terms.

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

(i) "Administrator", in relation to an officer or employee or person who is or has been employed or is to be employed under a provincial administration or the administration of the territory, means the Administrator of the province concerned or of the territory acting on the advice of the executive committee thereof; (i)

(ii) "calendar month" means a period extending from a day in one month to the day preceding the day corresponding numerically to that day in the following month, both days inclusive; (x)

(iii) "Commission" means the Public Service Commission and in relation to any power conferred upon or function entrusted to the Commission by this Act or any other law, includes any member or members of the Commission or any officer employed in the office of the Commission to whom the exercise of such power or the performance of such function has been lawfully delegated by the Commission in terms of sub-section (2) of section *five;* (xi)

(iv) "department" means any office, department, provincial or other administration of the Government set forth in the first column of the First Schedule to this Act, as amended from time to time in terms of section *twenty-seven;* (iii)

(v) "employee" means a person referred to in paragraph (*c*) of sub-section (1) of section *three;* (xxi)

(vi) "fixed establishment" means the posts which have been created for the normal and regular requirements of a department; (xix)

(vii) "Government" means the Government of the Union and includes any provincial administration and the administration of the territory, but does not include the railway administration; (xv)

(viii) "head of department", "head of a department" or "head of the department" means the officer holding or acting in the post on the fixed establishment designated by the name set forth in the second column of the First Schedule to this Act, as amended from time to time in terms of section *twenty-seven,* opposite the name of each respective department; (vii)

(ix) "Minister" in relation to an officer or employee or person who is or has been employed or is to be employed otherwise than under the administration of a province or of the territory, means the Minister responsible for the department in which such officer, employee or person is or was last employed or is to be employed; and in relation to an officer or employee or such other person who is or has been or is to be employed in the office of the Commission, means the Minister of the Interior; (xiii)

(x) "month" means a period extending from the first to the last day, both days inclusive, of any one of the twelve months of the year; (xii)

(xi) "officer" means a person who has been appointed

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No. 54, 1957.]

WET

Tot samevatting en wysiging van die wetsbepalings met betrekking tot die organisasie en administrasie van die staatsdiens van die Unie, die reëling van die diensvoorwaardes, dienstermyn, dissipline, aftreding, afdanking en ontslag van lede van die staatsdiens en ander daarmee samehangende aangeleenthede.

(Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 19 Junie 1957.)

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

HOOFSTUK I.

INLEIDENDE BEPALINGS.

Woordbepaling.

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken—

(i) „Administrateur", met betrekking tot 'n beampte of werknemer of persoon wat in diens is of was of wat in diens geneem gaan word onder 'n provinsiale administrasie of die administrasie van die gebied, die Administrateur van die betrokke provinsie of van die gebied handelende op advies van die uitvoerende komitee daarvan; (i)

(ii) „beampte", 'n persoon wat vas aangestel is, al is die aanstelling op proef, in 'n pos bedoel in paragraaf *(a)* van sub-artikel (1) van artikel *drie*, en ook 'n persoon bedoel in paragraaf *(b)* van sub-artikel (1) van artikel *drie* en 'n persoon bedoel in die tweede voorbehoudsbepaling by sub-artikel (3) van artikel *drie*; (xi)

(iii) „departement", 'n kantoor, departement, provinsiale of ander administrasie van die Regering uiteengesit in die eerste kolom van die Eerste Bylae by hierdie Wet, soos van tyd tot tyd ingevolge artikel *sewe-en-twintig* gewysig; (iv)

(iv) „die gebied", die gebied Suidwes-Afrika, en sluit dit die hawe en nedersetting Walvisbaai in; (xvii)

(v) „die dienste",—

(a) die Suid-Afrikaanse Staande Mag ingestel kragtens artikel *een* van die „Zuid-Afrika Verdedigings Wet Wyzigings Wet, 1922" (Wet No. 22 van 1922);

(b) die Suid-Afrikaanse Polisiemag opgerig kragtens artikel *twee* van die „Politiewet, 1912" (Wet No. 14 van 1912); en

(c) die Gevangenisdiens bestaande uit die Departement van Gevangenisse opgerig kragtens sub-artikel (1) van artikel *drie* van die „Wet op Gevangenissen en Verbetergestichten, 1911" (Wet No. 13 van 1911) (met uitsluiting van enige persoon by daardie departement in diens wat nie 'n beampte, soos omskryf in artikel *twee* van daardie Wet, is nie); en dié lede van die personeel van die Departement van Gevangenisse van die gebied wat beamptes of ondergeskikte beamptes (volgens die woordbepaling in daardie Wet, soos toegepas op die gebied by Administrateursproklamasie), in daardie departement is; (xviii)

(vi) „die Unie", ook die gebied; (xix)

(vii) „departementshoof", „hoof van 'n departement" of „hoof van die departement", die beampte wat die bekleër is van die pos op die vaste diensstaat wat met die naam uiteengesit in die tweede kolom van die Eerste Bylae by hierdie Wet, soos van tyd tot tyd ingevolge artikel *sewe-en-twintig* gewysig, teenoor die naam van elke onderskeie departement, aangedui word, of wat in daardie pos waarneem; (viii)

(viii) „hierdie Wet", ook die regulasies; (xx)

(ix) „inkomste", die Gekonsolideerde Inkomstefonds of, met betrekking tot 'n beampte of werknemer van 'n provinsiale administrasie of van die administrasie van die gebied, die betrokke provinsiale inkomstefonds of die gebiedsinkomstefonds, na gelang van die geval; (xv)

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permanently, notwithstanding that such appointment may be on probation, to a post referred to in paragraph (*a*) of sub-section (1) of section *three*, and includes a person referred to in paragraph (*b*) of sub-section (1) of section *three* and a person referred to in the second proviso to sub-section (3) of section *three;* (ii)

(xii) "pensionable age" means the age at which, in terms of sub-section (1) or (2) of section *fourteen*, an officer shall have the right to retire and shall be retired from the public service; (xiv)

(xiii) "prescribed" means prescribed by or under this Act; (xx)

(xiv) "regulation" means a regulation made or deemed to have been made and in force under this Act; (xvi)

(xv) "revenue" means the Consolidated Revenue Fund or, in relation to an officer or employee of a provincial administration or of the administration of the territory, the provincial revenue fund concerned or the territory revenue fund, as the case may be; (ix)

(xvi) "scale" in relation to salary, includes salary at a fixed rate; (xvii)

(xvii) "the territory" means the territory of South-West Africa, and includes the port and settlement of Walvis Bay; (iv)

(xviii) "the services" means—

(*a*) the South African Permanent Force constituted under section *one* of the South Africa Defence Act Amendment Act, 1922 (Act No. 22 of 1922);

(*b*) the South African Police Force established under section *two* of the Police Act, 1912 (Act No. 14 of 1912); and

(*c*) the Prisons Service consisting of the Prisons Department established under sub-section (1) of section *three* of the Prisons and Reformatories Act, 1911 (Act No. 13 of 1911) (excluding any person employed in that department who is not an officer as defined in section *two* of that Act); and such of the staff of the Prisons Department of the territory as are officers or subordinate officers (according to the definition in that Act as applied to the territory by Administrator's proclamation), in that department; (v)

(xix) "the Union" includes the territory; (vi)

(xx) "this Act" includes the regulations; (viii)

(xxi) "Treasury" means the Minister of Finance or any officer in the Department of Finance authorized by the said Minister to perform the functions assigned to the Treasury by this Act. (xviii)

(2) Where in this Act reference is made in relation to an officer to a reduction in a scale of salary, the reference shall be construed as including the application of a scale of salary which is lower than the scale previously applied as regards the maximum or minimum of the scale or the rate of progression in the scale; and any such reference to a reduction in grade or to a grade being lower than another grade shall be correspondingly construed.

Application of Act.

2. (1) Save as in this section is specially provided, and save as the context otherwise indicates in any other section, the provisions of this Act shall apply to or in respect of all officers and employees whether they are employed within or outside the Union.

(2) The provisions of this Act which do not exclude persons employed in the services shall apply to or in respect of such persons only to the extent that they are not in conflict with the laws governing their employment.

(3) Nothing in this Act, excepting the provisions of section *four*, shall apply in respect of the employment by the Government of persons whose appointment, remuneration and other conditions of employment may, in terms of any law, be made and determined by the Governor-General or a Minister or Administrator or other person without the Commission's recommendation first having been obtained nor shall anything in this Act apply to persons, not being officers in the public service, appointed before or after the commencement of this Act under the provisions of the Special Schools Act, 1948 (Act No. 9 of 1948) or the Vocational Education Act, 1955 (Act No. 70 of 1955).

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(x) „kalendermaand," 'n tydperk wat strek van een dag van die maand tot en met die dag wat die dag voorafgaan wat numeriek ooreenstem met daardie dag in die volgende maand; (ii)

(xi) „Kommissie", die Staatsdienskommissie en in verband met 'n bevoegdheid of werksaamheid wat aan die Kommissie by hierdie Wet of enige ander wetsbepaling verleen of opgedra word, ook enige lid of lede van die Kommissie of 'n beampte in diens in die kantoor van die Kommissie aan wie die uitoefening van daardie bevoegdheid of die verrigting van daardie werksaamheid wettiglik deur die Kommissie ingevolge sub-artikel (2) van artikel *vyf* gedelegeer is; (iii)

(xii) „maand", 'n tydperk wat van die eerste tot en met die laaste dag van enigeen van die twaalf maande van die jaar strek; (x)

(xiii) „Minister", met betrekking tot 'n beampte of werknemer of persoon wat in diens is of was of wat in diens geneem gaan word behalwe onder die administrasie van 'n provinsie of van die gebied, die Minister wat verantwoordelik is vir die departement waarin die beampte, werknemer of persoon in diens is of laas in diens was of in diens geneem gaan word; en met betrekking tot 'n beampte of werknemer of sodanige ander persoon wat in diens is of was of geneem gaan word in die kantoor van die Kommissie, die Minister van Binnelandse Sake; (ix)

(xiv) „pensioenleeftyd", die leeftyd waarop 'n beampte ingevolge sub-artikel (1) of (2) van artikel *veertien* die reg het om uit die staatsdiens af te tree en daaruit afgedank moet word; (xii)

(xv) „Regering", die Regering van die Unie en ook 'n provinsiale administrasie en die administrasie van die gebied, maar nie ook die spoorwegadministrasie nie; (vii)

(xvi) „regulasie", 'n regulasie wat kragtens hierdie Wet uitgevaardig is of geag word aldus uitgevaardig te gewees het en van krag is; (xiv)

(xvii) „skaal", met betrekking tot salaris, ook salaris teen 'n vaste bedrag; (xvi)

(xviii) „Tesourie", die Minister van Finansies of 'n beampte in die Departement van Finansies wat deur bedoelde Minister gemagtig is om die werksaamhede wat by hierdie Wet aan die Tesourie opgedra is, te verrig; (xxi)

(xix) „vaste diensstaat", die poste wat vir die normale en gereelde vereistes van 'n departement geskep is; (vi)

(xx) „voorgeskryf" of „voorgeskrewe", voorgeskryf by of kragtens hierdie Wet; (xiii)

(xxi) „werknemer", 'n persoon in paragraaf (*c*) van sub-artikel (1) van artikel *drie* bedoel. (v)

(2) Waar daar in hierdie Wet in verband met 'n beampte van 'n verlaging van 'n salarisskaal melding gemaak word, word dit so uitgelê dat dit die toepassing van 'n salarisskaal insluit wat laer is as die skaal wat tevore toegepas is wat betref die maksimum of minimum van die skaal of die tempo van vordering in die skaal; en so 'n vermelding van 'n verlaging in graad of dat 'n graad laer is as 'n ander graad, word in 'n ooreenstemmende sin uitgelê.

Toepassing van Wet.

2. (1) Met uitsondering van wat uitdruklik in hierdie artikel bepaal word en behalwe waar uit die samehang anders blyk in enige ander artikel, is die bepalings van hierdie Wet van toepassing op of ten opsigte van alle beamptes en werknemers hetsy hulle binne of buite die Unie in diens is.

(2) Die bepalings van hierdie Wet wat persone wat in die dienste in diens is, nie uitsluit nie, is op of ten opsigte van sodanige persone van toepassing slegs vir sover hulle nie met die wette wat op hulle diens van toepassing is, in stryd is nie.

(3) Behalwe die bepalings van artikel *vier*, is die bepalings van hierdie Wet nie van toepassing nie ten opsigte van die indiensneming deur die Regering van persone wie se aanstelling, besoldiging en ander diensvoorwaardes, ingevolge een of ander wetsbepaling deur die Goewerneur-generaal of 'n Minister of Administrateur of ander persoon gedoen en bepaal kan word, sonder dat die Kommissie se aanbeveling vooraf verkry is en die bepalings van hierdie Wet is ook nie van toepassing nie op persone wat nie beamptes in die staatsdiens is nie en wat voor of na die inwerkingtreding van hierdie Wet kragtens die bepalings van die Wet op Spesiale Skole, 1948 (Wet No. 9 van 1948) of die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955) aangestel is of word.

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(4) All persons who immediately before the commencement of this Act—

(*a*) were by virtue of any provision of any law repealed by this Act officers in the public service; or

(*b*) were not officers in the public service but were employed by the Government and paid salaries, wages and allowances in accordance with scales authorized on the recommendation of the Commission,

shall as from such commencement be deemed to be officers or employees, as the case may be, as defined in this Act; and the provisions of this Act shall apply to or in respect of all such persons.

CHAPTER II.

ORGANIZATION AND ADMINISTRATION.

Definition and classification of the public service.

3. (1) The public service shall consist of persons—

(*a*) who hold posts on the fixed establishment—

(i) classified in—

the administrative division;
the clerical division;
the professional division;
the technical division;
the general A division; and
the general B division;

(ii) in the services;

(*b*) who having ceased to hold posts on the fixed establishment referred to in paragraph (*a*), and not having retired or been discharged, are employed additional to the fixed establishment in accordance with a recommendation made in terms of paragraph (*e*) of subsection (2) of section *six*, or who are deemed to continue to hold posts in a division in the circumstances contemplated by the second proviso to subsection (3);

(*c*) (i) who hold posts on the fixed establishment other than posts referred to in paragraph (*a*);

(ii) who are employed temporarily or under a special contract in a department whether in a full-time or part-time capacity, additional to the fixed establishment or in vacant posts on the fixed establishment in accordance with a recommendation made in terms of paragraph (*d*) of subsection (2) of section *six*.

(2) The administrative, clerical, professional, technical, general A and general B divisions shall each consist of such posts as the Commission has directed shall be included therein.

(3) It shall be competent for the Commission to direct that any post included in one division shall be removed from that division and be included in another division or that any post included in the administrative, clerical, professional, technical, general A or general B division shall be excluded from all such divisions: Provided that no direction under this section shall deprive any officer of any leave or other privilege or right which flowed from the occupancy by him of a post in one of the said divisions: Provided further that any officer whose post has been excluded from all the divisions aforementioned shall, for the purposes of this Act and the Government Service Pensions Act, 1955 (Act No. 58 of 1955), be deemed to continue to hold a post in the division in which his post was included immediately before the direction became effective.

(4) All directions which are made in terms of this section shall be notified in the *Gazette*.

(5) All posts which immediately before the commencement of this Act were, in terms of the provisions of any law repealed by this Act included in, and all officers who immediately before such commencement were employed in—

(*a*) the professional and technical division (higher branch) shall as from such commencement be deemed to be included or employed in the professional division;

(*b*) the professional and technical division (lower branch) shall as from such commencement be deemed to be included or employed in the technical division;

(*c*) the general division (being prescribed posts therein) shall as from such commencement be deemed to be included or employed in the general A division;

(*d*) the general division (not being prescribed posts therein) shall as from such commencement be deemed to be included or employed in the general B division.

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(4) Alle persone wat onmiddellik voor die inwerkingtreding van hierdie Wet—

(*a*) uit hoofde van 'n wetsbepaling wat by hierdie Wet herroep word, beamptes in die staatsdiens was; of

(*b*) nie beamptes in die staatsdiens was nie, maar in regeringsdiens was en salarisse, lone en toelaes betaal is ooreenkomstig skale wat op aanbeveling van die Kommissie goedgekeur is,

word vanaf daardie inwerkingtreding geag beamptes of werknemers, na gelang van die geval, te wees soos in hierdie Wet omskryf; en die bepalings van hierdie Wet is op of ten opsigte van al sodanige persone van toepassing.

HOOFSTUK II.

ORGANISASIE EN ADMINISTRASIE.

Omskrywing en indeling van die staatsdiens.

3. (1) Die staatsdiens bestaan uit persone—

(*a*) wat poste beklee op die vaste diensstaat—

(i) ingedeel by—
die administratiewe afdeling;
die klerklike afdeling;
die vakkundige afdeling;
die tegniese afdeling;
die algemene A-afdeling; en
die algemene B-afdeling;

(ii) in die dienste;

(*b*) wat nadat hulle opgehou het om poste op die in paragraaf (*a*) bedoelde vaste diensstaat te beklee, en wat nie afgetree het of ontslaan is nie, addisioneel tot die vaste diensstaat in diens is ooreenkomstig 'n aanbeveling gedoen ingevolge paragraaf (*e*) van sub-artikel (2) van artikel *ses*, of wat geag word 'n pos in 'n afdeling te bly beklee onder die in die tweede voorbehoudsbepaling by sub-artikel (3) beoogde omstandighede;

(*c*) (i) wat ander poste op die vaste diensstaat beklee as die in paragraaf (*a*) bedoelde poste;

(ii) wat tydelik of onder 'n spesiale kontrak in 'n departement, hetsy in 'n voltydse of deeltydse hoedanigheid, addisioneel tot die vaste diensstaat of in vakante poste op die vaste diensstaat ooreenkomstig 'n aanbeveling gedoen ingevolge paragraaf (*d*) van sub-artikel (2) van artikel *ses*, in diens is.

(2) Die administratiewe, klerklike, vakkundige, tegniese, algemene A- en algemene B-afdelings bestaan elkeen uit die poste wat volgens die Kommissie gelas het daarby ingesluit moet word.

(3) Die Kommissie het die bevoegdheid om te gelas dat enige pos wat by een afdeling ingesluit is, uit daardie afdeling verwyder en by 'n ander afdeling ingesluit moet word of dat enige pos wat by die administratiewe, klerklike, vakkundige, tegniese, algemene A- of algemene B-afdeling ingesluit is, uit al daardie afdelings uitgesluit moet word: Met dien verstande dat 'n lasgewing ingevolge hierdie artikel nie aan 'n beampte verlof of 'n ander voorreg of reg wat sy bekleding van 'n pos in een van genoemde afdelings meegebring het, mag ontneem nie: Met dien verstande voorts dat 'n beampte wie se pos uit al voornoemde afdelings uitgesluit is, by die toepassing van hierdie Wet en die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955), geag word 'n pos in die afdeling waarin sy pos ingesluit was onmiddellik voordat die lasgewing van krag geword het, te bly beklee.

(4) Alle lasgewings wat ingevolge hierdie artikel gegee word, word in die *Staatskoerant* bekendgemaak.

(5) Alle poste wat onmiddellik voor die inwerkingtreding van hierdie Wet ingevolge die wetsbepalings wat by hierdie Wet herroep word, ingesluit was in en alle beamptes wat onmiddellik voor daardie inwerkingtreding in diens was in—

(*a*) die vakkundige en tegniese afdeling (hoër tak), word vanaf daardie inwerkingtreding geag ingesluit of in diens te wees in die vakkundige afdeling;

(*b*) die vakkundige en tegniese afdeling (laer tak) word vanaf daardie inwerkingtreding geag ingesluit of in diens te wees in die tegniese afdeling;

(*c*) die algemene afdeling (wat voorgeskrewe poste daarin is), word vanaf daardie inwerkingtreding geag ingesluit of in diens te wees in die algemene A-afdeling;

(*d*) die algemene afdeling (wat nie voorgeskrewe poste daarin is nie), word vanaf daardie inwerkingtreding geag ingesluit of in diens te wees in die algemene B-afdeling.

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(6) The public service shall not include Ministers, the Administrator of a province or of the territory, the Chief Justice of South Africa or any judge of the Supreme Court of South Africa or of the High Court of South-West Africa, officers of Parliament and members of the Commission.

Public Service Commission: appointment, remuneration and tenure of office.

4. (1) In conformity with the provisions of section *one hundred and forty-two* of the South Africa Act, 1909, there shall be a commission to be known as the Public Service Commission, with such powers, functions and duties as are prescribed by this Act or any other law.

(2) (*a*) The Commission shall consist of five members who shall be appointed by the Governor-General and in making any such appointment the Governor-General shall have due regard to *inter alia* the knowledge of or experience in the public service of the persons to be appointed.

(*b*) The Governor-General shall designate one member as chairman and another member as vice-chairman of the Commission.

(*c*) During the absence of the chairman for any reason the vice-chairman shall act as chairman of the Commission and during the absence of both the chairman and the vice-chairman for any reason, the Governor-General shall designate a member or acting member of the Commission to act as chairman of the Commission.

(3) The persons who immediately before the commencement of this Act held office as members of the Commission and the member who immediately before such commencement was designated as chairman shall as from such commencement be deemed to have been appointed or designated, as the case may be, under sub-section (2): Provided that the periods of office of such members shall expire on the dates they would have expired had this Act not been passed.

(4) Subject to the provisions of sub-sections (10), (11), (12) and (13), a member of the Commission shall hold office for a period of five years, and shall be eligible for reappointment on the expiry of his period of office.

(5) (*a*) The Governor-General shall fix the salaries payable to the chairman, vice-chairman and members of the Commission: Provided that the salary payable to the chairman, vice-chairman or a member shall not be reduced during a period of office except by Act of Parliament.

(*b*) The salaries which were payable to the chairman and members of the Commission immediately before the commencement of this Act shall as from such commencement be deemed to be salaries fixed under paragraph (*a*).

(6) There shall be paid to members of the Commission such cost of living, re-imbursive and other allowances, bonuses and gratuities, and there shall be granted to them such privileges in respect of leave of absence, transfer and transportation as would have been paid or granted to them had they been officers in the public service.

(7) A member of the Commission shall not without the permission of the Governor-General perform or engage himself to perform any remunerative work outside the duties of his office.

(8) In the case of illness, suspension or absence of any member of the Commission the Governor-General may appoint a person to act in his place as a member of the Commission during such illness, suspension or absence.

(9) A member of the Commission shall not be suspended or removed from office except in accordance with the provisions of sub-sections (10), (11) and (12).

(10) (*a*) The Governor-General may suspend a member of the Commission and subject to the provisions of this sub-section, remove him from office—

(i) for misconduct;

(ii) for unfitness for the duties of his office or incapacity to carry them out efficiently; or

(iii) if for reasons other than his own unfitness or incapacity his removal from office will promote efficiency or economy.

(*b*) Every suspension of a member of the Commission and the reason therefor shall be communicated by message to both Houses of Parliament within fourteen days after the suspension, if Parliament is then in session, or if Parliament is not then in session, within fourteen days of the commencement of its next ensuing session.

(*c*) If within twenty-one days from the date on which the aforesaid suspension and the reason therefor have

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(6) Die staatsdiens sluit nie Ministers, die Administrateur van 'n provinsie of van die gebied, die Hoofregter van Suid-Afrika of 'n regter van die Hooggeregshof van Suid-Afrika of van die Hoë Hof van Suidwes-Afrika, amptenare van die Parlement en lede van die Kommissie in nie.

Staatsdienskommissie: aanstelling, besoldiging en ampstermyn.

4. (1) In ooreenstemming met die bepalings van artikel *honderd twee-en-veertig* van die „Zuid-Afrika Wet, 1909", is daar 'n kommissie bekend as die Staatsdienskommissie, met die bevoegdhede, werksaamhede en pligte wat by hierdie Wet of enige ander wetsbepaling voorgeskryf word.

(2) (*a*) Die Kommissie bestaan uit vyf lede wat deur die Goewerneur-generaal aangestel word en by so 'n aanstelling neem die Goewerneur-generaal, onder andere, die kennis van of ondervinding in die staatsdiens van die persone wat aangestel gaan word, behoorlik in ag.

(*b*) Die Goewerneur-generaal wys een lid as voorsitter en 'n ander lid as vise-voorsitter van die Kommissie aan.

(*c*) Gedurende die afwesigheid van die voorsitter, om watter rede ook al, moet die vise-voorsitter as voorsitter van die Kommissie optree, en gedurende die afwesigheid van sowel die voorsitter as die vise-voorsitter om watter rede ook al, wys die Goewerneur-generaal 'n lid of waarnemende lid van die Kommissie aan om as voorsitter van die Kommissie waar te neem.

(3) Die persone wat onmiddellik voor die inwerkingtreding van hierdie Wet die amp van lid van die Kommissie beklee het en die lid wat onmiddellik voor daardie inwerkingtreding as voorsitter aangewys is, word vanaf daardie inwerkingtreding geag ingevolge sub-artikel (2) aangestel of aangewys te gewees het, na gelang van die geval: Met dien verstande dat die ampstyd van genoemde persone verstryk op die datums waarop dit sou verstryk het as hierdie Wet nie ingevoer was nie.

(4) Behoudens die bepalings van sub-artikels (10), (11), (12) en (13) beklee 'n lid van die Kommissie sy amp vir 'n tydperk van vyf jaar, en kan hy by die verstryking van sy ampstyd weer aangestel word.

(5) (*a*) Die Goewerneur-generaal stel die salarisse vas wat aan die voorsitter, vise-voorsitter en lede van die Kommissie betaal word: Met dien verstande dat die salaris van die voorsitter, vise-voorsitter of 'n lid, nie gedurende 'n ampstermyn verminder mag word nie behalwe by Parlementswet.

(*b*) Die salarisse wat aan die voorsitter en lede van die Kommissie onmiddellik voor die inwerkingtreding van hierdie Wet betaal is, word vanaf daardie inwerkingtreding geag salarisse te wees wat kragtens paragraaf (*a*) vasgestel is.

(6) Aan lede van die Kommissie word die lewenskoste-, vergoedende en ander toelaes, bonusse en gratifikasies betaal en aan hulle word dié voorregte ten opsigte van verlof, oorplasing en vervoer verleen wat aan hulle betaal of verleen sou geword het as hulle beamptes in die staatsdiens was.

(7) 'n Lid van die Kommissie mag nie sonder die toestemming van die Goewerneur-generaal besoldigde werk buite sy ampspligte verrig of hom verbind om dit te verrig nie.

(8) In die geval van siekte, skorsing of afwesigheid van 'n lid van die Kommissie kan die Goewerneur-generaal 'n persoon aanstel om in sy plek as lid van die Kommissie gedurende sodanige siekte, skorsing of afwesigheid waar te neem.

(9) 'n Lid van die Kommissie mag nie in sy amp geskors of daarvan onthef word nie behalwe ooreenkomstig die bepalings van sub-artikels (10), (11) en (12).

(10) (*a*) Die Goewerneur-generaal kan 'n lid van die Kommissie in sy amp skors en, behoudens die bepalings van hierdie sub-artikel, hom daarvan onthef—

(i) weens wangedrag;

(ii) weens ongeskiktheid vir sy ampspligte of onvermoë om hulle op bekwame wyse uit te voer; of

(iii) as om ander redes as sy eie ongeskiktheid of onvermoë sy ontheffing van sy amp doeltreffendheid of besuiniging sal bevorder.

(*b*) Elke skorsing van 'n lid van die Kommissie en die rede daarvoor moet per boodskap aan albei Huise van die Parlement binne veertien dae na die skorsing meegedeel word as die Parlement dan sit, of as die Parlement nie dan sit nie, binne veertien dae na die aanvang van sy eersvolgende sessie.

(*c*) As aan die Goewerneur-generaal binne een-en-twintig dae vanaf die datum waarop bedoelde skorsing en die

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been so communicated to both Houses of Parliament the Governor-General is presented with an address from both Houses praying for the removal of the member from office and stating the reason for such removal, the Governor-General may remove him accordingly.

(*d*) If within the period referred to in paragraph (*c*) no such address is presented to the Governor-General, the member shall be restored to office.

(11) (*a*) If a member of the Commission becomes afflicted with a permanent infirmity of mind or body which disables him from the proper discharge of the duties of his office, the Governor-General may—

(i) allow him to vacate his office; or

(ii) subject to the provisions of sub-section (10), remove him from office on the ground of incapacity.

(*b*) If a member such as is referred to in sub-section (13), is allowed to vacate his office in terms of sub-paragraph (i) of paragraph (*a*), he shall be deemed to have retired on the ground of ill-health and shall be entitled to such pension as he would under the pension law applicable to him have been entitled to if he had been discharged from the public service on the ground of ill-health occasioned with or without his own default as the Governor-General may direct.

(12) A member of the Commission shall vacate his office, and if he is a member such as is referred to in sub-section (13) he shall retire, on attaining the age of sixty-five years.

(13) If any officer or employee in the public service is appointed to be or to act as a member of the Commission—

(*a*) the period of his service as such member or acting member shall be reckoned as part of and continuous with his employment in the public service for purposes of leave and pension, and the provisions of any pension law applicable to him as such officer or employee, or in the event of his death, to his dependants, which are not in conflict with this section, shall *mutatis mutandis* continue to apply; and

(*b*) such member shall have the same right to vacate his office and to retire as he would have had on the attainment of an age prescribed by this Act or any other law or on any subsequent date on which he desires to do so, had he remained in the public service.

(14) A member of the Commission—

(*a*) who immediately before his appointment as such was an officer in the public service;

(*b*) who at the expiry of his period of office as a member of the Commission is not reappointed thereto; and

(*c*) who at that expiry has not reached the age at which he would in terms of sub-section (1) or (2) of section *fourteen* have had the right to retire and should have been retired, had he remained an officer,

shall have the right to retire, or may be required by the Governor-General to retire, and if he does so retire or is so required to retire he shall be entitled to such pension as he would under the pension law applicable to him have been entitled to, if he had been discharged from the public service owing to the abolition of his post.

Exercising and delegation of Commission's powers and functions.

5. (1) Subject to the provisions of sub-section (2), a recommendation or direction made or given by not less than three members of the Commission shall be deemed for the purposes of this Act or any other law to be a recommendation or direction made or given by the Commission.

(2) Subject to the provisions of sub-section (3), any power conferred upon or function entrusted to the Commission by this Act or any other law (except the power of delegation conferred hereby) may, with the concurrence of all the members of the Commission, be exercised or carried out—

(*a*) by any member or members of the Commission under a general or special delegation from the Commission; or

(*b*) by any officer employed in the office of the Commission acting under the control and direction of the Commission.

(3) The Commission shall not delegate the powers conferred upon it by paragraphs (*a*), (*g*), (*j*), (*m*) and (*n*) of sub-section (2) of section *six*, or sub-sections (4) and (5) and paragraphs (*a*) to (*e*), inclusive, of sub-section (6) and sub-sections (7) and (8)

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rede daarvoor aldus aan albei Huise van die Parlement meegedeel is, 'n adres van albei Huise voorgelê word waarin versoek word dat die lid van sy amp onthef word en waarin die rede vir die ontheffing genoem word, kan die Goewerneur-generaal hom dienooreenkomstig onthef.

(*d*) As geen sodanige adres binne die in paragraaf (*c*) bedoelde tydperk aan die Goewerneur-generaal voorgelê word nie, moet die lid in sy amp herstel word.

(11) (*a*) As 'n lid van die Kommissie 'n blywende verstandelike of liggaamlike swakheid opdoen wat hom ongeskik maak vir die behoorlike vervulling van sy ampspligte, kan die Goewerneur-generaal—

(i) hom toelaat om sy amp neer te lê; of

(ii) hom, behoudens die bepalings van sub-artikel (10), van sy amp op grond van onvermoë onthef.

(*b*) As 'n in sub-artikel (13) bedoelde lid toegelaat word om ingevolge sub-paragraaf (i) van paragraaf (*a*) sy amp neer te lê, word hy geag op grond van swak gesondheid afgedank te gewees het en is hy geregtig op die pensioen waarop hy kragtens die pensioenwet wat op hom van toepassing is, geregtig sou gewees het as hy uit die staatsdiens ontslaan was op grond van swak gesondheid wat met of sonder sy toedoen veroorsaak is, soos die Goewerneur-generaal gelas.

(12) 'n Lid van die Kommissie moet sy amp neerlê, en as hy 'n in sub-artikel (13) bedoelde lid is, moet hy aftree, wanneer hy die leeftyd van vyf-en-sestig jaar bereik.

(13) As 'n beampte of werknemer in die staatsdiens aangestel word om 'n lid van die Kommissie te wees of om as sodanig waar te neem—

(*a*) word die tydperk van sy diens as sodanige lid of waarnemende lid gereken as deel van en as aaneenlopend met sy diens in die staatsdiens vir doeleindes van verlof en pensioen, en die bepalings van enige pensioenwet wat op hom as sodanige beampte of werknemer, of in die geval van sy dood op sy afhanklikes, van toepassing is en nie met hierdie artikel strydig is nie, bly *mutatis mutandis* van toepassing; en

(*b*) sodanige lid het dieselfde reg om sy amp neer te lê en af te tree as wat hy sou gehad het by die bereiking van 'n leeftyd voorgeskryf by hierdie Wet of enige ander wetsbepaling of op enige latere datum waarop hy wens sulks te doen, as hy in die staatsdiens gebly het.

(14) 'n Lid van die Kommissie—

(*a*) wat onmiddellik voor sy aanstelling as sodanig, 'n beampte in die staatsdiens was;

(*b*) wat by die verstryking van sy ampstyd as lid van die Kommissie, nie weer daarin aangestel word nie; en

(*c*) wat by daardie verstryking nog nie die leeftyd bereik het waarop hy ingevolge sub-artikel (1) of (2) van artikel *veertien* die reg sou gehad het om af te tree en afgedank moes gewees het, as hy 'n beampte gebly het,

het die reg om af te tree, of kan deur die Goewerneur-generaal aangesê word om af te tree, en as hy aldus aftree of aldus aangesê word om af te tree, is hy geregtig op die pensioen waarop hy ingevolge die pensioenwet wat op hom van toepassing is, geregtig sou gewees het as hy weens die afskaffing van sy pos uit die staatsdiens ontslaan was.

Uitoefening en delegasie van Kommissie se bevoegdhede en werksaamhede.

5. (1) Behoudens die bepalings van sub-artikel (2), word 'n aanbeveling of lasgewing wat deur minstens drie lede van die Kommissie gedoen of gegee is by die toepassing van hierdie Wet of enige ander wetsbepaling geag 'n aanbeveling of lasgewing te wees wat deur die Kommissie gedoen of gegee is.

(2) Behoudens die bepalings van sub-artikel (3) kan enige bevoegdheid wat verleen of werksaamheid wat opgedra is aan die Kommissie by hierdie Wet of enige ander wetsbepaling (behalwe die delegasiebevoegdheid wat hierby verleen word), met die instemming van al die lede van die Kommissie uitgeoefen of verrig word—

(*a*) deur 'n lid of lede van die Kommissie ingevolge 'n algemene of spesiale delegasie van die Kommissie; of

(*b*) deur 'n beampte in diens in die kantoor van die Kommissie wat onder die beheer en leiding van die Kommissie optree.

(3) Die Kommissie mag nie die bevoegdhede wat aan hom by paragrawe (*a*), (*g*), (*j*), (*m*) en (*n*) van sub-artikel (2) van artikel *ses*, of sub-artikels (4) en (5) en paragrawe (*a*) tot en met (*e*) van sub-artikel (6) en sub-artikels (7) en (8) van artikel

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of section *fourteen*, or Chapter IV, or section *twenty-five*, or section *twenty-seven* of this Act, or by sub-section (1) of section *sixty-two* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955).

(4) The Commission may designate one or more of its members or an officer or officers to conduct an enquiry into any matter upon which in terms of this Act or any other law it is competent for the Commission to make a recommendation or issue a direction.

(5) Any delegation or designation made by the Commission under this section may at any time be revoked by the Commission.

Commission's powers, functions and duties.

6. (1) The Commission shall have the power—

(*a*) to perform the functions and carry out the duties categorically described in this section as well as the functions entrusted to and the duties imposed upon it by or under any other provision of this Act or by or under any other law; and

(*b*) to make recommendations or give directions on all matters not specifically provided for in this Act or any other law, but not inconsistent therewith, relating to or arising out of the employment of and the conditions of employment generally of officers and employees in the public service.

(2) The Commission shall—

(*a*) make recommendations as to the creation or abolition of departments, sub-departments, branches or offices, the transfer of functions from one department to another or from a department to any other body or from any other body to a department;

(*b*) make recommendations as to the control, organization and readjustment of any departments, sub-departments, branches or offices;

(*c*) make recommendations as to the number, grading, regrading and conversion of posts on the fixed establishment;

(*d*) make recommendations as to the number of persons to be employed temporarily or under a special contract, whether in a full-time or a part-time capacity—

(i) against posts on the fixed establishment which are not permanently filled; or

(ii) in addition to the fixed establishment, either by reason of the absence or illness of the incumbent of any post, or when it is necessary to provide staff for the performance of a class of work for which staff is not ordinarily maintained on a permanent basis, or when it is necessary for any other reason to increase temporarily the staff of any department;

(*e*) whenever it considers it necessary, make a recommendation for the employment of an officer additional to the fixed establishment, or in a post graded lower or higher than his own grade;

(*f*) make recommendations for effecting economies and promoting efficiency in the management and working of departments, sub-departments, branches and offices by—

(i) improved organization, procedure and methods;

(ii) improved supervision;

(iii) simplification of work and the elimination of unnecessary work;

(iv) co-ordination of work;

(v) limitation of the number of officers and employees of departments, sub-departments, branches and offices and the utilization of the services of officers and employees to the best advantage;

(*g*) make recommendations as to the scales of salaries, wages and allowances of all the various classes and grades of officers and employees;

(*h*) whenever it is necessary to make any appointment or promotion to a post in the administrative, clerical, professional, technical or general A division whether such necessity arises from the fact that the post is vacant or has been regraded or converted, make a recommendation as to the person to be appointed or promoted: Provided that in such posts in the general

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veertien, of Hoofstuk IV, of artikel *vyf-en-twintig*, of artikel *sewe-en-twintig* van hierdie Wet, of by sub-artikel (1) van artikel *twee-en-sestig* van die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955), verleen is, delegeer nie.

(4) Die Kommissie kan een of meer van sy lede of 'n beampte of beamptes aanwys om 'n ondersoek in te stel na enige aangeleentheid waaroor hy ingevolge hierdie Wet of enige ander wetsbepaling die bevoegdheid het om 'n aanbeveling te doen of 'n lasgewing te gee.

(5) 'n Delegasie of aanwysing wat ingevolge hierdie artikel deur die Kommissie gedoen is, kan te eniger tyd deur die Kommissie ingetrek word.

Kommissie se bevoegdhede, werksaamhede en pligte.

6. (1) Die Kommissie het die bevoegdheid—

(*a*) om die werksaamhede te verrig en die pligte uit te voer wat uitdruklik in hierdie artikel beskryf word asook die werksaamhede wat aan hom opgedra en die pligte wat aan hom opgelê is by of kragtens enige ander bepaling van hierdie Wet of by of kragtens enige ander wetsbepaling; en

(*b*) om aanbevelings te doen of lasgewings te gee oor alle aangeleenthede waarvoor daar nie uitdruklik in hierdie Wet of enige ander wetsbepaling voorsiening gemaak is nie maar wat nie daarmee strydig is nie, met betrekking tot of voortspruitende uit die indiensneming van en die diensvoorwaardes in die algemeen van beamptes en werknemers in die staatsdiens.

(2) Die Kommissie moet—

(*a*) aanbevelings doen aangaande die skepping of afskaffing van departemente, sub-departemente, takke of kantore, die oordrag van werksaamhede van een departement aan 'n ander of van 'n departement aan 'n ander liggaam of van 'n ander liggaam aan 'n departement;

(*b*) aanbevelings doen aangaande die beheer, organisasie en herreëling van departemente, sub-departemente, takke of kantore;

(*c*) aanbevelings doen aangaande die getal, gradering, hergradering en omskepping van poste op die vaste diensstaat;

(*d*) aanbevelings doen aangaande die getal persone wat tydelik of onder 'n spesiale kontrak, hetsy in 'n voltydse of 'n deeltydse hoedanigheid, in diens geneem moet word—

(i) teen poste op die vaste diensstaat wat nie permanent gevul is nie; of

(ii) addisioneel tot die vaste diensstaat, hetsy weens die afwesigheid of siekte van die bekleër van 'n pos, of wanneer dit nodig is om personeel te voorsien vir die verrigting van 'n klas werk waarvoor personeel nie onder gewone omstandighede op 'n permanente basis aangehou word nie, of wanneer dit om enige ander rede nodig is om die personeel van 'n departement tydelik te vergroot;

(*e*) wanneer hy dit nodig ag 'n aanbeveling doen vir die indiensneming van 'n beampte addisioneel tot die vaste diensstaat, of in 'n pos wat hoër of laer as sy eie graad gegradeer is;

(*f*) aanbevelings doen vir die bewerkstelliging van besuiniging en die bevordering van doeltreffendheid in die bestuur en funksionering van departemente, subdepartemente, takke en kantore deur—

(i) verbeterde organisasie, prosedure en metodes;

(ii) verbeterde toesig;

(iii) vereenvoudiging van werk en die uitskakeling van onnodige werk;

(iv) koördinasie van werk;

(v) beperking van die getal beamptes en werknemers van departemente, sub-departemente, takke en kantore en die aanwending van die dienste van beamptes en werknemers op die voordeligste wyse;

(*g*) aanbevelings doen aangaande die skale van salarisse, lone en toelaes van al die verskillende klasse en grade van beamptes en werknemers;

(*h*) wanneer dit nodig is om 'n aanstelling of bevordering te doen in of tot 'n pos in die administratiewe, klerklike, vakkundige, tegniese of algemene A-afdeling, hetsy dit nodig is weens die feit dat die pos vakant of hergradeer of omgeskep is, 'n aanbeveling doen aangaande die persoon wat aangestel of bevorder moet word: Met dien verstande dat in dié poste in die

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A division as may be specified by the Commission appointments and promotions may be made without a recommendation of the Commission;

(*i*) keep a record of officers employed in posts in the administrative, clerical, professional, technical and general A divisions;

(*j*) enquire into the grievances of officers and subject to the provisions of this Act, make such recommendations thereon as it may deem fit;

(*k*) give directions as to the age, educational, language and other qualifications to be possessed by persons on appointment, transfer or promotion to or in the public service where such qualifications are not prescribed by or under this Act or any other law;

(*l*) where it deems it necessary, conduct examinations or cause examinations to be conducted in such subjects, including languages, as may be directed by it or prescribed as a qualification to be possessed by persons on appointment, transfer or promotion to or in the public service;

(*m*) make recommendations as to the provisions of the regulations to be made;

(*n*) as soon as practicable after the thirty-first day of December of each year, frame a report upon matters which have been dealt with by the Commission during the preceding year, and also from time to time such special reports as may to the Commission seem desirable;

(*o*) exercise such other powers, perform such other functions, and carry out such other duties not repugnant to this Act as may be conferred upon, entrusted to or imposed upon it by the Governor-General.

(3) The provisions of paragraph (*h*) (excluding the proviso thereto), and paragraph (*i*) of sub-section (2), shall apply *mutatis mutandis* in respect of such employees as may be directed by the Commission.

(4) The Governor-General may delegate to the Commission such powers, functions and duties as are by any law conferred upon, entrusted to or imposed upon a Minister in respect of the appointment, grading, classification, promotion, retirement, discipline, hours of attendance, leave of absence and generally the conditions of employment of persons in the employment of land banks, boards and like institutions or bodies.

The carrying out, withdrawal, rejection or variation and Treasury approval of Commission's recommendations.

7. (1) Subject to the provisions of sub-section (2) every recommendation made by the Commission in accordance with law and which relates to a particular person—

(*a*) may be withdrawn or varied by the Commission or may be rejected or varied by the Governor-General before it has been carried out, at any time within a period of six calendar months from the date upon which it was made by the Commission or within a period of six calendar months from the date upon which it was varied by the Commission: Provided that it shall not be competent for the Commission to withdraw or vary any recommendation which has been varied by the Governor-General;

(*b*) shall, if the Governor-General has varied it, forthwith be carried out by the Minister or Administrator as so varied;

(*c*) shall, if the Governor-General has refused to vary or reject it, forthwith be carried out by the Minister or Administrator as made or varied by the Commission;

(*d*) shall, if the said period has expired, and it has not been carried out, or withdrawn by the Commission or rejected or varied by the Governor-General, forthwith be carried out by the Minister or Administrator as made or varied by the Commission.

(2) Every recommendation of the Commission as to—

(*a*) the number, grading, regrading and conversion of posts on the fixed establishment;

(*b*) the employment of officers and employees additional to the fixed establishment or in posts graded lower than their own grading;

(*c*) the scales of salaries, wages and allowances of officers and employees;

(*d*) the payment to officers and employees, or classes of officers or employees, of salaries at higher rates than the minima of the scales applicable to their posts on appointment, transfer or promotion;

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algemene A-afdeling wat deur die Kommissie vermeld word, aanstellings en bevorderings sonder 'n aanbeveling van die Kommissie gedoen kan word;

(*i*) aantekening hou van beamptes wat in diens geneem is in poste in die administratiewe, klerklike, vakkundige, tegniese en algemene A-afdelings;

(*j*) ondersoek instel na griewe van beamptes en, behoudens die bepalings van hierdie Wet, die aanbevelings daaroor doen wat hy goed dink;

(*k*) lasgewings gee aangaande die leeftyds-, opvoedkundige, taal- en ander kwalifikasies wat persone moet besit by aanstelling, oorplasing of bevordering in of na die staatsdiens, waar die kwalifikasies nie by of kragtens hierdie Wet of enige ander wetsbepaling voorgeskryf word nie;

(*l*) waar hy dit nodig ag, eksamens afneem of laat afneem in die vakke, insluitende tale, soos hy gelas, of soos voorgeskryf as 'n kwalifikasie wat persone by aanstelling, oorplasing of bevordering in of na die staatsdiens moet besit;

(*m*) aanbevelings doen aangaande die bepalings van die regulasies wat uitgevaardig moet word;

(*n*) so spoedig doenlik na die een-en-dertigste dag van Desember van elke jaar 'n verslag oor aangeleenthede wat die Kommissie gedurende die vorige jaar behandel het, asook van tyd tot tyd spesiale verslae wat die Kommissie wenslik ag, opstel;

(*o*) die ander bevoegdhede uitoefen, die ander werksaamhede verrig en die ander pligte uitvoer wat nie met hierdie Wet strydig is nie en wat aan hom deur die Goewerneur-generaal verleen, opgedra of opgelê word.

(3) Die bepalings van paragraaf (*h*) (behalwe die voorbehoudsbepaling daarby), en paragraaf (*i*) van sub-artikel (2) is *mutatis mutandis* ten opsigte van sodanige werknemers as wat die Kommissie gelas, van toepassing.

(4) Die Goewerneur-generaal kan aan die Kommissie die bevoegdhede, werksaamhede en pligte wat by enige wetsbepaling verleen, opgedra of opgelê is aan 'n Minister ten opsigte van die aanstelling, gradering, indeling, bevordering, aftreding, dissipline, diensure, verlof en in die algemeen die diensvoorwaardes van persone in die diens van landbanke, rade en dergelike inrigtings of liggame, delegeer.

Die uitvoering, terugtrekking, verwerping of wysiging en Tesouriegoedkeuring van aanbevelings van die Kommissie.

7. (1) Elke aanbeveling wat deur die Kommissie ooreenkomstig die wet gedoen word en wat op 'n besondere persoon betrekking het, behoudens die bepalings van sub-artikel (2)—

(*a*) kan voordat dit uitgevoer is, deur die Kommissie teruggetrek of gewysig word of deur die Goewerneur-generaal verwerp of gewysig word te eniger tyd binne 'n tydperk van ses kalendermaande vanaf die datum waarop dit deur die Kommissie gedoen is of binne 'n tydperk van ses kalendermaande vanaf die datum waarop dit deur die Kommissie gewysig is: Met dien verstande dat die Kommissie nie 'n aanbeveling wat deur die Goewerneur-generaal gewysig is, mag terugtrek of wysig nie;

(*b*) word, as dit deur die Goewerneur-generaal gewysig is, onverwyld deur die Minister of Administrateur soos aldus gewysig, uitgevoer;

(*c*) word, as die Goewerneur-generaal geweier het om dit te wysig of te verwerp, onverwyld deur die Minister of Administrateur soos deur die Kommissie gedoen of gewysig, uitgevoer;

(*d*) word, as bedoelde tydperk verstryk het en dit nie uitgevoer of deur die Kommissie teruggetrek of deur die Goewerneur-generaal verwerp of gewysig is nie, onverwyld deur die Minister of Administrateur soos deur die Kommissie gedoen of gewysig, uitgevoer.

(2) Elke aanbeveling van die Kommissie aangaande—

(*a*) die getal, gradering, hergradering, en omskepping van poste op die vaste diensstaat;

(*b*) die indiensneming en indienshouding van beamptes en werknemers addisioneel tot die vaste diensstaat of in poste wat laer gegradeer is as hulle eie gradering;

(*c*) die skale van salarisse, lone en toelaes van beamptes en werknemers;

(*d*) die betaling aan beamptes en werknemers, of klasse beamptes of werknemers, van salarisse teen hoër bedrae as die minimums van skale wat op hulle poste by aanstelling, oorplasing of bevordering van toepassing is;

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(*e*) the special advancement of officers and employees, or classes of officers or employees, within the scales of salary applicable to their posts or the payment to them of salaries in accordance with higher scales;

(*f*) the payment to officers and employees of extra remuneration for the performance of overtime duties;

(*g*) the amounts of bonuses, awards, gratuities, honoraria and any other extra payments to be made to officers and employees;

(*h*) the grant of bursaries and grants-in-aid for purposes of study and research;

(*i*) the conditions of employment generally of officers and employees;

(*j*) the provisions of the regulations,

involving expenditure from the Consolidated Revenue Fund, other than a recommendation required to be carried out by or on the authority of an Administrator of a province or of the territory, shall be communicated to the Treasury and shall not be carried out unless the Treasury approves such expenditure.

(3) Where a recommendation of the Commission has been rejected or varied by the Governor-General, the Minister or Administrator shall act in the matter, in connection with which the recommendation was made, in accordance with any authority granted by the Governor-General or in accordance with the recommendation of the Commission as so varied, without obtaining a further recommendation of the Commission.

(4) For the purpose of the application of the provisions of sub-sections (1) and (3), relating to the rejection or variation by the Governor-General of a recommendation of the Commission, any refusal or failure by the Commission to make a recommendation shall be deemed to be a recommendation of the Commission.

(5) No application for the rejection or variation of a recommendation shall be made to the Governor-General unless the department concerned has given the Commission at least fourteen days' notice of its intention so to apply and such notice shall set forth the grounds upon which the department intends basing the application.

(6) For the purposes of this Act or any other law, a recommendation shall be deemed—

(*a*) to have been made on the date of the written communication conveying such recommendation; and

(*b*) if it relates to a particular person, to have been carried out by a Minister or Administrator on the date of the written communication to such person stating that the Minister or Administrator has approved such recommendation.

(7) If the Governor-General is unable or unwilling to adopt, or rejects or varies, a recommendation of the Commission made in accordance with law, the Commission shall report the matter fully to Parliament either by means of a special report or in its annual report.

Commission's power to inspect departments, to have access to official documents and of enquiry.

8. (1) The Commission shall have the power to inspect all departments, to have access to such official documents and records, and to obtain all such information from heads of departments and other officers and employees as in its opinion may be necessary for the exercise of its powers, the performance of its functions and the carrying out of its duties under this Act or under any other law.

(2) The Commission may—

(*a*) summon any person who in the opinion of the Commission may be able to give material information concerning the subject of any enquiry held or inspection made by it, or who it suspects or believes has in his possession or custody or under his control any book, document or thing which has any bearing upon the subject of the enquiry or inspection, to appear before it at a time and place specified in the summons, to be interrogated or to produce that book, document or thing;

(*b*) call and administer an oath to or take an affirmation from any person present at the enquiry or inspection who was or might have been summoned in terms of paragraph (*a*), and may interrogate him and require him to produce any book, document or thing in his possession or custody or under his control which the

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(*e*) die spesiale verhoging van beamptes en werknemers, of klasse beamptes of werknemers, binne die salarisskale wat op hulle poste van toepassing is of die betaling aan hulle van salarisse ooreenkomstig hoër skale;

(*f*) die betaling aan beamptes en werknemers van ekstra besoldiging vir die verrigting van oortyddiens;

(*g*) die bedrae van bonusse, toekennings, gratifikasies, honorariums en ander ekstra betalings wat aan beamptes en werknemers gedoen moet word;

(*h*) die toekenning van beurse en hulptoelaes vir studie- en navorsingsdoeleindes;

(*i*) die diensvoorwaardes in die algemeen van beamptes en werknemers;

(*j*) die bepalings van die regulasies,

wat uitgawes uit die Gekonsolideerde Inkomstefonds meebring, behalwe 'n aanbeveling wat deur of op gesag van 'n Administrateur van 'n provinsie of van die gebied uitgevoer moet word, word aan die Tesourie meegedeel en nie uitgevoer nie tensy die Tesourie sodanige uitgawes goedkeur.

(3) Waar 'n aanbeveling van die Kommissie deur die Goewerneur-generaal verwerp of gewysig is, handel die Minister of Administrateur in die aangeleentheid in verband waarmee die aanbeveling gedoen is, ooreenkomstig enige magtiging deur die Goewerneur-generaal verleen of ooreenkomstig die aanbeveling van die Kommissie soos aldus gewysig, sonder om 'n verdere aanbeveling van die Kommissie te verkry.

(4) Vir die doel van die toepassing van die bepalings van sub-artikels (1) en (3) betreffende die verwerping of wysiging deur die Goewerneur-generaal van 'n aanbeveling van die Kommissie, word 'n weiering deur of 'n versuim van die Kommissie om 'n aanbeveling te maak, geag 'n aanbeveling van die Kommissie te wees.

(5) Geen aansoek om die verwerping of wysiging van 'n in sub-artikel (1) bedoelde aanbeveling, word aan die Goewerneur-generaal gerig nie tensy die betrokke departement aan die Kommissie ten minste veertien dae kennis gegee het van sy voorneme om aldus aansoek te doen en sodanige kennisgewing sit die gronde uiteen waarop die departement van voorneme is om die aansoek te baseer.

(6) By die toepassing van hierdie Wet of van enige ander wetsbepalings, word 'n aanbeveling geag—

(*a*) gedoen te gewees het op die datum van die skriftelike mededeling waarin so 'n aanbeveling oorgedra word; en

(*b*) as dit op 'n bepaalde persoon betrekking het, deur 'n Minister of Administrateur uitgevoer te gewees het op die datum van die skriftelike mededeling aan daardie persoon waarin verklaar word dat die Minister of Administrateur die aanbeveling goedgekeur het.

(7) As die Goewerneur-generaal nie in staat of nie bereid is om 'n aanbeveling van die Kommissie wat ooreenkomstig die wet gedoen is, aan te neem nie, of dit verwerp of wysig, moet die Kommissie die aangeleentheid hetsy deur middel van 'n spesiale verslag of in sy jaarverslag, volledig aan die Parlement rapporteer.

Kommissie se bevoegdheid om departemente te inspekteer, om insae in amptelike dokumente te hê en om ondersoek in te stel.

8. (1) Die Kommissie het die bevoegdheid om alle departemente te inspekteer, om insae te hê in die amptelike dokumente en stukke en om al die inligting by hoofde van departemente en ander beamptes en werknemers te verkry wat na sy mening nodig is vir die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte ingevolge hierdie Wet of ingevolge enige ander wetsbepaling.

(2) Die Kommissie kan—

(*a*) 'n persoon wat na die mening van die Kommissie in staat is om inligting van wesenlike belang oor die onderwerp van 'n ondersoek deur hom ingestel of inspeksie deur hom uitgevoer, te verstrek, of wat, na hy vermoed of glo, 'n boek, dokument of ding in sy besit of bewaring of onder sy beheer het wat betrekking op die onderwerp van die ondersoek of inspeksie het, dagvaar om op 'n tyd en plek in die dagvaarding vermeld, voor hom te verskyn om ondervra te word of om daardie boek, dokument of ding voor te lê;

(*b*) 'n persoon wat by die ondersoek of inspeksie teenwoordig is en wat ingevolge paragraaf (*a*) gedagvaar is of gedagvaar kon gewees het, oproep en hom 'n eed oplê of van hom 'n bevestiging aanneem, en kan hom ondervra en hom aansê om 'n boek, dokument of ding in sy besit of bewaring of onder sy beheer wat, na die Kommissie vermoed of glo, betrekking op

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Commission suspects or believes to have a bearing upon the subject of the enquiry or inspection.

(3) If any person, having been duly summoned under paragraph (*a*) of sub-section (2), fails, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until excused by the Commission from further attendance, or if any person called in terms of paragraph (*b*) of that sub-section refuses to be sworn or to affirm as a witness, or fails without sufficient cause to answer fully and to the best of his knowledge all questions lawfully put to him, or to produce any book, document or thing in his possession or custody or under his control, he shall be guilty of an offence, and liable upon conviction to a fine not exceeding twenty-five pounds: Provided that in connection with the interrogation of any such person by, or the production of any such book, document or thing before, the Commission, the law relating to privilege, as applicable to a witness summoned to give evidence or to produce any book, document or thing before a court of law, shall apply.

(4) Any person who, after having been sworn or after having affirmed as a witness, gives a false answer to any question put to him by the Commission, or makes a false statement on any matter, knowing that answer or statement to be false, shall be guilty of an offence and liable on conviction to the punishment prescribed by law for the crime of perjury.

(5) Any person who hinders or prevents any person from attending in obedience to any summons issued under paragraph (*a*) of sub-section (2), or from giving any evidence or producing any book, document or thing which he may be required to give or produce, shall be guilty of an offence, and liable upon conviction to a fine not exceeding twenty-five pounds.

(6) Any person who holds any enquiry or makes any inspection by virtue of a delegation made under paragraph (*a*) of sub-section (2) of section *five*, or holds an enquiry by virtue of a designation or an appointment made under sub-section (4) of section *five*, sub-section (1) of section *fifteen*, sub-section (1) of section *sixteen*, sub-section (8) of section *eighteen* or sub-section (1) of section *nineteen*, shall for the purposes of the enquiry or inspection have all the powers conferred upon the Commission by this section, and for the purposes of the application of the provisions of this section to any such enquiry or inspection every reference therein to the Commission shall be construed as including a reference to a person so holding an enquiry or making an inspection.

Staff of the Commission and inspection of public offices.

9. (1) There shall be appointed subject to the provisions of this Act a secretary to the Commission and so many other officers and employees as may from time to time be necessary to enable the Commission effectually to exercise its powers, to perform its functions and to carry out its duties.

(2) The secretary referred to in sub-section (1) shall observe such directions and carry out such duties as may from time to time be given to or imposed upon him by the Commission.

(3) The Commission may designate any officer appointed in terms of sub-section (1) to carry out the inspection of departments and any officer so designated shall have the powers conferred upon the Commission by sub-section (1) of section *eight*.

(4) The secretary, inspectors of public offices and other officers and employees who were appointed to the office of the Commission prior to the commencement of this Act and were so employed immediately before such commencement shall as from such commencement be deemed to have been appointed and in the case of the inspectors of public offices to have been designated to inspect departments, under this Act.

CHAPTER III.

APPOINTMENTS, PROMOTIONS, TRANSFERS, RETIREMENTS AND DISCHARGES.

By whom appointments and promotions are made.

10. Notwithstanding the provisions of any law passed before the commencement of this Act and without derogation from the functions to be performed by the Commission under this Act, the appointment or promotion of any person in the public service shall be made by the Minister or Administrator: Provided that the Minister or Administrator may delegate his power of appointment or promotion to any officer or officers.

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die onderwerp van die ondersoek of inspeksie het, voor te lê.

(3) As 'n persoon wat behoorlik ingevolge paragraaf (*a*) van sub-artikel (2) gedagvaar is, sonder voldoende rede in gebreke bly om teenwoordig te wees op die tyd en plek wat in die dagvaarding vermeld is, of om teenwoordig te bly totdat die Kommissie hom daarvan vrygestel het om langer teenwoordig te wees, of as 'n persoon wat ingevolge paragraaf (*b*) van daardie sub-artikel opgeroep is, weier om as getuie beëdig te word of om te bevestig, of sonder voldoende rede in gebreke bly om volledig en na sy beste wete alle vrae wat wettig aan hom gestel word, te beantwoord, of om 'n boek, dokument of ding in sy besit of bewaring of onder sy beheer voor te lê, is hy skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf-en-twintig pond: Met dien verstande dat in verband met die ondervraging van so 'n persoon deur, of die voorlegging van so 'n boek, dokument of ding aan die Kommissie, die wetsbepalings met betrekking tot privilegie, soos van toepassing op 'n getuie wat gedagvaar is om voor 'n geregshof getuienis af te lê of om 'n boek, dokument of ding voor te lê, van toepassing is.

(4) 'n Persoon wat, nadat hy as getuie beëdig is of bevestig het, 'n valse antwoord gee op 'n vraag deur die Kommissie aan hom gestel, of 'n valse verklaring doen oor enige aangeleentheid wetende dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die by wet voorgeskrewe straf vir meineed.

(5) 'n Persoon wat 'n persoon verhinder om in gehoorsaamheid aan 'n dagvaarding uitgereik ingevolge paragraaf (*a*) van sub-artikel (2), teenwoordig te wees of om getuienis af te lê of om 'n boek, dokument of ding voor te lê wat hy aangesê word om af te lê of voor te lê, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf-en-twintig pond.

(6) 'n Persoon wat 'n ondersoek instel of 'n inspeksie uitvoer uit hoofde van 'n delegasie gemaak kragtens paragraaf (*a*) van sub-artikel (2) van artikel *vyf*, of 'n ondersoek instel uit hoofde van 'n aanwysing of 'n aanstelling gedoen kragtens sub-artikel (4) van artikel *vyf*, sub-artikel (1) van artikel *vyftien*, sub-artikel (1) van artikel *sestien*, sub-artikel (8) van artikel *agtien* of sub-artikel (1) van artikel *negentien*, het vir die doeleindes van die ondersoek of inspeksie al die bevoegdhede wat by hierdie artikel aan die Kommissie verleen is, en vir die doeleindes van die toepassing van die bepalings van hierdie artikel op so 'n ondersoek of inspeksie word elke verwysing daarin na die Kommissie uitgelê as ook 'n verwysing na 'n persoon wat aldus 'n ondersoek instel of 'n inspeksie aldus uitvoer.

Personeel van die Kommissie en inspeksie van openbare kantore.

9. (1) Daar word met inagneming van die bepalings van hierdie Wet, 'n sekretaris van die Kommissie en dié aantal ander beamptes en werknemers wat van tyd tot tyd nodig is om die Kommissie in staat te stel om op doeltreffende wyse sy bevoegdhede uit te oefen, sy werksaamhede te verrig en sy pligte uit te voer, aangestel.

(2) Die in sub-artikel (1) bedoelde sekretaris moet die opdragte nakom en die pligte uitvoer wat van tyd tot tyd deur die Kommissie aan hom gegee of opgelê word.

(3) Die Kommissie kan 'n kragtens sub-artikel (1) aangestelde beampte aanwys om die inspeksie van departemente uit te voer, en 'n beampte aldus aangewys het die bevoegdhede wat by sub-artikel (1) van artikel *agt* aan die Kommissie verleen is.

(4) Die sekretaris, inspekteurs van openbare kantore en ander beamptes en werknemers wat voor die inwerkingtreding van hierdie Wet in die kantoor van die Kommissie aangestel is en wat onmiddellik voor daardie inwerkingtreding aldus in diens was, word vanaf daardie inwerkingtreding geag kragtens hierdie Wet aangestel te gewees het en, in die geval van die inspekteurs van openbare kantore, aangewys te gewees het om departemente te inspekteer.

HOOFSTUK III.

AANSTELLINGS, BEVORDERINGS, OORPLASINGS, AFTREDINGS, AFDANKINGS EN ONTSLAG.

Deur wie aanstellings en bevorderings gedoen word.

10. Ondanks die bepalings van enige wet wat voor die inwerkingtreding van hierdie Wet ingevoer is en sonder om afbreuk te doen aan die werksaamhede wat deur die Kommissie ingevolge hierdie Wet verrig moet word, word die aanstelling of bevordering van 'n persoon in die staatsdiens deur die Minister of Administrateur gedoen: Met dien verstande dat die Minister of Administrateur sy bevoegdheid van aanstelling of bevordering aan enige beampte of beamptes kan delegeer.

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Conditions as to filling of posts.

11. (1) Subject to the provisions of this section and of section *twelve*, appointments, transfers and promotions in the public service shall be made in such manner and subject to such conditions (including the possession of knowledge of the official and other languages) as may be prescribed, or if not so prescribed, as may be directed by the Commission: Provided that no person shall be admitted to the clerical division unless he has passed in both official languages at the examination, prescribed or directed as aforesaid, which qualified him for appointment in the public service or unless he is transferred to a post in the clerical division in terms of the provisions of this Act, having displayed special aptitude and possessing qualifications which render him suitable for such a post.

(2) No person shall be appointed permanently, or be transferred and appointed permanently under the provisions of sub-section (5) of section *thirteen*, whether on probation or not, to any post in the administrative, clerical, professional, technical, general A or general B division unless such person is a South African citizen and is of good character and in the opinion of the Commission free from any mental or physical defect, disease or infirmity which would be likely to interfere with the proper carrying out of his duties or to render necessary his retirement from the public service before reaching the pensionable age.

(3) In the filling of any post or the making of any appointment in the public service, due regard shall be had to the qualifications, relative merit, efficiency and suitability of the persons who are eligible for promotion, transfer or appointment.

(4) For the filling of any post in the administrative, clerical, professional, technical or general A division the Commission shall, subject to the provisions of sub-section (3), recommend either—

(*a*) the transfer or promotion of an officer; or

(*b*) if the post cannot be satisfactorily filled by such transfer or promotion, the appointment of a person who is not an officer:

Provided that within one calendar month from the commencement of each ordinary session of Parliament the Minister of the Interior shall lay upon the Tables of both Houses of Parliament a return showing—

(*a*) the name of every person who has, since the commencement of the preceding ordinary session of Parliament, been appointed to a post in the administrative division, and who was, immediately prior to such appointment, not an officer;

(*b*) the post to which such person has been appointed;

(*c*) the salary scale attached to such post; and

(*d*) the special qualifications of such person for the post and the special reasons for his appointment.

Appointments, transfers and promotions on probation.

12. (1) Appointments, transfers and promotions in the administrative, clerical, professional, technical, general A and general B divisions shall be made on probation if—

(*a*) in the case of the administrative, clerical, professional, technical and general A divisions, the Commission so recommends; or

(*b*) in the case of the general B division, the person holding the power to approve appointments, transfers and promotions therein, so authorizes.

(2) The period of probation so recommended or authorized shall not be less than twelve calendar months: Provided that if an officer who is serving on probation is transferred or promoted to another post, a lesser period of service on probation may be recommended or authorized in the new post, which, together with the period of probation served in the former post, shall total at least twelve calendar months: Provided further that the probationary period of an officer shall be extended by the number of days leave taken by him during the period of probation or any extension thereof.

(3) If the head of the office, branch, sub-department or department certifies that during the period of probation or extended period of probation the officer concerned has been diligent and his conduct uniformly satisfactory and that he is in all respects suitable for the post which he holds, the Minister or Administrator, or any officer to whom the Minister or Administrator has delegated such power of appointment, transfer or promotion, may if the officer has complied with all the conditions to which his appointment, transfer or promotion was subject, confirm the appointment, transfer or promotion;

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Voorwaardes aangaande die vulling van poste.

11. (1) Behoudens die bepalings van hierdie artikel en van artikel *twaalf*, word aanstellings, oorplasings en bevorderings in die staatsdiens gedoen op die wyse en onder die voorwaardes (insluitende die besit van kennis van die amptelike en ander tale) wat voorgeskryf word, of indien nie aldus voorgeskryf nie, wat deur die Kommissie gelas word: Met dien verstande dat geen persoon in die klerklike afdeling opgeneem word nie, tensy hy geslaag het in albei amptelike tale in die eksamen wat voorgeskryf of gelas is soos voormeld, wat hom vir aanstelling in die staatsdiens gekwalifiseer het of tensy hy oorgeplaas word na 'n pos in die klerklike afdeling ingevolge die bepalings van hierdie Wet, nadat hy spesiale aanleg aan die dag gelê het en kwalifikasies besit wat hom vir so 'n pos geskik maak.

(2) Niemand mag vas aangestel word, of kragtens die bepalings van sub-artikel (5) van artikel *dertien* oorgeplaas en vas aangestel word, hetsy op proef al dan nie, in 'n pos in die administratiewe, klerklike, vakkundige, tegniese, algemene A- of algemene B-afdeling nie, tensy so iemand 'n Suid-Afrikaanse burger is en van goeie karakter en na die mening van die Kommissie vry van enige verstandelike of liggaamlike gebrek, siekte of swakheid is wat waarskynlik die behoorlike uitvoering van sy pligte sal belemmer of sy aftreding uit die staatsdiens voordat hy die pensioenleeftyd bereik, nodig sal maak.

(3) By die vulling van 'n pos of die doen van 'n aanstelling in die staatsdiens, moet daar behoorlik rekening gehou word met die kwalifikasies, betreklike verdienstelikheid, bekwaamheid en geskiktheid van die persone wat vir bevordering, oorplasing of aanstelling in aanmerking kom.

(4) Vir die vulling van 'n pos in die administratiewe, klerklike, vakkundige, tegniese of algemene A-afdeling, moet die Kommissie, behoudens die bepalings van sub-artikel (3), òf—

(*a*) die oorplasing of bevordering van 'n beampte aanbeveel; òf

(*b*) as die pos nie op bevredigende wyse deur so 'n oorplasing of bevordering gevul kan word nie, die aanstelling van 'n persoon wat nie 'n beampte is nie, aanbeveel:

Met dien verstande dat binne een kalendermaand na die aanvang van elke gewone sessie van die Parlement, die Minister van Binnelandse Sake in albei Huise van die Parlement 'n opgawe ter Tafel moet lê waarin opgegee word—

(*a*) die naam van elke persoon wat sedert die aanvang van die vorige gewone sessie van die Parlement in 'n pos in die administratiewe afdeling aangestel is en wat, onmiddellik voor sodanige aanstelling, nie 'n beampte was nie;

(*b*) die pos waarin daardie persoon aangestel is;

(*c*) die salarisskaal aan daardie pos verbonde; en

(*d*) die spesiale kwalifikasies van daardie persoon vir die pos en die spesiale redes vir sy aanstelling.

Aanstellings, oorplasings en bevorderings op proef.

12. (1) Aanstellings, oorplasings en bevorderings in die administratiewe, klerklike, vakkundige, tegniese, algemene A- en algemene B-afdelings geskied op proef as—

(*a*) in die geval van die administratiewe, klerklike, vakkundige, tegniese en algemene A-afdelings, die Kommissie aldus aanbeveel; of

(*b*) in die geval van die algemene B-afdeling, die persoon wat die bevoegdheid het om aanstellings, oorplasings en bevorderings daarin goed te keur, magtiging daartoe verleen.

(2) Die proeftyd aldus aanbeveel of waartoe magtiging aldus verleen word is minstens twaalf kalendermaande: Met dien verstande dat as 'n beampte wat diens op proef doen, oorgeplaas of bevorder word na 'n ander pos, 'n korter dienstyd op proef in die nuwe pos aanbeveel kan word of magtiging daartoe verleen kan word, wat, saam met die proeftyd in diens in die vorige pos minstens twaalf kalendermaande is: Met dien verstande voorts dat die proeftyd van 'n beampte verleng word met die getal dae verlof wat hy gedurende die proeftyd of enige verlenging daarvan geneem het.

(3) As die hoof van die kantoor, tak, sub-departement of departement sertifiseer dat gedurende die proeftyd of verlengde proeftyd, die betrokke beampte ywerig en sy gedrag deurgaans bevredigend was en dat hy in alle opsigte geskik is vir die pos wat hy beklee, kan die Minister of Administrateur, of 'n beampte aan wie die Minister of Administrateur die bevoegdheid om aanstellings, oorplasings of bevorderings te doen, gedelegeer het, as die beampte voldoen het aan al die voorwaardes waaraan sy aanstelling, oorplasing of bevordering onderworpe was, die aanstelling, oorplasing of bevordering bekragtig; maar

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but if the probationary appointment, transfer or promotion is not so confirmed—

(a) the head of department shall in the case of an officer serving in the administrative, clerical, professional, technical or general A division report the reasons for the non-confirmation to the Commission which, subject to the provisions of sub-section (5), may make such recommendation in the matter as it may deem fit;

(b) the Minister or Administrator or any officer to whom the Minister or Administrator has delegated such power of appointment, transfer or promotion, may extend the period of probation or act as is provided in sub-section (4), if the officer is serving in the general B division.

(4) Anything to the contrary notwithstanding in sub-section (2) or in Chapter IV contained, but subject to the provisions of sub-section (5), an officer who is serving on probation may be discharged from the public service by the Minister or Administrator or an officer to whom the Minister or Administrator has delegated such power of discharge, either during or at or after the expiry of the period of probation—

(a) by the giving of one month's notice; or

(b) forthwith, if his conduct is unsatisfactory:

Provided that before an officer serving in the administrative, clerical, professional, technical or general A division is so discharged, the Commission shall first have made a recommendation.

(5) Notwithstanding anything contained in sections *thirteen* and *twenty-two* a person who immediately prior to his transfer or promotion on probation was an officer, not being a probationary officer, shall revert to the post formerly held by him, or to a post of equivalent grading, and to the salary he would have attained in his former post, if his probationary transfer or promotion be not confirmed: Provided that in the case of an officer serving in the administrative, clerical, professional, technical or general A division, the Commission shall first make a recommendation.

Transfer and secondment of officers and employees.

13. (1) Subject to the provisions of this Act, every officer and employee shall, whenever the public interest so requires, be liable to be transferred from the post or appointment held by him to any other post or appointment in the same or any other department, whether or not such post or appointment is in another division, or is of a lower grade, and whether such post or appointment is within or outside the Union: Provided that—

(a) upon transfer an officer shall not suffer any reduction in his scale of salary without his consent except in accordance with the provisions of Chapter IV;

(b) an officer who has been transferred to or is employed in a post of lower or higher grade than his own grade without a change in his scale of salary shall be recommended by the Commission for transfer to a post to which his scale of salary is appropriate as soon as a suitable vacancy occurs;

(c) an officer who has been transferred to or is employed in a post which is graded higher than his own grade or which is regraded or converted to a post of a grade higher than his own grade, shall not by reason only of such transfer or employment be entitled to the higher scale of salary applicable to the post.

(2) The transfer of an officer or employee from one post or appointment to another post or appointment may, subject to the provisions of sub-section (3), be made on the authority of the Minister or Administrator or an officer to whom such power to transfer has been delegated by the Minister or Administrator: Provided that such transfer from one department to another department shall not be made except on the authority of the Minister or Administrator (or an officer to whom the Minister or Administrator has delegated such power to transfer) responsible for each of the two departments concerned: Provided further that the provisions of this sub-section shall not preclude the Commission from recommending the transfer of any officer from any post in the administrative, clerical, professional, technical or general A division to any other post in one of the said divisions.

(3) An officer shall not be transferred from one post to another post which is of a higher or lower grade than his own grade or bears a different designation, unless the Commission has recommended the transfer; but this sub-section shall not

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as die aanstelling, oorplasing of bevordering op proef nie aldus bekragtig word nie—

(a) moet die departementshoof in die geval van 'n beampte in diens in die administratiewe, klerklike, vakkundige, tegniese of algemene A-afdeling die redes vir die niebekragtiging rapporteer aan die Kommissie wat, behoudens die bepalings van sub-artikel (5), dié aanbeveling oor die aangeleentheid kan doen wat hy goed dink;

(b) kan die Minister of Administrateur of 'n beampte aan wie die Minister of Administrateur die bevoegdheid om aanstellings, oorplasings of bevorderings te doen, gedelegeer het die proeftyd verleng of optree soos in sub-artikel (4) bepaal word, as die beampte in die algemene B-afdeling in diens is.

(4) Ondanks andersluidende bepalings in sub-artikel (2) of in Hoofstuk IV vervat, maar behoudens die bepalings van sub-artikel (5), kan 'n beampte wat op proef in diens is, deur die Minister of Administrateur of 'n beampte aan wie die Minister of Administrateur die bevoegdheid van ontslag gedelegeer het, uit die staatsdiens ontslaan word, hetsy gedurende of by of na die verstryking van die proeftyd—

(a) deur een maand kennis te gee; of

(b) onverwyld as sy gedrag onbevredigend is:

Met dien verstande dat voordat 'n beampte wat in die administratiewe, klerklike, vakkundige, tegniese of algemene A-afdeling in diens is, aldus ontslaan word, die Kommissie eers 'n aanbeveling gedoen het.

(5) Ondanks andersluidende bepalings in artikels *dertien* en *twee-en-twintig* vervat, keer 'n persoon wat onmiddellik voor sy oorplasing of bevordering op proef 'n beampte was, maar wat nie 'n beampte op proef was nie, terug na die pos wat hy tevore beklee het, of na 'n pos van gelyke gradering, en na die salaris wat hy in sy vorige pos sou bereik het, as sy oorplasing of bevordering op proef nie bekragtig word nie: Met dien verstande dat in die geval van 'n beampte in diens in die administratiewe, klerklike, vakkundige, tegniese of algemene A-afdeling, die Kommissie eers 'n aanbeveling moet doen.

Oorplasing en afstaan van beamptes en werknemers.

13. (1) Behoudens die bepalings van hierdie Wet, kan elke beampte en werknemer, wanneer die openbare belang dit vereis oorgeplaas word uit die pos of betrekking wat hy beklee, na enige ander pos of betrekking in dieselfde of enige ander departement, hetsy so 'n pos of betrekking in 'n ander afdeling of van 'n laer graad is al dan nie, en hetsy so 'n pos of betrekking binne of buite die Unie is: Met dien verstande dat—

(a) by oorplasing 'n beampte se salarisskaal nie sonder sy toestemming verlaag mag word nie, behalwe in ooreenstemming met die bepalings van Hoofstuk IV;

(b) 'n beampte wat oorgeplaas is na of in diens is in 'n pos van 'n laer of hoër graad as sy eie graad sonder 'n verandering in sy salarisskaal, deur die Kommissie aanbeveel moet word vir oorplasing na 'n pos waarby sy salarisskaal pas sodra 'n geskikte vakature ontstaan;

(c) 'n beampte wat oorgeplaas is na of in diens is in 'n pos wat hoër as sy eie graad gegradeer is, of wat hergradeer is na, of omgeskep is in, 'n pos van 'n hoër graad as sy eie graad, nie uit hoofde alleen van bedoelde oorplasing of diens op die hoër salarisskaal wat op die pos van toepassing is, geregtig is nie.

(2) Die oorplasing van 'n beampte of werknemer uit een pos of betrekking na 'n ander pos of betrekking kan, behoudens die bepalings van sub-artikel (3), op gesag van die Minister of Administrateur of 'n beampte aan wie die bevoegdheid om oor te plaas deur die Minister of Administrateur gedelegeer is, gedoen word: Met dien verstande dat so 'n oorplasing van een departement na 'n ander departement nie mag geskied nie behalwe op gesag van die Minister of Administrateur (of 'n beampte aan wie die Minister of Administrateur bedoelde bevoegdheid om oor te plaas gedelegeer het) wat verantwoordelik is vir elk van die twee betrokke departemente: Met dien verstande voorts dat die bepalings van hierdie sub-artikel nie die Kommissie belet om die oorplasing van 'n beampte uit 'n pos in die administratiewe, klerklike, vakkundige, tegniese of algemene A-afdeling na 'n ander pos in een van genoemde afdelings aan te beveel nie.

(3) 'n Beampte mag nie uit een pos oorgeplaas word na 'n ander pos wat van 'n hoër of laer graad as sy eie graad is of 'n ander benaming het nie, tensy die Kommissie die oorplasing aanbeveel het; maar hierdie sub-artikel is nie van toepassing

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apply if each of the two posts in question is a post in the services or a post in the general B division.

(4) A member of any of the three branches of the services shall not, without his consent, be transferred to a post in any other of the said branches of the services or to a post in the administrative, clerical, professional, technical, general A or general B division; and an officer holding a post in any such division shall not, without his consent, be transferred to a post in any branch of the services.

(5) A person holding a pensionable appointment under the railway administration or under the Government other than in the public service, may, on the recommendation of the Commission, be transferred and appointed to a post in the administrative, clerical, professional, technical, general A or general B division.

(6) An officer may, with his own consent, and on the recommendation of the Commission and upon such conditions (in addition to those prescribed by or under any law) as may be recommended by it in consultation with the Treasury, be seconded either for a particular service or for a period of time, to the service of any other government, or of any board, institution or body established by or under any law, or of any other body or person; and such officer while so seconded shall remain subject to the laws governing officers in the public service.

Retirement and discharge of officers.

14. (1) Subject to the provisions of sub-sections (4) and (5) an officer (other than a member of the services) appointed on or after the twenty-fourth day of June, 1955, shall have the right to retire from the public service on attaining the age of sixty-five years and shall be so retired on reaching the said age.

(2) Subject to the provisions of sub-sections (3), (4) and (5), an officer (other than a member of the services) who was appointed with effect from a date prior to the twenty-fourth day of June, 1955, shall have the right to retire from the public service and shall be so retired—

(*a*) on attaining the age of sixty-one years if he was born before the first day of January, 1900;

(*b*) on attaining the age of sixty-three years if he was born on or after the first day of January, 1900, but before the first day of January, 1903;

(*c*) on attaining the age of sixty-five years if he was born on or after the first day of January, 1903.

(3) An officer (other than a member of the services) who was appointed with effect from a date prior to the twenty-fourth day of June, 1955, shall have the right at any time before or after attaining in the case of a male officer the age of sixty years or in the case of a female officer the age of fifty-five years, to give written notification to his head of department of his wish to be retired from the public service, and if he gives such notification he shall—

(*a*) if such notification is given at least three calendar months prior to the date on which he attains the said age, be so retired on attaining that age; or

(*b*) if such notification is not given at least three calendar months prior to the date on which he attains the said age, be so retired on the first day of the fourth month following the month in which such notification is received.

(4) If it is in the public interest to retain an officer, not being a member of the services, in his post beyond the age at which in accordance with sub-section (1) or (2) he shall be retired, he may be so retained from time to time, on the recommendation of the Commission and subject to the approval of the Minister or Administrator, for further periods which shall not, except with the approval, by resolution, of both Houses of Parliament, exceed in the aggregate two years: Provided that in the case of an officer whose pensionable age is sixty-one years, the further period which shall not be exceeded shall be four years.

(5) An officer (other than a member of the services or an officer referred to in sub-section (9)) who has reached the age of sixty years may, subject in every case to the recommendation of the Commission and the approval of the Minister or Administrator, be retired from the public service: Provided that in the case of an officer to whom sub-section (2) refers, the age at or after which he may be so retired shall in the case of a male officer be fifty-five years and in the case of a female officer be fifty years.

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nie as elkeen van die twee betrokke poste 'n pos in die dienste of 'n pos in die algemene B-afdeling is.

(4) 'n Lid van enigeen van die drie takke van die dienste mag nie sonder sy toestemming na 'n pos in 'n ander van bedoelde takke van die dienste of na 'n pos in die administratiewe, klerklike, vakkundige, tegniese, algemene A- of algemene B-afdeling oorgeplaas word nie; en 'n beampte wat 'n pos in so 'n afdeling beklee, mag nie sonder sy toestemming na 'n pos in 'n tak van die dienste oorgeplaas word nie.

(5) 'n Persoon wat 'n pensioengewende betrekking in die spoorwegadministrasie of onder die Regering, behalwe in die staatsdiens, beklee, kan op aanbeveling van die Kommissie oorgeplaas word na en aangestel word in 'n pos in die administratiewe, klerklike, vakkundige, tegniese, algemene A- of algemene B-afdeling.

(6) 'n Beampte kan met sy eie toestemming en op aanbeveling van die Kommissie en op die voorwaardes (benewens die wat by of kragtens een of ander wetsbepaling voorgeskryf word) wat die Kommissie in oorleg met die Tesourie aanbeveel, hetsy vir 'n besondere diens of vir 'n tydperk, aan die diens van 'n ander regering, of van 'n raad, inrigting of liggaam wat by of kragtens een of ander wetsbepaling ingestel is, of van 'n ander liggaam of persoon afgestaan word; en so 'n beampte bly, terwyl hy aldus afgestaan is, onderworpe aan die wette wat op beamptes in die staatsdiens van toepassing is.

Aftreding, afdanking en ontslag van beamptes.

14. (1) Behoudens die bepalings van sub-artikels (4) en (5) het 'n beampte (behalwe 'n lid van die dienste) wat op of na die vier-en-twintigste dag van Junie 1955 aangestel is, die reg om uit die staatsdiens af te tree wanneer hy die leeftyd van vyf-en-sestig jaar bereik en word hy aldus afgedank wanneer hy genoemde leeftyd bereik.

(2) Behoudens die bepalings van sub-artikels (3), (4) en (5), het 'n beampte (behalwe 'n lid van die dienste) wat met ingang van 'n datum voor die vier-en-twintigste dag van Junie 1955 aangestel is, die reg om uit die staatsdiens af te tree en word hy aldus afgedank—

(*a*) by bereiking van die leeftyd van een-en-sestig jaar as hy voor die eerste dag van Januarie 1900 gebore is;

(*b*) by bereiking van die leeftyd van drie-en-sestig jaar as hy op of na die eerste dag van Januarie 1900 maar voor die eerste dag van Januarie 1903 gebore is;

(*c*) by bereiking van die leeftyd van vyf-en-sestig jaar as hy op of na die eerste dag van Januarie 1903 gebore is.

(3) 'n Beampte (behalwe 'n lid van die dienste) wat met ingang van 'n datum voor die vier-en-twintigste dag van Junie 1955 aangestel is, het die reg om te eniger tyd voor of nadat hy in die geval van 'n manlike beampte, die leeftyd van sestig jaar of in die geval van 'n vroulike beampte, die leeftyd van vyf-en-vyftig jaar bereik, aan sy departementshoof kennis te gee van sy begeerte om uit die staatsdiens afgedank te word, en indien hy aldus kennis gee, word hy—

(*a*) indien bedoelde kennisgewing minstens drie kalendermaande voor die datum waarop hy bedoelde leeftyd bereik, gegee word, aldus afgedank wanneer hy daardie leeftyd bereik; of

(*b*) indien bedoelde kennisgewing nie minstens drie kalendermaande voor die datum waarop hy bedoelde leeftyd bereik, gegee word nie, aldus afgedank op die eerste dag van die vierde maand na die maand waarin bedoelde kennisgewing ontvang word.

(4) As dit in die openbare belang is om 'n beampte wat nie 'n lid van die dienste is nie, in sy pos in diens te hou na die leeftyd waarop hy ooreenkomstig sub-artikel (1) of (2) afgedank moet word, kan hy aldus van tyd tot tyd op aanbeveling van die Kommissie en met die goedkeuring van die Minister of Administrateur in diens gehou word vir verdere tydperke wat, behalwe met die goedkeuring, by besluit, van albei Huise van die Parlement, altesaam nie twee jaar te bowe mag gaan nie: Met dien verstande dat in die geval van 'n beampte wie se pensioenleeftyd een-en-sestig jaar is, die verdere tydperk wat nie te bowe gegaan mag word nie, vier jaar is.

(5) 'n Beampte (behalwe 'n lid van die dienste of 'n in sub-artikel (9) bedoelde beampte) wat die leeftyd van sestig jaar bereik het, kan, onderworpe in elke geval aan die aanbeveling van die Kommissie en die goedkeuring van die Minister of Administrateur, uit die staatsdiens afgedank word: Met dien verstande dat in die geval van 'n in sub-artikel (2) bedoelde beampte, die leeftyd waarop of waarna hy aldus afgedank kan word, in die geval van 'n manlike beampte vyf-en-vyftig jaar en in die geval van 'n vroulike beampte vyftig jaar is.

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(6) Every officer (other than a member of the services) is liable to be discharged from the public service—

(*a*) on account of continued ill-health;

(*b*) owing to abolition of his post or any reduction in or reorganization or readjustment of departments or offices;

(*c*) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the department or office in which he is employed;

(*d*) on account of unfitness for his duties, or incapacity to carry them out efficiently;

(*e*) on account of misconduct;

(*f*) if, in the case of an officer appointed on probation, his appointment is not confirmed.

(7) A female officer (other than a member of the services) who marries shall be deemed to have retired voluntarily from the public service in contemplation of marriage with effect from the date of her marriage, or if she has discharged her duties on that day, with effect from the day following the date of her marriage, unless the Commission recommends and the Minister or Administrator approves that she be retained in the public service.

(8) An officer (other than a member of the services) who absents himself from his official duties without permission of his head of department, office or institution for a period exceeding one calendar month, shall be deemed to have been discharged from the public service on account of misconduct with effect from the date immediately succeeding his last day of attendance at his place of duty: Provided that if such officer assumes other employment he shall be deemed to have been discharged as aforesaid notwithstanding that the said period has not expired: Provided further that if such officer reports for duty at any time after the expiry of the said period the Commission may, notwithstanding anything to the contrary contained in this Act or any other law, recommend that, subject to the Minister's or Administrator's approval, he be reinstated in the public service in his former or any other post or appointment, on such conditions as the Commission may recommend, and in that event the period of his absence from official duty shall be deemed to have been absence on vacation leave without pay or leave on such other conditions as the Commission may recommend.

(9) The services of an officer—

(*a*) appointed after the commencement of this Act to a post classified in the general B division, or

(*b*) appointed on or after the first day of August, 1923, to a post which was included in the general division in terms of sub-section (5) of section *one* of the Public Service Act, 1923 (Act No. 27 of 1923),

may, while he is the holder of a post in the general B division and notwithstanding the absence of any cause of discharge under sub-section (6) be terminated upon the recommendation of the Commission by the giving of notice in writing. Such notice shall, in the case of an officer with less than ten years' continuous service, be one month, and in the case of an officer with ten years' or more continuous service, be three months.

(10) Save as is provided in sub-section (11), the power of discharge of an officer or employee is vested in the Minister or Administrator who may delegate such power to an officer: Provided that in the case of an officer holding a post in the administrative, clerical, professional, technical or general A division, the Commission shall first make a recommendation for his discharge.

(11) Notwithstanding anything to the contrary contained in this section, an officer holding a post of attorney-general of a province or of the territory at the commencement of this Act shall not while he holds that post be discharged from the public service except by the Governor-General on the recommendation of the Commission for cause assigned, which shall be communicated by message to both Houses of Parliament within fourteen days after discharge, if Parliament is then in session, or if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.

CHAPTER IV.

INEFFICIENCY AND MISCONDUCT.

Inefficient officers.

15. (1) If a head of department reports to the Minister or Administrator that any officer (other than an officer who is the holder of a post in the general B division, and other than a mem-

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(6) Elke beampte (behalwe 'n lid van die dienste) kan uit die staatsdiens ontslaan word—

(*a*) weens voortdurende swak gesondheid;

(*b*) weens die afskaffing van sy pos of vermindering of reorganisasie of herreëling van departemente of kantore;

(*c*) as, om ander redes as sy eie ongeskiktheid of onvermoë, sy ontslag doeltreffendheid of besuiniging in die departement of kantoor waarin hy in diens is, sal bevorder;

(*d*) weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer;

(*e*) weens wangedrag;

(*f*) as, in die geval van 'n beampte wat op proef aangestel is, sy aanstelling nie bekragtig word nie.

(7) 'n Vroulike beampte (behalwe 'n lid van die dienste) wat in die huwelik tree, word geag vrywillig uit die staatsdiens met die oog op die huwelik met ingang van die datum van haar huwelik te getree het, of as sy haar pligte op daardie dag vervul het, met ingang van die dag wat op die datum van haar huwelik volg, tensy die Kommissie aanbeveel en die Minister of Administrateur goedkeur dat sy in die staatsdiens in diens gehou word.

(8) 'n Beampte (behalwe 'n lid van die dienste) wat sonder verlof van sy departementshoof, of hoof van sy kantoor of inrigting, vir 'n tydperk van meer as een kalendermaand van sy ampspligte wegbly, word geag uit die staatsdiens weens wangedrag ontslaan te gewees het met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy op sy plek van diens teenwoordig was: Met dien verstande dat as so 'n beampte ander werk aanvaar, hy geag word ontslaan te gewees het soos voormeld, nieteenstaande dat bedoelde tydperk nog nie verstryk het nie: Met dien verstande voorts dat as so 'n beampte hom te eniger tyd na die verstryking van bedoelde tydperk vir diens aanmeld, die Kommissie, ondanks andersluidende wetsbepalings, kan aanbeveel dat, onderworpe aan die goedkeuring van die Minister of Administrateur, hy in die staatsdiens in sy vorige of enige ander pos of betrekking herstel word op die voorwaardes wat die Kommissie aanbeveel, en in so 'n geval word die tydperk van sy afwesigheid van sy ampspligte, geag afwesigheid met vakansieverlof sonder besoldiging of verlof op die ander voorwaardes wat die Kommissie aanbeveel, te wees.

(9) Die dienste van 'n beampte—

(*a*) wat na die inwerkingtreding van hierdie Wet aangestel is in 'n pos wat by die algemene B-afdeling ingedeel is, of

(*b*) wat op of na die eerste dag van Augustus 1923 aangestel is in 'n pos wat in die algemene afdeling ingevolge sub-artikel (5) van artikel *een* van die „Staatsdienst Wet, 1923" (Wet No. 27 van 1923) ingesluit was,

kan, terwyl hy die bekleër is van 'n pos in die algemene B-afdeling en ondanks die afwesigheid van enige rede vir ontslag ingevolge sub-artikel (6), op aanbeveling van die Kommissie beëindig word deur skriftelike kennisgewing. Sodanige kennisgewing moet, in die geval van 'n beampte met minder as tien jaar ononderbroke diens, een maand, en in die geval van 'n beampte met tien jaar of langer ononderbroke diens, drie maande wees.

(10) Behalwe in die in sub-artikel (11) bedoelde geval, berus die bevoegdheid van ontslag van 'n beampte of werknemer by die Minister of Administrateur wat hierdie bevoegdheid aan 'n beampte kan delegeer: Met dien verstande dat in die geval van 'n beampte wat 'n pos in die administratiewe, klerklike, vakkundige, tegniese of algemene A-afdeling beklee, die Kommissie eers sy ontslag moet aanbeveel.

(11) Ondanks andersluidende bepalings in hierdie artikel vervat, mag 'n beampte wat 'n pos van prokureur-generaal van 'n provinsie of van die gebied by die inwerkingtreding van hierdie Wet beklee, nie uit die staatsdiens ontslaan word terwyl hy daardie pos beklee nie, behalwe deur die Goewerneur-generaal op aanbeveling van die Kommissie om 'n genoemde rede, wat per boodskap aan albei Huise van die Parlement binne veertien dae na ontslag, as die Parlement dan sit, of as die Parlement nie dan sit nie, binne veertien dae na die begin van sy eersvolgende sessie, meegedeel moet word.

HOOFSTUK IV.

ONBEKWAAMHEID EN WANGEDRAG.

15. (1) As 'n departementshoof aan die Minister of Administrateur verslag doen dat 'n beampte (behalwe 'n beampte wat 'n pos in die algemene B-afdeling beklee, en behalwe 'n lid **Onbekwame beamptes.**

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ber of the services) in his department is, in his opinion, unfitted for his duties or incapable of carrying them out efficiently the Minister or Administrator shall appoint an officer to enquire into the subject matter of that report; and if any such report is made to a head of department by an officer designated to inspect departments in terms of sub-section (3) of section *nine*, the said head of department shall within one calendar month of the date on which he received it, transmit it to the Minister or Administrator who shall appoint an officer to enquire into the subject matter of that report.

(2) The officer who is to hold the enquiry shall, in consultation with the head of department, fix the time and place of the enquiry, and the head of department shall give the officer concerned reasonable notice in writing of the time and place so fixed and shall furnish him with a written statement of the grounds on which it is alleged that he is unfitted for his duties or incapable of carrying them out efficiently.

(3) The head of department may authorize any person to attend the enquiry and to adduce evidence and arguments in support of the allegations mentioned in sub-section (2) and to cross-examine any person who has given evidence to rebut those allegations.

(4) (*a*) At the enquiry the officer concerned shall have the right to be present and to be heard either personally or through a representative, to cross-examine any person called as a witness in support of the allegations referred to in sub-section (2), to inspect any documents produced in evidence, to give evidence himself and to call any other person as a witness.

(*b*) The officer holding the enquiry shall keep a record of the proceedings at the enquiry and of all evidence given thereat.

(*c*) The failure of the officer concerned to attend the enquiry, either personally or by a representative, shall not invalidate the proceedings.

(5) At the conclusion of the enquiry the officer holding it shall find whether or not the officer concerned is unfitted for his duties or incapable of carrying them out efficiently, shall inform the officer concerned of his finding and shall report the result of the enquiry to the Minister or Administrator.

(6) If the officer who held the enquiry has found that the officer concerned is unfitted for his duties or incapable of carrying them out efficiently, the officer concerned may, within fourteen days as from the date upon which he was informed of the finding, appeal therefrom to the Commission by giving to the officer who held the enquiry a written notice of appeal wherein he shall set forth fully the grounds upon which the appeal is based.

(7) If the officer who held the enquiry has found that the officer concerned is unfitted for his duties or incapable of carrying them out efficiently, he shall forward to the Commission the record of the proceedings at the enquiry and any documentary evidence admitted thereat, a written statement of his finding and his reasons therefor and any observations on the case which he may desire to make. If notice of appeal has been given in accordance with the provisions of sub-section (6), he shall forward with the record the notice and grounds of appeal, and shall furnish the officer concerned with a copy of the reasons for his finding.

(8) If the officer concerned applies to the Commission for a copy of the record of the proceedings at the enquiry within seven days as from the date upon which he received a copy of the reasons for the finding, the Commission shall furnish him with such a copy.

(9) The officer concerned may within 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 twenty-one days as from the date upon which he received the copy of the reasons for the finding submit to the Commission written representations, in quadruplicate, in support of his appeal.

(10) The Commission shall forward to the head of department a copy of the record and documents referred to in sub-section (7) and a copy of the representations referred to in sub-section (9).

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van die dienste) in sy departement, na sy mening, ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, stel die Minister of Administrateur 'n beampte aan om ondersoek na die inhoud van daardie verslag in te stel; en as so 'n verslag aan 'n departementshoof gedoen word deur 'n beampte wat ingevolge sub-artikel (3) van artikel *nege* aangewys is om departemente te inspekteer, stuur die departementshoof binne een kalendermaand na die datum waarop hy dit ontvang het, dit deur na die Minister of Administrateur wat 'n beampte aanstel om ondersoek na die inhoud van daardie verslag in te stel.

(2) Die beampte wat die ondersoek moet instel, stel in oorleg met die departementshoof, die tyd en die plek van die ondersoek vas en die departementshoof gee aan die betrokke beampte redelike skriftelike kennisgewing van die tyd en plek aldus vasgestel en verstrek aan hom 'n skriftelike uiteensetting van die redes op grond waarvan beweer word dat hy ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie.

(3) Die departementshoof kan enige persoon magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die in sub-artikel (2) bedoelde bewerings aan te voer en om enige persoon wat getuienis afgelê het om daardie bewerings te weerlê, onder kruisverhoor te neem.

(4) (*a*) By die ondersoek het die betrokke beampte die reg om teenwoordig te wees en aangehoor te word hetsy persoonlik of deur 'n verteenwoordiger, om enige persoon wat as getuie ter stawing van die in sub-artikel (2) bedoelde bewerings opgeroep is, onder kruisverhoor te neem, om alle dokumente wat as getuienis voorgelê is, in te sien, om self getuienis af te lê en om enige ander persoon as getuie op te roep.

(*b*) Die beampte wat die ondersoek instel, moet notule hou van die verrigtings by die ondersoek en van alle getuienis wat aldaar afgelê word.

(*c*) Die versuim van die betrokke beampte om by die ondersoek teenwoordig te wees hetsy persoonlik of deur 'n verteenwoordiger, maak die verrigtings nie ongeldig nie.

(5) Na afloop van die ondersoek moet die beampte wat dit instel, bevind of die betrokke beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, die betrokke beampte van sy bevinding verwittig en van die uitslag van die ondersoek aan die Minister of Administrateur verslag doen.

(6) As die beampte wat die ondersoek ingestel het bevind het dat die betrokke beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, kan die betrokke beampte binne veertien dae na die datum waarop hy van die bevinding verwittig is, by die Kommissie daarteen appèlleer deur aan die beampte wat die ondersoek ingestel het, skriftelik kennis van appèl te gee, waarin hy volledig die gronde waarop die appèl gebaseer word, moet uiteensit.

(7) As die beampte wat die ondersoek ingestel het, bevind het dat die betrokke beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, moet hy die notule van die verrigtings by die ondersoek en alle dokumentêre getuienis wat aldaar toegelaat is, 'n skriftelike uiteensetting van sy bevinding en sy redes daarvoor en enige opmerkings oor die saak wat hy wens te maak, aan die Kommissie stuur. As kennis van appèl ooreenkomstig die bepalings van sub-artikel (6) gegee is, moet hy saam met die notule die kennisgewing en gronde van appèl aanstuur, en moet hy aan die betrokke beampte 'n afskrif van die redes vir sy bevinding verstrek.

(8) As die betrokke beampte binne sewe dae na die datum waarop hy 'n afskrif van die redes vir die bevinding ontvang het, by die Kommissie om 'n afskrif van die notule van die verrigtings by die ondersoek aansoek doen, verstrek die Kommissie so 'n afskrif aan hom.

(9) Die betrokke beampte kan binne veertien dae na die datum waarop hy die afskrif van die notule van die verrigtings ontvang het, of as hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne een-en-twintig dae na die datum waarop hy die afskrif van die redes vir die bevinding ontvang het, aan die Kommissie skriftelike vertoë, in viervoud, ter stawing van sy appèl voorlê.

(10) Die Kommissie stuur 'n afskrif van die in sub-artikel (7) bedoelde notule en dokumente en 'n afskrif van die in sub-artikel (9) bedoelde vertoë aan die departementshoof.

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(11) The head of department may, within fourteen days after the date upon which he received the copies referred to in sub-section (10), submit to the Commission, in quadruplicate, any representations which he desires to make in support of the finding against which the appeal is brought; and the Commission shall furnish a copy of such representations to the officer concerned.

(12) (*a*) The officer concerned may within fourteen days after the date upon which he received a copy of the representations referred to in sub-section (11), submit to the Commission, in quadruplicate, any reply in writing he may wish to make to such representations.

(*b*) The Commission shall furnish the head of department with a copy of such reply.

(*c*) The head of department shall have no right to submit further representations in answer to such reply, except with leave of the Commission.

(13) After consideration of the aforesaid record and documents, the Commission may allow the appeal wholly or in part and set aside or alter the finding, or dismiss the appeal and confirm the finding wholly or in part, or the Commission may, before arriving at a final decision on the appeal, remit any question in connection with the enquiry to the officer who held it, and direct him to report thereon or to hold a further enquiry and arrive at a finding thereon.

(14) If the Commission directs the holding of a further enquiry, the provisions of sub-sections (3) and (4) shall apply.

(15) When the Commission has arrived at a final decision on an appeal, it shall convey that decision in writing to the appellant and to the Minister or Administrator.

(16) If the officer who held the enquiry has found that the officer is unfitted for his duties or incapable of carrying them out efficiently and the officer has not appealed against the finding as hereinbefore provided, or if he has so appealed and his appeal has been dismissed, the Commission shall forward the record and all other documents relating to the enquiry to the Minister or Administrator and recommend—

(*a*) that no further action be taken in the matter; or

(*b*) that the officer concerned be transferred to another post or be employed additional to the fixed establishment; or

(*c*) that his salary or grade or both his salary and grade be reduced to an extent recommended; or

(*d*) that he be discharged from the public service from a date to be specified by the Minister or Administrator.

If the Commission makes a recommendation in terms of paragraph (*b*), it may also make a recommendation in terms of paragraph (*c*).

(17) The Minister or Administrator may adopt the course recommended by the Commission or, subject to the provisions of sub-section (1) of section *seven*, any other course which the Commission could lawfully have recommended under sub-section (16).

Inefficient heads of departments.

16. (1) If in the opinion of a Minister or an Administrator there are reasonable grounds for believing that a head of department is unfitted for his duties or incapable of carrying them out efficiently, the Minister or Administrator shall report to the Governor-General accordingly; and the Governor-General may appoint a person or persons to enquire into the subject matter of that report.

(2) The provisions of sub-sections (2) to (17), both inclusive, of section *fifteen* shall, *mutatis mutandis*, apply to any enquiry under sub-section (1) of this section; and for the purposes of such application the reference in sub-section (17) to the Minister or Administrator shall be construed as a reference to the Governor-General, every reference in the said sub-sections to a head of department shall be construed as a reference to the Minister or Administrator, and every reference to the officer holding the enquiry shall be construed as including a reference to the person or persons appointed under sub-section (1) of this section.

Definition of misconduct.

17. Any officer (other than a member of the services) shall be guilty of misconduct and may be dealt with in accordance with the provisions of section *eighteen*, if he—

(*a*) contravenes any provision of this Act or fails to comply with any provision thereof with which it is his duty to comply; or

(*b*) does, or causes or permits to be done, or connives at, any act which is prejudicial to the administration,

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(11) Die departementshoof kan binne veertien dae na die datum waarop hy die in sub-artikel (10) bedoelde afskrifte ontvang het, vertoë wat hy wens voor te lê ter stawing van die bevindings waarteen die appèl aangeteken is, in viervoud tot die Kommissie rig; en die Kommissie moet 'n afskrif van bedoelde vertoë aan die betrokke beampte verstrek.

(12) (*a*) Die betrokke beampte kan binne veertien dae na die datum waarop hy 'n afskrif van die in sub-artikel (11) bedoelde vertoë ontvang het, enige skriftelike repliek wat hy op bedoelde vertoë wil lewer, in viervoud aan die Kommissie voorlê.

(*b*) Die Kommissie verstrek 'n afskrif van bedoelde repliek aan die departementshoof.

(*c*) Die departementshoof het nie die reg om verdere vertoë in antwoord op bedoelde repliek voor te lê nie, behalwe met verlof van die Kommissie.

(13) Na oorweging van bedoelde notule en dokumente kan die Kommissie die appèl in sy geheel of gedeeltelik toestaan en die bevinding tersyde stel of wysig, of die appèl afwys en die bevinding in sy geheel of gedeeltelik bekragtig, of kan die Kommissie, voordat hy tot 'n finale beslissing oor die appèl geraak, enige vraag in verband met die ondersoek na die beampte wat dit ingestel het, terugverwys, en hom gelas om verslag daaroor te doen of om 'n verdere ondersoek in te stel en tot 'n bevinding daaroor te geraak.

(14) As die Kommissie gelas dat 'n verdere ondersoek ingestel moet word, is die bepalings van sub-artikels (3) en (4) van toepassing.

(15) Wanneer die Kommissie tot 'n finale beslissing oor 'n appèl geraak het, deel hy daardie beslissing skriftelik aan die appellant en aan die Minister of Administrateur mee.

(16) As die beampte wat die ondersoek ingestel het, bevind het dat die beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie en die beampte nie teen die bevinding soos hierbo bepaal, geappèlleer het nie, of as hy aldus geappèlleer het en sy appèl afgewys is, stuur die Kommissie die notule en alle ander dokumente wat op die ondersoek betrekking het, aan die Minister of Administrateur en beveel hy aan—

(*a*) dat geen verdere stappe in die saak gedoen word nie; of

(*b*) dat die betrokke beampte na 'n ander pos oorgeplaas of in diens gehou word addisioneel tot die vaste diensstaat; of

(*c*) dat sy salaris of graad of sy salaris sowel as sy graad verlaag word in die mate wat aanbeveel word; of

(*d*) dat hy uit die staatsdiens met ingang van 'n datum deur die Minister of Administrateur vermeld word, ontslaan word.

As die Kommissie 'n aanbeveling ingevolge paragraaf (*b*) doen, kan hy ook 'n aanbeveling ingevolge paragraaf (*c*) doen.

(17) Die Minister of Administrateur kan volgens die aanbeveling van die Kommissie handel of, behoudens die bepalings van sub-artikel (1) van artikel *sewe*, enige ander weg inslaan wat die Kommissie wettiglik ingevolge sub-artikel (16) kon aanbeveel het.

Onbekwame departementshoofde.

16. (1) As daar na die mening van 'n Minister of 'n Administrateur redelike grond bestaan om te vermoed dat 'n departementshoof ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, doen die Minister of Administrateur dienooreenkomstig verslag aan die Goewerneur-generaal; en die Goewerneur-generaal kan 'n persoon aanstel om ondersoek na die inhoud van daardie verslag in te stel.

(2) Die bepalings van sub-artikels (2) tot en met (17) van artikel *vyftien* is *mutatis mutandis* van toepassing op 'n ondersoek ingevolge sub-artikel (1) van hierdie artikel; en vir die doeleindes van sodanige toepassing word die verwysing in sub-artikel (17) na die Minister of Administrateur uitgelê as 'n verwysing na die Goewerneur-generaal, word elke verwysing in genoemde sub-artikels na 'n departementshoof uitgelê as 'n verwysing na die Minister of Administrateur, en word elke verwysing na die beampte wat die ondersoek instel, uitgelê as ook 'n verwysing na die persoon of persone wat ingevolge sub-artikel (1) van hierdie artikel aangestel is.

Omskrywing van wangedrag.

17. 'n Beampte (behalwe 'n lid van die dienste) is skuldig aan wangedrag en daar kan ooreenkomstig die bepalings van artikel *agtien* met hom gehandel word, as hy—

(*a*) 'n bepaling van hierdie Wet oortree of versuim om te voldoen aan 'n bepaling daarvan waaraan dit sy plig is om te voldoen; of

(*b*) 'n daad wat nadelig vir die administrasie, dissipline of doeltreffendheid van 'n departement, kantoor of

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discipline or efficiency of any department, office or institution of the Government; or

(*c*) disobeys, disregards, or makes wilful default in carrying out a lawful order given to him by a person having authority to give it, or by word or conduct displays insubordination; or

(*d*) is negligent or indolent in the discharge of his duties; or

(*e*) undertakes, without the permission of the Minister or Administrator (granted on the recommendation of the Commission in the case of an officer in the administrative, clerical, professional, technical or general A division) any private agency or private work in any matter connected with the performance of his official functions or the carrying out of his official duties; or

(*f*) publicly comments upon the administration of any department; or

(*g*) becomes a member of any political organization or takes active part in political matters; or

(*h*) attempts to secure intervention from political or outside sources in relation to his position and conditions of employment in the public service: Provided that nothing in this paragraph contained shall preclude any officer from endeavouring to obtain redress of any grievance through Parliament; or

(*i*) conducts himself in a disgraceful, improper or unbecoming manner, or whilst on duty is grossly discourteous to any person; or

(*j*) uses intoxicants or stupefying drugs excessively; or

(*k*) becomes insolvent or compromises with his creditors or has a decree of civil imprisonment made against him by any court of law, unless it is shown that his insolvency or composition or the making of a decree of civil imprisonment against him has been occasioned by unavoidable misfortune; or

(*l*) becomes pecuniarily embarrassed, unless it is shown that his pecuniary embarrassment has not been occasioned by imprudence or other reprehensible cause and is not prejudicial to the faithful performance of his duties; or

(*m*) without first having obtained the permission of his head of department discloses, otherwise than in the discharge of his official duties, information gained by or conveyed to him through his employment in the public service, or uses such information for any purpose other than for the discharge of his official duties, whether or not he discloses such information; or

(*n*) accepts without the permission of the Minister or Administrator (granted on the recommendation of the Commision in the case of an officer in the administrative, clerical, professional, technical or general A division) or demands in respect of the carrying out of or the failure to carry out his duties any commission, fee, or reward, pecuniary or otherwise (not being the emoluments payable to him in respect of his duties) or fails to report to his head of department or if he is the head of a department, to the Minister or Administrator, the offer of any such commission, fee or reward; or

(*o*) misappropriates or improperly uses any property of the Government under such circumstances that his act does not constitute a criminal offence; or

(*p*) commits a criminal offence; or

(*q*) absents himself from his office or duty without leave or valid cause; or

(*r*) 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 Government, or a department or the public service or a member of the public service, makes a false or incorrect statement, knowing it to be false or incorrect.

Procedure in cases of misconduct.

18. (1) When an officer (other than a head of department or a member of the services) is accused of misconduct, his

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inrigting van die Regering is, doen, laat doen of toelaat of oogluikend toelaat dat dit gedoen word; of

(*c*) 'n wettige bevel wat aan hom gegee is deur 'n persoon wat die bevoegdheid het om dit te gee, nie gehoorsaam nie, dit verontagsaam of opsetlik versuim om dit uit te voer, of deur woord of gedrag hom aan insubordinasie skuldig maak; of

(*d*) nalatig of traag is in die vervulling van sy pligte; of

(*e*) sonder die toestemming van die Minister of Administrateur (verleen op aanbeveling van die Kommissie in die geval van 'n beampte in die administratiewe, klerklike, vakkundige, tegniese of algemene A-afdeling) enige private agentskap of private werk in enige aangeleentheid in verband met die verrigting van sy amptelike werksaamhede of die uitvoering van sy ampspligte onderneem; of

(*f*) hom in die openbaar uitlaat oor die administrasie van enige departement; of

(*g*) lid van 'n politieke organisasie word of aktief aan politieke aangeleenthede deelneem; of

(*h*) probeer om uit politieke of buitebronne ingryping in verband met sy posisie en diensvoorwaardes in die staatsdiens te verkry: Met dien verstande dat die bepalings van hierdie paragraaf nie 'n beampte verhinder om herstel van 'n grief deur bemiddeling van die Parlement te probeer verkry nie; of

(*i*) hom op 'n skandelike, onbehoorlike of onbetaamlike wyse gedra, of terwyl hy diens doen, hom aan growwe onbeleefdheid teenoor 'n persoon skuldig maak; of

(*j*) buitensporig gebruik maak van sterk drank of bedwelmende middels; of

(*k*) insolvent word of 'n akkoord met sy skuldeisers aangaan of as 'n bevel tot siviele gyseling deur 'n geregshof teen hom gegee is, tensy daar bewys word dat sy insolvensie of akkoord of die gee van 'n bevel tot siviele gyseling teen hom deur onvermydelike teenspoed veroorsaak is; of

(*l*) in geldelike moeilikheid geraak, tensy daar bewys word dat sy geldelike moeilikheid nie die gevolg is van onversigtigheid of ander laakbare oorsaak nie en nie nadelig is vir die getroue uitvoering van sy pligte nie; of

(*m*) sonder dat hy eers die toestemming van sy departementshoof verkry het, inligting wat hy ingewin of waaraan hy gekom het as gevolg van sy werk in die staatsdiens, openbaar maak anders as in die vervulling van sy ampspligte of sodanige inligting gebruik vir 'n ander doel as vir die vervulling van sy ampspligte, hetsy hy sodanige inligting openbaar maak of nie; of

(*n*) sonder die toestemming van die Minister of Administrateur (verleen op aanbeveling van die Kommissie in die geval van 'n beampte in die administratiewe, klerklike, vakkundige, tegniese of algemene A-afdeling), enige kommissie, geld of beloning, geldelik of anders (wat nie die emolumente is wat ten opsigte van sy pligte aan hom betaalbaar is nie) aanneem of dit eis ten opsigte van die uitvoering van sy pligte of die versuim om sy pligte uit te voer, of versuim om aan sy departementshoof of, as hy die departementshoof is, aan die Minister of Administrateur die aanbod van so 'n kommissie, geld of beloning te rapporteer; of

(*o*) hom eiendom van die Regering wederregtelik toeëien of onbehoorlike gebruik daarvan maak onder sodanige omstandighede dat sy daad nie 'n kriminele misdryf uitmaak nie; of

(*p*) 'n kriminele misdryf begaan; of

(*q*) sonder verlof of geldige rede van sy kantoor of diens wegbly; of

(*r*) met die oog op die verkryging van enige voorreg of voordeel met betrekking tot sy amptelike posisie of sy pligte, of op die veroorsaking van enige nadeel of skade aan die Regering of 'n departement of die staatsdiens of 'n lid van die staatsdiens, 'n valse of onjuiste verklaring doen, wetende dat dit vals of onjuis is.

18. (1) Wanneer 'n beampte (behalwe 'n departementshoof of 'n lid van die dienste) van wangedrag beskuldig word, kan

Prosedure in gevalle van wangedrag.

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head of department, or any officer in that department who has been authorized thereto by the head of department, may charge him in writing under his hand with that misconduct.

(2) The officer who signed the charge shall cause it to be served upon the officer charged.

(3) The charge shall contain or shall be accompanied by a direction calling upon the officer 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 with which he is charged.

(4) The Minister or Administrator, or if authorized thereto by the Minister or Administrator, either specially in a particular case, or generally, the head of department, or any other officer in the department, may at any time before or after the officer has been charged under this section, suspend him from duty.

(5) An officer who has been suspended from duty in terms of sub-section (4) shall not be entitled to any emoluments for the period of his suspension: Provided that the Minister or Administrator may, in his discretion, order payment to such officer of the whole or portion of his emoluments.

(6) If no charge under this section is preferred against an officer who has been suspended from duty, he shall be allowed to resume duty and be paid his full emoluments for the period of his suspension.

(7) The Minister or Administrator or the head of department or other officer who suspended the officer may at any time cancel the suspension, but notwithstanding the cancellation of the suspension the proceedings on the charge of misconduct may be continued.

(8) If the officer charged denies the charge or fails to comply with the direction mentioned in sub-section (3), the Minister or Administrator shall appoint an officer to enquire into the charge.

(9) The officer who is to hold the enquiry shall, in consultation with the officer who signed the charge, fix the time and place of the enquiry, and the officer who signed the charge shall give the officer charged reasonable notice in writing of the time and place so fixed.

(10) The officer who signed the charge may authorize any person to attend the enquiry and to adduce evidence and arguments in support of the charge and to cross-examine any person called as a witness for the defence.

(11) (*a*) At the enquiry the officer charged shall have the right to be present and to be heard either personally or through a representative, to cross-examine any person called as a witness in support of the charge, to inspect any documents produced in evidence, to give evidence himself and call other persons as witnesses.

(*b*) The officer holding the enquiry shall keep a record of the proceedings at the enquiry and of all evidence given thereat.

(*c*) The failure of the officer charged to attend the enquiry either personally or by a representative, shall not invalidate the proceedings.

(12) The acquittal or the conviction of an officer by a court of law upon a charge of a criminal offence shall not be a bar to proceedings against him under this Act on a charge of misconduct, notwithstanding the fact that the facts set forth in the charge of misconduct would, if proved, constitute the offence set forth in the criminal charge on which he was so acquitted or convicted or another offence on which he might have been convicted on his trial on the said criminal charge.

(13) If the misconduct with which the officer is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, upon the identification of such officer as the person referred to in the record, be sufficient proof of the commission by him of such offence, unless the conviction has been set aside by a superior court: Provided that it shall be competent for the officer charged to adduce evidence that he was in fact wrongly convicted.

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sy departementshoof, of 'n beampte in daardie departement wat deur die departementshoof daartoe gemagtig is, hom skriftelik onder sy handtekening van daardie wangedrag aankla.

(2) Die beampte wat die aanklag onderteken het, moet dit aan die aangeklaagde beampte laat bestel.

(3) Die aanklag moet 'n aansegging bevat of van 'n aansegging vergesel gaan waarby die aangeklaagde beampte aangesê word om binne 'n redelike tydperk wat in die aansegging vermeld word, aan 'n persoon wat ook daarin vermeld word, 'n skriftelike erkenning of ontkenning van die aanklag en, as hy dit verlang, 'n skriftelike verklaring van die wangedrag waarvan hy aangekla word, te stuur of by hom af te lewer.

(4) Die Minister of Administrateur of indien daartoe gemagtig deur die Minister of Administrateur, hetsy spesiaal in 'n besondere geval of in die algemeen, die departementshoof, of enige ander beampte in die departement, kan te eniger tyd voor of nadat die beampte kragtens hierdie artikel aangekla is, die beampte in sy diens skors.

(5) 'n Beampte wat ingevolge sub-artikel (4) in sy diens geskors is, is nie op enige emolumente vir die tydperk van sy skorsing geregtig nie: Met dien verstande dat die Minister of Administrateur na goeddunke kan gelas dat die geheel of 'n gedeelte van sy emolumente aan so 'n beampte betaal word.

(6) As geen aanklag ingevolge hierdie artikel teen 'n beampte wat in sy diens geskors is, ingebring word nie, word hy toegelaat om weer diens te aanvaar en word sy volle emolumente vir die tydperk van sy skorsing aan hom betaal.

(7) Die Minister of Administrateur of die departementshoof of ander beampte wat die beampte geskors het, kan die skorsing te eniger tyd intrek, maar ondanks die intrekking van die skorsing kan die verrigtings in verband met die aanklag van wangedrag voortgesit word.

(8) As die aangeklaagde beampte die aanklag ontken of versuim om aan die in sub-artikel (3) bedoelde aansegging te voldoen, stel die Minister of Administrateur 'n beampte aan om ondersoek na die aanklag in te stel.

(9) Die beampte wat die ondersoek moet instel, moet in oorleg met die beampte wat die aanklag onderteken het, die tyd en plek van die ondersoek vasstel, en die beampte wat die aanklag onderteken het, moet aan die aangeklaagde beampte redelike skriftelike kennis gee van die tyd en plek aldus vasgestel.

(10) Die beampte wat die aanklag onderteken het, kan enige persoon magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die aanklag aan te voer en om enige persoon wat as getuie vir die verweer opgeroep is, onder kruisverhoor te neem.

(11) (*a*) By die ondersoek het die aangeklaagde beampte die reg om teenwoordig te wees en om aangehoor te word hetsy persoonlik of deur 'n verteenwoordiger, om enige persoon wat as getuie ter stawing van die aanklag opgeroep is, onder kruisverhoor te neem, om alle dokumente wat as getuienis voorgelê is, in te sien, om self getuienis af te lê en ander persone as getuies op te roep.

(*b*) Die beampte wat die ondersoek instel, moet notule hou van die verrigtings by die ondersoek en van alle getuienis wat aldaar afgelê word.

(*c*) Die versuim van die aangeklaagde beampte om persoonlik of deur 'n verteenwoordiger by die ondersoek teenwoordig te wees maak die verrigtings nie ongeldig nie.

(12) Die vryspreking of die skuldigbevinding van 'n beampte deur 'n geregshof op 'n aanklag van 'n kriminele misdryf, belet nie dat stappe ingevolge hierdie Wet op 'n aanklag van wangedrag teen hom ingestel word nie ondanks die feit dat die feite uiteengesit in die aanklag van wangedrag, as dit bewys sou word, die misdryf sou uitmaak wat uiteengesit is in die kriminele aanklag waarop hy aldus vrygespreek of skuldig bevind is of 'n ander misdryf waaraan hy by sy verhoor op bedoelde kriminele aanklag skuldig bevind kon geword het.

(13) As die wangedrag waarvan die beampte aangekla word, neerkom op 'n misdryf waaraan hy deur 'n geregshof skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof, nadat bedoelde beampte geïdentifiseer is as die persoon wat in die notule genoem word, voldoende bewys dat hy bedoelde misdryf begaan het, tensy die skuldigbevinding deur 'n hoër hof tersyde gestel is: Met dien verstande dat die aangeklaagde beampte die reg het om getuienis aan te voer dat hy in werklikheid verkeerdelik skuldig bevind is.

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(14) At the conclusion of the enquiry the officer holding it shall find whether the officer charged is guilty or not guilty of the misconduct with which he has been charged and shall inform the officer charged of his finding. He shall report the result of the enquiry to the Minister or Administrator who appointed him.

(15) If the officer charged is under suspension from duty under sub-section (4) and the officer holding the enquiry finds that he is not guilty of the misconduct with which he has been charged, the said officer shall be allowed forthwith to resume duty in his post and be paid his full emoluments for the period of his suspension.

(16) If the officer holding the enquiry finds the officer charged guilty of the misconduct with which he has been charged, the provisions of sub-section (6) of section *fifteen* shall, *mutatis mutandis*, apply.

(17) If the officer who held the enquiry has found the officer charged guilty of the misconduct with which he has been charged, he shall forward to the Commission the record of the proceedings at the enquiry and 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 make: Provided that if the officer found guilty of misconduct is employed in the general B division and he has not given notice of appeal from the finding in accordance with the provisions of sub-section (6) of section *fifteen*, as applied by sub-section (16) of this section, the officer who held the enquiry shall forward the said record and other documents not to the Commission but to the head of the department in which the officer found guilty of misconduct is employed.

(18) If the officer found guilty of misconduct has given notice of appeal in accordance with the provisions aforesaid, as so applied, the officer who held the enquiry shall forward to the Commission, with the record and other documents referred to in sub-section (17), the appellant's notice and grounds of appeal and shall furnish the appellant with a copy of the reasons for the finding against which the appeal is brought.

(19) If notice of appeal has been given in accordance with the provisions aforesaid, as so applied, the provisions of sub-sections (8) to (15), both inclusive, of section *fifteen* shall, *mutatis mutandis*, apply.

(20) If the Commission allows the appeal of an appellant who was suspended from duty, he shall forthwith be allowed to resume his duties and be paid his full emoluments for the period of his suspension.

(21) If the record and documents referred to in sub-section (17) have in terms of that sub-section been forwarded to the head of the department in which the officer found guilty of misconduct is employed, or if the said record and documents have in terms of that sub-section been forwarded to the Commission and no appeal was noted against the finding, or if an appeal was so noted and the Commission has dismissed such appeal wholly or in part, the said head of department or the Commission, as the case may be, may recommend to the Minister or Administrator—

- (*a*) that the said officer be cautioned or reprimanded; or
- (*b*) that a fine not exceeding two hundred pounds be imposed upon him, which fine may be recovered by deduction from his emoluments in such instalments as may be determined by the Minister or Administrator; or
- (*c*) that he be transferred to another post or be employed additional to the fixed establishment; or
- (*d*) that his salary or grade or both his salary and grade be reduced to an extent recommended; or
- (*e*) that he be discharged or be called upon to resign from the public service as from a date to be specified by the Minister or Administrator:

Provided that—

- (i) except where a recommendation is made under paragraph (*e*) the Commission or head of department shall not be precluded from making a recommendation under more than one of the foregoing paragraphs;
- (ii) the Commission or head of department may postpone, for a period not exceeding twelve calendar months, the making of a recommendation; and
- (iii) if an officer who has been called upon to resign from the public service, fails so to resign, he shall be deemed

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(14) Na afloop van die ondersoek moet die beampte wat dit instel, bevind of die aangeklaagde beampte skuldig is of nie skuldig is nie aan die wangedrag waarvan hy aangekla is en moet hy die aangeklaagde beampte van sy bevinding verwittig. Hy moet aan die Minister of Administrateur wat hom aangestel het, verslag doen van die uitslag van die ondersoek.

(15) As die aangeklaagde beampte ingevolge sub-artikel (4) in sy diens geskors is en die beampte wat die ondersoek instel, bevind dat hy nie skuldig is aan die wangedrag waarvan hy aangekla is nie, moet bedoelde beampte toegelaat word om dadelik weer diens in sy pos te aanvaar en moet aan hom sy volle emolumente vir die tydperk van sy skorsing betaal word.

(16) As die beampte wat die ondersoek instel, die aangeklaagde beampte skuldig bevind aan die wangedrag waarvan hy aangekla is, is die bepalings van sub-artikel (6) van artikel *vyftien mutatis mutandis* van toepassing.

(17) As die beampte wat die ondersoek ingestel het, die aangeklaagde beampte skuldig bevind het aan die wangedrag waarvan hy aangekla is, moet hy die notule van die verrigtings by die ondersoek en enige dokumentêre getuienis wat aldaar toegelaat is, 'n uiteensetting van sy bevinding en sy redes daarvoor, en enige opmerkings oor die saak wat hy wens te maak, aan die Kommissie stuur: Met dien verstande dat as die beampte wat aan wangedrag skuldig bevind is, in die algemene B-afdeling in diens is en nie kennis van appèl teen die bevinding ooreenkomstig die bepalings van sub-artikel (6) van artikel *vyftien*, soos toegepas by sub-artikel (16) van hierdie artikel, gegee het nie, die beampte wat die ondersoek ingestel het, bedoelde notule en ander dokumente nie aan die Kommissie nie maar aan die hoof van die departement waarin die beampte wat aan wangedrag skuldig bevind is, in diens is, moet stuur.

(18) As die beampte wat aan wangedrag skuldig bevind is, kennis van appèl ooreenkomstig die voormelde bepalings, soos aldus toegepas, gegee het, moet die beampte wat die ondersoek ingestel het, saam met die notule en ander dokumente bedoel in sub-artikel (17), die appellant se kennisgewing en gronde van appèl aan die Kommissie stuur en 'n afskrif van die redes vir die bevinding waarteen die appèl aangeteken is, aan die appellant verstrek.

(19) As kennis van appèl ooreenkomstig die voormelde bepalings, soos aldus toegepas, gegee is, is die bepalings van sub-artikels (8) tot en met (15) van artikel *vyftien mutatis mutandis* van toepassing.

(20) As die Kommissie die appèl van 'n appellant wat in sy diens geskors is, toestaan, moet die appellant dadelik toegelaat word om weer sy diens te aanvaar en moet aan hom sy volle emolumente vir die tydperk van sy skorsing betaal word.

(21) As die notule en dokumente bedoel in sub-artikel (17) ingevolge daardie sub-artikel aan die hoof van die departement waarin die beampte wat aan wangedrag skuldig bevind is, in diens is, gestuur is, of as bedoelde notule en dokumente ingevolge daardie sub-artikel aan die Kommissie gestuur is en geen appèl teen die bevinding aangeteken is nie, of as 'n appèl aldus aangeteken is en die Kommissie die appèl in sy geheel of gedeeltelik afgewys het, kan bedoelde departementshoof of die Kommissie, na gelang van die geval, by die Minister of Administrateur aanbeveel—

(*a*) dat bedoelde beampte gewaarsku of berispe word; of

(*b*) dat 'n boete van hoogstens tweehonderd pond hom opgelê word, welke boete verhaal kan word deur aftrekking van sy emolumente in die paaiemente wat deur die Minister of Administrateur vasgestel word; of

(*c*) dat hy na 'n ander pos oorgeplaas of dat hy addisioneel tot die vaste diensstaat in diens gehou word; of

(*d*) dat sy salaris of graad of sy salaris sowel as sy graad verlaag word in die mate wat aanbeveel word; of

(*e*) dat hy ontslaan of aangesê word om uit die staatsdiens te bedank met ingang van 'n datum wat deur die Minister of Administrateur vermeld word:

Met dien verstande dat—

(i) behalwe waar 'n aanbeveling kragtens paragraaf (*e*) gedoen word, die Kommissie of departementshoof nie belet word om 'n aanbeveling kragtens meer dan een van die voorafgaande paragrawe te doen nie;

(ii) die Kommissie of departementshoof die doen van 'n aanbeveling vir 'n tydperk van hoogstens twaalf kalendermaande kan uitstel; en

(iii) as 'n beampte wat aangesê is om uit die staatsdiens te bedank, versuim om aldus te bedank, hy geag word

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to have been discharged therefrom as from a date to be specified by the Minister or Administrator.

(22) The Minister or Administrator may adopt the course recommended by the Commission or the head of department, or any other course which it or he could lawfully have recommended under sub-section (21), but subject always to the provisions of sub-section (1) of section *seven* in the case of a recommendation of the Commission.

(23) The Commission or head of department, as the case may be, shall forward to the Minister or Administrator with its or his recommendation in terms of sub-section (21) the record of the proceedings at the enquiry and all documents in its or his possession which relate to the enquiry or to the appeal.

(24) If the officer charged in terms of this section admits the charge, he shall be deemed to be guilty of the misconduct with which he has been charged.

(25) If the officer referred to in sub-section (24) is employed in the administrative, clerical, professional, technical or general A division, the head of department shall forward to the Commission all documents available to him which relate to the misconduct and any observations thereon which he may desire to make, and the Commission shall make a recommendation to the Minister or Administrator in terms of sub-section (21).

(26) If the officer referred to in sub-section (24) is employed in the general B division the head of department shall make a recommendation to the Minister or Administrator in terms of sub-section (21).

(27) The provisions of sub-section (22) shall apply in respect of a recommendation under sub-section (25) or (26) as if the recommendation had been made under sub-section (21).

(28) If an officer who has been suspended from duty in terms of sub-section (4), is dealt with in accordance with the provisions of paragraph (*a*), (*b*) or (*d*) of sub-section (21) or of the second proviso to that sub-section, he shall forthwith be allowed to resume duty, and if he is dealt with in accordance with the provisions of paragraph (*c*) of sub-section (21), he shall as soon as practicable be allowed to assume duty in the post or duties to which he is transferred, and in any such case he shall be paid his full emoluments for the period of his suspension: Provided that if his grade is reduced in terms of the said paragraph (*d*) he shall as soon as practicable be allowed to assume duty in a post of the reduced grade and be paid for the period of suspension the emoluments of that post, but if emoluments in excess of the emoluments of that post were, during the period of his suspension, paid to him under sub-section (5), he shall not be obliged to refund the excess.

(29) An officer, who has been suspended from duty in terms of sub-section (4), or against whom a charge has been preferred under this section, and who resigns from the public service or assumes other employment before such charge has been dealt with to finality in accordance with the provisions of this section, shall be deemed to have been discharged on account of misconduct, with effect from a date to be specified by the Minister or Administrator, unless prior to the receipt of his notification of resignation or the date of his assumption of other employment he had been notified that no charge would be preferred against him or that the charge preferred against him had been withdrawn.

Misconduct of heads of departments.

19. (1) When a head of department is accused of misconduct, the Minister or Administrator may report the matter to the Governor-General who may direct the Minister or Administrator to charge him with that misconduct; and if an enquiry becomes necessary under sub-section (8) of section *eighteen*, as applied by sub-section (2) of this section, the Governor-General may appoint a person or persons to hold the enquiry.

(2) The provisions of sub-sections (2) to (29), both inclusive, of section *eighteen* shall, *mutatis mutandis*, apply to any proceedings following upon a direction under sub-section (1) of this section; and for the purposes of such application every reference in the said sub-sections to the Minister or Administrator shall be construed as a reference to the Governor-General, the reference in sub-section (25) to the head of department shall be construed as a reference to the Minister or Administrator and every reference in the said sub-sections to the officer holding the enquiry shall be construed as including a reference to a person or persons appointed under sub-section (1) of this section.

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daaruit ontslaan te gewees het met ingang van 'n datum wat deur die Minister of Administrateur vermeld word.

(22) Die Minister of Administrateur kan volgens die aanbeveling van die Kommissie of die departmentshoof handel of enige ander weg inslaan wat hy wettiglik ingevolge sub-artikel (21) kon aanbeveel het, maar altoos onderworpe aan die bepalings van sub-artikel (1) van artikel *sewe* in die geval van 'n aanbeveling van die Kommissie.

(23) Die Kommissie of departementshoof, na gelang van die geval, stuur saam met sy aanbeveling ingevolge sub-artikel (21), die notule van die verrigtings by die ondersoek en alle dokumente in sy besit wat op die ondersoek of op die appèl betrekking het, aan die Minister of Administrateur.

(24) As die beampte wat ingevolge hierdie artikel aangekla is, die aanklag erken, word dit geag dat hy skuldig is aan die wangedrag waarvan hy aangekla is.

(25) As die in sub-artikel (24) bedoelde beampte in die administratiewe, klerklike, vakkundige, tegniese of algemene A-afdeling in diens is, stuur die departementshoof alle dokumente wat hy tot sy beskikking het en wat op die wangedrag betrekking het en enige opmerkings daaroor wat hy wens te maak aan die Kommissie en die Kommissie doen 'n aanbeveling ingevolge sub-artikel (21) by die Minister of Administrateur.

(26) As die in sub-artikel (24) bedoelde beampte in die algemene B-afdeling in diens is, doen die departementshoof 'n aanbeveling ingevolge sub-artikel (21) by the Minister of Administrateur.

(27) Die bepalings van sub-artikel (22) is van toepassing ten opsigte van 'n aanbeveling wat ingevolge sub-artikel (25) of (26) gedoen is, asof die aanbeveling ingevolge sub-artikel (21) gedoen is.

(28) As daar met 'n beampte wat ingevolge sub-artikel (4) in sy diens geskors is, ooreenkomstig die bepalings van paragrawe (*a*), (*b*) of (*d*) van sub-artikel (21) of van die tweede voorbehoudsbepaling by daardie sub-artikel gehandel word, moet hy onverwyld toegelaat word om weer diens te aanvaar, en as daar met hom ooreenkomstig die bepalings van paragraaf (*c*) van sub-artikel (21) gehandel word, moet hy so gou doenlik toegelaat word om diens te aanvaar in die pos of pligte waarna hy oorgeplaas word, en in so 'n geval moet sy volle emolumente vir die tydperk van sy skorsing aan hom betaal word: Met dien verstande dat as sy graad ingevolge genoemde paragraaf (*d*) verlaag word, hy so gou doenlik toegelaat moet word om diens in 'n pos van die verlaagde graad te aanvaar, en moet aan hom vir die tydperk van skorsing die emolumente van daardie pos betaal word, maar as hoër emolumente as die emolumente van daardie pos aan hom gedurende die tydperk van sy skorsing ingevolge sub-artikel (5) betaal is, hy nie verplig is om die verskil terug te betaal nie.

(29) 'n Beampte wat ingevolge sub-artikel (4) in sy diens geskors is, of teen wie 'n aanklag ingevolge hierdie artikel ingebring is, en wat uit die staatsdiens bedank of ander werk aanvaar voordat bedoelde aanklag finaal ooreenkomstig die bepalings van hierdie artikel afgehandel is, word geag weens wangedrag ontslaan te gewees het met ingang van 'n datum wat deur die Minister of Administrateur vermeld word, tensy hy voor die ontvangs van sy kennisgewing van bedanking of die datum van sy aanvaarding van ander werk, in kennis gestel is dat geen aanklag teen hom ingebring sal word nie of dat die aanklag wat teen hom ingebring is, teruggetrek is.

Wangedrag van departementshoofde.

19. (1) Wanneer 'n departementshoof van wangedrag beskuldig word, kan die Minister of Administrateur die aangeleentheid rapporteer aan die Goewerneur-generaal wat die Minister of Administrateur kan gelas om hom van daardie wangedrag aan te kla; en as 'n ondersoek ingevolge sub-artikel (8) van artikel *agtien*, soos toegepas by sub-artikel (2) van hierdie artikel, nodig word, kan die Goewerneur-generaal 'n persoon of persone aanstel om die ondersoek in te stel.

(2) Die bepalings van sub-artikels (2) tot en met (29) van artikel *agtien* is *mutatis mutandis* van toepassing op verrigtings wat op 'n lasgewing ingevolge sub-artikel (1) van hierdie artikel volg; en vir die doeleindes van sodanige toepassing word elke verwysing in genoemde sub-artikels na die Minister of Administrateur uitgelê as 'n verwysing na die Goewerneur-generaal, word die verwysing in sub-artikel (25) na die departementshoof uitgelê as 'n verwysing na die Minister of Administrateur en word elke verwysing in genoemde sub-artikels na die beampte wat die ondersoek instel, uitgelê as ook 'n verwysing na 'n persoon of persone wat ingevolge sub-artikel (1) van hierdie artikel aangestel is.

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Manner in which notices, etc. may be given or furnished.

20. Whenever by section *fifteen*, *sixteen*, *eighteen* or *nineteen* it is provided—
- (*a*) that any notice, statement or other document is to be given or furnished to or served upon any person or that any matter is to be or may be conveyed to any person in writing, the notice, statement, document or writing may be sent by post in a registered letter or be delivered to him or left at his last known place of residence; or
- (*b*) that any person is to be informed of any decision or finding, he may be informed thereof verbally or in writing sent by post in a registered letter or delivered to him or left at his last known place of residence.

CHAPTER V.

GENERAL.

Remuneration of officers and employees.

21. (1) Subject to the provisions of section *seven*, officers and employees shall be paid salaries, wages and allowances in accordance with the scales, appropriate to their grades, recommended by the Commission in terms of paragraph (*g*) of sub-section (2) of section *six*.

(2) On the recommendation of the Commission but subject to the provisions of section *seven*—
- (*a*) officers or employees or classes of officers or employees may, on appointment, transfer or promotion be paid salaries or wages at higher rates than the minima of the appropriate scales; and
- (*b*) officers or employees, or classes of officers or employees may be specially advanced within the scales applicable to them; and
- (*c*) an officer or employee of exceptional ability or possessing special qualifications or who has rendered meritorious service may, and any officer or employee may, if it is in the interests of the public service, be specially advanced within the scale applicable to him, or may be paid a salary or wage in accordance with a higher scale, or may be granted any other fitting reward.

(3) Subject to the provisions of section *seven*, no officer or employee shall in respect of his employment as such be paid any remuneration, allowance, honorarium, award or bonus of any kind whatsoever other than such remuneration, allowance, honorarium, award or bonus as is prescribed or as has been recommended by the Commission.

Salaries of officers not to be reduced except as specially provided.

22. An officer's salary or scale of salary shall not be reduced without his own consent except in accordance with the provisions of Chapter IV or in pursuance of an Act of Parliament.

Cession of emoluments prohibited.

23. No officer or employee shall, without the written approval of the accounting officer (as defined by section *one* of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956)), of the department or office in which he is employed, cede the whole or any part of any salary or allowance payable to him.

Whole time of officers and employees to be at the disposal of the Government.

24. (1) Unless it is otherwise provided in his conditions of employment—
- (*a*) every officer and employee shall place the whole of his time at the disposal of the Government;
- (*b*) no officer or employee shall perform or engage himself to perform remunerative work outside his employment in the public service without the permission of the Minister or Administrator (or of an officer to whom the power to give such permission has been delegated by the Minister or Administrator) which in the case of an officer shall only be granted on the recommendation of the Commission; and
- (*c*) no officer or employee may claim as of right additional remuneration in respect of any official duty or work which he is required by competent authority to perform.

(2) It shall be competent for the Minister or Administrator or the head of a department, branch, office or institution to require any officer or employee under his control temporarily to perform duties other than those ordinarily assigned to such officer or appropriate to the grade, designation or classification of his post.

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Wyse waarop kennis, ens. gegee of verstrek kan word.

20. Waar daar by artikels *vyftien, sestien, agtien* of *negentien* bepaal word—

(*a*) dat enige kennisgewing, verklaring of ander dokument aan 'n persoon gegee of verstrek of bestel moet word of dat enige aangeleentheid skriftelik aan 'n persoon meegedeel moet of kan word, kan die kennisgewing, verklaring, dokument of geskrif per pos in 'n geregistreerde brief aan hom gestuur word of aan hom afgelewer of by sy laaste bekende woonplek gelaat word; of

(*b*) dat 'n persoon van 'n beslissing of bevinding verwittig moet word, kan hy mondeling of per geskrif wat per pos in 'n geregistreerde brief aan hom gestuur word of aan hom afgelewer of by sy laaste bekende woonplek gelaat word, daarvan verwittig word.

HOOFSTUK V.

ALGEMEEN.

Besoldiging van beamptes en werknemers.

21. (1) Behoudens die bepalings van artikel *sewe*, word aan beamptes en werknemers salarisse, lone en toelaes betaal ooreenkomstig die skale wat by hulle grade pas en wat deur die Kommissie ingevolge paragraaf (*g*) van sub-artikel (2) van artikel *ses* aanbeveel is.

(2) Op aanbeveling van die Kommissie, dog behoudens die bepalings van artikel *sewe*—

(*a*) kan aan beamptes of werknemers of klasse beamptes of werknemers by aanstelling, oorplasing of bevordering salarisse of lone teen hoër bedrae as die minimums van die toepaslike skale betaal word; en

(*b*) kan beamptes of werknemers of klasse beamptes of werknemers spesiaal verhoog word binne die skale wat op hulle van toepassing is; en

(*c*) kan 'n beampte of werknemer wat buitengewoon bekwaam is of wat spesiale kwalifikasies besit of wat verdienstelike diens gelewer het, en, as dit in die staatsdiens se belang is, kan enige beampte of werknemer, spesiaal verhoog word binne die skaal wat op hom van toepassing is, of kan aan hom 'n salaris of loon ooreenkomstig 'n hoër skaal betaal of enige ander geskikte beloning toegeken word.

(3) Behoudens die bepalings van artikel *sewe* mag aan geen beampte of werknemer ten opsigte van sy indienshouding as sodanig enige besoldiging, toelae, honorarium, toekenning of bonus van watter aard ook al betaal word nie behalwe dié besoldiging, toelae, honorarium, toekenning of bonus wat voorgeskryf is of wat deur die Kommissie aanbeveel is.

Salarisse van beamptes mag nie verlaag word nie, behalwe soos spesiaal bepaal.

22. 'n Beampte se salaris of salarisskaal mag nie sonder sy eie toestemming verlaag word nie, behalwe in ooreenstemming met die bepalings van Hoofstuk IV of ingevolge 'n Parlementswet.

Sessie van emolumente verbode.

23. Geen beampte of werknemer mag sonder die skriftelike goedkeuring van die rekenpligtige amptenaar (soos omskryf by artikel *een* van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956)) van die departement of kantoor waarin hy in diens is, die geheel of 'n gedeelte van enige salaris of toelae wat aan hom betaalbaar is, sedeer nie.

Beamptes en werknemers moet al hulle tyd ter beskikking van die Regering stel.

24. (1) Tensy anders in sy diensvoorwaardes bepaal word—

(*a*) moet elke beampte en werknemer al sy tyd ter beskikking van die Regering stel;

(*b*) mag geen beampte of werknemer besoldigde werk buite sy werk in die staatsdiens sonder die toestemming van die Minister of Administrateur (of 'n beampte aan wie die bevoegdheid om sodanige toestemming te verleen deur die Minister of Administrateur gedelegeer is) verrig of hom verbind om dit te verrig nie, welke toestemming in die geval van 'n beampte slegs op aanbeveling van die Kommissie verleen word; en

(*c*) kan geen beampte of werknemer regtens aanspraak maak op addisionele besoldiging ten opsigte van enige amptelike diens of werk wat hy deur 'n bevoegde owerheid aangesê word om te verrig nie.

(2) Die Minister of Administrateur of die hoof van 'n departement, tak, kantoor of inrigting is bevoeg om 'n beampte of werknemer onder sy beheer aan te sê om tydelik ander pligte te verrig as dié wat gewoonlik aan so 'n beampte opgedra word of wat by die graad, benaming of indeling van sy pos pas.

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(3) Any remuneration or allowance whatsoever received by an officer or employee otherwise than in accordance with the provisions of this Act or a recommendation made by the Commission under any other law shall be paid by such officer or employee into the Consolidated Revenue Fund, and if he does not do so, shall be recovered from him by the Treasury by legal proceedings or in such other manner as the Treasury may think fit and be paid into that fund.

(4) All fees received by an officer or employee in his official capacity shall be paid into revenue unless the Commission has recommended that he may retain the whole or a portion of the said fees as part of his remuneration.

(5) Where on account of his professional, technical or other special qualifications the services of an officer or employee are placed temporarily at the disposal of another government or administration or of an institution or body established by or under any law or of any other body or person, any salary, allowance, fee, bonus or honorarium which may be payable in respect of his services shall be paid into revenue: Provided that in special circumstances the Commission may recommend the payment to the officer or employee of an amount equal to the said salary, allowance, fee, bonus or honorarium, or a portion thereof.

Establishment and functions of Public Service Joint Advisory Council.

25. (1) There shall be established a council, to be known as the Public Service Joint Advisory Council, constituted as prescribed by regulation and consisting of—

(*a*) officers who shall be nominated by the Commission; and

(*b*) officers representing officers in the public service (excluding the services) who shall, subject to such conditions and exceptions as may likewise be prescribed, be nominated by staff associations recognized by the Commission.

(2) The functions and duties of the Public Service Joint Advisory Council shall be to advise the Commission from time to time on—

(*a*) the matters to be dealt with by it under this Act or any other law, including the regulations made or to be made thereunder;

(*b*) legislation passed or proposed to be passed, in so far as such legislation affects or may affect the public service; and

(*c*) such other matters as may be prescribed by regulation.

Regulations.

26. (1) The Governor-General may, after the Commission has made a recommendation, make regulations with respect to any of the following matters:

(*a*) the promotion, transfer, discipline, conduct, powers and duties, hours of attendance and leave of absence of officers and employees and their other conditions of employment including the occupation of official quarters;

(*b*) the rates of payment for overtime duty performed by officers and employees and of any travelling, subsistence, climatic, local, cost of living or other allowances to be paid to officers and employees and the circumstances under which such payments shall be made;

(*c*) the circumstances in which medical examination shall be required for the purposes of any provision of this Act, and the form of medical reports and certificates;

(*d*) the particular classes of officers and employees who may be required to give security, and the amount and form thereof;

(*e*) the procedure to be observed in investigating and dealing with allegations of misconduct committed by officers;

(*f*) all matters which under this Act are required or permitted to be prescribed; and

(*g*) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved;

and such regulations may prescribe an authority or more than one authority and the powers of any such authority to vary, in respect of any officer or employee or class of officers or employees, the provisions thereof.

(2) Different regulations may be made in respect of the administrative, clerical, professional, technical, general A or

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(3) Enige besoldiging of toelae van watter aard ook al wat 'n beampte of werknemer ontvang anders as ooreenkomstig die bepalings van hierdie Wet, of 'n aanbeveling wat deur die Kommissie kragtens enige ander wetsbepaling gedoen is, moet deur so 'n beampte of werknemer in die Gekonsolideerde Inkomstefonds gestort word, en as hy dit nie doen nie moet dit deur die Tesourie deur middel van geregtelike stappe of op so 'n ander wyse as wat die Tesourie goed dink, op hom verhaal en in daardie fonds gestort word.

(4) Alle gelde wat 'n beampte of werknemer in sy amptelike hoedanigheid ontvang, moet in inkomste gestort word, tensy die Kommissie aanbeveel het dat hy die geheel of 'n gedeelte van bedoelde gelde as deel van sy besoldiging kan behou.

(5) Waar die dienste van 'n beampte of werknemer weens sy vakkundige, tegniese of ander spesiale kwalifikasies tydelik ter beskikking van 'n ander regering of administrasie of van 'n inrigting of liggaam ingestel by of ingevolge 'n wet, of van 'n ander liggaam of persoon geplaas word, moet enige salaris, toelae, geld, bonus of honorarium wat ten opsigte van sy dienste betaalbaar is, in inkomste gestort word: Met dien verstande dat onder spesiale omstandighede die Kommissie kan aanbeveel dat 'n bedrag wat gelyk is aan bedoelde salaris, toelae, geld, bonus of honorarium, of 'n gedeelte daarvan, aan die beampte of werknemer betaal word.

Instelling en werksaamhede van die Gesamentlike Adviserende Raad van die Staatsdiens.

25. (1) Daar word 'n raad ingestel wat bekend staan as die Gesamentlike Adviserende Raad van die Staatsdiens, saamgestel soos by regulasie voorgeskryf en bestaande uit—

(*a*) beamptes wat benoem word deur die Kommissie; en

(*b*) beamptes wat beamptes in die staatsdiens (behalwe die dienste) verteenwoordig wat, onderworpe aan die voorwaardes en uitsonderings wat insgelyks voorgeskryf word, benoem word deur personeelverenigings wat deur die Kommissie erken word.

(2) Die werksaamhede en pligte van die Gesamentlike Adviserende Raad van die Staatsdiens is om die Kommissie van tyd tot tyd van advies te dien oor—

(*a*) die aangeleenthede waarmee hy ingevolge hierdie Wet of enige ander wetsbepalings, insluitende die regulasies wat daarkragtens uitgevaardig is, of uitgevaardig gaan word, moet handel;

(*b*) aangenome of voorgenome wetgewing vir sover sodanige wetgewing die staatsdiens raak of kan raak; en

(*c*) die ander aangeleenthede wat by regulasie voorgeskryf word.

Regulasies.

26. (1) Die Goewerneur-generaal kan, nadat die Kommissie 'n aanbeveling gedoen het, regulasies met betrekking tot enigeen van die volgende aangeleenthede uitvaardig:

(*a*) die bevordering, oorplasing, dissipline, gedrag, bevoegdhede en pligte, diensure en verlof van beamptes en werknemers en hulle ander diensvoorwaardes, insluitende die bewoning van amptelike kwartiere;

(*b*) die tarief van besoldiging vir oortyddiens verrig deur beamptes en werknemers en van reis-, verblyf-, klimaats-, plaaslike, lewenskoste- of ander toelaes wat aan beamptes en werknemers betaal moet word en die omstandighede waaronder sodanige betalings gedoen moet word;

(*c*) die omstandighede waaronder geneeskundige ondersoek vereis word vir die doeleindes van enigeen van die bepalings van hierdie Wet, en die vorm van geneeskundige verslae en sertifikate;

(*d*) die besondere klasse beamptes en werknemers van wie vereis kan word om sekuriteit te gee, en die bedrag en vorm daarvan;

(*e*) die prosedure wat gevolg moet word by die ondersoek van en optrede in verband met bewerings van wangedrag waaraan beamptes hulle skuldig maak;

(*f*) alle aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word; en

(*g*) in die algemeen alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die doeleindes van hierdie Wet te bereik;

en sodanige regulasies kan 'n gesag of meer as een gesag voorskryf asook die bevoegdhede van so 'n gesag om, ten opsigte van enige beampte of werknemer of klas beamptes of werknemers, die bepalings daarvan te wysig.

(2) Verskillende regulasies kan uitgevaardig word ten opsigte van die administratiewe, klerklike, vakkundige, tegniese,

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general B divisions, or to suit the varying requirements of particular departments or branches of departments, or of particular classes of officers or employees, or of particular kinds of employment in the public service.

(3) Every regulation made under this Act shall be of force and effect unless and until, during the session in which it has been laid upon the Tables of both Houses of Parliament as provided by section *seventeen* of the Interpretation Act, 1957 (Act No. 33 of 1957), both Houses have by resolution disapproved of the regulation, in which event the regulation shall lapse as from a date to be specified in the resolution; but the lapsing of the regulation shall not affect the validity of anything done under the regulation before the date of the resolution, and nothing contained in this sub-section shall affect the power of the Governor-General to make a new regulation as to the subject matter of that regulation.

Amendment of First Schedule.

27. The Governor-General may, after the Commission has made a recommendation, amend the First Schedule to this Act by proclamation in the *Gazette.*

Commission's reports to be tabled in Parliament.

28. Every report made by the Commission in pursuance of paragraph (*n*) of sub-section (2) of section *six* or sub-section (7) of section *seven* shall be transmitted to the Minister of the Interior, and shall be laid by him upon the Tables of both Houses of Parliament within seven days after he has received it if Parliament is then in session, or if Parliament is not then in session, within seven days of the commencement of its next ensuing session.

Limitations of actions.

29. (1) No legal proceedings of any nature shall be brought against the Government or any body or person in respect of anything done or omitted under this Act, unless the proceedings are brought before the expiry of a period of twelve calendar months after the date upon which the claimant had knowledge, or after the date on which the claimant might reasonably have been expected to have knowledge, of the act or omission alleged, which ever is the earlier date.

(2) No such proceedings shall be commenced before the expiry of one calendar month at least after written notice of intention to bring such proceedings has been served on the Government, or the body or person concerned. In that notice particulars as to the alleged act or omission shall be clearly and explicitly given.

Repeal of laws.

30. (1) Subject to the provisions of sub-section (2), the laws specified in the Second Schedule to this Act are hereby repealed to the extent set out in the third column of that Schedule.

(2) Any regulation (in so far as it is not inconsistent with this Act), notice, approval, authority, recommendation or document made, given, issued or granted and any other action taken under any provision of a law repealed by sub-section (1), shall be deemed to have been made, issued, promulgated, given, granted or taken under the corresponding provision of this Act.

Savings.

31. No provision of this Act shall be construed as in any way abrogating or derogating from any existing, accruing or contingent right, liability or obligation of any person flowing from any other law.

Short title and commencement.

32. This Act shall be called the Public Service Act, 1957, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette.*

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algemene A- of algemene B-afdeling, of om te pas by die verskillende vereistes van besondere departemente of takke van departemente, of van besondere klasse beamptes of werknemers, of van besondere soorte diens in die staatsdiens.

(3) Elke regulasie wat ingevolge hierdie Wet uitgevaardig word, is van krag en regsgeldig tensy en totdat, gedurende die sessie waarby dit in albei Huise van die Parlement ter Tafel gelê is soos bepaal by artikel *sewentien* van die Interpretasiewet, 1957 (Wet No. 33 van 1957), albei Huise die regulasie by besluit afgekeur het, in welke geval die regulasie verval met ingang van 'n datum wat in die besluit vermeld word; maar die verval van die regulasie raak nie die geldigheid van enigiets wat ingevolge die regulasie voor die datum van die besluit gedoen is nie, en niks wat in hierdie sub-artikel vervat is, raak die bevoegdheid van die Goewerneur-generaal om 'n nuwe regulasie aangaande die inhoud van daardie regulasie uit te vaardig nie.

Wysiging van Eerste Bylae.

27. Die Goewerneur-generaal kan, nadat die Kommissie 'n aanbeveling gedoen het, die Eerste Bylae by hierdie Wet by proklamasie in die *Staatskoerant* wysig.

Kommissie se verslae moet in die Parlement ter Tafel gelê word.

28. Elke verslag wat die Kommissie ingevolge paragraaf (*n*) van sub-artikel (2) van artikel *ses* of sub-artikel (7) van artikel *sewe* doen, word aan die Minister van Binnelandse Sake gestuur en word deur hom in albei Huise van die Parlement ter Tafel gelê binne sewe dae nadat hy dit ontvang het, as die Parlement dan sit, of as die Parlement nie dan sit nie, binne sewe dae na die aanvang van sy eersvolgende sessie.

Beperking van regsgedinge.

29. (1) Geen regsgeding van watter aard ook al mag teen die Regering of 'n liggaam of persoon ten opsigte van enigiets wat ingevolge hierdie Wet gedoen of versuim is, ingestel word nie, tensy die geding ingestel word voor die verstryking van 'n tydperk van twaalf kalendermaande na die datum waarop die eiser kennis van die beweerde daad of versuim gehad het of na die datum waarop redelikerwyse verwag kon word dat die eiser van bedoelde daad of versuim bewus sou wees, na gelang van watter datum die eerste is.

(2) Geen sodanige geding mag ingestel woord voor die verstryking van minstens een kalendermaand nadat 'n skriftelike kennisgewing van die voorneme om sodanige geding in te stel aan die Regering of die betrokke liggaam of persoon bestel is nie. In daardie kennisgewing moet besonderhede aangaande die beweerde daad of versuim duidelik en uitdruklik verstrek word.

Herroeping van wette.

30. (1) Die wette wat in die Tweede Bylae by hierdie Wet vermeld word, word behoudens die bepalings van sub-artikel (2), hierby herroep in die mate wat in die derde kolom van daardie Bylae uiteengesit word.

(2) 'n Regulasie (vir sover dit nie met hierdie Wet strydig is nie), kennisgewing, goedkeuring, magtiging, aanbeveling of dokument uitgevaardig, gegee, verleen, gedoen of uitgereik en enige ander stappe wat gedoen is kragtens 'n bepaling van 'n by sub-artikel (1) herroepe wet, word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgevaardig, gegee, verleen gedoen of uitgereik te gewees het.

Voorbehoud.

31. Geen bepaling van hierdie Wet word so uitgelê dat dit enige bestaande, aankomende of voorwaardelike reg, aanspreeklikheid of verpligting van enige persoon wat uit enige ander wetsbepaling voortvloei, ophef of afbreuk daaraan doen nie.

Kort titel en inwerkingtreding.

32. Hierdie Wet heet die Staatsdienswet, 1957, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

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First Schedule.

LIST OF DEPARTMENTS AND HEADS OF DEPARTMENTS.

Column I.	Column II.
Department of the Prime Minister.	Secretary to the Prime Minister.
Department of Agriculture. ..	Secretary for Agriculture.
Department of Commerce and Industries.	Secretary for Commerce and Industries.
Department of the Controller and Auditor-General.	Controller and Auditor-General.
Department of Customs and Excise.	Commissioner of Customs and Excise.
Department of Defence.	Secretary for Defence.
Department of Education, Arts and Science.	Secretary for Education, Arts and Science.
Department of External Affairs. ..	Secretary for External Affairs.
Department of Finance.	Secretary for Finance or Secretary to the Treasury.
Department of Forestry.	Director of Forestry.
Department of Health.	Secretary for Health.
Department of Inland Revenue. ..	Commissioner for Inland Revenue.
Department of the Interior. ..	Secretary for the Interior.
Department of Justice.	Secretary for Justice.
Department of Labour.	Secretary for Labour.
Department of Lands.	Secretary for Lands.
Department of Mines.	Secretary for Mines.
Department of Native Affairs. ..	Secretary for Native Affairs.
Department of Nutrition.	Secretary for Nutrition.
Department of Pensions.	Commissioner of Pensions.
Department of Posts and Telegraphs.	Postmaster-General.
Department of Prisons.	Director of Prisons.
Department of Public Works. ..	Director of Public Works.
Department of Social Welfare. ..	Secretary for Social Welfare.
Department of the South African Police.	Commissioner of the South African Police.
Department of Transport	Secretary for Transport.
Department of Water Affairs. ..	Director of Water Affairs.
National Housing Office.	Secretary: National Housing Office.
Office of the Public Service Commission.	Secretary to the Public Service Commission.
The Provincial Administration of the Cape of Good Hope.	Provincial Secretary.
The Provincial Administration of Natal.	Provincial Secretary.
The Provincial Administration of the Orange Free State.	Provincial Secretary.
The Provincial Administration of the Transvaal.	Provincial Secretary.
The Administration of South-West Africa.	Secretary for South-West Africa.

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Eerste Bylae.

LYS VAN DEPARTEMENTE EN DEPARTEMENTSHOOFDE.

Kolom I.	Kolom II.
Departement van die Eerste Minister.	Sekretaris van die Eerste Minister.
Departement van Landbou ..	Sekretaris van Landbou.
Departement van Handel en Nywerheid.	Sekretaris van Handel en Nywerheid.
Departement van die Kontroleur en Ouditeur-generaal.	Kontroleur en Ouditeur-generaal.
Departement van Doeane en Aksyns	Kommissaris van Doeane en Aksyns.
Departement van Verdediging. ..	Sekretaris van Verdediging.
Departement van Onderwys, Kuns en Wetenskap.	Sekretaris van Onderwys, Kuns en Wetenskap.
Departement van Buitelandse Sake.	Sekretaris van Buitelandse Sake.
Departement van Finansies. ..	Sekretaris van Finansies of Sekretaris van die Tesourie.
Departement van Bosbou... ..	Direkteur van Bosbou.
Departement van Gesondheid. ..	Sekretaris van Gesondheid.
Departement van Binnelandse Inkomste.	Kommissaris van Binnelandse Inkomste.
Departement van Binnelandse Sake	Sekretaris van Binnelandse Sake.
Departement van Justisie.	Sekretaris van Justisie.
Departement van Arbeid.	Sekretaris van Arbeid.
Departement van Lande.	Sekretaris van Lande.
Departement van Mynwese. ..	Sekretaris van Mynwese.
Departement van Naturellesake. ..	Sekretaris van Naturellesake.
Departement van Voeding. ..	Sekretaris van Voeding.
Departement van Pensioene. ..	Kommissaris van Pensioene.
Departement van Pos- en Telegraafwese.	Posmeester-generaal.
Departement van Gevangenisse. ..	Direkteur van Gevangenisse.
Departement van Publieke Werke	Direkteur van Publieke Werke.
Departement van Volkswelsyn. ..	Sekretaris van Volkswelsyn.
Departement van die Suid-Afrikaanse Polisie.	Kommissaris van die Suid-Afrikaanse Polisie.
Departement van Vervoer. ..	Sekretaris van Vervoer.
Departement van Waterwese. ..	Direkteur van Waterwese.
Nasionale Behuisingskantoor. ..	Sekretaris: Nasionale Behuisingskantoor.
Kantoor van die Staatsdienskommissie.	Sekretaris van die Staatsdienskommissie.
Die Provinsiale Administrasie van die Kaap die Goeie Hoop.	Provinsiale Sekretaris.
Die Provinsiale Administrasie van Natal.	Provinsiale Sekretaris.
Die Provinsiale Administrasie van die Oranje-Vrystaat.	Provinsiale Sekretaris.
Die Provinsiale Administrasie van Transvaal.	Provinsiale Sekretaris.
Die Administrasie van Suidwes-Afrika.	Sekretaris van Suidwes-Afrika.

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Second Schedule.

LAWS REPEALED.

Number and Year of Law.	Short Title of Law.	Extent of Repeal.
Act No. 27 of 1923.	Public Service Act, 1923 ..	So much as is unrepealed.
Act No. 43 of 1925.	Financial Adjustments Act, 1925.	So much of section *seven* as is unrepealed.
Act No. 44 of 1926.	Financial Adjustments Act, 1926.	Sections *eight*, *nine* and *ten*.
Act No. 33 of 1935.	Public Service Amendment Act, 1935.	The whole.
Act No. 36 of 1936.	Public Service Amendment Act, 1936.	The whole.
Act No. 50 of 1937.	Finance Act, 1937.. ..	Section *seven*.
Act No. 43 of 1941.	Finance Act, 1941.. ..	Section *fifteen*.
Act No. 18 of 1945.	Public Service Amendment Act, 1945.	The whole.
Act No. 57 of 1946.	Finance Act, 1946.. ..	Sections *twenty-three* and *twenty-four*.
Act No. 26 of 1952.	Public Service Amendment Act, 1952.	The whole.
Act No. 45 of 1953.	Finance Act, 1953.. ..	Section *fifteen*.
Act No. 16 of 1954.	Public Service Amendment Act, 1954.	The whole.
Act No. 34 of 1954.	Finance Act, 1954.. ..	Section *nine*.
Act No. 11 of 1955.	Prisons and Reformatories Amendment Act, 1955.	Section *fifteen*.

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Tweede Bylae.

WETTE HERROEP.

Nommer en jaar van Wet.	Kort titel van Wet.	In hoeverre herroep.
Wet No. 27 van 1923.	„Staatsdienst Wet, 1923".	Soveel as wat nie reeds herroep is nie.
Wet No. 43 van 1925.	„Financiële Regelings Wet, 1925".	Soveel van artikel *sewe* as wat nie reeds herroep is nie.
Wet No. 44 van 1926.	Finansiële Reëlingswet, 1926.	Artikels *agt*, *nege* en *tien*.
Wet No. 33 van 1935.	Staatsdiens-Wysigingswet, 1935.	Die geheel.
Wet No. 36 van 1936.	Staatsdiens-Wysigingswet, 1936.	Die geheel.
Wet No. 50 van 1937.	Finansiewet, 1937.	Artikel *sewe*.
Wet No. 43 van 1941.	Finansiewet, 1941.	Artikel *vyftien*.
Wet No. 18 van 1945.	Staatsdiens-wysigingswet, 1945.	Die geheel.
Wet No. 57 van 1946.	Finansiewet, 1946.	Artikels *drie-en-twintig* en *vier-en-twintig*.
Wet No. 26 van 1952.	Staatsdienswysigingswet, 1952.	Die geheel.
Wet No. 45 van 1953.	Finansiewet, 1953.	Artikel *vyftien*.
Wet No. 16 van 1954.	Staatsdienswysigingswet, 1954.	Die geheel.
Wet No. 34 van 1954.	Finansiewet, 1954.	Artikel *nege*.
Wet No. 11 van 1955.	Wysigingswet op Gevangenisse en Verbetergestigte, 1955.	Artikel *vyftien*.

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No. 64, 1957.]

ACT

To amend the Public Accountants' and Auditors' Act, 1951.

(Afrikaans text signed by the Officer Administering the Government.)
(Assented to 22nd June, 1957.)

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 23 of Act 51 of 1951, as amended by section 8 of Act 47 of 1956.

1. Section *twenty-three* of the Public Accountants' and Auditors' Act, 1951 (hereinafter referred to as the principal Act), is hereby amended—

(*a*) by the insertion after sub-section (4) of the following sub-section:

„(4)*bis*. (*a*) Any person who desires to be registered as a non-resident accountant and auditor shall in writing lodge with the board an application for such registration accompanied by the prescribed fee and such information as the board may require.

(*b*) If, after consideration of any such application, the board is satisfied that the applicant—

(i) is not less than twenty-one years of age and is not ordinarily resident in the Union;

(ii) is a member of an organized body of accountants and auditors recognized by the board for the purposes of this sub-section;

(iii) is a partner of a registered accountant and auditor ordinarily resident in and engaged in public practice in the Union, or has furnished the board with a written undertaking approved by the board that upon or after registration he will be admitted into partnership with a registered accountant and auditor ordinarily resident in and engaged in public practice in the Union,

the board shall, subject to the provisions of sub-section (6), register the applicant as a non-resident accountant and auditor and issue to him a certificate of registration in such form as it may prescribe.

(*c*) Wherever in this Act the expression 'accountant and auditor' is used, the expression shall, unless the context otherwise indicates, be deemed to refer also to a 'non-resident accountant and auditor'."; and

(*b*) by the insertion after sub-section (7) of the following sub-section:

"(7)*bis*. The board shall cancel the registration as a non-resident accountant and auditor of any person who—

(i) subsequent to his registration becomes ordinarily resident in the Union; or

(ii) does not within six months after the date of his registration produce proof to the satisfaction of the board that he has been admitted into partnership with a registered accountant and auditor ordinarily resident in and engaged in public practice in the Union; or

(iii) ceases to be a partner of a registered accountant and auditor ordinarily resident in and engaged in public practice in the Union and does not within six months thereafter produce proof to the satisfaction of the board that he has been admitted into any other partnership with such a registered accountant and auditor; or

(iv) is in partnership with a registered accountant and auditor who has ceased to be engaged in public practice in the Union or with a person whose registration as an accountant and auditor has been cancelled or has lapsed under or by

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No. 64, 1957.]

WET

Tot Wysiging van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951.

(*Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.*)
(*Goedgekeur op* 22 *Junie* 1957.)

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

Wysiging van artikel 23 van Wet 51 van 1951, soos gewysig by artikel 8 van Wet 47 van 1956.

1. Artikel *drie-en-twintig* van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (hieronder die Hoofwet genoem), word hiermee gewysig—

(*a*) deur die volgende sub-artikel na sub-artikel (4) in te voeg:

„(4)*bis*. (*a*) Iemand wat begerig is om as buitelandse rekenmeester en ouditeur geregistreer te word, moet 'n skriftelike aansoek om sodanige registrasie, vergesel van die voorgeskrewe geld en sodanige inligting as wat die raad mag verlang, by die raad indien.

(*b*) Indien die raad na oorweging van so 'n aansoek oortuig is dat die applikant—

(i) minstens een-en-twintig jaar oud is en nie gewoonlik in die Unie woonagtig is nie;

(ii) 'n lid is van 'n georganiseerde liggaam van rekenmeesters en ouditeurs wat deur die raad vir die doeleindes van hierdie sub-artikel erken word;

(iii) 'n vennoot is van 'n geregistreerde rekenmeester en ouditeur wat gewoonlik in die Unie woonagtig is en openbare praktyk beoefen of aan die raad 'n skriftelike deur die raad goedgekeurde onderneming verskaf het dat hy by of na registrasie toegelaat sal word tot 'n vennootskap met 'n geregistreerde rekenmeester en ouditeur wat gewoonlik in die Unie woonagtig is en openbare praktyk beoefen,

moet die raad, behoudens die bepalings van sub-artikel (6), die applikant as 'n buitelandse rekenmeester en ouditeur registreer en aan hom 'n registrasiesertifikaat in die vorm wat die raad voorskryf, uitreik.

(*c*) Oral waar in hierdie Wet die uitdrukking ,rekenmeester en ouditeur' gebesig word, word die uitdrukking geag ook na 'n buitelandse rekenmeester en ouditeur te verwys, tensy uit die samehang anders blyk."; en

(*b*) deur die volgende sub-artikel na sub-artikel (7) in te voeg:

„(7)*bis*. Die raad moet die registrasie as 'n buitelandse rekenmeester en ouditeur kanselleer in die geval van 'n persoon wat—

(i) na sy registrasie gewoonlik in die Unie woonagtig word; of

(ii) nie binne ses maande na die datum van sy registrasie bewys tot bevrediging van die raad lewer nie dat hy toegelaat is tot 'n vennootskap met 'n geregistreerde rekenmeester en ouditeur wat gewoonlik in die Unie woonagtig is en openbare praktyk beoefen; of

(iii) ophou om 'n vennoot te wees van 'n geregistreerde rekenmeester en ouditeur wat gewoonlik in die Unie woonagtig is en openbare praktyk beoefen en nie binne ses maande daarna bewys tot bevrediging van die raad lewer nie dat hy tot 'n ander vennootskap met so 'n geregistreerde rekenmeester en ouditeur toegelaat is; of

(iv) in vennootskap is met 'n geregistreerde rekenmeester en ouditeur wat opgehou het om openbare praktyk in die Unie te beoefen of met 'n persoon wie se registrasie as rekenmeester en ouditeur gekanselleer is of verval het kragtens of uit

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virtue of any of the provisions of this Act unless he produces proof to the satisfaction of the board within six months thereafter that such partnership has been dissolved and that he has been admitted into partnership with another registered accountant and auditor ordinarily resident in and engaged in public practice in the Union; or

(v) becomes subject to any of the disqualifications referred to in this Act other than that set out in paragraph (*a*) of sub-section (8).".

Amendment of section 24 of Act 51 of 1951, as amended by section 9 of Act 47 of 1956.

2. Section *twenty-four* of the principal Act is hereby amended by the addition thereto of the following sub-section:

"(6) No person who is registered as a non-resident accountant and auditor by virtue of the provisions of paragraph (*b*) of sub-section (4)*bis* of section *twenty-three* shall be entitled to have any clerk articled to him in the Union.".

Insertion of section 26*bis* in Act 51 of 1951.

3. The following section is hereby inserted after section *twenty-six* of the principal Act:

"Information to be furnished by accountants and auditors.

26*bis*. (1) Every person who is registered as an accountant and auditor under this Act shall—

(*a*) notify the board and every person to whom he or his firm acts as auditor of any change in the name or constitution of such firm within fourteen days after the date on which such change takes place; and

(*b*) furnish the following information within fourteen days after receiving a request therefor from any person for whom he or his firm acts as auditor or who proposes to appoint him or his firm as auditor:

(i) every firm name or title under which he practises;

(ii) the place or places of business of all partnerships in which he is in public practice as a partner;

(iii) the full names of all his partners; and

(iv) his nationality, his christian names or the initials thereof, his surname and every surname which he may have borne previously and his ordinary business address and his residential address.

(2) When two or more such persons are practising in partnership the particulars referred to in sub-section (1) may be furnished in a communication by or in the name of the firm and any such communication shall be regarded as a sufficient compliance by the individual partners of that firm with the provisions of that sub-section.".

Amendment of section 30 of Act 51 of 1951, as amended by section 14 of Act 47 of 1956.

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

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

"(*d*) practise under a firm name or title unless on every letterhead bearing such firm name or title there appears—

(i) his present christian names or the initials thereof and his present surname;

(ii) the present christian names or the initials thereof and the present surnames of his partners, if any; and

(iii) if any such partner is not ordinarily resident in the Union, an indication of the name of the country in which such partner is ordinarily resident;"; and

(*b*) by the deletion of sub-sections (2) and (3).

Short title and date of commencement.

5. This Act shall be called the Public Accountants' and Auditors' Amendment Act, 1957, and shall come into operation on the first day of January, 1958.

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hoofde van enigeen van die bepalings van hierdie Wet tensy hy bewys tot bevrediging van die raad binne ses maande daarna lewer dat sodanige vennootskap ontbind is en dat hy toegelaat is tot vennootskap met 'n ander geregistreerde rekenmeester en ouditeur wat gewoonlik in die Unie woonagtig is en openbare praktyk beoefen; of

(v) onderhewig word aan een of ander van die in hierdie Wet genoemde diskwalifikasies, behalwe dié wat in paragraaf (*a*) van sub-artikel (8) uiteengesit word.".

Wysiging van artikel 24 van Wet 51 van 1951, soos gewysig by artikel 9 van Wet 47 van 1956.

2. Artikel *vier-en-twintig* van die Hoofwet word hiermee gewysig deur die volgende sub-artikel daarby te voeg:

„(6) Niemand wat uit hoofde van die bepalings van paragraaf (*b*) van sub-artikel (4)*bis* van artikel *drie-en-twintig* as 'n buitelandse rekenmeester en ouditeur geregistreer is, is geregtig om in die Unie enige klerk onder leerkontrak met hom te hê nie.".

Invoeging van artikel 26*bis* in Wet 51 van 1951.

3. Die volgende artikel word hiermee na artikel *ses-en-twintig* van die Hoofwet ingevoeg:

„Besonderhede wat deur rekenmeesters en ouditeurs verstrek moet word.

26*bis*. (1) Elke persoon wat kragtens hierdie Wet as 'n rekenmeester en ouditeur geregistreer is, moet—

(*a*) die raad en elke persoon vir wie hy of sy firma as ouditeur optree, van enige verandering in die naam of samestelling van die firma in kennis stel binne veertien dae na die datum waarop die verandering plaasvind; en

(*b*) die volgende inligting verstrek binne veertien dae na ontvangs van 'n versoek daarvoor van 'n persoon vir wie hy of sy firma as ouditeur optree of wat voornemens is om hom of sy firma as ouditeur aan te stel:

(i) elke handelsnaam of benaming waaronder hy praktiseer;

(ii) die besigheidsplek of -plekke van alle vennootskappe waarin hy openbare praktyk beoefen as 'n vennoot;

(iii) die volle name van al sy vennote; en

(iv) sy nasionaliteit, sy voorname of die voorletters daarvan, sy van en elke van wat hy vroeër gehad het en sy gewone besigheidsadres en sy woonadres.

(2) Wanneer twee of meer sodanige persone in vennootskap praktiseer, kan die in sub-artikel (1) genoemde besonderhede verstrek word in 'n mededeling deur of op naam van die firma en so 'n mededeling word beskou as 'n voldoende nakoming deur die individuele vennote van daardie firma van die bepalings van daardie sub-artikel.".

Wysiging van artikel 30 van Wet 51 van 1951, soos gewysig by artikel 14 van Wet 47 van 1956.

4. Artikel *dertig* van die Hoofwet word hiermee gewysig—

(*a*) deur paragraaf (*d*) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(*d*) onder 'n handelsnaam of benaming praktiseer nie tensy op elke briewehoof wat daardie handelsnaam of benaming dra daar verskyn—

(i) sy huidige voorname of die voorletters daarvan en sy huidige van;

(ii) die huidige voorname of die voorletters daarvan en die huidige vanne van sy vennote, indien enige; en

(iii) indien so 'n vennoot nie gewoonlik in die Unie woonagtig is nie, 'n aanduiding van die naam van die land waarin daardie vennoot gewoonlik woonagtig is;"; en

(*b*) deur sub-artikels (2) en (3) te skrap.

Kort titel en datum van inwerkingtreding.

5. Hierdie Wet heet die Wysigingswet op Openbare Rekenmeesters en Ouditeurs, 1957, en tree op die eerste dag van Januarie 1958 in werking.

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No. 66, 1957.]

ACT

To amend the Parliamentary Service Pensions Act, 1951.

(*Afrikaans text signed by the Officer Administering the Government.*)
(*Assented to 22 June,* 1957.)

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 70 of 1951, as amended by section 1 of Act 68 of 1956.

1. Section *one* of the Parliamentary Service Pensions Act, 1951 (hereinafter referred to as the principal Act), is hereby amended—

(*a*) by the addition at the end of the definition of "pensionable service" in sub-section (1) of the words "or by virtue of the provisions of sub-section (3) of section *fifteen*";

(*b*) by the substitution for the definition of "service" in sub-section (1) of the following definition:
" 'service' means—
(*a*) in relation to service in the capacity of Leader of the Opposition or Chief Government Whip, service as certified by the Speaker of the House of Assembly; and
(*b*) in relation to any other service of a member, service as certified by the clerk of either or both Houses of Parliament."; and

(*c*) by the addition to sub-section (2) of the following paragraph, the existing sub-section becoming paragraph (*a*):
"(*b*) The provisions of paragraph (*a*) shall *mutatis mutandis* apply with reference to any period during which a person who is a member at the commencement of the Parliamentary Service Pensions Amendment Act, 1957, was at any time required to perform any functions contemplated in that paragraph by virtue of his having held office as President of the Senate or Speaker of the House of Assembly at the date of any dissolution of the Senate or the House of Assembly which took place before the commencement of the Parliamentary Service Pensions Amendment Act, 1956 (Act No. 68 of 1956).".

Amendment of section 12 of Act 70 of 1951, as amended by section 10 of Act 68 of 1956.

2. Section *twelve* of the principal Act is hereby amended by the substitution in paragraph (*a*) of sub-section (5) for the words "section *two*, sub-section (3) of section *three* or section *nine*" of the words "any provision of this Act".

Amendment of section 15 of Act 70 of 1951, as amended by section 11 of Act 68 of 1956.

3. Section *fifteen* of the principal Act is hereby amended—

(*a*) by the addition to sub-section (2) of the following paragraph, the existing sub-section becoming paragraph (*a*):
"(*b*) the provisions of paragraph (*a*) shall in relation to any person who is a member at the commencement of the Parliamentary Service Pensions Amendment Act, 1957, be deemed to have come into operation with effect from the date on which he first became a member of the Senate or the House of Assembly."; and

(*b*) by the addition to the section of the following sub-sections:
"(3) Any person who is a member at the commencement of this sub-section or becomes a member after such commencement, and who has contributed or elected to contribute in respect of any period of his service, whether before or after such commencement, which terminated or terminates in consequence of the dissolution of either or both Houses of Parliament, shall, if he was not or is not again elected or nominated at the ensuing election or nomination, contribute at the rate specified in sub-section (1) of section *two* in respect of any remaining portion of any

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No. 66, 1957.]

WET

Tot wysiging van die Wet op Pensioene vir Parlementsdiens, 1951.

(*Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.*)
(*Goedgekeur op 22 Junie 1957.*)

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

Wysiging van artikel 1 van Wet 70 van 1951, soos gewysig deur artikel 1 van Wet 68 van 1956.

1. Artikel *een* van die Wet op Pensioene vir Parlementsdiens, 1951 (hieronder die Hoofwet genoem), word hierby gewysig—

(*a*) deur die omskrywing van „diens" deur die volgende omskrywing te vervang:

„ ,diens'—

(*a*) met betrekking tot diens in die hoedanigheid van Leier van die Opposisie of Regeringshoofsweep, diens soos deur die Speaker van die Volksraad gesertifiseer; en

(*b*) met betrekking tot enige ander diens van 'n lid, diens soos deur die klerk van een of albei Huise van die Parlement gesertifiseer;";

(*b*) deur in die omskrywing van „pensioengewende diens" na die woord „*nege*" die woorde „of ingevolge die bepalings van sub-artikel (3) van artikel *vyftien*" in te voeg; en

(*c*) deur die volgende paragraaf by sub-artikel (2) te voeg, terwyl die bestaande sub-artikel paragraaf (*a*) word:

„(*b*) Die bepalings van paragraaf (*a*) is *mutatis mutandis* van toepassing met betrekking tot enige tydperk gedurende welke iemand wat by die inwerkingtreding van die Wysigingswet op Pensioene vir Parlementsdiens, 1957, 'n lid is, te eniger tyd enige in daardie paragraaf bedoelde werksaamhede moes verrig uit hoofde daarvan dat hy die amp van President van die Senaat of Speaker van die Volksraad beklee het op die datum van enige ontbinding van die Senaat of die Volksraad wat voor die inwerkingtreding van die Wysigingswet op Pensioene vir Parlementsdiens, 1956 (Wet No. 68 van 1956), plaasgevind het.".

Wysiging van artikel 12 van Wet 70 van 1951, soos gewysig deur artikel 10 van Wet 68 van 1956.

2. Artikel *twaalf* van die Hoofwet word hierby gewysig deur in paragraaf (*a*) van sub-artikel (5) die woorde „artikel *twee*, sub-artikel (3) van artikel *drie* of artikel *nege*" deur die woorde „enige bepaling van hierdie Wet" te vervang.

Wysiging van artikel 15 van Wet 70 van 1951, soos gewysig deur artikel 11 van Wet 68 van 1956.

3. Artikel *vyftien* van die Hoofwet word hierby gewysig—

(*a*) deur die volgende paragraaf by sub-artikel (2) te voeg, terwyl die bestaande sub-artikel paragraaf (*a*) word:

„(*b*) Die bepalings van paragraaf (*a*) word, met betrekking tot iemand wat by die inwerkingtreding van die Wysigingswet op Pensioene vir Parlementsdiens, 1957, 'n lid is, geag in werking te getree het met ingang van die datum waarop hy die eerste maal 'n lid van die Senaat of die Volksraad geword het."; en

(*b*) deur die volgende sub-artikels by die artikel te voeg:

„(3) Iemand wat by die inwerkingtreding van hierdie sub-artikel 'n lid is of na bedoelde inwerkingtreding 'n lid word, en wat bygedra het of gekies het om by te dra ten opsigte van enige tydperk van sy diens, hetsy voor of na bedoelde inwerkingtreding, wat geëindig het of eindig as gevolg van die ontbinding van een of beide Huise van die Parlement, moet, indien hy nie by die daaropvolgende verkiesing of benoeming weer gekies of benoem is of word nie, teen die in sub-artikel (1) van artikel *twee* vermelde skaal bydra ten opsigte van die oorblywende gedeelte

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uncompleted year of such service, provided such portion does not exceed six months, and any period in respect of which he so contributes shall be included in his pensionable service.

(4) The provisions of sub-section (3) shall not apply to any person whose period of service will not, together with any period for the inclusion of which in such service provision is made in that sub-section, be sufficient to entitle him to a pension under this Act.

(5) Any amount required to be contributed by any person under sub-section (3) shall be deducted from any pension to which he may become entitled under this Act.".

Short title.

4. This Act shall be called the Parliamentary Service Pensions Amendment Act, 1957.

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van enige onvoltooide jaar van die tydperk van daardie diens, mits daardie gedeelte nie meer as ses maande is nie, en enige tydperk ten opsigte waarvan hy aldus bydra, word by sy pensioengewende diens ingereken.

(4) Die bepalings van sub-artikel (3) is nie van toepassing op enige persoon wie se dienstydperk, tesame met enige tydperk vir die inrekening waarvan by bedoelde dienstydperk in daardie sub-artikel voorsiening gemaak word, nie voldoende sal wees om hom op 'n pensioen ingevolge hierdie Wet geregtig te maak nie.

(5) Enige bedrag wat ingevolge sub-artikel (3) deur enige persoon bygedra moet word, word afgetrek van enige pensioen waarop hy ingevolge hierdie Wet geregtig mag word.".

4. Hierdie Wet heet die Wysigingswet op Pensioene vir Parlementsdiens, 1957. Kort titel.

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No. 72, 1957.]

ACT

To amend the Vocational Education Act, 1955.

(Afrikaans text signed by the Officer Administering the Government.)
(Assented to 24 June, 1957.)

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 5 of Act 70 of 1955.

1. Section *five* of the Vocational Education Act, 1955 (hereinafter referred to as the principal Act), is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(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—

(*a*) donated or bequeathed to the school or received by the school (otherwise than by way of tuition or boarding fees or other revenue due to the State) from sources other than the State; or

(*b*) paid into the trust or school funds of a vocational school by the Minister with the approval of the Minister of Finance out of moneys appropriated by Parliament.".

Amendment of section 8 of Act 70 of 1955.

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

(*a*) by the addition at the end of sub-section (1) of the following further proviso:

"Provided further that any person subject to compulsory school attendance in terms of any law may be admitted to such course of instruction and training as the Minister may, in consultation with the Administrator of the province concerned, determine."; and

(*b*) by the substitution in sub-section (2) for the word "prescribed" of the words "determined by the Minister: Provided that tuition fees shall be determined in consultation with the Minister of Finance.".

Amendment of section 9 of Act 70 of 1955.

3. Section *nine* of the principal Act is hereby amended by the deletion of the words "in respect of that particular continuation class".

Insertion of section 10*bis* in Act 70 of 1955.

4. The following section is hereby inserted in the principal Act after section *ten*:

"Courses of instruction and training.

10*bis*. The power to institute or to discontinue a course of instruction and training at a vocational school shall vest in the Minister.".

Insertion of sections 11*bis*, 11*ter* and 11*quat* in Act 70 of 1955.

5. The following sections are hereby inserted in the principal Act after section *eleven*:

"Offences in connection with examinations.

11*bis*. Any person who, in connection with any examination conducted by or under the supervision of the Department under this Act or otherwise—

(*a*) corruptly gives or agrees to give or offers any gift or consideration to any person, or corruptly accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person, any gift or consideration, as an inducement or reward for the commission of any act calculated to obtain for or confer upon any person any unfair advantage; or

(*b*) commits any act calculated to obtain for or confer upon any person any unfair advantage,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment with compulsory labour for a period not exceeding six months.

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No. 72, 1957.]

WET

Tot wysiging van die Wet op Beroepsonderwys, 1955.

(*Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.*)
(*Goedgekeur op* 24 *Junie* 1957.)

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

Wysiging van artikel 5 van Wet 70 van 1955.

1. Artikel *vyf* van die Wet op Beroepsonderwys, 1955 (hieronder die Hoofwet genoem), word hiermee gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Die Minister kan, onderworpe aan die voorwaardes wat hy bepaal, die lede van die raad van 'n beroepskool as 'n trustkomitee aanstel om enige gelde te ontvang en onder leiding en beheer van die Sekretaris te bestuur wat—

(*a*) uit ander bronne as die Staat aan die skool geskenk of bemaak is of word of deur die skool ontvang is of word (behalwe by wyse van onderwys- of losiesgelde of ander inkomste wat aan die Staat toekom); of

(*b*) deur die Minister met goedkeuring van die Minister van Finansies aan die trust- of skoolfonds van 'n beroepskool oorbetaal word uit gelde wat deur die Parlement bewillig word.".

Wysiging van artikel 8 van Wet 70 van 1955.

2. Artikel *agt* van die Hoofwet word hiermee gewysig—

(*a*) deur aan die end van sub-artikel (1) die volgende verdere voorbehoudsbepaling by te voeg:

„Met dien verstande voorts dat persone wat aan skoolplig ingevolge een of ander wetsbepaling onderworpe is, tot sodanige kursus van onderwys en opleiding toegelaat kan word as wat die Minister, in oorleg met die Administrateur van die betrokke provinsie, bepaal."; en

(*b*) deur in sub-artikel (2) die woorde „wat voorgeskryf word" te vervang deur die woorde „deur die Minister bepaal: Met dien verstande dat onderwysgelde in oorleg met die Minister van Finansies bepaal word.".

Wysiging van artikel 9 van Wet 70 van 1955.

3. Artikel *nege* van die Hoofwet word hiermee gewysig deur die woorde „ten opsigte van daardie besondere voortsettingsklas" te skrap.

Invoeging van artikel 10*bis* in Wet 70 van 1955.

4. Die volgende artikel word hiermee in die Hoofwet na artikel *tien* ingevoeg:

„Onderwys- en opleidingskursusse.

10*bis*. Die bevoegdheid om 'n onderwys- en opleidingskursus by 'n beroepskool in te stel of af te skaf berus by die Minister.".

Invoeging van artikels 11*bis*, 11*ter* en 11*quat* in Wet 70 van 1955.

5. Die volgende artikels word hiermee in die Hoofwet na artikel *elf* ingevoeg:

„Misdrywe in verband met eksamens.

11*bis*. Iemand wat in verband met 'n eksamen wat deur of onder toesig van die Departement kragtens hierdie Wet of andersins afgeneem word—

(*a*) korruptelik 'n geskenk of vergoeding gee, of toestem of aanbied om dit te gee, aan iemand, of korruptelik van iemand 'n geskenk aanneem of verkry of toestem om dit aan te neem of poog om dit te verkry vir homself of vir 'n ander persoon, as aansporing of beloning vir die verrigting van 'n handeling wat bereken is om vir of aan iemand 'n onregverdige voordeel te verkry of verleen; of

(*b*) 'n handeling verrig wat bereken is om vir of aan iemand 'n onregverdige voordeel te verkry of verleen,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of by wanbetaling met gevangenisstraf met dwangarbeid vir 'n tydperk van hoogstens ses maande.

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Cancellation of subject-successes and certificates.

11*ter*. (1) Any person who has been convicted under section *eleven bis* or under any other law of an offence in connection with an examination conducted by or under the supervision of the Department under this Act or otherwise, whether before or after the commencement of this section, may be refused admission to such an examination for such period as the Minister may determine; and the Minister may direct that any success in a subject with which such person has been credited in an examination in connection with which he has been so convicted, be cancelled by the Secretary.

(2) The Minister may, within three months after such conviction, direct the Secretary to demand the return of and to cancel any certificate issued to any person referred to in sub-section (1) by virtue of success achieved in an examination in connection with which he has been convicted.

(3) Upon receipt of a direction referred to in sub-section (2), the Secretary shall by notice in writing require the person to whom the said certificate has been issued, to return the certificate to him for cancellation within three weeks after such notice.

(4) Any person who fails to comply with a notice referred to in sub-section (3) shall be guilty of an offence and liable on conviction to a fine not exceeding twenty pounds or in default of payment to imprisonment for a period not exceeding one month.

Recognition and registration of certificates and diplomas.

11*quat*. (1) Unless authorized thereto by any law, no person shall issue any certificate or diploma which indicates that a person has successfully passed an examination or completed a course of instruction and training in any prescribed vocational subject or trade, unless such certificate or diploma has been recognized by the Minister and registered with the Department as a recognized certificate or diploma.

(2) The Minister may make the recognition and registration of any certificate or diploma subject to such conditions as he may from time to time determine.

(3) If at any time it appears to the Minister that the conditions subject to which a certificate or diploma was recognized and registered, are not being complied with, the Minister may withdraw the recognition thereof and order that the registration thereof be cancelled as from a date determined by him and from such date the certificate or diploma concerned shall not be deemed to be a recognized certificate or diploma for the purposes of sub-section (1).

(4) Any person contravening the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment with compulsory labour for a period not exceeding six months.

(5) This section shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.".

Amendment of section 32 of Act 70 of 1955.

6. Section *thirty-two* of the principal Act is hereby amended by—

(*a*) the substitution for the expression "sub-section (1) of section *eight*" of the words "section *eight*"; and

(*b*) by the insertion after the words "section *ten*" of the words "section *ten bis*,".

Amendment of section 33 of Act 70 of 1955.

7. Section *thirty-three* of the principal Act is hereby amended—

(*a*) by the deletion in paragraph (*c*) of sub-section (1) of the words "and audited";

(*b*) by the deletion in paragraph (*f*) of sub-section (1) of all the words after the words "higher education"; and

(*c*) by the deletion in sub-section (1) of paragraphs (*h*) and (*p*).

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Kansellering van vaksuksesse en sertifikate.

11*ter*. (1) Iemand wat ingevolge artikel *elf bis* of ingevolge enige ander wetsbepaling skuldig bevind is aan 'n misdryf in verband met 'n eksamen wat deur of onder toesig van die Departement kragtens hierdie Wet of andersins afgeneem is, hetsy voor of na die inwerkingtreding van hierdie artikel, kan toelating tot so 'n eksamen geweier word vir sodanige tydperk as wat die Minister bepaal; en die Minister kan gelas dat enige sukses in 'n vak waarmee so iemand by 'n eksamen gekrediteer is in verband waarmee hy aldus skuldig bevind is, deur die Sekretaris gekanselleer word.

(2) Die Minister kan binne drie maande na sodanige skuldigbevinding gelas dat enige sertifikaat wat aan 'n in sub-artikel (1) bedoelde persoon uitgereik is op grond van sukses behaal in 'n eksamen in verband waarmee hy skuldig bevind is, deur die Sekretaris opgeëis en gekanselleer word.

(3) By ontvangs van 'n in sub-artikel (2) bedoelde lasgewing, sê die Sekretaris die persoon aan wie bedoelde sertifikaat uitgereik is, by skriftelike kennisgewing aan om die sertifikaat binne drie weke na bedoelde kennisgewing aan hom terug te besorg vir kansellering.

(4) Iemand wat versuim om aan 'n in sub-artikel (3) bedoelde kennisgewing te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens twintig pond of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens een maand.

Erkenning en registrasie van sertifikate en diplomas.

11*quat*. (1) Tensy daartoe gemagtig deur een of ander wetsbepaling, mag geen persoon enige sertifikaat of diploma uitreik wat aandui dat 'n persoon 'n eksamen in een of ander voorgeskrewe beroepsvak of ambag met goeie gevolg afgelê het of 'n kursus van onderwys en opleiding in een of ander voorgeskrewe beroepsvak of ambag met sukses voltooi het, tensy die sertifikaat of diploma deur die Minister erken en by die Departement as 'n erkende sertifikaat of diploma geregistreer is nie.

(2) Die Minister kan die erkenning en registrasie van enige sertifikaat of diploma onderhewig maak aan sodanige voorwaardes as wat hy van tyd tot tyd bepaal.

(3) Indien dit te eniger tyd aan die Minister blyk dat die voorwaardes waaronder 'n sertifikaat of diploma erken en geregistreer is, nie nagekom word nie, kan die Minister die erkenning daarvan intrek en gelas dat die registrasie daarvan gekanselleer word vanaf 'n datum deur hom bepaal en vanaf bedoelde datum word die betrokke sertifikaat of diploma nie geag 'n erkende sertifikaat of diploma vir die doeleindes van sub-artikel (1) te wees nie.

(4) Iemand wat strydig met die bepalings van sub-artikel (1) handel, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of by wanbetaling met gevangenisstraf met dwangarbeid vir 'n tydperk van hoogstens ses maande.

(5) Hierdie artikel tree in werking op 'n datum wat deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal word.".

Wysiging van artikel 32 van Wet 70 van 1955.

6. Artikel *twee-en-dertig* van die Hoofwet word hiermee gewysig—

(*a*) deur die uitdrukking „sub-artikel (1) van artikel *agt*" deur die woorde „artikel *agt*" te vervang; en

(*b*) deur na die woorde „artikel *tien*" die woorde „artikel *tien bis*," in te voeg.

Wysiging van artikel 33 van Wet 70 van 1955.

7. Artikel *drie-en-dertig* van die Hoofwet word hiermee gewysig—

(*a*) deur in paragraaf (*c*) van sub-artikel (1) die woorde „en geouditeer" te skrap;

(*b*) deur in paragraaf (*f*) van sub-artikel (1) al die woorde na „hoër onderwys" te skrap; en

(*c*) deur in sub-artikel (1) paragrawe (*h*) en (*p*) te skrap.

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Insertion of section 33*bis* in Act 70 of 1955.

8. The following section is hereby inserted in the principal Act after section *thirty-three*:

"Registration of private vocational schools.

33*bis*. (1) No person shall establish, maintain, manage or control any school or course of instruction and training, other than a State-aided vocational school, to provide vocational education where more than one-third of the subjects taken by any pupil are prescribed vocational subjects, or where more than eight hours per week are devoted to prescribed vocational subjects, unless such school or course of instruction and training (hereinafter referred to as a private vocational school) is registered with the Department as a school providing vocational education.

(2) The registration of a private vocational school in terms of sub-section (1) shall be in the discretion of the Minister and such registration may be granted subject to such conditions as he may from time to time determine.

(3) The Secretary may at any time cause a private vocational school to be inspected by an official authorized by him thereto.

(4) If at any time it appears to the Minister that the conditions subject to which a private vocational school was registered are not being complied with, the Minister may direct that the registration of such school be cancelled as from a date to be determined by him and from such date the school shall not be deemed to be a registered school for the purpose of sub-section (1).

(5) Any person providing vocational education or instruction in contravention of the provisions of sub-section (1), or who obstructs, hinders or interferes with an official in the execution of his duties under sub-section (3), shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds or in default of payment to imprisonment with compulsory labour for a period not exceeding twelve months.

(6) The provisions of this section shall not be construed as exempting any person from any other legal obligation in respect of the registration of private schools.

(7) This section shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.".

Short title.

9. This Act shall be called the Vocational Education Amendment Act, 1957.

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Invoeging van artikel 33*bis* in Wet 70 van 1955.

8. Die volgende artikel word hiermee in die Hoofwet na artikel *drie-en-dertig* ingevoeg:

„Registrasie van private beroepskole.

33*bis*. (1) Niemand mag 'n skool, met uitsondering van 'n staatsondersteunde beroepskool, of 'n onderwys- en opleidingskursus waarin meer as een-derde van die vakke deur enige leerling gevolg, voorgeskrewe beroepsvakke is, of waarin meer as agt uur per week aan voorgeskrewe beroepsvakke gewy word, instel, instandhou, bestuur of beheer om beroepsonderwys te verskaf nie, tensy sodanige skool of onderwys- en opleidingskursus (hieronder 'n private beroepskool genoem) by die Departement as 'n skool wat beroepsonderwys verskaf, geregistreer is nie.

(2) Die registrasie van 'n private beroepskool ingevolge sub-artikel (1) geskied na goeddunke van die Minister en sodanige registrasie kan onderhewig gemaak word aan sodanige voorwaardes as wat hy van tyd tot tyd bepaal.

(3) Die Sekretaris kan te eniger tyd 'n private beroepskool laat inspekteer deur 'n beampte deur hom daartoe gemagtig.

(4) Indien dit te eniger tyd aan die Minister blyk dat die voorwaardes waaronder 'n private beroepskool geregistreer is, nie nagekom word nie, kan die Minister gelas dat die registrasie van die skool vanaf 'n datum deur hom bepaal te word, gekanselleer word en vanaf bedoelde datum word die skool vir die doeleindes van sub-artikel (1) nie geag 'n geregistreerde skool te wees nie.

(5) Iemand wat beroepsonderwys of -opleiding in stryd met die bepalings van sub-artikel (1) verskaf of wat 'n beampte in die uitvoering van sy pligte kragtens sub-artikel (3) belemmer of verhinder, of wat hom daarmee inmeng, is aan 'n misdryf skuldig en is by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd pond of by wanbetaling met gevangenisstraf met dwangarbeid vir 'n tydperk van hoogstens twaalf maande.

(6) Die bepalings van hierdie artikel word nie so uitgelê dat dit enigiemand van enige ander wetlike verpligting ten opsigte van die registrasie van private skole onthef nie.

(7) Hierdie artikel tree in werking op 'n datum wat deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal word.".

Kort titel.

9. Hierdie Wet heet die Wysigingswet op Beroepsonderwys, 1957.

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No. 73, 1957.]

ACT

To consolidate the laws providing for the collection of statistics relating to agricultural undertakings, industrial, commercial, shipping, fishing and other business undertakings and to other matters.

(*English text signed by the Officer Administering the Government.*)
(*Assented to* 24 *June*, 1957.)

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) "Minister" means the Minister of the Interior; (ii)
   (ii) "prescribed" means prescribed by or under the authority of this Act, and, in the case of a prescribed form or manner, means a form or manner substantially as prescribed; (iv)
   (iii) "statistics" means the information which may be collected of and incidental to matters specified in, or prescribed under, section *two*; (iii)
   (iv) "this Act" includes any regulation made thereunder.(i)

Matters as to which statistics may be collected.

2. (1) Subject to the provisions of this Act and to the directions of the Minister, statistics may be collected at such times or during such periods as may be prescribed, in relation to all or any of the following matters, namely—
   (*a*) population;
   (*b*) vital, social, educational, and industrial matters, including rates of wages, cost of living, prices of commodities and rents of habitations;
   (*c*) local government;
   (*d*) employment and non-employment;
   (*e*) imports and exports;
   (*f*) immigration and emigration;
   (*g*) posts, telegraphs and telephones;
   (*h*) factories, mines and productive industries generally;
   (*i*) agricultural, horticultural, viticultural, dairying, pastoral and fishing industries;
   (*j*) banking, insurance and finance;
   (*k*) railways, tramways, shipping and transport;
   (*l*) the tenure, occupation and use of land,

and in relation to any other matter prescribed by the Minister by notice in the *Gazette*.

(2) The duty of collecting any such statistics shall be performed by such officers in the public service as the Minister may designate by notice in the *Gazette*.

Establishment of statistical council.

3. (1) There shall be established a statistical council consisting of the Director of Census, who shall be chairman, and the Assistant-Director of Census, who shall be vice-chairman, and not less than six and not more than ten other persons who shall be appointed by the Governor-General and shall hold office during his pleasure.

(2) The Council shall advise the Minister in regard to any matter connected with this Act or the Population Registration Act, 1950, and may from time to time make or cause to be made by a person authorized thereto by the council such inspections of the population register compiled and maintained under the lastmentioned Act as it may deem fit, and shall report any irregularity in the compilation or maintenance thereof to the Minister.

(3) The council shall meet at least once in every year upon written notice of the chairman.

(4) A report on the activities of the council shall be submitted to the Minister annually and the Minister shall lay that report on the Tables of both Houses of Parliament within thirty days after receipt thereof by him if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within thirty days after the commencement of its next ensuing ordinary session.

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No. 73, 1957.]

WET

Tot samevatting van die wetsbepalings wat voorsiening maak vir die versameling van statistieke betreffende landbou-ondernemings, nywerheids-, handels-, skeepvaart-, visvang- en ander besigheidsondernemings en ander aangeleenthede.

(Engelse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteke.)
(Goedgekeur op 24 *Junie* 1957.)

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

Woordbepaling.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

(i) „hierdie Wet" ook 'n regulasie ingevolge daarvan uitgevaardig; (iv)

(ii) „Minister" die Minister van Binnelandse Sake; (i)

(iii) „statistieke" die inligting wat versamel mag word betreffende en in verband met aangeleenthede vermeld in, of voorgeskryf kragtens artikel *twee*; (iii)

(iv) „voorgeskryf" of „voorgeskrewe" by of kragtens hierdie Wet voorgeskryf en, in die geval van 'n voorgeskrewe vorm of wyse, 'n vorm of wyse wat wesenlik ooreenstem met dié wat voorgeskryf is. (ii)

Aangeleenthede met betrekking waartoe statistieke versamel mag word.

2. (1) Behoudens die bepalings van hierdie Wet en die voorskrifte van die Minister, kan statistieke, op die tye en gedurende die tydperke wat voorgeskryf word, versamel word betreffende een of meer van die volgende aangeleenthede, naamlik—

(*a*) bevolking;

(*b*) lewens-, maatskaplike, opvoedkundige en nywerheids-aangeleenthede, met inbegrip van loonskale, lewenskoste, pryse van ware en huishuur;

(*c*) plaaslike bestuur;

(*d*) werkgewing en werkloosheid;

(*e*) in- en uitvoer;

(*f*) immigrasie en emigrasie;

(*g*) die pos-, telegraaf- en telefoonwese;

(*h*) fabrieke, myne en produktiewe nywerhede in die algemeen;

(*i*) nywerhede in verband met landbou, tuinbou, wynbou, suiwelbereiding, veeboerdery en visvang;

(*j*) die bankwese, versekering en finansies;

(*k*) spoorweë, tremweë, skeepvaart en vervoer;

(*l*) die besit, bewoning en gebruik van grond,

en betreffende enige ander aangeleentheid deur die Minister by kennisgewing in die *Staatskoerant* voorgeskryf.

(2) Die plig om enige sodanige statistieke te versamel, word verrig deur die amptenare in die Staatsdiens wat die Minister by kennisgewing in die *Staatskoerant* aanwys.

Instelling van statistiese raad.

3. (1) 'n Statistiese raad word ingestel wat bestaan uit die Direkteur van Sensus, wat die voorsitter is, die Assistent-direkteur van Sensus, wat die vise-voorsitter is, en minstens ses en hoogstens tien ander persone wat deur die Goewerneur-generaal aangestel word en wat hulle amp beklee vir solank dit hom behaag.

(2) Die raad dien die Minister van advies met betrekking tot enige aangeleentheid in verband met hierdie Wet of die Bevolkingsregistrasiewet, 1950, en kan van tyd tot tyd die kragtens laasgenoemde Wet saamgestelde en bygehoue register na goeddunke ondersoek of deur 'n deur die raad gemagtigde persoon laat ondersoek, en rapporteer enige onreëlmatigheid in die samestelling of byhou daarvan aan die Minister.

(3) Die raad vergader minstens eenmaal in elke jaar op skriftelike kennisgewing van die voorsitter.

(4) 'n Verslag van die werksaamhede van die raad word jaarliks aan die Minister deurgestuur en die Minister lê daardie verslag in beide Huise van die Parlement ter Tafel binne dertig dae na ontvangs daarvan deur hom indien die Parlement dan in gewone sitting is of, indien die Parlement nie dan in gewone sitting is nie, binne dertig dae na die aanvang van sy eersvolgende gewone sitting.

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Arrangements with provincial administrations.

4. (1) The Minister may enter into arrangements with the Administrator of any Province as to any matter necessary or convenient for the purpose of carrying out effectually this Act, and in particular for all or any of the following matters—

(*a*) the execution or performance by any officer serving under the provincial administration of any power or duty conferred or imposed on any officer under this Act;

(*b*) the collection by such officer of any statistical or other information required for the purpose of carrying out this Act; and

(*c*) the supplying of any statistical information by the provincial administration to the prescribed officer.

(2) Any officer serving under a provincial administration and exercising any power or performing any duty conferred or imposed upon any officer under this Act in pursuance of any arrangement entered into under this section, shall for the purposes of the execution of that power or the performance of that duty, be deemed to be an officer designated under this Act.

Duty of prescribed person to fill in the prescribed forms.

5. For the purpose of enabling the statistics to be collected, every prescribed person shall to the best of his knowledge, when required by the prescribed officer to do so, fill in and supply in accordance with the instructions contained in or accompanying the prescribed form, the particulars specified in that form.

Duty of persons to answer questions.

6. Every person shall, to the best of his knowledge and belief, answer, when so required, all such questions put to him by the prescribed officer, or by an officer authorized in writing by a prescribed officer, as are necessary for obtaining any information required for the collection of statistics.

Powers of prescribed officers.

7. (1) For the purpose of making any enquiries or observations necessary for the carrying out of this Act, the prescribed officer or any officer authorized by him in writing may at any time during working hours after reasonable notice to the owner or the person in charge enter upon any land on which any agricultural, horticultural, viticultural or pastoral industry is carried on, and may enter any factory, mine, workshop, dairy, fishing station or other place where persons are employed, or any industrial undertaking is carried on, and may inspect any part of it, and all plant and machinery used in connection with it, and may make such enquiries as are prescribed or allowed by this Act.

(2) Any person who hinders, obstructs or delays any officer mentioned in sub-section (1) in the execution of any power conferred by this section, shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds.

Compilation and tabulation of statistics.

8. (1) Every prescribed officer shall compile and tabulate the statistics collected by him under this Act.

(2) Such statistics or abstracts thereof, shall be published in such manner as the Minister may direct.

(3) All statistics, or abstracts thereof, prepared for publication and the prescribed officer's observations thereon (if any) shall be laid upon the Tables of both Houses of Parliament within fourteen days after the publication, if Parliament is then in session, or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.

Punishment of officers for certain acts.

9. Any officer who—

(*a*) puts an improper or offensive question to any person;

(*b*) asks, receives or takes, in respect of or in connection with his employment under this Act from any person, other than an authorized officer of the Government, any payment or reward;

(*c*) divulges, except as allowed by this Act, the contents of any form or return filled in in pursuance of this Act, or any information furnished in pursuance of this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months.

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Ooreenkomste met provinsiale administrasies.

4. (1) Die Minister kan met die Administrateur van enige Provinsie ooreenkomste aangaan met betrekking tot enige aangeleentheid wat nodig of gerieflik is vir die doeltreffende uitvoering van hierdie Wet, en in besonder met betrekking tot een of meer van die volgende aangeleenthede—

(*a*) die uitoefening of verrigting deur 'n amptenaar in diens van die provinsiale administrasie van enige bevoegdheid of plig wat kragtens hierdie Wet aan 'n amptenaar verleen is of hom opgelê is;

(*b*) die versameling deur so 'n amptenaar van enige statistiese of ander inligting wat nodig is vir die uitvoering van hierdie Wet; en

(*c*) die verstrekking van enige statistiese inligting deur die provinsiale administrasie aan die voorgeskrewe amptenaar.

(2) 'n Amptenaar in diens van 'n provinsiale administrasie wat ingevolge 'n ooreenkoms aangegaan kragtens hierdie artikel enige bevoegdheid uitoefen of enige plig verrig wat kragtens hierdie Wet aan 'n amptenaar verleen is of hom opgelê is, word vir sover dit die uitoefening van daardie bevoegdheid of die verrigting van daardie plig betref, geag 'n kragtens hierdie Wet aangewese amptenaar te wees.

Plig van voorgeskrewe persoon om voorgeskrewe vorms in te vul.

5. Ten einde die versameling van statistieke moontlik te maak, moet elke voorgeskrewe persoon, wanneer dit deur die voorgeskrewe amptenaar van hom verlang word, na sy beste wete die besonderhede in die voorgeskrewe vorm vermeld, invul en verstrek ooreenkomstig die voorskrifte daarin vervat of daarby aangeheg.

Plig van persone om vrae te beantwoord.

6. Iedereen moet, wanneer dit van hom verlang word, al die vrae wat aan hom gestel word deur 'n voorgeskrewe amptenaar of deur 'n amptenaar wat skriftelik deur 'n voorgeskrewe amptenaar gemagtig is, en wat noodsaaklik is vir die verkryging van enige inligting wat nodig is vir die versameling van statistieke, na sy beste wete beantwoord.

Bevoegdhede van voorgeskrewe amptenare.

7. (1) Die voorgeskrewe amptenaar of enige amptenaar wat skriftelik deur hom gemagtig is, kan, ten einde navrae te doen of waarnemings te maak wat noodsaaklik is vir die uitvoering van hierdie Wet, te eniger tyd gedurende werksure na redelike kennisgewing aan die eienaar of persoon in beheer enige grond betree waarop enige nywerheid in verband met landbou, tuinbou, wynbou of veeboerdery uitgeoefen word en kan enige fabriek, myn, werkwinkel, melkery, visseryperseel of ander plek waar persone werksaam is of waar enige nywerheidsonderneming uitgeoefen word, binnegaan en kan enige deel daarvan en alle werktuie en masjinerie wat in verband daarmee gebruik word, inspekteer en kan sodanige navrae doen as wat deur hierdie Wet voorgeskryf of toegelaat word.

(2) Iemand wat 'n in sub-artikel (1) vermelde amptenaar by die uitoefening van enige bevoegdheid deur hierdie artikel verleen, hinder, belemmer of vertraag, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens tien pond.

Samestelling en tabellering van statistieke.

8. (1) Elke voorgeskrewe amptenaar moet die statistieke deur hom kragtens hierdie Wet versamel, saamstel en tabelleer.

(2) Sodanige statistieke of samevattings daarvan moet op die wyse wat die Minister gelas, gepubliseer word.

(3) Alle statistieke, of samevattings daarvan, wat vir publikasie gereed gemaak is en die voorgeskrewe amptenaar se aanmerkings daarop (indien enige) moet binne veertien dae na publikasie in beide Huise van die Parlement ter Tafel gelê word indien die Parlement dan in sitting is of, indien die Parlement nie dan in sitting is nie, binne veertien dae na die aanvang van sy eersvolgende sitting.

Strawwe vir amptenare vir sekere handelinge.

9. 'n Amptenaar wat—

(*a*) aan enige persoon 'n onbehoorlike of aanstootlike vraag stel;

(*b*) van iemand anders as 'n gemagtigde Regeringsamptenaar enige betaling of beloning vra, ontvang of aanneem ten opsigte van of in verband met sy werk ingevolge hierdie Wet;

(*c*) behalwe waar dit deur hierdie Wet toegelaat word, die inhoud van enige vorm of opgawe wat ooreenkomstig hierdie Wet ingevul is of enige inligting wat ooreenkomstig hierdie Wet verstrek is, openbaar maak,

is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens vyftig pond of gevangenisstraf vir 'n tydperk van hoogstens drie maande.

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Punishment for making false statements.

10. Any person who makes in any form or document filled in or supplied in pursuance of this Act or in answer to any question put to him under authority of this Act, any statement which is false in any material particular, knowing the same to be false, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months.

Penalty for forging documents.

11. Any person who forges any form or document which is used or prescribed under this Act or utters such a document knowing it to be forged, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of fraud.

Regulations.

12. (1) The Governor-General may make regulations not inconsistent with this Act—

(*a*) prescribing the particulars and information to be furnished in relation to any matter in respect of which statistics may be collected under this Act;

(*b*) prescribing the manner and form in which, the times and places at which, and the persons by whom and to whom, such particulars and information shall be furnished.

(2) Such regulations may also require the furnishing of particulars and information—

(*a*) by persons in prescribed areas;

(*b*) as to the addresses and occupations of persons;

(*c*) in respect of prescribed periods.

(3) The regulations may provide that any person who, without reasonable cause, fails to comply therewith shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds or, in the case of a continuing failure to comply therewith, to a fine not exceeding one pound for every day during which such failure continues.

Authentication of forms, notices and other documents.

13. Every form, notice or other document given or issued by an officer under this Act shall be sufficiently authenticated if the name of the officer by whom it is given or issued has been printed or stamped thereon.

Letters, etc., as to statistics to be transmitted free through post.

14. All letters, parcels and packets and all telegraphic messages relating to the statistics shall, if marked with the words "Statistics", "On Her Majesty's Service", and when transmitted to or by a prescribed officer, be free of postal, telegraphic or other charges made by the Department of Posts and Telegraphs.

Entries not admissible in evidence.

15. No entry in any return, book, register or record made by an officer or by any other person under this Act shall be admissible in any legal proceedings, civil or criminal, except upon a charge of an offence against this Act.

Repeal of laws.

16. (1) Subject to the provisions of sub-section (2), the laws specified in the Schedule to this Act are hereby repealed to the extent set out in the third column of that Schedule.

(2) Any regulation, notice, appointment, arrangement or direction made, promulgated, entered into or given and any other action taken under any provision of a law repealed by sub-section (1), shall be deemed to have been made, promulgated, entered into, given or taken under the corresponding provision of this Act.

Short title.

17. This Act shall be called the Statistics Act, 1957.

Schedule.

LAWS REPEALED.

No. and Year of Law.	Title.	Extent of Repeal.
Act No. 38 of 1914.	Statistics Act, 1914	The whole.
Act No. 5 of 1919.	Statistics Amendment Act, 1919 ..	The whole.
Act No. 30 of 1950.	Population Registration Act, 1950..	Section *twenty-three.*

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10. Iemand wat in enige vorm of dokument wat ooreenkomstig hierdie Wet ingevul of verstrek word of in antwoord op enige vraag wat kragtens hierdie Wet aan hom gestel word, 'n verklaring maak wat in enige wesenlike opsig vals is, wetende dat dit vals is, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens vyftig pond of gevangenisstraf vir 'n tydperk van hoogstens drie maande. Straf vir maak van valse verklarings.

11. Iemand wat enige vorm of dokument wat kragtens hierdie Wet gebruik of voorgeskryf word, vervals of wat so 'n dokument uitgee wetende dat dit vervals is, is aan 'n misdryf skuldig en by veroordeling strafbaar met die strawwe by wet bepaal vir die misdaad van bedrog. Straf vir vervalsing van dokumente.

12. (1) Die Goewerneur-generaal kan regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie— Regulasies.

(*a*) wat die besonderhede en inligting voorskryf wat verstrek moet word met betrekking tot enige aangeleentheid ten opsigte waarvan statistieke kragtens hierdie Wet versamel mag word;

(*b*) wat die wyse waarop en die vorm waarin, die tye waarop en die plekke waar, en die persone deur wie en aan wie, sodanige besonderhede en inligting verstrek moet word, voorskryf.

(2) Sodanige regulasies kan ook vereis dat besonderhede en inligting verstrek word—

(*a*) deur persone in voorgeskrewe gebiede;

(*b*) betreffende die adresse en beroepe van persone;

(*c*) ten opsigte van voorgeskrewe tydperke.

(3) Die regulasies kan bepaal dat enige persoon wat, sonder redelike oorsaak, versuim om daaraan te voldoen aan 'n misdryf skuldig is en by veroordeling strafbaar is met 'n boete van hoogstens vyf-en-twintig pond of, in die geval van 'n voortdurende versuim om daaraan te voldoen, met 'n boete van hoogstens een pond vir elke dag waarop sodanige versuim voortduur.

13. Elke vorm, kennisgewing of ander dokument wat kragtens hierdie Wet deur 'n amptenaar uitgegee of uitgereik is, is voldoende gewaarmerk as die naam van die amptenaar deur wie dit uitgegee of uitgereik is daarop gedruk of gestempel is. Waarmerking van vorms, kennisgewings en ander dokumente.

14. Alle briewe, pakkies en pakkette en alle telegrafiese berigte met betrekking tot die statistieke word, indien hulle gemerk is met die woorde „Statistieke", „In diens van Haar Majesteit" en versend word aan of deur 'n voorgeskrewe amptenaar, onthef van pos-, telegrafiese of ander koste wat deur die Departement van Pos- en Telegraafwese opgelê word. Briewe, ens., betreffende statistieke word kosteloos per pos vervoer.

15. Geen aantekening wat in enige opgawe, boek, register of geskrif gemaak is deur 'n amptenaar of deur enige ander persoon kragtens hierdie Wet, is in enige geding, hetsy siviel of krimineel, toelaatbaar nie, behalwe in die geval van 'n vervolging weens 'n oortreding van hierdie Wet. Aantekeninge nie toelaatbaar as getuienis nie.

16. (1) Behoudens die bepalings van sub-artikel (2), word die wette genoem in die Bylae by hierdie Wet hierby herroep vir sover in die derde kolom van daardie Bylae uiteengesit. Herroeping van wette.

(2) Enige regulasie, kennisgewing, aanstelling, ooreenkoms of voorskrif uitgevaardig, uitgereik, gedoen, of aangegaan en enige ander stappe gedoen kragtens 'n bepaling van 'n by sub-artikel (1) herroepe wet, word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgevaardig, uitgereik, aangegaan of gedoen te gewees het.

17. Hierdie Wet heet die Wet op Statistieke, 1957. Kort titel.

Bylae.

WETTE HERROEP.

No. en jaar van Wet.	Titel.	In hoeverre herroep.
Wet No. 38 van 1914.	„Statistieken Wet, 1914"	Die geheel.
Wet No. 5 van 1919.	„Statistiek Wijzigingswet, 1919" ..	Die geheel.
Wet No. 30 van 1950.	Bevolkingsregistrasiewet, 1950 ..	Artikel *drie-en-twintig*.

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No. 74, 1957.]

ACT

To amend the Financial Relations Consolidation and Amendment Act, 1945, and to validate certain payments made by the provincial administrations of the Cape of Good Hope, the Orange Free State and Natal to the St. John Ophthalmic Foundation.

(*Afrikaans text signed by the Officer Administering the Government.*)
(*Assented to* 24 *June*, 1957.)

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 14 of Act 38 of 1945, as amended by section 1 of Act 31 of 1950.

1. Section *fourteen* of the Financial Relations Consolidation and Amendment Act, 1945 (hereinafter referred to as the principal Act), is hereby amended—

(*a*) by the substitution in sub-section (1) for the words "a local authority" where those words occur for the first time of the words "any body contemplated by paragraph (vi) of section *eighty-five* of the South Africa Act, 1909,"; and

(*b*) by the substitution in the said sub-section for the words "local authority" where those words occur for the second time of the word "body".

Amendment of section 15 of Act 38 of 1945, as amended by section 2 of Act 45 of 1954 and section 1 of Act 70 of 1956.

2. Section *fifteen* of the principal Act is hereby amended by the substitution for the words "local authority" of the words "body contemplated by paragraph (vi) of section *eighty-five* of the South Africa Act, 1909,".

Validation of certain ordinances.

3. Any provision contained in an ordinance of a provincial council, whether passed before or after the commencement of this Act, in relation to any matter specified in sections *fourteen* and *fifteen* of the principal Act, as amended by sections *one* and *two* respectively of this Act, shall have effect as if at the date of the passing of such ordinance the power to legislate in respect of the matters specified in those sections, as so amended, had been conferred upon that provincial council.

Validation of certain payments by provincial administrations.

4. (1) The payment to the St. John Ophthalmic Foundation of an amount of one thousand pounds by the provincial administration of the Orange Free State and an amount of five thousand pounds each by the provincial administrations of the Cape of Good Hope and Natal respectively, is hereby validated.

(2) No payment referred to in sub-section (1) shall for the purposes of sub-section (1) of section *six* of the principal Act be deemed to form part of the nett expenditure of the province concerned.

Short title.

5. This Act shall be called the Financial Relations Further Amendment Act, 1957.

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No. 74, 1957.]

WET

Om die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945, te wysig en om sekere betalings deur die provinsiale administrasies van die Kaap die Goeie Hoop, die Oranje-Vrystaat en Natal aan die „St. John Ophthalmic Foundation" gemaak, geldig te verklaar.

(*Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.*)
(*Goedgekeur op* 24 *Junie* 1957.)

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

Wysiging van artikel 14 van Wet 38 van 1945, soos gewysig deur artikel 1 van Wet 31 van 1950.

1. Artikel *veertien* van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (hieronder die Hoofwet genoem), word hierby gewysig—
(*a*) deur in sub-artikel (1) die woorde „plaaslike bestuur" waar daardie woorde vir die eerste maal voorkom, deur die woorde „in paragraaf (vi) van artikel *vyf-en-tagtig* van die ,Zuid-Afrika Wet, 1909,' beoogde liggaam" te vervang; en
(*b*) deur in genoemde sub-artikel die woorde „plaaslike bestuur" waar daardie woorde vir die tweede maal voorkom, deur die woord „liggaam" te vervang

Wysiging van artikel 15 van Wet 38 van 1945, soos gewysig deur artikel 2 van Wet 45 van 1954 en artikel 1 van Wet 70 van 1956.

2. Artikel *vyftien* van die Hoofwet word hierby gewysig deur die woorde „plaaslike bestuur" deur die woorde „in paragraaf (vi) van artikel *vyf-en-tagtig* van die ,Zuid-Afrika Wet, 1909,' beoogde liggaam" te vervang.

Geldigverklaring van sekere ordonnansies.

3. Enige bepaling vervat in 'n ordonnansie van 'n provinsiale raad, hetsy voor of na die inwerkingtreding van hierdie Wet aangeneem, met betrekking tot 'n aangeleentheid bedoel in artikels *veertien* en *vyftien* van die Hoofwet, soos onderskeidelik deur artikels *een* en *twee* van hierdie Wet gewysig, geld asof op die datum van aanname van daardie ordonnansie die bevoegdheid om wetgewing aan te neem ten opsigte van die aangeleenthede in daardie artikels, soos aldus gewysig, vermeld, aan bedoelde provinsiale raad verleen was.

Geldigverklaring van sekere betalings deur provinsiale administrasies.

4. (1) Die betaling aan die „St. John Ophthalmic Foundation" van 'n bedrag van duisend pond deur die provinsiale administrasie van die Oranje-Vrystaat en 'n bedrag van vyfduisend pond elk deur die provinsiale administrasies van onderskeidelik die Kaap die Goeie Hoop en Natal, word hierby geldig verklaar.

(2) Geen betaling in sub-artikel (1) genoem, word by die toepassing van sub-artikel (1) van artikel *ses* van die Hoofwet, geag deel van die netto uitgawes van die betrokke provinsie uit te maak nie.

Kort titel.

5. Hierdie Wet heet die Verdere Wysigingswet op Finansiële Verhoudings, 1957.

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No. 76, 1957.]

ACT

To consolidate the laws providing for the taking from time to time of a census.

(Afrikaans text signed by the Officer Administering the Government.)
(Assented to 24 June, 1957.)

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) "Assistant Director" means an Assistant Director of Census appointed under this Act; (i)

(ii) "census day" means any day fixed by the Governor-General under this Act for the taking of any census; (ix)

(iii) "census officer" means any officer appointed under section *three* or *four*; (viii)

(iv) "Director" means the Director of Census appointed under this Act and, where powers or duties have been delegated under this Act by the Director to any Assistant Director, includes that Assistant Director; (ii)

(v) "dwelling" means any house, hut, building, structure, booth, tent or other erection, or any wagon, cart or other vehicle, in or under which any person habitually sleeps, and includes any ship in any port or harbour of the Union; (xi)

(vi) "enumerator" means any person appointed as such under this Act; (vi)

(vii) "Minister" means the Minister of the Interior; (v)

(viii) "prescribed" means prescribed by this Act; (x)

(ix) "regulation" means a regulation made under this Act; (vii)

(x) "supervisor" means a person appointed as such under this Act; (iv)

(xi) "this Act" includes the regulations. (iii)

When a census is to be taken.

2. (1) The Governor-General shall cause a census to be taken in the year 1961 and thereafter every ten years, and may cause a census to be taken in any other year.

(2) A census so taken shall be of the population of the Union and of any other particulars whatsoever that may be prescribed.

(3) The Governor-General shall by proclamation in the *Gazette* fix the day on which any such census shall be so taken.

APPOINTMENT, POWERS AND DUTIES OF CENSUS OFFICERS.

Appointment of officers to take census.

3. (1) The Governor-General may from time to time appoint a Director of Census, who shall direct and superintend the taking, in accordance with this Act, of any census.

(2) The Governor-General may from time to time appoint so many Assistant Directors of Census as he may determine, and every such Assistant Director shall, subject to the direction of the Director, carry out such powers and perform such duties as are by this Act conferred or imposed upon census officers.

(3) The Director may, subject to the approval of the Minister, delegate any power conferred or duty imposed upon him by this Act, to an Assistant Director or to any public officer.

(4) The Director shall from time to time appoint such supervisors, clerks and other officers as may be necessary to carry out the provisions of this Act.

(5) Any person appointed under this section may be removed or suspended from his office, or his appointment may be revoked.

(6) During the illness, absence or temporary incapacity of the Director or any Assistant Director, any person may be appointed to act as Director or Assistant Director, as the case may be.

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No. 76, 1957.]

WET

Tot samevatting van die wette wat voorsiening maak vir die hou van 'n sensus van tyd tot tyd.

(*Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.*)
(*Goedgekeur op* 24 *Junie* 1957.)

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

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

(i) „Assistent-direkteur" 'n Assistent-direkteur van Sensus kragtens hierdie Wet aangestel; (i)

(ii) „Direkteur" die Direkteur van Sensus kragtens hierdie Wet aangestel en, indien bevoegdhede of pligte kragtens hierdie Wet deur die Direkteur aan 'n Assistent-direkteur oorgedra is, ook daardie Assistent-direkteur; (iv)

(iii) „hierdie Wet" ook die regulasies; (xi)

(iv) „kontroleur" iemand wat as sodanig kragtens hierdie Wet aangestel is; (x)

(v) „Minister" die Minister van Binnelandse Sake; (vii)

(vi) „opnemer" iemand wat as sodanig kragtens hierdie Wet aangestel is; (vi)

(vii) „regulasie" 'n regulasie kragtens hierdie Wet uitgevaardig; (ix)

(viii) „sensusbeampte" 'n beampte kragtens artikel *drie* of *vier* aangestel; (iii)

(ix) „sensusdag" 'n dag wat kragtens hierdie Wet deur die Goewerneur-generaal vir die hou van 'n sensus bepaal is; (ii)

(x) „voorgeskryf" deur hierdie Wet voorgeskryf; (viii)

(xi) „woning" 'n huis, hut, gebou, bouwerk, kraam, tent of ander struktuur, of 'n wa, kar of ander voertuig, waarin of waaronder iemand gewoonlik slaap, en ook 'n skip in 'n hawe van die Unie. (v)

2. (1) Die Goewerneur-generaal moet in die jaar 1961 en daarná elke tien jaar 'n sensus laat hou, en kan 'n sensus in enige ander jaar laat hou. **Wanneer 'n sensus gehou moet word.**

(2) 'n Sensus wat aldus gehou word, moet 'n sensus wees van die bevolking van die Unie en van enige ander besonderhede, wat ook al, wat voorgeskryf is.

(3) Die Goewerneur-generaal moet by proklamasie in die *Staatskoerant* die dag bepaal waarop so 'n sensus aldus gehou moet word.

AANSTELLING, BEVOEGDHEDE EN PLIGTE VAN SENSUSBEAMPTES.

3. (1) Die Goewerneur-generaal kan van tyd tot tyd 'n Direkteur van Sensus aanstel wat die hou van 'n sensus ooreenkomstig hierdie Wet reël en toesig daaroor hou. **Aanstelling van beamptes om sensus te hou.**

(2) Die Goewerneur-generaal kan van tyd tot tyd soveel Assistent-direkteure van Sensus aanstel as wat hy bepaal, en iedere sodanige Assistent-direkteur moet, onderworpe aan die opdrag van die Direkteur, die bevoegdhede uitoefen en die pligte uitvoer wat deur hierdie Wet aan sensusbeamptes verleen of opgelê word.

(3) Onderworpe aan die goedkeuring van die Minister kan die Direkteur 'n bevoegdheid of plig wat deur hierdie Wet aan hom verleen of opgelê word, aan 'n Assistent-direkteur of 'n openbare beampte oordra.

(4) Die Direkteur moet van tyd tot tyd die kontroleurs, klerke en ander beamptes aanstel wat nodig is om die bepalings van hierdie Wet uit te voer.

(5) Iemand wat kragtens hierdie artikel aangestel is, kan ontslaan of in sy amp geskors word, of sy aanstelling kan ingetrek word.

(6) Tydens die siekte, afwesigheid of tydelike onbekwaamheid van die Direkteur of 'n Assistent-direkteur kan iemand aangestel word om as Direkteur of Assistent-direkteur, na gelang van die geval, waar te neem.

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Appointment of Enumerators.

4. (1) Every supervisor shall, subject to the approval of the Director, appoint enumerators for his census district and assign census sub-districts to those enumerators.

(2) A supervisor may, subject to the approval of the Director, remove or suspend from office any enumerator in his census district.

Enumerator to deliver forms and returns to supervisor who shall transmit them to Director.

5. (1) The Director shall in respect of each enumerator fix a day on or before which such enumerator shall deliver to the supervisor of his census district all such forms and returns as the Director may require.

(2) Every supervisor shall verify all forms and returns so delivered to him, cause any defect therein to be supplied and any inaccuracy therein to be corrected, and transmit those forms and returns forthwith to the Director or, if so required, to an Assistant Director.

Declaration to be made by enumerators.

6. (1) Every enumerator shall make and subscribe before a justice of the peace or a commissioner of oaths a declaration in the prescribed form, and shall deliver the declaration so made to the supervisor under whose supervision he is, when he delivers to him the forms and returns which under this Act he is required so to deliver.

(2) Any enumerator who fails to make or subscribe such a dclaration or so to deliver it when made shall be guilty of an offence.

(3) Any enumerator who makes any false statement in any such declaration, knowing it to be false, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

THE TAKING OF A CENSUS.

Regulations.

7. (1) The Governor-General may make regulations—

(*a*) prescribing the duties of census officers;

(*b*) prescribing the forms to be used in the taking of a census under this Act, and the particular forms to be used for particular purposes in relation to any census;

(*c*) prescribing the particulars to be furnished by or on behalf of the occupier of every dwelling in respect of every living person who slept at that dwelling on the night of the census day;

(*d*) prescribing the particulars to be furnished by every person having charge of any live-stock on the census day, in respect of that live-stock;

(*e*) providing for the collection of statistics relating to agriculture, education and religious denominations, industrial, mining, commercial, shipping and fishing establishments and undertakings, friendly or building societies, trades unions, any society formed for lawful objects, or to unemployment;

(*f*) providing for the ascertaining of the number of persons and live-stock travelling, or the quantity of produce or articles of commerce being conveyed, on the census day within the Union or by sea between ports of the Union, and for the obtaining of the prescribed particulars in respect of every such person and such live-stock, produce or articles;

(*g*) prescribing the mode in which any information shall be obtained for the purposes of a census,

and generally for the better carrying out of the objects and purposes of this Act.

(2) The regulations may provide penalties for a contravention thereof or failure to comply therewith, not exceeding a fine of ten pounds or, in default of payment, imprisonment for a period of one month.

Powers of census officers.

8. (1) A census officer may, for the purpose of performing his duties under this Act, enter upon any land or premises and obtain access thereto.

(2) A census officer may, in the due performance of his duties under this Act, ask all such questions as are allowed by regulation, and every person of whom any such question is asked shall answer it to the best of his knowledge and belief.

Supplying, completion and collection of forms.

9. (1) The Director may order that within such areas as he may define any prescribed forms be left on or before the census day at all the dwellings therein.

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Aanstelling van opnemers.

4. (1) Onderworpe aan die goedkeuring van die Direkteur moet iedere kontroleur opnemers vir sy sensusdistrik aanstel en sub-sensusdistrikte aan daardie opnemers toewys.

(2) Onderworpe aan die goedkeuring van die Direkteur kan 'n kontroleur 'n opnemer in sy sensusdistrik ontslaan of in sy amp skors.

Opnemer moet vorms en opgawes aan kontroleur aflewer wat dit aan Direkteur moet deurstuur.

5. (1) Die Direkteur moet ten opsigte van iedere opnemer 'n dag bepaal waarop of waarvóór dié opnemer al die vorms en opgawes wat die Direkteur vereis, aan die kontroleur van sy sensusdistrik moet aflewer.

(2) Iedere kontroleur moet al die vorms en opgawes wat aldus aan hom afgelewer word, nasien, enige gebrek daarin laat aanvul, enige onjuistheid daarin laat regmaak en onverwyld daardie vorms en opgawes aan die Direkteur of, indien dit vereis word, aan 'n Assistent-direkteur deurstuur.

Verklaring deur opnemers afgelê te word.

6. (1) Iedere opnemer moet 'n verklaring in die voorgeskrewe vorm voor 'n vrederegter of 'n kommissaris van ede aflê en onderteken, en moet die verklaring wat aldus afgelê is aan die kontroleur onder wie se toesig hy staan, aflewer wanneer hy aan hom die vorms en opgawes aflewer wat hy kragtens hierdie Wet aldus moet aflewer.

(2) 'n Opnemer wat versuim om so 'n verklaring af te lê of te onderteken of dit aldus af te lewer nadat dit afgelê is, is aan 'n misdryf skuldig.

(3) 'n Opnemer wat in so 'n verklaring 'n valse bewering doen terwyl hy weet dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens vir meineed voorgeskryf is.

DIE HOU VAN 'N SENSUS.

Regulasies.

7. (1) Die Goewerneur-generaal kan regulasies uitvaardig wat—

(*a*) die pligte van sensusbeamptes voorskryf;

(*b*) die vorms wat by die hou van 'n sensus kragtens hierdie Wet gebruik moet word, en die besondere vorms wat vir besondere doeleindes in verband met 'n sensus gebruik moet word, voorskryf;

(*c*) die besonderhede voorskryf wat deur of namens die bewoner van iedere woning verstrek moet word ten opsigte van iedere lewende persoon wat gedurende die nag van die sensusdag by daardie woning geslaap het;

(*d*) die besonderhede voorskryf wat iedereen wat op die sensusdag toesig oor lewende hawe het, ten opsigte van daardie lewende hawe moet verstrek;

(*e*) voorsiening maak vir die versameling van statistiek betreffende die landbou, onderwys en godsdienstige denominasies, nywerheids-, myn-, handels-, skeepvaart- en vissery-instellings en -ondernemings, hulpverenigings en bougenootskappe, vakbonde, verenigings wat met wettige oogmerke gestig is, of betreffende werkloosheid;

(*f*) voorsiening maak vir die vasstelling van die aantal persone wat reis, die aantal lewende hawe waarmee getrek word of die hoeveelheid produkte of handelsware wat vervoer word, op die sensusdag in die Unie of op die see tussen hawens van die Unie, en vir die verkryging van die voorgeskrewe besonderhede ten opsigte van iedere sodanige persoon en sodanige lewende hawe, produkte of ware;

(*g*) die wyse voorskryf waarop inligting vir die doeleindes van 'n sensus verkry moet word,

en wat oor die algemeen dien tot beter uitvoering van die oogmerke en doeleindes van hierdie Wet.

(2) Die regulasies kan strawwe van 'n boete van hoogstens tien pond of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens een maand voorskryf vir 'n oortreding daarvan of versuim om dit na te kom.

Bevoegdhede van sensusbeamptes.

8. (1) 'n Sensusbeampte kan vir die uitvoering van sy pligte kragtens hierdie Wet enige grond of perseel betree en toegang daartoe verkry.

(2) 'n Sensusbeampte kan by die behoorlike uitvoering van sy pligte kragtens hierdie Wet al die vrae stel wat ingevolge die regulasies toegelaat word, en iedere persoon aan wie so 'n vraag gestel word, moet dit na die beste van sy wete en oortuiging beantwoord.

Verskaffing, invul en insameling van vorms.

9. (1) Die Direkteur kan gelas dat op of vóór sensusdag voorgeskrewe vorms by alle wonings in gebiede deur hom omskryf, afgegee word.

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(2) The occupier or person in charge of any dwelling at which any prescribed form has been so left shall, on demand, deliver such form, duly completed in every particular, to the enumerator or other census officer who calls for it.

(3) The enumerator or other census officer who calls for any prescribed form shall, before taking it away, examine it and satisfy himself that it has been fully, truly and accurately completed and, if it appears to him not to have been so completed, he shall himself, before taking it away, complete it according to the best information that he can obtain.

Where forms not supplied written accounts to be taken by enumerators.

10. (1) In places not within an area defined by the Director in terms of section *nine*, and in any case where a prescribed form has not been left as is contemplated in that section, the enumerator shall, on the day after census day or as soon thereafter as possible, proceed to take an account in writing of the number of persons who were within the limits of his census sub-district on the night of the census day, and of all other particulars required by the prescribed forms to be filled in.

(2) The occupier or person in charge of any piece of land not within an area so defined shall furnish an enumerator, at his request, with the particulars, required for insertion in the prescribed forms, in respect of every person who abode on the said piece of land on the night of the census day.

Abstract to be made and transmitted to Minister and to be printed and published.

11. (1) The Director shall, as soon as possible after he has received all the forms and returns transmitted to him under this Act, cause an abstract thereof to be made and transmit such abstract to the Minister.

(2) Every such abstract shall be printed and laid before both Houses of Parliament and shall further be published for general information to the extent and in such manner as the Minister may determine.

PENALTIES.

Offences by census officers.

12. Any census officer who—

(*a*) without sufficient cause, fails to perform or to exercise reasonable diligence or care in the performance of his duty as census officer;

(*b*) puts an offensive or improper question to any person;

(*c*) asks, receives or takes from any person, other than an authorized officer of the Government, any payment or reward;

(*d*) divulges any information obtained by him in the performance of his duties as census officer,

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or, in default of payment, to imprisonment for a period not exceeding three months, or to such imprisonment without the option of a fine.

Offences by other persons.

13. Any person who—

(*a*) fails to answer to the best of his knowledge and belief any question asked of him by a census officer, which he may be lawfully required to answer, or makes a false answer to such a question, knowing the answer to be false;

(*b*) makes, signs or delivers, or causes to be made, signed or delivered any incorrect form or return, knowing it to be incorrect;

(*c*) refuses a census officer such entry on, or access to, any land or premises as by this Act that officer is entitled to have, or obstructs or hinders a census officer in the performance of his duties as such,

shall be guilty of an offence and liable on conviction to the penalties mentioned in section *twelve*.

Exemptions from penalties.

14. (1) No person shall be prosecuted, or subjected to any penalty, for a contravention of this Act by reason that he refused or failed to state his religious persuasion or denomination, provided he entered on the column set apart for the purpose on the prescribed form, the word "object" or a word conveying the same meaning.

(2) No person shall be prosecuted, or subjected to any penalty, for a contravention of this Act in respect of a false return or statement regarding the number or quantity of his live-stock, produce or articles of commerce if, being unaware of the exact number or quantity thereof, he has given an estimate which is reasonably approximate to such number or quantity.

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(2) Die bewoner van, of die persoon wat toesig het oor, 'n woning waarby 'n voorgeskrewe vorm aldus afgegee is, moet op aanvraag sodanige vorm, behoorlik ingevul ten opsigte van iedere besonderheid, aan die opnemer of ander sensusbeampte wat dit kom haal, oorhandig.

(3) Die opnemer of ander sensusbeampte wat 'n voorgeskrewe vorm gaan haal, moet, voordat hy dit wegneem, dit ondersoek en homself oortuig dat dit volledig, juis en noukeurig ingevul is, en indien dit vir hom blyk dat dit nie aldus ingevul is nie moet hy, voordat hy dit wegneem, dit self invul ooreenkomstig die beste inligting wat hy kan bekom.

Indien vorms nie verskaf is nie moet skriftelike opgawes deur opnemers gedoen word.

10. (1) Op plekke wat nie in 'n gebied geleë is nie wat deur die Direkteur ingevolge artikel *nege* omskryf is, en in iedere geval waar 'n voorgeskrewe vorm nie, soos in daardie artikel beoog, afgegee is nie, moet die opnemer op die dag ná sensusdag of so spoedig doenlik daarná begin om 'n skriftelike opgawe te doen van die aantal persone wat gedurende die nag van die sensusdag binne die grense van sy sub-sensusdistrik was, en van al die ander besonderhede wat volgens vereiste van die voorgeskrewe vorms ingevul moet word.

(2) Die bewoner van, of die persoon wat toesig het oor, 'n stuk grond wat nie in 'n gebied wat aldus omskryf is, geleë is nie, moet ten opsigte van iedere persoon wat gedurende die nag van die sensusdag op genoemde stuk grond vertoef het, aan 'n opnemer op sy versoek die besonderhede verstrek wat vereis word vir opname in die voorgeskrewe vorms.

Uittreksel moet gemaak, aan Minister deurgestuur, gedruk en gepubliseer word.

11. (1) Die Direkteur moet so spoedig doenlik nadat hy al die vorms en opgawes wat aan hom kragtens hierdie Wet deurgestuur is, ontvang het, 'n uittreksel daaruit laat maak en dié uittreksel aan die Minister deurstuur.

(2) Iedere sodanige uittreksel moet gedruk en voor beide Huise van die Parlement gelê word, en moet verder in die mate en op die wyse wat die Minister bepaal, ter algemene inligting gepubliseer word.

STRAWWE.

Misdrywe deur sensusbeamptes.

12. 'n Sensusbeampte wat—

(*a*) sonder voldoende rede versuim om sy plig as sensusbeampte uit te voer of redelike ywer of sorg by die uitvoering daarvan aan die dag te lê;

(*b*) 'n aanstootlike of onbehoorlike vraag aan iemand stel;

(*c*) enige betaling of vergoeding van iemand anders as 'n gemagtigde beampte van die Regering vra, ontvang of aanneem;

(*d*) enige inligting wat hy by die uitvoering van sy pligte as 'n sensusbeampte bekom het, openbaar,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande, of met sodanige gevangenisstraf sonder die keuse van 'n boete.

Misdrywe deur ander persone.

13. Iemand wat—

(*a*) versuim om 'n vraag wat deur 'n sensusbeampte aan hom gestel word en wat hy wettiglik gevra kan word om te beantwoord, na die beste van sy wete en oortuiging te beantwoord, of 'n valse antwoord op so 'n vraag verstrek terwyl hy weet dat die antwoord vals is;

(*b*) 'n onjuiste vorm of opgawe opmaak, onderteken of oorhandig of laat opmaak, onderteken of oorhandig, terwyl hy weet dat dit onjuis is;

(*c*) weier dat 'n sensusbeampte enige grond of 'n perseel betree of toegang daartoe verkry soos hy ingevolge hierdie Wet geregtig is, of 'n sensusbeampte by die uitvoering van sy pligte as sodanig belemmer of hinder,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in artikel *twaalf* vermeld.

Vrystellings van strawwe.

14. (1) Niemand word weens 'n oortreding van hierdie Wet vervolg of gestraf nie omrede hy geweier of versuim het om sy godsdienstige geloof of denominasie op te gee, mits hy in die kolom wat vir dié doel op die voorgeskrewe vorm afgesonder is, die woorde „maak beswaar", of woorde wat dieselfde beteken, ingeskryf het.

(2) Niemand word vervolg of gestraf nie weens 'n oortreding van hierdie Wet ten opsigte van 'n valse opgawe of staat betreffende die aantal of hoeveelheid van sy lewende hawe, produkte of handelsware indien hy die presiese getal of hoeveelheid daarvan nie weet nie en hy 'n skatting daarvan gegee het wat redelik naby dié getal of hoeveelheid kom.

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Penalties where not otherwise provided.

15. Any person who contravenes or fails to comply with any provision of this Act, for the contravention whereof or failure to comply wherewith no penalty is specially provided, shall be liable on conviction to a fine not exceeding ten pounds or, in default of payment, to imprisonment for a period not exceeding one month.

MISCELLANEOUS.

Letters and communications to and from Director, supervisors or enumerators transmitted free of charge.

16. All letters, parcels, packets and telegraphic messages relating to a census shall, if marked with the words "Census", "On Her Majesty's Service", and when transmitted to or by the Director or any supervisor or enumerator, be free of postage, telegraphic or other charges, until such day as the Minister may, by notice in the *Gazette*, fix.

Admissibility in evidence of records of census.

17. No entry in any book, register or record made by a census officer or by any other person in the performance of his duties under this Act shall be admissible in evidence in any legal proceedings, civil or criminal, except upon a trial for an offence against this Act, anything to the contrary in any law relating to evidence notwithstanding.

Repeal of laws.

18 (1) Subject to the provisions of sub-section (2), the laws mentioned in the Schedule are hereby repealed to the extent set out in the third column thereof.

(2) Any proclamation, regulation, notice, authority, return, form, certificate or document issued, made, given, completed, prescribed or granted and any other action taken under any provision of a law repealed by sub-section (1), shall be deemed to have been issued, made, given, completed, prescribed, granted or taken under the corresponding provision of this Act.

Short title.

19. This Act shall be called the Census Act, 1957.

Schedule.

LAWS REPEALED.

Number and Year of Law.	Title.	Extent of Repeal.
Act No. 2 of 1910.	Census Act, 1910.	The whole.
Act No. 5 of 1935.	Census Amendment Act 1935.	Sections *three*, *four* and *five*.
Act No. 23 of 1941.	Census, Delimitation and Electoral Act, 1941.	Section *three*.
Act No. 30 of 1942.	Electoral Quota Consolidation Act, 1942.	Section *three*.
Act No. 41 of 1945.	Census Amendment Act, 1945.	Sections *one* and *three*.

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15. Iemand wat 'n bepaling van hierdie Wet oortree of versuim om dit na te kom, is, indien daar nie 'n straf in die besonder vir dié oortreding of versuim voorgeskryf is nie, by skuldigbevinding strafbaar met 'n boete van hoogstens tien pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens een maand. Strawwe waar nie anders bepaal is nie.

GEMENGDE BEPALINGS.

16. Tot op 'n dag wat die Minister by kennisgewing in die *Staatskoerant* bepaal, is alle briewe, pakkies, pakkette en telegrafiese boodskappe betreffende 'n sensus, indien hulle „Sensus", „In diens van Haar Majesteit" gemerk is en wanneer hulle aan of deur die Direkteur, 'n kontroleur of opnemer versend word, nie aan pos-, telegraaf- of ander gelde onderhewig nie. Briewe en mededelings aan en van Direkteur, kontroleurs of opnemers word kosteloos versend.

17. Ondanks andersluidende wetsbepalings betreffende getuienis is geen inskrywing wat deur 'n sensusbeampte of iemand anders by die uitvoering van sy pligte kragtens hierdie Wet in 'n boek, register of verslag gemaak is, in 'n siviele geding of strafgeding, behalwe by 'n verhoor weens 'n oortreding van hierdie Wet, as bewys toelaatbaar nie. Toelaatbaarheid van aantekeninge van sensus as getuienis.

18. (1) Behoudens die bepalings van sub-artikel (2) word die wette in die Bylae vermeld, in die mate in die derde kolom daarvan aangedui, hierby herroep. Herroeping van wette.

(2) 'n Proklamasie, regulasie, kennisgewing, magtiging, opgawe, vorm, sertifikaat of dokument uitgereik, uitgevaardig, gegee, ingevul, voorgeskryf of verleen, en enige ander stappe wat gedoen is kragtens 'n bepaling van 'n wet by sub-artikel (1) herroep, word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgereik, uitgevaardig, gegee, ingevul, voorgeskryf, verleen of gedoen te gewees het.

19. Hierdie Wet heet die Sensuswet, 1957. Kort titel.

Bylae.

WETTE HERROEP.

No. en jaar van Wet.	Titel.	In hoeverre herroep.
Wet No. 2 van 1910.	„Census Wet, 1910".	Die geheel.
Wet No. 5 van 1935.	Sensus-Wysigingswet, 1935.	Artikels *drie*, *vier* en *vyf*.
Wet No. 23 van 1941.	Sensus-, Afbakenings- en Kieswet, 1941.	Artikel *drie*.
Wet No. 30 van 1942.	Verkiesingskwotakonsolidasiewet, 1942.	Artikel *drie*.
Wet No. 41 van 1945.	Sensuswysigingswet, 1945.	Artikels *een* en *drie*.

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No. 77, 1957.]

ACT

To consolidate the law relating to the establishment of group areas, the control of the acquisition of immovable property and the occupation of land and premises and matters incidental thereto.

(English text signed by the Officer Administering the Government.)
(Assented to 24 *June,* 1957.)

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 the context otherwise indicates—

(i) "Administrator" means Administrator in Executive Committee; (i)

(ii) "acquire", in relation to immovable property, means become the owner of such property in any manner whatsoever; (xxvii)

(iii) "board" means the Group Areas Board established by section *two*; (xxi)

(iv) "commencement", in relation to the Group Areas Act, 1950 (Act No. 41 of 1950), means, with reference to the provinces of the Cape of Good Hope, Transvaal and Natal, the thirtieth day of March, 1951, and, with reference to the province of the Orange Free State, the thirty-first day of October, 1952; (xi)

(v) "company" includes any private company, any company referred to in section *thirty-three*, any foreign company as defined in section *two hundred and twenty-nine* of the Companies Act, 1926 (Act No. 46 of 1926), any corporate or unincorporate association of persons, and any registered or unregistered corporate body other than a statutory body; (xii)

(vi) "controlled area" means any area which is not a group area or a scheduled native area, location, native village, coloured persons settlement, mission station or communal reserve referred to in paragraph (*c*) of sub-section (3) of section *twenty*, or any land vested in the South African Native Trust established by the Native Trust and Land Act, 1936 (Act No. 18 of 1936), and includes, except for the purposes of section *seventeen*, any specified area referred to in section *fourteen*: Provided that any group area which is not in terms of a proclamation under paragraph (*a*) of sub-section (1) of section *twenty* a group area for occupation, shall form part of the controlled area for the purposes of the provisions of this Act relating to the occupation of land or premises in the controlled area, and that any group area which is not in terms of a proclamation under paragraph (*b*) of the said sub-section a group area for ownership, shall form part of the controlled area for the purposes of the provisions of this Act relating to the acquisition of immovable property in the controlled area; (iii)

(vii) "controlling interest", in relation to any company, means—

(*a*) a majority of its shares; or

(*b*) shares representing more than half its share capital; or

(*c*) shares of a value in excess of half the aggregate value of all its shares; or

(*d*) shares entitling the holders thereof to more than half its profits or assets; or

(*e*) shares entitling the holders thereof to a majority or preponderance of votes; or

(*f*) any interest acquired by any person arising out of the grant by him of a loan for an amount in excess of half its share capital, or debentures for such an amount; or

(*g*) the power to exercise, directly or indirectly, by holding any interest, whether or not of the nature referred to in paragraphs (*a*) to and including (*f*),

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No. 77, 1957.]

WET

Tot samevatting van die wetsbepalings betreffende die instelling van groepsgebiede, die beheer van die verkryging van onroerende goed en die okkupasie van grond en persele en aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 24 Junie 1957.)

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

1. (1) Tensy uit die samehang anders blyk, beteken in hierdie Wet— Woordbepaling.

(i) „Administrateur", Administrateur in Uitvoerende Komitee; (i)

(ii) „amptenaar aan die hoof van 'n registrasiekantoor", met betrekking tot onroerende goed in paragraaf (*b*) van die omskrywing van „eienaar" bedoel, 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 genoemde Stadsklerk geregistreer is; (xxi)

(iii) „beheerde gebied" 'n gebied wat nie 'n groepsgebied of 'n in paragraaf (*c*) van sub-artikel (3) van artikel *twintig* bedoelde afgesonderde naturellegebied, lokasie, naturelledorp, kleurlingnedersetting, sendingstasie of meentreserwe, of grond wat by die Suid-Afrikaanse Naturelletrust, ingestel deur die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), berus, is nie, en ook, behalwe by die toepassing van artikel *sewentien*, 'n in artikel *veertien* bedoelde aangewese gebied: Met dien verstande dat 'n groepsgebied wat nie volgens 'n proklamasie kragtens paragraaf (*a*) van sub-artikel (1) van artikel *twintig* 'n groepsgebied vir okkupasie is nie, by die toepassing van die bepalings van hierdie Wet betreffende die okkupasie van grond of persele in die beheerde gebied, deel van die beheerde gebied uitmaak, en dat 'n groepsgebied wat nie volgens 'n proklamasie kragtens paragraaf (*b*) van genoemde sub-artikel 'n groepsgebied vir grondbesit is nie, by die toepassing van die bepalings van hierdie Wet betreffende die verkryging van onroerende goed in die beheerde gebied, deel van die beheerde gebied uitmaak; (vi)

(iv) „beheersende belang", met betrekking tot 'n maatskappy—
  (*a*) die meerderheid van sy aandele; of
  (*b*) aandele wat meer dan die helfte van sy aandelekapitaal verteenwoordig; of
  (*c*) aandele ter waarde van meer dan die helfte van die gesamentlike waarde van al sy aandele; of
  (*d*) aandele wat aan die houers daarvan reg op meer dan die helfte van sy winste of bates verleen; of
  (*e*) aandele wat aan die houers daarvan reg op 'n meerderheid of oorwig van stemme verleen; of
  (*f*) 'n belang deur iemand verkry uit hoofde van die verstrekking deur hom van 'n lening ten bedrae van meer dan die helfte van sy aandelekapitaal, of obligasies vir so 'n bedrag; of
  (*g*) die mag om regstreeks of onregstreeks, deur die besit van een of ander belang, hetsy van die in paragrawe (*a*) tot en met (*f*) bedoelde aard al dan nie, in 'n ander maatskappy, of op enige ander wyse, enige beheer van welke aard ook oor die werksaamhede of bates van die maatskappy uit te oefen:

Met dien verstande dat in die geval van 'n vereniging van persone 'n beheersende belang daarin geag word gehou te word deur 'n persoon van dieselfde groep as die meerderheid van die lede daarvan; (vii)

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in any other company, or otherwise, any control whatsoever over the activities or assets of the company:

Provided that in the case of an association of persons a controlling interest therein shall be deemed to be held by a person of the same group as the majority of the members thereof; (iv)

(viii) "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; (xxii)

(ix) "disqualified company", in relation to immovable property, land or premises, means 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 a disqualified person in relation to such property, land or premises; (xiv)

(x) "disqualified person", in relation to immovable property, land or premises in any group area, means a person who is not a member of the group specified in the relevant proclamation under section *twenty*, and in relation to any immovable property, land or premises in the controlled area, means a person who is not a member of the same group as the owner of such property, land or premises, or if the owner is a statutory body other than a municipality in the province of the Cape of Good Hope, of the same group as the majority of the members of such body or in the case of any such municipality, of the same group as the majority of the members of the council thereof, or if the owner is a company, 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; (xv)

(xi) "group" means either the white group or the coloured group or the native group referred to in section *ten*, and includes, to the extent required to give effect to any relevant proclamation under sub-section (2) of the said section, any group of persons who have under the said section been declared to be a group; (vi)

(xii) "group area" means any area proclaimed under section *twenty*; (vii)

(xiii) "immovable property" includes any real right in immovable property and any right which would upon registration be such a real right and any immovable property referred to in paragraph (*b*) of the definition of "owner" and any lease or sub-lease of immovable property (other than a lease or sub-lease of immovable property in an area which is a specified area in terms of section *fourteen*, not being a lease or licence referred to in the said paragraph), but does not include any right to any mineral (including any right to prospect for or to dig or mine any mineral) or a lease or sub-lease of any such right or a mortgage bond over immovable property, or any other real right in immovable property excluded by the Governor-General from time to time by proclamation in the *Gazette*; (xvi)

(xiv) "inspector" means an inspector appointed under section *thirty-nine*; (x)

(xv) "land" includes any portion of land; (viii)

(xvi) "local authority" means any institution or body contemplated in paragraph (vi) of section *eighty-five* of the South Africa Act, 1909; (xx)

(xvii) "marriage" includes a union, recognized as a marriage (whether or not of a monogamous nature) in native law or custom or under the tenets of the religion of either of the parties to the union; (ix)

(xviii) "Minister" means the Minister of the Interior: Provided that in relation to—

(*a*) the definition of a group under sub-section (2) of section *ten* consisting of members of the native group; or

(*b*) any group area for the native group or for any group defined under sub-section (2) of section *ten* consisting of members of the native group; or

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(v) „eienaar", met betrekking tot—

(*a*) ander onroerende goed as onroerende goed in paragraaf (*b*) bedoel, die persoon in wie se naam daardie goed geregistreer is;

(*b*) onroerende goed 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 die goed te okkupeer, die persoon wat in die registrasiekantoor as huurder of lisensiehouer van daardie goed geregistreer is; (xxii)

(vi) „groep" òf die blanke groep òf die gekleurde groep òf die naturellegroep in artikel *tien* bedoel, en ook, vir sover nodig om aan 'n toepaslike proklamasie kragtens sub-artikel (2) van genoemde artikel gevolg te gee, 'n groep persone wat kragtens genoemde artikel tot 'n groep verklaar is; (xi)

(vii) „groepsgebied" 'n kragtens artikel *twintig* geproklameerde gebied; (xii)

(viii) „grond" ook enige gedeelte van grond; (xv)

(ix) „huwelik" ook 'n verhouding wat volgens naturellereg of -gewoonte of volgens die leerstellings van die geloof van een van die partye by die verhouding as 'n huwelik (hetsy monogamies van aard al dan nie) erken word; (xvii)

(x) „inspekteur" 'n kragtens artikel *nege-en-dertig* aangestelde inspekteur; (xiv)

(xi) „inwerkingtreding", met betrekking tot die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950), vir sover dit die provinsies Kaap die Goeie Hoop, Transvaal en Natal betref, die dertigste dag van Maart, 1951, en, vir sover dit die provinsie Oranje-Vrystaat betref, die een-en-dertigste dag van Oktober 1952; (iv)

(xii) „maatskappy" ook 'n private maatskappy, 'n in artikel *drie-en-dertig* bedoelde maatskappy, 'n buitelandse maatskappy soos in artikel *tweehonderd nege-en-twintig* van die Maatskappywet, 1926 (Wet No. 46 van 1926), omskryf, 'n ingelyfde of oningelyfde vereniging van persone, en 'n geregistreerde of ongeregistreerde regspersoon, maar nie 'n statutêre liggaam nie; (v)

(xiii) „Minister" die Minister van Binnelandse Sake: Met dien verstande dat met betrekking tot—

(*a*) die omskrywing ingevolge sub-artikel (2) van artikel *tien* van 'n groep wat uit lede van die naturellegroep bestaan; of

(*b*) 'n groepsgebied vir die naturellegroep of vir 'n kragtens sub-artikel (2) van artikel *tien* omskrewe groep wat uit lede van die naturellegroep bestaan; of

(*c*) 'n in sub-artikel (1) van artikel *een-en-twintig* bedoelde gebied wat tot 'n gebied vir toekomstige okkupasie of toekomstige grondbesit deur lede van die naturellegroep of van 'n kragtens sub-artikel (2) van artikel *tien* omskrewe groep wat uit lede van die naturellegroep bestaan, verklaar word; of

(*d*) 'n gebied wat volgens die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), 'n oopgestelde gebied is; of

(*e*) 'n gebied in sub-artikel (1) van artikel *agt* van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), bedoel; of

(*f*) enige onroerende goed, grond of perseel in so 'n gebied; of

(*g*) die verkryging van onroerende goed buite so 'n gebied, of die okkupasie van grond of 'n perseel deur 'n lid van die naturellegroep of van 'n kragtens sub-artikel (2) van artikel *tien* omskrewe groep wat uit lede van die naturellegroep bestaan; of

(*h*) 'n aanwysing kragtens artikel *sestien* ten gunste van 'n lid van die naturellegroep of van 'n kragtens sub-artikel (2) van artikel *tien* omskrewe groep wat uit lede van die naturellegroep bestaan,

'n verwysing na die Minister in artikel *vyf* of *agtien*, paragraaf (*b*) van sub-artikel (3) van artikel *twintig*, artikel *vyf-en-twintig*, sub-artikel (1) van artikel *ses-en-twintig*, sub-artikel (1) van artikel *agt-en-twintig*, artikel *nege-en-twintig*, *sewe-en-dertig* of *veertig*, sub-

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(*c*) any area referred to in sub-section (1) of section *twenty-one* which is declared to be an area for future occupation or future ownership by members of the native group or of any group defined under sub-section (2) of section *ten* consisting of members of the native group; or

(*d*) any area which is a released area in terms of the Native Trust and Land Act, 1936 (Act No. 18 of 1936); or

(*e*) any area referred to in sub-section (1) of section *eight* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945); or

(*f*) any immovable property, land or premises in any such area; or

(*g*) the acquisition outside any such area of any immovable property, or the occupation of any land or premises by a member of the native group or of a group defined under sub-section (2) of section *ten* consisting of members of the native group; or

(*h*) any determination under section *sixteen* in favour of a member of the native group or of a group defined under sub-section (2) of section *ten* consisting of members of the native group,

any reference to the Minister in section *five* or *eighteen*, paragraph (*b*) of sub-section (3) of section *twenty*, section *twenty-five*, sub-section (1) of section *twenty-six*, sub-section (1) of section *twenty-eight*, section *twenty-nine*, *thirty-seven* or *forty*, sub-section (4) of section *forty-one* or sub-section (4) of section *forty-three*, shall be construed as a reference to the Minister of Native Affairs; (xiii)

(xix) "mortgage" includes a cession *in securitatem debiti* o any lease or licence referred to in paragraph (*b*) of the definition of "owner"; (xxv)

(xx) "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"; (xxvi)

(xxi) "officer in charge of a deeds registry", 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; (ii)

(xxii) "owner" means, in relation to—

(*a*) immovable property other than such property as is referred to in paragraph (*b*), the person in whose name that 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; (v)

(xxiii) "permit" means a permit issued or deemed to be issued under the relevant provision of section *eighteen*; (xvii)

(xxiv) "person" shall not be limited in its meaning by reason of any special reference to a disqualified person, a disqualified company, a private company, a company referred to in section *thirty-three* or a statutory body; (xix)

(xxv) "premises" includes any room or apartment in any building; (xviii)

(xxvi) "regulation" means a regulation made or deemed to have been made under this Act; (xxiii)

(xxvii) "statutory body" means any council, board or body established by or under any law. (xxiv)

(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 interest in that company arising out of the grant by him of a loan to or debentures issued by that company.

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artikel (4) van artikel *een-en-veertig* of sub-artikel (4) van artikel *drie-en-veertig*, as 'n verwysing na die Minister van Naturellesake uitgelê word; (xviii)

(xiv) „onbevoegde maatskappy", met betrekking tot onroerende goed, grond of 'n perseel, '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 met betrekking tot daardie goed, grond of perseel 'n onbevoegde persoon is; (ix)

(xv) „onbevoegde persoon", met betrekking tot onroerende goed, grond of 'n perseel in 'n groepsgebied, 'n persoon wat nie 'n lid van die groep in die toepaslike proklamasie kragtens artikel *twintig* vermeld, is nie, en met betrekking tot onroerende goed, grond of 'n perseel in die beheerde gebied, 'n persoon wat nie 'n lid van dieselfde groep as die eienaar van die goed, grond of perseel is nie, of indien die eienaar 'n ander statutêre liggaam dan 'n munisipaliteit in die provinsie die Kaap die Goeie Hoop is, van dieselfde groep as die meerderheid van die lede van daardie liggaam, of in die geval van so 'n munisipaliteit, van dieselfde groep as die meerderheid van die lede van die raad daarvan is nie, of indien die eienaar 'n maatskappy is, 'n persoon van enige groep indien 'n beheersende belang in bedoelde maatskappy deur of ten behoewe of ten voordele van 'n persoon wat 'n lid van 'n ander groep is, besit word of geag word besit te word; (x)

(xvi) „onroerende goed" ook 'n saaklike reg op onroerende goed en 'n reg wat by registrasie so 'n saaklike reg sou wees, en onroerende goed in paragraaf (*b*) van die omskrywing van „eienaar" bedoel en 'n huur of onderhuur van onroerende goed (behalwe 'n huur of onderhuur, wat nie 'n in genoemde paragraaf bedoelde huur of lisensie is nie, van onroerende goed in 'n gebied wat volgens artikel *veertien* 'n aangewese gebied is), maar nie ook 'n reg op 'n mineraal (met inbegrip van 'n reg om vir 'n mineraal te prospekteer of dit te delf of te myn) of 'n huur of onderhuur van so 'n reg of 'n verband oor onroerende goed of enige ander saaklike reg op onroerende goed wat die Goewerneur-generaal van tyd tot tyd by proklamasie in die *Staatskoerant* uitsluit nie; (xiii)

(xvii) „permit" 'n permit kragtens die toepaslike bepaling van artikel *agtien* uitgereik of geag uitgereik te wees; (xxiii)

(xviii) „perseel" ook 'n kamer of vertrek in 'n gebou; (xxv)

(xix) „persoon", „iemand" of „niemand", nie, uit hoofde van 'n spesiale verwysing na 'n onbevoegde persoon, 'n onbevoegde maatskappy, 'n private maatskappy, 'n in artikel *drie-en-dertig* bedoelde maatskappy of 'n statutêre liggaam, een of ander beperkte kategorie van persone nie; (xxiv)

(xx) „plaaslike bestuur" 'n instelling of liggaam wat in paragraaf (vi) van artikel *vyf-en-tagtig* van die „Zuid-Afrika Wet, 1909" beoog word; (xvi)

(xxi) „raad" die by artikel *twee* ingestelde Groepsgebiederaad; (iii)

(xxii) „registrasiekantoor", met betrekking tot onroerende eiendom in paragraaf (*b*) van die omskrywing van „eienaar" bedoel, 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; (viii)

(xxiii) „regulasie" 'n regulasie uitgevaardig of geag uitgevaardig te wees ingevolge hierdie Wet; (xxvi)

(xxiv) „statutêre liggaam" enige raad of liggaam deur of kragtens 'n wet ingestel; (xxvii)

(xxv) „verband" ook 'n sessie *in securitatem debiti* van 'n huur of lisensie in paragraaf (*b*) van die omskrywing van „eienaar" bedoel; (xix)

(xxvi) „verbandhouer" ook die houer van 'n sessie *in securitatem debiti* van 'n huur of lisensie in paragraaf (*b*) van die omskrywing van „eienaar" bedoel; (xx)

(xxvii) „verkry", met betrekking tot onroerende goed, op enige wyse hoegenaamd eienaar van daardie goed word. (ii)

(2) 'n Beheersende belang in 'n maatskappy waarin 'n beheersende belang nie deur of ten behoewe 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

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(3) A cession of any lease or licence referred to in paragraph (*b*) of the definition of "owner" in sub-section (1) which is registered in a deeds registry, or any 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 shall for the said purposes be deemed to be a transfer to the cessionary of the said immovable property.

(4) The Governor-General may by proclamation in the *Gazette* declare that, subject to such exceptions as may be specified in the proclamation, any provision of this Act relating to the occupation of land or premises shall apply also with reference to any person who is at any time present in or upon any land or premises, or in or upon land or premises situated in an area specified in the proclamation, or in or upon land or premises other than land or premises situated in an area so specified, for a substantial period of time or for the purpose of attending any place of public entertainment or partaking of any refreshments at a place where refreshments are served or as a member of or guest in any club, as if his presence constituted occupation of such land or premises.

Establishment of Group Areas Board.

2. (1) There is hereby established a board to be known as the Group Areas Board, which shall consist of not more than twelve members appointed by the Minister.

(2) One of the members of the board shall be designated by the Minister as the chairman and one as the vice-chairman of the board.

(3) The chairman of the board shall also be the chief administrative officer of the board.

(4) A member of the board shall be appointed for such a period, not exceeding five years, as the Minister may determine at the time of his appointment, and any member whose office has become vacant otherwise than under sub-section (5), shall be eligible for re-appointment.

(5) A member of the board shall cease to hold his office—

(*a*) if his estate is sequestrated or if 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);

(*b*) if he becomes of unsound mind or is convicted of an offence and sentenced to imprisonment without the option of a fine;

(*c*) if he is absent from three consecutive meetings without the permission of the chairman; or

(*d*) if he is removed from his office by the Minister on the ground of incapacity or misbehaviour.

(6) A casual vacancy on the board shall be filled by the appointment of a member for the unexpired portion of the period for which the member whose office has become vacant, was appointed.

(7) A member of the board (other than a person who is in the full-time employment of the State and in receipt of a salary from public funds) shall, and any such person may, receive such remuneration and allowances as the Minister may, in consultation with the Minister of Finance, determine.

Meetings and quorum.

3. (1) The meetings of the board shall, subject to the provisions of sub-section (2), be held at such times and places as the board or, if authorized thereto by the board, the chairman of the board may fix.

(2) The chairman may at any time call a special meeting of the board to be held at such time and place as he may direct.

(3) A quorum for a meeting of the board shall be three of the members thereof.

(4) Whenever the chairman is absent or unable to fulfil his duties, the vice-chairman shall act as chairman of the board, and in the absence from any meeting of the board of both the chairman and the vice-chairman, the members present at that meeting may elect one of their number to preside at that meeting.

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

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aandele in bedoelde maatskappy besit of wat enige belang in bedoelde maatskappy het uit hoofde van 'n lening deur hom toegestaan aan of obligasies uitgereik deur bedoelde maatskappy.

(3) 'n Sessie van 'n in paragraaf (*b*) van die omskrywing van „eienaar" in sub-artikel (1) bedoelde huur of lisensie, wat in 'n registrasiekantoor geregistreer is, of 'n vervreemding van 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 goed waarop die huur of lisensie betrekking het, en die registrasie van so 'n sessie in die registrasiekantoor word by bedoelde toepassing geag 'n oordrag van bedoelde onroerende goed aan die sessionaris te wees.

(4) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* verklaar dat, behoudens die uitsonderings in die proklamasie vermeld, enige bepaling van hierdie Wet betreffende die okkupasie van grond of 'n perseel ook van toepassing is met betrekking tot enige persoon wat te eniger tyd in of op enige grond of perseel, of in of op grond of 'n perseel geleë in 'n gebied in die proklamasie vermeld, of in of op enige ander grond of perseel as grond of 'n perseel geleë in so 'n gebied, aanwesig is vir 'n aansienlike tydperk of met die doel om 'n openbare vermaaklikheidsplek by te woon of om verversings te geniet op 'n plek waar verversings bedien word of as 'n lid van of 'n gas in 'n klub, asof sy aanwesigheid op okkupasie van bedoelde grond of perseel neergekom het.

Instelling van Groepsgebiederaad.

2. (1) Hierby word 'n raad ingestel met die naam die Groepsgebiederaad, wat bestaan uit hoogstens twaalf lede deur die Minister aangestel.

(2) Een van die lede van die raad word deur die Minister as voorsitter en een as ondervoorsitter van die raad aangewys.

(3) Die voorsitter van die raad is ook die administratiewe hoofamptenaar van die raad.

(4) 'n Lid van die raad word aangestel vir so 'n tydperk, maar hoogstens vyf jaar, as wat die Minister by sy aanstelling bepaal, en 'n lid wie se amp andersins as ingevolge sub-artikel (5) vakant geword het, kan weer aangestel word.

(5) 'n Lid van die raad ontruim sy amp—

(*a*) as sy boedel gesekwestreer word of as 'n kennisgewing kragtens sub-artikel (1) van artikel *tien* van die Boere-Bystandswet, 1935 (Wet No. 48 van 1935), met betrekking tot hom gepubliseer word;

(*b*) as hy kranksinnig word of aan 'n misdryf skuldig bevind en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;

(*c*) as hy sonder verlof van die voorsitter van drie agtereenvolgende raadsvergaderings afwesig is; of

(*d*) as hy op grond van onbevoegdheid of wangedrag deur die Minister van sy amp onthef word.

(6) 'n Toevallige vakature in die raad word aangevul deur die aanstelling van 'n lid vir die onverstreke gedeelte van die tydperk waarvoor die lid wie se amp vakant geword het, aangestel was.

(7) 'n Lid van die raad (met uitsondering van 'n persoon wat voltyds in diens van die Staat is en uit Staatsgelde salaris ontvang) moet, en so 'n persoon kan, die besoldiging en toelaes ontvang wat die Minister in oorleg met die Minister van Finansies bepaal.

Vergaderings en kworum.

3. (1) Die vergaderings van die raad word, behoudens die bepalings van sub-artikel (2), gehou op die tye en plekke wat die raad of, indien deur die raad daartoe gemagtig, die voorsitter van die raad vasstel.

(2) Die voorsitter kan te eniger tyd 'n spesiale vergadering van die raad byeenroep, wat gehou moet word op die tyd en plek wat die voorsitter gelas.

(3) 'n Kworum vir 'n vergadering van die raad is drie lede daarvan.

(4) Wanneer die voorsitter afwesig is of nie in staat is om sy pligte uit te voer nie, tree die ondervoorsitter as voorsitter van die raad op, en indien die voorsitter sowel as die ondervoorsitter van 'n raadsvergadering afwesig is, kan die by daardie vergadering aanwesige lede een uit hul midde kies om op daardie vergadering voor te sit.

(5) Die besluit van die meerderheid van die lede wat op 'n vergadering van die raad aanwesig is, is die besluit van die raad: Met dien verstande dat by 'n staking van stemme die persoon wat op die vergadering voorsit, benewens sy beraadslagende stem ook 'n beslissende stem het.

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Appointment and powers of executive committee.

4. (1) The board may appoint an executive committee consisting of the chairman, the vice-chairman and not more than two other 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 during periods 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) (*a*) The executive committee shall meet at such times and places as the chairman of the board may direct.

(*b*) The quorum for a meeting of the executive committee shall be three members.

Functions of board.

5. (1) The board shall enquire into and by means of a written report advise the Minister in regard to—

(*a*) the desirability or otherwise of issuing, amending or withdrawing any proclamation referred to in section *twenty-eight*;

(*b*) any determination to be made under section *sixteen*;

(*c*) the issue of or the amendment of the conditions of any permit under section *eighteen*; and

(*d*) any matter relating to the administration of this Act which the Minister may refer to it.

(2) Before advising the Minister as to any proclamation under sub-section (1) of section *twenty*, sub-section (1) of section *twenty-one* or sub-section (1) of section *twenty-two*, or as to any matter (other than the issue of or the amendment of the conditions of any permit under paragraph (*c*) of sub-section (6) of section *eighteen*) referred to in paragraph (*b*) or (*c*) of sub-section (1), the board shall publish at least once in a newspaper circulating in the district in which the area concerned will be or the land or premises concerned are situated, as the case may be, a notice setting forth the matter which is being investigated (including in the case of any such area, the proposed situation or the approximate proposed situation thereof or the place within the district where a plan showing such situation may be inspected) and inviting all persons who have an interest therein to lodge with the board at an address specified in the notice and within a period so specified (which shall not be less than ten days after the last publication of the notice) any representations in writing which they may wish to make to the board in connection with such matter: Provided that, except in respect of a proclamation under sub-section (1) of section *twenty*, sub-section (1) of section *twenty-one* or sub-section (1) of section *twenty-two*, the Minister may direct the board—

(*a*) in any particular case or in any class of case specified by him, to publish any such notice in such other manner than in such a newspaper, as he may determine; and

(*b*) on the recommendation of the board to dispense with the publication of any such notice in any particular case or in any class of case specified by the Minister.

(3) 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 extended 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.

(4) Upon receipt of any proposal lodged in terms of sub-section (3), the board shall conduct such enquiry as it may consider necessary to enable it to decide whether such proposal

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Aanstelling en bevoegdhede van uitvoerende komitee.

4. (1) Die raad kan 'n uitvoerende komitee aanstel wat bestaan uit die voorsitter, die ondervoorsitter en hoogstens twee ander lede van die raad.

(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, gedurende tydperke 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) (*a*) Die uitvoerende komitee kom byeen op die tye en plekke wat die voorsitter van die raad gelas.

(*b*) Die kworum vir 'n vergadering van die uitvoerende komitee is drie lede.

Werksaamhede van raad.

5. (1) Die raad stel ondersoek in na en dien die Minister deur middel van 'n skriftelike verslag van advies met betrekking tot—

(*a*) die wenslikheid of andersins van die uitreiking, wysiging of intrekking van 'n in artikel *agt-en-twintig* bedoelde proklamasie;

(*b*) enige aanwysing wat kragtens artikel *sestien* gedoen moet word;

(*c*) die uitreiking van of die wysiging van die voorwaardes van 'n permit kragtens artikel *agtien*; en

(*d*) enige aangeleentheid betreffende die uitvoering van hierdie Wet wat die Minister na die raad mag verwys.

(2) Voordat hy die Minister met betrekking tot 'n proklamasie kragtens sub-artikel (1) van artikel *twintig*, sub-artikel (1) van artikel *een-en-twintig* of sub-artikel (1) van artikel *twee-en-twintig*, of met betrekking tot 'n in paragraaf (*b*) of (*c*) van sub-artikel (1) bedoelde aangeleentheid (behalwe die uitreiking van of die wysiging van die voorwaardes van 'n permit kragtens paragraaf (*c*) van sub-artikel (6) van artikel *agtien*), adviseer, publiseer die raad minstens eenmaal in 'n nuusblad in omloop in die distrik waarin die betrokke gebied gaan wees of waarin die betrokke grond of perseel geleë is, na gelang van die geval, 'n kennisgewing waarin die aangeleentheid wat ondersoek word (met inbegrip, in die geval van so 'n gebied, van die voorgestelde ligging daarvan of naasteby die voorgestelde ligging daarvan of die plek binne die distrik waar 'n kaart wat bedoelde ligging aantoon, ingesien kan word) aangegee word, en alle persone wat daarby belang het, versoek word om enige skriftelike vertoë wat hulle in verband met daardie aangeleentheid aan die raad wil rig, by 'n adres in die kennisgewing vermeld en binne 'n aldus vermelde tydperk (wat minstens tien dae na die laaste publikasie van die kennisgewing moet wees) by die raad in te dien: Met dien verstande dat behalwe ten opsigte van 'n proklamasie kragtens sub-artikel (1) van artikel *twintig*, sub-artikel (1) van artikel *een-en-twintig* of sub-artikel (1) van artikel *twee-en-twintig*, die Minister die raad kan gelas—

(*a*) om in 'n bepaalde geval of in 'n soort geval deur hom genoem, so 'n kennisgewing op 'n ander wyse as in so 'n nuusblad te publiseer, soos hy mag bepaal; en

(*b*) op aanbeveling van die raad, om in 'n bepaalde geval of in 'n soort geval deur die Minister genoem, die publikasie van so 'n kennisgewing agterweë te laat.

(3) Voordat hy 'n kennisgewing met betrekking tot 'n in sub-artikel (2) bedoelde gebied publiseer, kan die raad 'n gebied omskryf en in 'n nuusblad in omloop in die distrik waarin daardie omskrewe gebied geleë is, minstens eenmaal 'n kennisgewing publiseer waarin bedoelde omskrewe gebied genoem word en vermeld word dat die raad voornemens is om ingevolge sub-artikel (2) 'n kennisgewing met betrekking tot gebiede geleë binne die omskrewe gebied 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 vanaf die laaste publikasie van die kennisgewing moet wees), of binne so 'n langer tydperk of tydperke as wat die raad van tyd tot tyd op skriftelike aansoek by hom ingedien voor die verstryking van eersbedoelde tydperk of so 'n langer 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.

(4) By ontvangs van 'n voorstel wat ingevolge sub-artikel (3) 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

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should be accepted or rejected: Provided that the board shall not reject any such proposal unless it 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.

(5) The publication of a notice referred to in sub-section (2) shall not, unless the Minister so directs, be required in respect of the issue of a permit, if the board is satisfied that the issue of the permit is not necessary under this Act or that a permit previously issued in respect of the same land or premises, or any portion thereof, has lapsed, by virtue of the provisions of sub-section (12) of section *eighteen*.

(6) If the Minister so directs, the board shall comply with the provisions of sub-section (2) also in regard to any proclamation referred to in section *twenty-eight* (other than a proclamation under sub-section (1) of section *twenty*, sub-section (1) of section *twenty-one* or sub-section (1) of section *twenty-two*) or to any matter referred to in paragraph (*d*) of sub-section (1), or shall follow such other procedure for bringing the matter (including any matter to be dealt with by any such proclamation), to the notice of interested persons, as the Minister may determine.

(7) The board shall not advise the Minister in regard to the issue of any proclamation under sub-section (1) of section *twenty*, without taking into consideration whether or not suitable accommodation will be available outside the area affected for persons whose occupation of land or premises in that area would be rendered unlawful by such proclamation.

General powers of the board.

6. (1) The board may—

(*a*) for the purpose of any enquiry conducted by it, summon any person who in its opinion may be able to give material information concerning the subject of the enquiry or who it suspects or believes has in his possession or custody or under his control any book, document or thing which has any bearing upon the subject of the enquiry, to appear before it at a time and place specified in the summons, to be interrogated or to produce that book, document or thing, and the board may retain for examination any book, document or thing so produced;

(*b*) call and by its chairman administer an oath to, or accept an affirmation from, any person present at the enquiry who was or might have been summoned in terms of this section, and may interrogate him or allow him to be interrogated by any person on behalf of the State, or by any local authority within whose area there is situate any property to which the enquiry relates, or by any person to whose application the enquiry relates, or by any such person as has lodged representations in pursuance of the notice under sub-section (2) or (6) of section *five* and as the board may in its discretion allow to appear before it at the enquiry, or on behalf of any such person by a person entitled to appear as an advocate or attorney in a court of law in the Union, or by any other person whom the board in its discretion may allow to do so, and require him to produce any book, document or thing in his possession or custody or under his control: Provided that in connection with the interrogation of any such firstmentioned person, or the production of any such book, document or thing, the law relating to privilege, as applicable to a witness subpoenaed to give evidence or to produce any book, document or thing before a court of law, shall apply;

(*c*) at all reasonable times enter upon and inspect any land or premises for the purpose of any investigation conducted by it, or authorize any person nominated by the chairman of the board so to enter upon and inspect such land or premises;

(*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.

(2) A summons for the attendance before the board of any person or for the production of any book, document or thing shall be in writing signed by the chairman or the secretary of the board and shall be served by registered post.

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verwerp behoort te word: Met dien verstande dat die raad nie so 'n voorstel verwerp nie tensy hy die persoon wat die voorstel gedoen het 'n geleentheid toegestaan het om gehoor te word of om skriftelike vertoë aan hom te rig, en die Minister die verwerping van die voorstel goedgekeur het.

(5) Die publikasie van 'n in sub-artikel (2) bedoelde kennisgewing word nie, tensy die Minister dit gelas, ten opsigte van die uitreiking van 'n permit vereis nie, indien die raad oortuig is dat die uitreiking van die permit nie ingevolge hierdie Wet nodig is nie of dat 'n permit wat tevore ten opsigte van dieselfde grond of perseel of 'n deel daarvan uitgereik is, uit hoofde van die bepalings van sub-artikel (12) van artikel *agtien* verval het.

(6) Indien die Minister dit gelas, voldoen die raad ook wat betref 'n in artikel *agt-en-twintig* bedoelde proklamasie (behalwe 'n proklamasie kragtens sub-artikel (1) van artikel *twintig*, sub-artikel (1) van artikel *een-en-twintig* of sub-artikel (1) van artikel *twee-en-twintig*) of 'n aangeleentheid in paragraaf (*d*) van sub-artikel (1) bedoel, aan die bepalings van sub-artikel (2), of volg hy so 'n ander prosedure om die aangeleentheid (met inbegrip van 'n aangeleentheid waaroor so 'n proklamasie gaan handel) tot kennis van belanghebbende persone te bring, as wat die Minister mag bepaal.

(7) Die raad dien die Minister nie in verband met die uitreiking van 'n proklamasie kragtens sub-artikel (1) van artikel *twintig* van advies nie, sonder om in aanmerking te neem of daar geskikte huisvesting buite die betrokke gebied beskikbaar sal wees al dan nie vir persone wie se okkupasie van grond of persele in daardie gebied deur bedoelde proklamasie onwettig gemaak sou word.

Algemene bevoegdhede van raad.

6. (1) Die raad kan—

(*a*) vir die doeleindes van 'n ondersoek wat hy instel, enigiemand wat volgens sy oordeel in staat mag wees om inligting van belang te verstrek aangaande die onderwerp wat ondersoek word, of wat na die raad se vermoede of oortuiging 'n boek, geskrif of saak in sy besit of bewaring of onder sy beheer het wat op die onderwerp wat ondersoek word, betrekking het, dagvaar om op 'n in die dagvaarding gemelde tyd en plek voor die raad te verskyn om ondervra te word of om daardie boek, geskrif of saak oor te lê, en die raad kan 'n boek, geskrif of saak wat aldus oorgelê word vir insae behou;

(*b*) 'n by die ondersoek aanwesige persoon wat ingevolge hierdie artikel gedagvaar is of kon geword het, oproep en by monde van die voorsitter aan hom 'n eed oplê of van hom 'n bevestiging aanneem, en hom ondervra of toelaat dat hy ondervra word deur 'n persoon namens die Staat, of deur 'n plaaslike bestuur binne die gebied waarvan daar eiendom geleë is waarop die ondersoek betrekking het, of deur 'n persoon op wie se aansoek die ondersoek betrekking het, of deur 'n persoon wat ingevolge die kennisgewing kragtens sub-artikel (2) of (6) van artikel *vyf* vertoë ingedien het en wat die raad na goeddunke toelaat om voor hom by die ondersoek te verskyn, of ten behoewe van so 'n persoon deur iemand wat die reg het om in 'n geregshof in die Unie as advokaat of prokureur te verskyn, of deur iemand anders wat die raad na goeddunke daartoe mag toelaat, en van hom verlang om enige boek, geskrif of saak in sy besit of bewaring of onder sy beheer oor te lê: Met dien verstande dat die regsreëls met betrekking tot privilegie, soos toepaslik op 'n getuie wat gedagvaar is om in 'n geregshof getuienis af te lê of 'n boek, geskrif of saak oor te lê, van toepassing is in verband met die ondervraging van eersbedoelde persoon of die oorlegging van so 'n boek, geskrif of saak;

(*c*) op alle redelike tye grond of 'n perseel vir die doeleindes van 'n ondersoek wat hy instel, betree en besigtig, of 'n deur die voorsitter van die raad benoemde persoon magtig om die grond of perseel aldus te betree en te besigtig;

(*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.

(2) 'n Dagvaarding aan enigiemand om voor die raad te verskyn of om 'n boek, geskrif of saak oor te lê, moet in skrif en deur die voorsitter of die sekretaris van die raad onderteken wees, en moet per geregistreerde pos besorg word.

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(3) Any company, statutory body or body of persons entitled in terms of paragraph (*b*) of sub-section (1) to interrogate any person, may do so through any officer or member thereof nominated by it for the purpose.

(4) No person other than a person appearing on behalf of the State or on behalf of any local authority within whose area there is situate any property to which the enquiry relates, or a person to whose application the enquiry relates, shall be entitled to appear before the board at any enquiry unless specially allowed by the board to do so.

(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.

Carrying out of certain functions of board by committees and individual members of board.

7. (1) The board may, with the approval of the Minister and subject to such conditions as the board may prescribe, authorize any committee appointed by the board and consisting of two or more of its members, to carry out, in relation to any area specified by the board, such of the functions of the board as may be so specified and any committee so authorized shall for the proper carrying out of such functions exercise all the powers conferred and perform all the duties imposed upon the board in respect of the carrying out of such functions.

(2) If any member of a committee referred to in sub-section (1) ceases to be a member of the board or is absent or unable to fulfil his duties, the remaining members shall carry out the functions of such committee until such member resumes his duties or another member is appointed in his stead in terms of the said sub-section.

(3) The board may authorize any member thereof, or any committee appointed by it consisting of two or more of its members or (with the approval of the Minister) of one or more of its members and one or more other persons, to conduct any enquiry which the board may deem necessary for the proper carrying out of its functions, and any member or committee so authorized shall for the purpose of such enquiry exercise all the powers conferred and perform all the duties imposed upon the board in respect of any such enquiry conducted by it.

(4) If any member of a committee referred to in sub-section (3) who is a member of the board, is for any reason unable to perform his duties as a member of such committee, and the board is not then in session, the chairman of the board may appoint any other member of the board in the stead of such firstmentioned member, and any member so appointed shall for the purposes of the enquiry for which such committee was appointed be a member of such committee in the stead of such firstmentioned member.

(5) In appointing a committee under sub-section (1) or (3), the board shall designate one of the members thereof to be the chairman.

(6) Any report which a committee appointed under sub-section (1) submits to the Minister in the carrying out of its functions, shall for the purpose of this Act be deemed to be a report of the board.

(7) A summons under section *six* for the attendance before any member of the board or before any committee conducting an enquiry, or for the production of any book, document or thing, may be signed by such member or by the chairman of the committee, as the case may be.

(8) Any decision by such member or committee during the course of an enquiry conducted by such member or committee on any question of procedure shall be deemed to be a decision by the board.

Assignment of officers to board.

8. The Minister may assign to the board an officer in his department to be the secretary, and such other officers in his department as may be necessary to enable the board to carry out its functions.

Prohibition on receiving of fees or rewards and preservation of secrecy by members and officers of board.

9. (1) Any member of or officer assigned to the board who directly or indirectly receives any fee or reward from any person in connection with any matter 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 of or officer assigned to the board or any 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.

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(3) 'n Maatskappy, statutêre liggaam of liggaam van persone wat ingevolge paragraaf (*b*) van sub-artikel (1) geregtig is om 'n persoon te ondervra, kan dit deur middel van 'n deur hom aangewese amptenaar of lid daarvan doen.

(4) Geen ander persoon dan 'n persoon wat namens die Staat of namens 'n plaaslike bestuur binne die gebied waarvan eiendom geleë is waarop die ondersoek betrekking het, verskyn, of 'n persoon op wie se aansoek die ondersoek betrekking het, is geregtig om by 'n ondersoek voor die raad te verskyn nie tensy spesiaal daartoe deur die raad toegelaat.

(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.

Verrigting van sekere werksaamhede van raad deur komitees en individuele lede van raad.

7. (1) Die raad kan, met goedkeuring van die Minister en onderworpe aan die voorwaardes wat die raad voorskryf, 'n komitee deur die raad aangestel bestaande uit twee of meer van sy lede, magtig om met betrekking tot 'n deur die raad vermelde gebied, sodanige werksaamhede van die raad as wat aldus vermeld word, te verrig, en vir die behoorlike verrigting van sodanige werksaamhede oefen 'n aldus gemagtigde komitee al die bevoegdhede uit en verrig hy al die pligte wat ten opsigte van die verrigting van sodanige werksaamhede aan die raad verleen of opgelê is.

(2) Indien 'n lid van 'n in sub-artikel (1) bedoelde komitee ophou om lid van die raad te wees of afwesig is of nie in staat is om sy pligte te verrig nie, voer die oorblywende lede die werksaamhede van die komitee uit totdat bedoelde lid sy pligte hervat of 'n ander lid kragtens genoemde sub-artikel in sy plek aangestel word.

(3) Die raad kan 'n lid daarvan of 'n komitee deur die raad aangestel bestaande uit twee of meer van sy lede of (met goedkeuring van die Minister) uit een of meer van sy lede en een of meer ander persone, magtig om enige ondersoek in te stel wat die raad nodig ag vir die behoorlike verrigting van sy werksaamhede, en vir die doeleindes van so 'n ondersoek oefen 'n aldus gemagtigde lid of komitee al die bevoegdhede uit en verrig hy al die pligte wat ten opsigte van 'n ondersoek deur die raad ingestel aan die raad verleen of opgelê is.

(4) Indien 'n lid van 'n in sub-artikel (3) bedoelde komitee, wat lid van die raad is, om een of ander rede nie in staat is om sy pligte as lid van daardie komitee uit te voer nie, en die raad dan nie in sitting is nie, kan die voorsitter van die raad 'n ander raadslid in die plek van eersbedoelde lid aanstel, en 'n aldus aangestelde lid is vir die doeleindes van die ondersoek waarvoor die komitee aangestel was 'n lid van daardie komitee in die plek van eersbedoelde lid.

(5) By die aanstelling van 'n komitee kragtens sub-artikel (1) of (3), wys die raad een van die lede daarvan aan as voorsitter.

(6) 'n Verslag wat 'n kragtens sub-artikel (1) aangestelde komitee in die verrigting van sy werksaamhede aan die Minister voorlê, word by die toepassing van hierdie Wet geag 'n verslag van die raad te wees.

(7) 'n Dagvaarding kragtens artikel *ses* om voor 'n lid van die raad of voor 'n komitee wat 'n ondersoek instel, te verskyn, of om 'n boek, geskrif of saak oor te lê, kan deur bedoelde lid of deur die voorsitter van die komitee, na gelang van die geval, onderteken word.

(8) 'n Beslissing deur so 'n lid of komitee oor 'n vraag van prosedure gedurende die loop van 'n ondersoek deur so 'n lid of komitee ingestel, word geag 'n beslissing van die raad te wees.

Toewysing van amptenare aan raad.

8. Die Minister kan aan die raad 'n amptenaar van sy departement as sekretaris toewys, en sodanige ander amptenare van sy departement as wat nodig mag wees om die raad in staat te stel om sy werksaamhede te verrig.

Verbod op ontvangs van gelde of belonings en geheimhouding deur lede en amptenare van raad.

9. (1) 'n Lid van of amptenaar toegewys aan die raad wat regstreeks of onregstreeks enige gelde of beloning van enigiemand ontvang in verband met enige aangeleentheid deur die raad behandel, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

(2) 'n Lid van of amptenaar toegewys aan die raad of iemand anders in die raad se diens, wat, behalwe met toestemming van die raad of by die uitvoering van sy pligte of as 'n getuie in 'n geregshof, enige inligting openbaar wat hy in die loop van sy pligte verneem het, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond.

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Groups for the purposes of this Act.

10. (1) For the purposes of this Act there shall be the following groups, namely—

(*a*) a white group, in which shall be included any person who in appearance obviously is or who is generally accepted as a white person, other than a person who, although in appearance obviously a white person, is generally accepted as a coloured person, or who is in terms of sub-paragraph (ii) or (iii) of paragraph (*b*) or (*c*) or of either of the said sub-paragraphs read with paragraph (*d*) of this sub-section and paragraph (*a*) of sub-section (2), a member of any other group;

(*b*) a native group, in which shall be included—

(i) any person who in fact is or who is generally accepted as a member of an aboriginal race or tribe of Africa, other than a person who in terms of sub-paragraph (ii) of paragraph (*c*) is a member of the coloured group; and

(ii) any woman to whichever race, tribe or class she may belong, between whom and a person who in terms of sub-paragraph (i) is a member of the native group, there exists a marriage, or who cohabits with such a person; and

(iii) any white man between whom and a woman who in terms of sub-paragraph (i) is a member of the native group, there exists a marriage, or who cohabits with such a woman;

(*c*) a coloured group, in which shall be included—

(i) any person who is not a member of the white group or of the native group; and

(ii) any woman, to whichever race, tribe or class she may belong, between whom and a person who in terms of sub-paragraph (i) is a member of the coloured group, there exists a marriage, or who cohabits with such a person; and

(iii) any white man between whom and a woman who in terms of sub-paragraph (i) is a member of the coloured group, there exists a marriage, or who cohabits with such a woman; and

(*d*) any group of persons which is under sub-section (2) declared to be a group.

(2) The Governor-General may, by proclamation in the *Gazette*—

(*a*) define any ethnical, linguistic, cultural or other group of persons who are members either of the native group or of the coloured group; and

(*b*) declare the group so defined to be a group for the purposes of this Act or of such provisions thereof as may be specified in the proclamation, and either generally or in respect of one or more group areas, or in respect of the controlled area or of any portion thereof so specified, or both in respect of one or more group areas and in respect of the controlled area or any such portion thereof.

(3) A proclamation under paragraph (*a*) of sub-section (2) may provide that only persons who have in accordance with regulation been registered on application, or who have been registered under any other law, as members of the group referred to in the proclamation, shall be members thereof.

(4) A member of the native group or of the coloured group who is or becomes a member of any group defined under paragraph (*a*) of sub-section (2) shall, to the extent required to give effect to any proclamation under paragraph (*b*) of the said sub-section, be deemed not to be a member of the native group or of the coloured group, as the case may be.

Restrictions on certain agreements relating to immovable property in controlled area.

11. (1) No person shall, except under the authority of a permit, enter into any agreement, whether on his own behalf or on behalf or in the interest of any other person, in terms whereof any disqualified person or any disqualified company acquires or purports to acquire or would acquire any immovable property situate in the controlled area.

(2) Sub-section (1) shall not apply in respect of the acquisition of immovable property by a statutory body for public purposes or the acquisition of immovable property in a released area as defined in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), by a native as so defined, or any acquisition of immovable property which is governed by the said Act or the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945).

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10. (1) Vir die doeleindes van hierdie Wet is daar die volgende groepe, te wete— **Groepe vir doeleindes van hierdie Wet.**

(*a*) 'n blanke groep, waarby ingesluit word enigiemand wat volgens voorkoms klaarblyklik 'n blanke is of wat gewoonlik vir 'n blanke deurgaan, met uitsondering van iemand wat, hoewel hy volgens voorkoms klaarblyklik 'n blanke is, gewoonlik vir 'n gekleurde deurgaan, of wat volgens sub-paragraaf (ii) of (iii) van paragraaf (*b*) of (*c*), of volgens een van daardie sub-paragrawe gelees met paragraaf (*d*) van hierdie sub-artikel en paragraaf (*a*) van sub-artikel (2), 'n lid van 'n ander groep is;

(*b*) 'n naturelle-groep, waarby ingesluit word—

(i) enigiemand wat 'n lid van 'n inboorlingras of -stam van Afrika is of wat gewoonlik daarvoor deurgaan, met uitsondering van iemand wat volgens sub-paragraaf (ii) van paragraaf (*c*) 'n lid van die gekleurde groep is; en

(ii) 'n vrou, tot welke ras, stam of klas sy ook al behoort, tussen wie en 'n persoon wat volgens sub-paragraaf (i) 'n lid van die naturelle-groep is, daar 'n huwelik bestaan, of wat met so iemand as vrou saamlewe; en

(iii) 'n blanke man tussen wie en 'n vrou wat volgens sub-paragraaf (i) 'n lid van die naturelle-groep is, daar 'n huwelik bestaan of wat met so'n vrou as vrou saamlewe;

(*c*) 'n gekleurde groep, waarby ingesluit word—

(i) enigiemand wat nie 'n lid van die blanke of van die naturelle-groep is nie; en

(ii) 'n vrou, tot welke ras, stam of klas sy ook al behoort, tussen wie en 'n persoon wat volgens sub-paragraaf (i) 'n lid van die gekleurde groep is, daar 'n huwelik bestaan, of wat met so iemand as vrou saamlewe; en

(iii) 'n blanke man tussen wie en 'n vrou wat volgens sub-paragraaf (i) 'n lid van die gekleurde groep is, daar 'n huwelik bestaan of wat met so 'n vrou as vrou saamlewe; en

(*d*) enige groep persone wat kragtens sub-artikel (2) tot 'n groep verklaar word.

(2) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant*—

(*a*) enige etniese, taal-, kultuur- of ander groep persone wat lede is òf van die naturelle-groep òf van die gekleurde groep, omskryf; en

(*b*) die aldus omskrewe groep tot 'n groep verklaar vir die doeleindes van hierdie Wet of van die bepalings daarvan wat in die proklamasie genoem word, en òf in die algemeen òf ten opsigte van een of meer groepsgebiede òf ten opsigte van die beheerde gebied of 'n gedeelte daarvan wat in die proklamasie genoem word, òf beide ten opsigte van een of meer groepsgebiede en ten opsigte van die beheerde gebied of so 'n gedeelte daarvan.

(3) 'n Proklamasie kragtens paragraaf (*a*) van sub-artikel (2) kan bepaal dat slegs persone wat op aansoek ooreenkomstig die regulasies geregistreer is of wat ingevolge 'n ander wet geregistreer is as lede van die groep in die proklamasie bedoel, lede daarvan is.

(4) Vir sover dit nodig is om aan 'n proklamasie kragtens paragraaf (*b*) van sub-artikel (2) gevolg te gee, word 'n lid van die naturelle-groep of van die gekleurde groep, wat 'n lid is of word van 'n kragtens paragraaf (*a*) van genoemde sub-artikel omskrewe groep, geag na gelang van die geval nie 'n lid van die naturelle-groep of van die gekleurde groep te wees nie.

11. (1) Niemand mag, dan alleen uit hoofde van 'n permit, 'n ooreenkoms aangaan, hetsy ten behoewe van homself of ten behoewe of ten voordele van 'n ander persoon, waarvolgens 'n onbevoegde persoon of 'n onbevoegde maatskappy onroerende goed wat in die beheerde gebied geleë is, verkry of heet te verkry of sou verkry nie. **Beperkings op sekere ooreenkomste betreffende onroerende goed in beheerde gebied.**

(2) Sub-artikel (1) is nie van toepassing nie ten opsigte van die verkryging van onroerende goed deur 'n statutêre liggaam vir openbare doeleindes of die verkryging van onroerende goed in 'n oopgestelde gebied soos in die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), omskryf, deur 'n naturel soos aldus omskryf, of enige verkryging van onroerende goed wat deur genoemde Wet of die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), beheers word.

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(3) For the purposes 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.

(4) Any immovable property which is or has been acquired by or on behalf or in the interest of any disqualified person or disqualified company after the date of commencement of the Group Areas Act, 1950 (Act No. 41 of 1950), shall, unless the contrary is proved, be presumed to be or to have been acquired in pursuance of an agreement entered into after the said date.

Restrictions on holding of immovable property in controlled area by companies.

12. (1) Where—

(*a*) at the commencement of the Group Areas Act, 1950 (Act No. 41 of 1950), a company of any particular group held immovable property in the controlled area; or

(*b*) after such commencement a company of any particular group has acquired immovable property in the said area,

the company concerned shall not, if it ceases to be a company of any group or becomes a company of a group other than the particular group in question, hold that property, except under the authority of a permit.

(2) No company of any group which at or after the commencement of this Act acquires immovable property in the controlled area, shall, if it ceases to be a company of any group or becomes a company of another group, hold that property, except under the authority of a permit.

(3) For the purposes of this section a company shall be deemed to be a company of a 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 member of that group.

Restrictions on holding of immovable property in controlled area by persons other than companies, and on disposal of such property to certain persons, including companies.

13. (1) Where—

(*a*) at the commencement of the Group Areas Act, 1950 (Act No. 41 of 1950), a member of any particular group held immovable property in the controlled area; or

(*b*) after such commencement a member of any particular group has acquired immovable property in the controlled area,

he shall not, except under the authority of a permit, hold that property if he becomes a member of any other group or dispose of that property to any person who is not a member of such particular 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 not a member of such particular group.

(2) No person who is a member of any particular group and who acquires immovable property in the controlled area at or after the commencement of this Act, shall, except under the authority of a permit, hold that property if he becomes a member of any other group or dispose of that property to a person who is not a member of that particular 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 not a member of that particular group.

Application of sections 15 and 16.

14. (1) The Governor-General may by proclamation in the *Gazette* declare that the provisions of sections *fifteen* and *sixteen* shall, as from a date specified in the proclamation (in the said sections referred to as the specified date) apply in any portion of the controlled area so specified (in the said sections referred to as a specified area).

(2) As from such date, the said provisions shall, notwithstanding anything contained in any special or other statutory provision relating to the occupation of land or premises, apply in any such portion of the controlled area, and the provisions of section *seventeen* shall, while the firstmentioned provisions so apply, be suspended in respect of that portion of the controlled area.

(3) The provisions of sections *fifteen* and *sixteen* shall be deemed to have been declared to apply in the municipal area of Durban by proclamation under this section as from the date of

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(3) By die toepassing van sub-artikel (1) word 'n balju, adjunk-balju, geregsbode, trustee, eksekuteur, likwidateur, kurator of administrateur wat in daardie hoedanigheid met betrekking tot onroerende goed handel, of enige ander persoon wat in 'n verteenwoordigende hoedanigheid met betrekking tot onroerende goed handel, geag ten behoewe of ten voordele van die persoon op wie se naam die goed geregistreer is, te handel.

(4) Enige onroerende goed wat na die datum van inwerkingtreding van die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950), deur of ten behoewe of ten voordele van 'n gediskwalifiseerde persoon of gediskwalifiseerde maatskappy verkry word of is, word, tensy die teendeel bewys word, geag verkry te word of te gewees het uit hoofde van 'n ooreenkoms na bedoelde datum aangegaan.

Beperkings op besit van onroerende goed in beheerde gebied deur maatskappye.

12. (1) Waar—

(*a*) by die inwerkingtreding van die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950), 'n maatskappy van 'n besondere groep onroerende goed in die beheerde gebied besit het; of

(*b*) na bedoelde inwerkingtreding 'n maatskappy van 'n besondere groep onroerende goed in daardie gebied verkry het,

mag die betrokke maatskappy, indien hy ophou om 'n maatskappy van een of ander groep te wees of 'n maatskappy van 'n ander groep as die betrokke besondere groep word, bedoelde goed nie besit nie, dan alleen uit hoofde van 'n permit.

(2) Geen maatskappy van enige groep wat op of na die inwerkingtreding van hierdie Wet onroerende goed in die beheerde gebied verkry, mag, indien hy ophou om 'n maatskappy van een of ander groep te wees of 'n maatskappy van 'n ander groep word, daardie goed besit nie, dan alleen uit hoofde van 'n permit.

(3) Vir die doeleindes van hierdie artikel word 'n maatskappy geag 'n maatskappy van 'n groep te wees, indien 'n beheersende belang in daardie maatskappy deur of ten behoewe of ten voordele van 'n lid van daardie groep besit word of geag word besit te word.

Beperkings op besit van onroerende goed in beheerde gebied deur ander persone as maatskappye, en op vervreemding van sodanige goed aan sekere persone, met inbegrip van maatskappye.

13. (1) Waar—

(*a*) by die inwerkingtreding van die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950), 'n lid van enige besondere groep onroerende goed in die beheerde gebied besit het; of

(*b*) na bedoelde inwerkingtreding 'n lid van 'n besondere groep onroerende goed in die beheerde gebied verkry het,

mag hy nie daardie goed besit indien hy 'n lid van 'n ander groep word nie, of daardie goed aan 'n persoon wat nie 'n lid van daardie besondere groep is, of aan '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 daardie besondere groep is, van die hand sit nie, dan alleen uit hoofde van 'n permit.

(2) Geen persoon wat 'n lid van 'n besondere groep is en wat op of na die inwerkingtreding van hierdie Wet onroerende goed in die beheerde gebied verkry, mag daardie goed besit indien hy 'n lid van 'n ander groep word nie, of daardie goed aan 'n persoon wat nie 'n lid van daardie besondere groep is, of aan '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 daardie besondere groep is, van die hand sit nie, dan alleen uit hoofde van 'n permit.

Toepassing van artikels 15 en 16.

14. (1) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* verklaar dat die bepalings van artikels *vyftien* en *sestien* vanaf 'n datum in die proklamasie bepaal (in daardie artikels die bepaalde datum genoem) in 'n daarin vermelde gedeelte van die beheerde gebied (in daardie artikels 'n aangewese gebied genoem) van toepassing is.

(2) Vanaf bedoelde datum is bedoelde bepalings, ondanks enigiets in enige spesiale of ander statutêre bepaling betreffende die okkupasie van grond of persele vervat, in so 'n gedeelte van die beheerde gebied van toepassing, en is die bepalings van artikel *sewentien* solank as wat eersgenoemde bepalings aldus van toepassing is, ten opsigte van daardie gedeelte van die beheerde gebied opgeskort.

(3) Die bepalings van artikels *vyftien* en *sestien* word geag by proklamasie ingevolge hierdie artikel in die munisipale gebied van Durban van toepassing verklaar te gewees het vanaf die datum van inwerkingtreding van die Wet op Groepsgebiede,

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commencement of the Group Areas Act, 1950 (Act No. 41 of 1950), in respect of the province of Natal.

(4) Upon the establishment of any group area other than a group area for ownership only, the relevant proclamation issued or deemed to have been issued under this section shall cease to have effect in respect of so much of any such portion of the controlled area as may be comprised by or included in that group area.

Restriction on occupation of land or premises in area specified under section 14.

15. (1) As from the specified date, no person who is a member of any group shall occupy and no person shall allow any such person to occupy any land or premises in a specified area which was not lawfully occupied and is not under section *sixteen* deemed to have been occupied at the said date by a person who is a member of the same group, except under the authority of a permit.

(2) The provisions of sub-section (1) shall not render it unlawful for any person to occupy land or premises—

(*a*) as a *bona fide* servant or employee of the State or a statutory body;

(*b*) as a *bona fide* visitor for a total of not more than ninety days in any calendar year of any person lawfully residing on the land or premises or as a *bona fide* guest in an hotel;

(*c*) as a domestic servant of any person lawfully occupying the land or premises: Provided that the provisions of this paragraph shall apply in respect of any specified area or part of a specified area only if the Governor-General has by proclamation in the *Gazette* declared them to apply in respect of that specified area, or part thereof, and only to the extent and subject to the conditions, if any, which may be specified in the proclamation;

(*d*) as a *bona fide* patient in a hospital, asylum or similar institution controlled by the State or a statutory body or in any such institution which was in existence at the commencement of the Group Areas Act, 1950 (Act No. 41 of 1950), and which is aided by the State, or as an inmate of a prison, work colony, inebriate home or similar institution so controlled;

(*e*) under any arrangement for the accommodation of any native labourer as defined in the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), after his recruitment and before his arrival at the place where he is to work, or after his departure, on the expiration of his term of employment, from the said place, and before his arrival at the place of his recruitment, by an employer or labour agent, as so defined, lawfully occupying such land or premises;

(*f*) as a *bona fide* scholar attending a school controlled or aided by the State;

(*g*) as a lawful resident in an emergency camp established in terms of the Prevention of Illegal Squatting Act, 1951 (Act No. 52 of 1951).

(3) Subject to the provisions of section *sixteen*, a person shall not for the purposes of sub-section (1) of this section, be deemed to have occupied land or premises at the specified date unless at that date he was the owner thereof or occupied such land or premises by virtue of a lease or usufruct or right of *habitatio* or by virtue of a prescriptive title acquired at or before the specified date.

(4) The Governor-General may, by proclamation in the *Gazette*, exempt from the operation of sub-section (1) persons of any class or group, either generally or in relation to land or premises situated in any particular area or lawfully occupied by persons of any other class or group or persons of any particular other class or group or in relation to land or premises other than land or premises situated in any particular area or any class of such land or premises.

(5) An exemption under sub-section (4) shall not apply in respect of the occupation of land or premises by any person occupying such land or premises otherwise than in accordance with and subject to such reservations and conditions as may be determined by the Governor-General and specified in the relevant proclamation.

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1950 (Wet No. 41 van 1950), met betrekking tot die provinsie Natal.

(4) By die instelling van 'n ander groepsgebied as 'n groepsgebied slegs vir grondbesit, tree die toepaslike proklamasie kragtens hierdie artikel uitgereik of geag uitgereik te wees, buite werking ten opsigte van soveel van so 'n gedeelte van die beheerde gebied as wat uit daardie groepsgebied bestaan of daarby ingesluit mag wees.

15. (1) Vanaf die bepaalde datum mag niemand wat 'n lid van enige groep is, grond of 'n perseel in 'n aangewese gebied, wat nie op daardie datum wettiglik deur 'n persoon wat 'n lid van dieselfde groep is, geokkupeer was nie, en nie kragtens artikel *sestien* geag word op daardie datum deur so 'n persoon geokkupeer te gewees het nie, okkupeer nie, en mag niemand toelaat dat hy sodanige grond of perseel okkupeer nie, dan alleen uit hoofde van 'n permit. Beperking op okkupasie van grond of persele in kragtens artikel 14 aangewese gebied.

(2) Die bepalings van sub-artikel (1) maak dit nie vir 'n persoon onwettig om grond of 'n perseel te okkupeer nie—

(*a*) as 'n *bona fide*-dienaar of -werknemer van die Staat of 'n statutêre liggaam;

(*b*) as 'n *bona fide*-besoeker vir hoogstens negentig dae in die geheel in enige kalenderjaar van 'n persoon wat die grond of perseel wettiglik bewoon of as 'n *bona fide*-gas in 'n hotel;

(*c*) as 'n huisbediende van 'n persoon wat die grond of perseel wettiglik bewoon: Met dien verstande dat die bepalings van hierdie paragraaf ten opsigte van 'n aangewese gebied of gedeelte van 'n aangewese gebied van toepassing is slegs as die Goewerneur-generaal hulle by proklamasie in die *Staatskoerant* ten opsigte van daardie aangewese gebied of 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*) as 'n *bona fide*-pasiënt in 'n hospitaal, gestig of soortgelyke inrigting beheer deur die Staat of 'n statutêre liggaam of in so 'n inrigting wat by die inwerkingtreding van die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950) bestaan het en wat deur die Staat ondersteun word, of as 'n inwoner van 'n gevangenis, werkkolonie, tehuis vir dranksugtiges of soortgelyke inrigting wat aldus beheer word;

(*e*) ingevolge 'n reëling vir die huisvesting van 'n naturellearbeider soos omskryf in die „Naturellearbeid Regelingswet, 1911" (Wet No. 15 van 1911), nadat hy aangewerf is en voordat hy aangekom het by die plek waar hy moet gaan werk, of na sy vertrek vanaf daardie plek, by verstryking van sy dienstermyn, en voor sy aankoms by die plek waar hy aangewerf is, deur 'n werkgewer of arbeidsagent, soos aldus omskryf, wat die grond of perseel wettiglik okkupeer;

(*f*) as 'n *bona fide*-leerling wat 'n deur die Staat beheerde of ondersteunde skool bywoon;

(*g*) as 'n wettige inwoner van 'n noodkamp opgerig ingevolge die Wet op die Voorkoming van Onregmatige Plakkery, 1951 (Wet No. 52 van 1951).

(3) Behoudens die bepalings van artikel *sestien*, word iemand nie by die toepassing van sub-artikel (1) van hierdie artikel geag op die bepaalde datum grond of 'n perseel te geokkupeer het nie, tensy hy op daardie datum die eienaar daarvan was of bedoelde grond of perseel geokkupeer het uit hoofde van 'n huur of reg van vruggebruik of *habitatio* of uit hoofde van 'n verjaringstitel wat op of voor die bepaalde datum verkry is.

(4) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* persone van enige klas of groep van die toepassing van sub-artikel (1) vrystel, hetsy in die algemeen of met betrekking tot grond of persele wat in 'n bepaalde gebied geleë is of wat wettiglik deur persone van 'n ander klas of groep of persone van 'n besondere ander klas of groep geokkupeer word of met betrekking tot ander grond of persele as grond of persele wat in 'n bepaalde gebied geleë is of enige klas van sodanige grond of persele.

(5) 'n Vrystelling kragtens sub-artikel (4) geld nie ten opsigte van die okkupasie van grond of 'n perseel deur iemand wat daardie grond of perseel andersins as ooreenkomstig en met inagneming van die beperkings en voorwaardes deur die Goewerneur-generaal bepaal en in die betrokke proklamasie vermeld, okkupeer nie.

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Buildings erected or completed after specified date, and buildings, land or premises unoccupied at that date.

16. (1) (*a*) If after the specified date any building is or was erected or completed on any land or premises situated in a specified area elsewhere than in an area defined by proclamation under paragraph (*a*) of sub-section (3) or if at the said date any building, land or premises in a specified area are or were unoccupied or are not or were not lawfully occupied, such building, land or premises shall, if any person other than a company or statutory body is or was the owner thereof, subject to the provisions of sub-sections (2), (3), (4) and (5) of this section and sub-section (10) of section *eighteen*, for the purposes of section *fifteen* be deemed to have been occupied at the specified date by the person who is or was the owner thereof.

(*b*) If a company or statutory body is or was the owner of such building, land or premises, the Minister shall, subject to the provisions of sub-section (3), on the written application of the owner, determine the group by a member of which the building, land or premises shall for the said purposes be deemed to have been occupied at the specified date.

(2) If after the specified date any building on land or premises situated in a specified area elsewhere than in an area defined by proclamation under paragraph (*a*) of sub-section (3), is or was demolished and any other building erected in its stead on the same site, or any such building is or was extended, the building so erected or extended shall, subject to the provisions of sub-sections (3), (4) and (5) of this section and sub-section (10) of section *eighteen*, for the purposes of section *fifteen* be deemed to have been occupied at the specified date by the person who last lawfully occupied the demolished or extended building before the demolition or extension: Provided that if such building was immediately before its demolition or extension occupied or deemed to have been occupied by two or more persons of different groups, or if a single building is or was erected in the stead of two or more demolished buildings, all of which were not occupied or deemed to be occupied by persons of the same group, the Minister shall, subject to the provisions of sub-sections (3), (4) and (5) of this section and sub-section (10) of section *eighteen*, 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 so long as such a determination has not been 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.

(3) (*a*) The Governor-General may be proclamation in the *Gazette* define any area in a specified area for the purposes of paragraph (*b*).

(*b*) The Minister shall, on the written application of the owner of any building which has been completed, erected (whether or not in the stead of a demolished building) or extended or is about to be completed, erected or extended, in an area defined in any such proclamation, after the date of publication thereof, or of any land or premises in any such area which are or were unoccupied or not lawfully occupied on the said date, determine the group by a member of which such building, land or premises shall, for the purposes of section *fifteen*, be deemed to have been occupied at the specified date.

(*c*) Until a determination has been made under paragraph (*b*) in respect of any building referred to therein, such building shall, for the purposes of section *fifteen*, be deemed to have been unoccupied at the specified date.

(*d*) If in terms of any determination under paragraph (*b*) any building, land or premises are deemed to have been occupied by a member of the native group or of the coloured group, and after such determination a group consisting of members of such group has been established under sub-section (2) of section *ten*, the Minister may, on like application, withdraw the determination and under the said paragraph determine that such building, land or premises shall be deemed to have been occupied by a member of the group so established.

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Geboue na bepaalde datum opgerig of voltooi, en geboue, grond of persele wat nie op daardie datum geokkupeer word nie.

16. (1) (*a*) Indien 'n gebou na die bepaalde datum op enige grond of perseel wat in 'n aangewese gebied geleë is, elders as in 'n by proklamasie kragtens paragraaf (*a*) van sub-artikel (3) omskrewe gebied, opgerig of voltooi word of is, of indien 'n gebou, grond of 'n perseel in 'n aangewese gebied op daardie datum nie geokkupeer of nie wettiglik geokkupeer word of was nie, word daardie gebou, grond of perseel, indien 'n ander persoon dan 'n maatskappy of statutêre liggaam die eienaar daarvan is of was, behoudens die bepalings van sub-artikels (2), (3), (4) en (5) van hierdie artikel en sub-artikel (10) van artikel *agtien*, by die toepassing van artikel *vyftien* geag op die bepaalde datum geokkupeer te gewees het deur die persoon wat die eienaar daarvan is of was.

(*b*) Indien 'n maatskappy of statutêre liggaam die eienaar van bedoelde gebou, grond of perseel is of was, wys die Minister, behoudens die bepalings van sub-artikel (3), op skriftelike aansoek van die eienaar, die groep aan deur 'n lid waarvan die gebou, grond of perseel by die toepassing van genoemde artikel geag word op die bepaalde datum geokkupeer te gewees het.

(2) Indien 'n gebou op grond of 'n perseel geleë in 'n aangewese gebied elders as in 'n by proklamasie kragtens paragraaf (*a*) van sub-artikel (3) omskrewe gebied, na die bepaalde datum afgebreek en 'n ander gebou op dieselfde terrein in sy plek opgerig word of is, of indien so 'n gebou vergroot word of is, word die aldus opgerigte of vergrote gebou, behoudens die bepalings van sub-artikels (3), (4) en (5) van hierdie artikel en sub-artikel (10) van artikel *agtien*, by die toepassing van artikel *vyftien* geag op die bepaalde datum geokkupeer te gewees het deur die laaste persoon wat die afgebreekte of vergrote gebou voor die afbreking of vergroting wettiglik geokkupeer het: Met dien verstande dat indien so 'n gebou onmiddellik voor die afbreek of vergroting daarvan deur twee of meer persone van verskillende groepe geokkupeer was of geag was geokkupeer te gewees het, of indien 'n enkele gebou opgerig word of was in die plek van twee of meer afgebreekte geboue wat nie almal deur persone van dieselfde groep geokkupeer was of geag was geokkupeer te gewees het nie, die Minister, behoudens die bepalings van sub-artikels (3), (4) en (5) van hierdie artikel en sub-artikel (10) van artikel *agtien*, op skriftelike aansoek van die eienaar die groep aanwys 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 vir solank so 'n aanwysing ten opsigte van die aldus opgerigte of vergrote gebou of 'n gedeelte daarvan nie gedoen is nie, word die gebou of die gedeelte daarvan by die toepassing van bedoelde artikel geag nie op die bepaalde datum geokkupeer te gewees het nie.

(3) (*a*) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* enige gebied binne 'n aangewese gebied vir die doeleindes van paragraaf (*b*) omskryf.

(*b*) Die Minister moet, op skriftelike aansoek van die eienaar van 'n gebou wat na die datum van afkondiging van so 'n proklamasie in 'n daarin omskrewe gebied voltooi, opgerig (hetsy in die plek van 'n afgebreekte gebou al dan nie) of vergroot is, of op die punt staan om voltooi, opgerig of vergroot te word of van grond of 'n perseel in so 'n gebied wat op genoemde datum nie geokkupeer of nie wettiglik geokkupeer is of was nie, die groep aanwys deur 'n lid waarvan die gebou, grond of perseel by die toepassing van artikel *vyftien* geag moet word op die bepaalde datum geokkupeer te gewees het.

(*c*) Totdat 'n aanwysing kragtens paragraaf (*b*) ten opsigte van 'n daarin bedoelde gebou gedoen is, word die gebou by die toepassing van artikel *vyftien* geag nie op die bepaalde datum geokkupeer te gewees het nie.

(*d*) Indien enige gebou, grond of perseel luidens 'n aanwysing kragtens paragraaf (*b*) geag word deur 'n lid van die naturelle-groep of van die gekleurde groep geokkupeer te gewees het, en na die aanwysing 'n groep wat uit lede van bedoelde groep bestaan, kragtens sub-artikel (2) van artikel *tien* ingestel is, kan die Minister, op dergelike aansoek die aanwysing intrek en kragtens genoemde paragraaf 'n aanwysing doen dat die gebou, grond of perseel geag word deur 'n lid van die aldus ingestelde groep geokkupeer te gewees het.

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(4) Any dwelling or other building in a specified area which has been constructed under the Housing Act, 1920 (Act No. 35 of 1920), or under any regulations made in terms of the Housing (Emergency Powers) Act, 1945 (Act No. 45 of 1945), or under the Housing Act, 1957 (Act No. 10 of 1957), shall for the purposes of section *fifteen* be deemed to have been occupied at the specified date by a person who is a member of the same group as the class of persons for which such dwelling or building is or was intended.

(5) Any provision in the title deed of any building, land or premises in a specified area which prohibits or restricts the occupation thereof by persons of one or more groups, shall be suspended in so far as it conflicts with the terms of a determination made under sub-section (3) and for as long as the determination remains in force.

(6) The Minister may, whenever for any reason he deems it expedient to do so, postpone the making of a determination under sub-section (3) or paragraph (*b*) of sub-section (1) for such period as he may deem fit.

(7) (*a*) If at the specified date there exists or existed any determination under sub-section (2) or paragraph (*b*) of sub-section (4) of section *six* of the Asiatic Land Tenure Act, 1946 (Act No. 28 of 1946), in respect of any building, land or premises in a specified area, and such building, land or premises remain unoccupied or the erection or extension of such building has not been completed, such determination shall be deemed to have been made under the relevant provisions of this section: Provided that any reference in the determination to a person who is not an Asiatic, shall be deemed to be a reference to a member of the white group, and any reference therein to a person who is an Asiatic, shall be deemed to be a reference to a member of the coloured group.

(*b*) If at the said date there exists or existed any permit under section *eight* of the said Act authorizing the occupation of land or premises in a specified area, and such land or premises are or were not occupied in pursuance of the permit, the permit shall be deemed to have been issued under the relevant provision of section *eighteen* of this Act.

(8) A determination under this section may be made subject to such conditions as the Minister may deem fit and may provide that the land or premises to which the determination relates shall be deemed to have been occupied at the specified date by a member of the group in question for any purpose mentioned in the determination, and in that event the determination shall cease to have effect if such land or premises are occupied or used for any other purpose.

Restrictions on occupation of land in controlled area.

17. (1) No disqualified person shall occupy and no person shall allow any disqualified person to occupy any land or premises in the controlled area, except under the authority of a permit.

(2) The provisions of sub-section (1) shall not render it unlawful for any disqualified person to occupy any land or premises—

(*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*) under any agreement lawfully entered into before the first day of July, 1957, or any written agreement lawfully entered into on or after that date, or under any testamentary disposition made on or before the twenty-fourth day of April, 1950, or in the case of land or premises which have by virtue of any proclamation under section *twenty-nine*, ceased to be subject to the operation of a proclamation under section *fourteen*, under any agreement lawfully entered into before the first day of July, 1957, or any written agreement lawfully entered into on or after that date, or under any testamentary disposition made while the land or premises were subject to the operation of such lastmentioned proclamation, or under any renewal of any such agreement to which any party thereto is in terms thereof entitled;

(*c*) by virtue of any prescriptive title acquired at or before the commencement of the Group Areas Act, 1950 (Act No. 41 of 1950);

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(4) 'n Woning of ander gebou in 'n aangewese gebied wat ingevolge die Woning Wet, 1920 (Wet No. 35 van 1920), of ingevolge regulasies kragtens die Wet op Behuising (Noodmagte), 1945 (Wet No. 45 van 1945), uitgevaardig, of ingevolge die Behuisingswet, 1957 (Wet No. 10 van 1957), gebou is, word by die toepassing van artikel *vyftien* geag op die bepaalde datum geokkupeer te gewees het deur 'n persoon wat 'n lid is van dieselfde groep as die kategorie persone vir wie die woning of gebou bedoel is of was.

(5) Enige bepaling in die titelbewys van enige gebou, grond of perseel in 'n aangewese gebied wat die okkupasie daarvan deur persone van een of meer groepe verbied of beperk, is opgeskort vir sover dit in stryd is met die bepalings van 'n aanwysing kragtens sub-artikel (3) gedoen en vir so lank die aanwysing van krag bly.

(6) Die Minister kan, wanneer hy dit om een of ander rede raadsaam ag om dit te doen, die doen van 'n aanwysing kragtens sub-artikel (3) of paragraaf (b) van sub-artikel (1) uitstel vir die tydperk wat hy goedvind.

(7) (a) Indien daar op die bepaalde datum 'n besluit kragtens sub-artikel (2) of paragraaf (b) van sub-artikel (4) van artikel *ses* van die Wet op Grondbesit van Asiate, 1946 (Wet No. 28 van 1946), ten opsigte van enige gebou, grond of perseel in 'n aangewese gebied bestaan of bestaan het, en die gebou, grond of perseel nog nie geokkupeer is nie of die oprigting of vergroting van die gebou nie voltooi is nie, word bedoelde besluit geag 'n aanwysing te wees wat kragtens die toepaslike voorskrifte van hierdie artikel gedoen is: Met dien verstande dat 'n verwysing in die besluit na 'n persoon wat nie 'n Asiaat is nie, geag word 'n verwysing te wees na 'n lid van die blanke groep, en 'n verwysing daarin na 'n persoon wat 'n Asiaat is, geag word 'n verwysing te wees na 'n lid van die gekleurde groep.

(*b*) Indien daar op bedoelde datum 'n permit kragtens artikel *agt* van genoemde Wet bestaan of bestaan het, wat die okkupasie van grond of 'n perseel in 'n aangewese gebied magtig, en die grond of perseel nie ingevolge die permit geokkupeer word of was nie, word die permit geag kragtens die toepaslike bepaling van artikel *agtien* van hierdie Wet uitgereik te gewees het.

(8) 'n Aanwysing ingevolge hierdie artikel kan gedoen word onderworpe aan die voorwaardes wat die Minister goedvind en kan bepaal dat die grond of perseel waarop die aanwysing betrekking het, geag word op die bepaalde datum vir 'n in die aanwysing vermelde doel deur 'n lid van die betrokke groep geokkupeer te gewees het, en in so 'n geval hou die aanwysing op om van krag te wees indien bedoelde grond of perseel vir enige ander doel geokkupeer of gebruik word.

Beperkings op okkupasie van grond in beheerde gebied

17. (1) Geen onbevoegde persoon mag enige grond of perseel in die beheerde gebied okkupeer nie en niemand mag toelaat dat 'n onbevoegde persoon dit okkupeer nie, dan alleen uit hoofde van 'n permit.

(2) Die bepalings van sub-artikel (1) maak dit nie vir 'n onbevoegde persoon onwettig om enige grond of perseel te okkupeer nie—

(*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*) ingevolge enige ooreenkoms wettiglik aangegaan voor die eerste dag van Julie 1957, of 'n skriftelike ooreenkoms wettiglik aangegaan op of na daardie datum, of ingevolge 'n testamentêre beskikking gedoen op of voor die 24ste dag van April 1950, of in die geval van grond of 'n perseel wat uit hoofde van 'n proklamasie kragtens artikel *nege-en-twintig* nie meer aan die uitwerking van 'n proklamasie kragtens artikel *veertien* onderworpe is nie, ingevolge enige ooreenkoms wettiglik aangegaan voor die eerste dag van Julie 1957, of 'n skriftelike ooreenkoms wettiglik aangegaan op of na daardie datum, of ingevolge 'n testamentêre beskikking gedoen terwyl die grond of perseel aan die uitwerking van laasbedoelde proklamasie onderhewig was, of ingevolge 'n vernuwing van so 'n ooreenkoms waarop 'n party by die ooreenkoms volgens die bepalings daarvan geregtig is;

(*c*) uit hoofde van 'n verjaringstitel wat by of voor die inwerkingtreding van die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950), verkry is;

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(*d*) under any arrangement entered into under the Housing Act, 1920 (Act No. 35 of 1920) or under any regulations made in terms of the Housing (Emergency Powers) Act, 1945 (Act No. 45 of 1945), or under the Housing Act, 1957 (Act No. 10 of 1957), if he is a member of the same group as the class of persons for which the dwelling or other building in question is or was intended;

(*e*) as a *bona fide* servant or employee of the State or a statutory body or as a domestic servant of any person lawfully occupying the land or premises;

(*f*) as the *bona fide* visitor for a total of not more than ninety days in any calendar year of any person lawfully residing on the land or premises or as a *bona fide* guest in an hotel;

(*g*) as a *bona fide* patient in a hospital, asylum or similar institution controlled by the State or a statutory body or in any such institution which was in existence at the commencement of the Group Areas Act, 1950, and is aided by the State, or as an inmate of a prison, work colony, inebriate home or similar institution so controlled;

(*h*) as the *bona fide* employee (other than a domestic servant) of any person, or as the husband, wife, minor child or dependant of any person (including a domestic servant or employee) who is lawfully occupying such land or premises: 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 so to apply and only to the extent and subject to the conditions (if any) which may be specified in the proclamation;

(*i*) as a labour tenant as defined in section *forty-nine* of the Native Trust and Land Act, 1936 (Act No. 18 of 1936), or as the husband, wife, minor child or dependant of any such labour tenant: 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 so to apply and only to the extent and subject to the conditions (if any) which may be specified in the proclamation;

(*j*) under any arrangement for the accommodation of any native labourer as defined in the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), after his recruitment and before his arrival at the place where he is to work, or after his departure from the said place on the expiry of his term of employment and before his arrival at the place of his recruitment, by an employer or labour agent, as so defined, lawfully occupying such land or premises;

(*k*) in pursuance of a licence issued to the occupier of the land or premises under sub-section (4) of section *nine* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945);

(*l*) as a squatter as defined in section *forty-nine* of the Native Trust and Land Act, 1936 (Act No. 18 of 1936), who is duly registered as such in terms of section *thirty-two* of the said Act, or as the husband, wife, minor child (other than a male child over the age of eighteen years) or dependant of any such squatter;

(*m*) as a *bona fide* scholar attending a school controlled or aided by the State;

(*n*) as a lawful resident in an emergency camp established in terms of the Prevention of Illegal Squatting Act, 1951 (Act No. 52 of 1951);

(*o*) 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 the land or on land on which the premises are situated: 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*,

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(*d*) ingevolge 'n reëling aangegaan kragtens die Woning Wet, 1920 (Wet No. 35 van 1920), of kragtens 'n regulasie ingevolge die Wet op Behuising (Noodmagte), 1945 (Wet No. 45 van 1945), uitgevaardig, of ingevolge die Behuisingswet, 1957 (Wet No. 10 van 1957), indien hy 'n lid is van dieselfde groep as die kategorie persone vir wie die betrokke woning of ander gebou bedoel is of was;

(*e*) as 'n *bona fide*-dienaar of -werknemer van die Staat of 'n statutêre liggaam of as 'n huisbediende van 'n persoon wat die grond of perseel wettiglik okkupeer;

(*f*) as die *bona fide*-besoeker vir altesaam hoogstens negentig dae in 'n kalenderjaar van 'n persoon wat die grond of perseel wettiglik bewoon of as 'n *bona fide*-gas in 'n hotel;

(*g*) as 'n *bona fide*-pasiënt in 'n hospitaal, gestig of soortgelyke inrigting wat deur die Staat of 'n statutêre liggaam beheer word, of in so 'n inrigting wat by die inwerkingtreding van die Wet op Groepsgebiede, 1950, bestaan het en wat deur die Staat ondersteun word, of as 'n inwoner van 'n gevangenis, werkkolonie, tehuis vir dranksugtiges of soortgelyke inrigting wat aldus beheer word;

(*h*) as die *bona fide*-werknemer (behalwe 'n huisbediende) van enige persoon, of as die man, vrou, minderjarige kind of afhanklike van enige persoon (met inbegrip van 'n huisbediende of werknemer), wat die grond of perseel wettiglik okkupeer: 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 hulle by proklamasie in die *Staatskoerant* aldus 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;

(*i*) as 'n plakker-diensbode soos omskryf in artikel *nege-en-veertig* van die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), of as die man, vrou, minderjarige kind of afhanklike van so 'n plakker-diensbode: 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 hulle by proklamasie in die *Staatskoerant* aldus 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;

(*j*) ingevolge 'n reëling vir die huisvesting van 'n naturelle-arbeider soos omskryf in die „Naturellearbeid Regelingswet, 1911" (Wet No. 15 van 1911), nadat hy aangewerf is en voordat hy aangekom het by die plek waar hy moet gaan werk, of na sy vertrek vanaf genoemde plek by verstryking van sy dienstermyn en voor sy aankoms by die plek waar hy aangewerf is, deur 'n werkgewer of arbeidsagent, soos aldus omskryf, wat die grond of perseel wettiglik okkupeer;

(*k*) ingevolge 'n lisensie wat kragtens sub-artikel (4) van artikel *nege* van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), aan die okkupeerder van die grond of perseel uitgereik is;

(*l*) as 'n plakker soos omskryf in artikel *nege-en-veertig* van die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), wat behoorlik in die hoedanigheid ingevolge artikel *twee-en-dertig* van bedoelde Wet geregistreer is, of as die man, vrou, minderjarige kind (uitgesonderd 'n manlike kind wat ouer as agtien jaar is) of afhanklike van so 'n plakker;

(*m*) as 'n *bona fide*-leerling wat 'n deur die Staat beheerde of ondersteunde skool bywoon;

(*n*) as 'n wettige inwoner van 'n noodkamp opgerig ingevolge die Wet op die Voorkoming van Onregmatige Plakkery, 1951 (Wet No. 52 van 1951);

(*o*) as die *bona fide*-dienaar of -werknemer van 'n persoon wat prospekteer- of mynwerksaamhede of werksaamhede wat daarby nodig is of daarmee in verband staan, wettiglik voortsit of geregtig is om dit voort te sit op die grond of op grond waarop die perseel geleë is: 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 hulle by proklamasie in die *Staatskoerant* aldus van toepassing verklaar het, en

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declared them so to apply and only to the extent and subject to the conditions (if any) which may be specified in the proclamation;

(*p*) in pursuance of written permission to reside on the land or on land on which the premises are situated granted in terms of section *thirty-four* of the Native Trust and Land Act, 1936 (Act No. 18 of 1936).

(3) The Governor-General may by proclamation in the *Gazette* exclude any area defined in the proclamation from the operation of sub-section (1) for such a period as may be specified in the proclamation.

(4) A testamentary disposition by which any person would acquire a right to occupy any land or premises in contravention of sub-section (1), shall be deemed to be a testamentary disposition of the nett proceeds of the realization of such right, and unless the beneficiary is authorized to occupy such land or premises under permit, it shall be the duty of the executor of the estate of the deceased to realize such right within a period of six months from the date of the death of the testator.

Permits and determinations.

18. (1) The Minister may, subject to the provisions of sub-section (2), in his discretion, on written application made therefor—

(*a*) direct that a permit be issued, subject to such conditions as he may determine (including, in the case of a permit authorizing the acquisition of immovable property, a condition providing that the holder of the permit shall not dispose of the property concerned to any person other than a person belonging to the same group as the person from whom such holder acquires the property), to be signed by an officer thereto appointed by him, authorizing—

(i) the acquisition or holding of immovable property in a group area or in the controlled area; or

(ii) the occupation of or the granting of permission to occupy any land or premises in a group area, in the controlled area or in a specified area referred to in section *fifteen*; or

(iii) the sub-division of any land referred to in sub-section (4) of section *twenty-one* or sub-section (3) of section *twenty-two*, any alteration in the use of such land or any agreement granting to any person the right to use any such land in contravention of one or other of the said sub-sections; or

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

(*b*) direct that the conditions of a permit be amended or that it shall be available for a portion only of the land or premises in respect of which it has been issued;

(*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.

(2) The Minister shall not direct that any permit be issued under sub-section (1)—

(*a*) authorizing the acquisition or holding of immovable property or the occupation of land or premises in a group area unless he is of the opinion that the refusal of the permit would cause undue hardship or that the issue of the permit would be in the interest of the group for which the group area has been established; or

(*b*) authorizing the acquisition or holding by a person who is not a member of the white group of immovable property, or the occupation by such a person 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.

(3) In directing that a permit be issued or that the conditions thereof be amended under sub-section (1), and in making a determination under section *sixteen*, the Minister may take

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dan alleen vir sover in die proklamasie bepaal en onderworpe aan die voorwaardes (as daar is) wat daarin vermeld word;

(*p*) uit hoofde van skriftelike vergunning ingevolge artikel *vier-en-dertig* van die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), verleen om op die grond of op grond waarop die perseel geleë is, te woon.

(3) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* 'n gebied in die proklamasie omskryf, vir die daarin vermelde tydperk van die bepalings van sub-artikel (1) uitsluit.

(4) 'n Testamentêre beskikking waardeur enige persoon 'n reg sou verkry om enige grond of perseel in stryd met sub-artikel (1) te okkupeer, word geag 'n testamentêre beskikking te wees van die netto-opbrings van die totgeldmaking van sodanige reg, en tensy die bevoordeelde gemagtig word om sodanige grond of perseel kragtens permit te okkupeer, is dit die plig van die eksekuteur van die boedel van die oorledene om sodanige reg binne 'n tydperk van ses maande vanaf die datum van die dood van die erflater tot geld te maak.

Permitte en aanwysings.

18. (1) Die Minister kan, behoudens die bepalings van sub-artikel (2), as skriftelik daarom aansoek gedoen word, na goeddunke—

(*a*) gelas dat 'n permit (onderteken te word deur 'n amptenaar wat hy daartoe aanstel) uitgereik word, onderworpe aan die voorwaardes wat hy mag bepaal (met inbegrip, in die geval van 'n permit wat die verkryging van onroerende goed magtig, van 'n voorwaarde wat bepaal dat die houer van die permit die betrokke goed nie van die hand mag sit nie aan 'n ander persoon dan iemand wat tot dieselfde groep behoort as die persoon van wie bedoelde houer die goed verkry), ter magtiging van—

(i) die verkryging of besit van onroerende goed in 'n groepsgebied of in die beheerde gebied; of

(ii) die okkupasie of die verlening van verlof tot okkupasie van enige grond of perseel in 'n groepsgebied, in die beheerde gebied of in 'n in artikel *vyftien* bedoelde aangewese gebied; of

(iii) die onderverdeling van enige in sub-artikel (4) van artikel *een-en-twintig* of sub-artikel (3) van artikel *twee-en-twintig* bedoelde grond, enige verandering in die gebruik van sulke grond of enige ooreenkoms waarin die reg aan enigiemand verleen word om sulke grond in stryd met een of ander van genoemde sub-artikels te gebruik; of

(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 *twee-en-twintig* as 'n grensstrook verklaar is;

(*b*) gelas dat die voorwaardes van 'n permit gewysig word of dat 'n permit beskikbaar sal wees vir slegs 'n gedeelte van die grond of perseel ten opsigte waarvan dit uitgereik is;

(*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.

(2) Die Minister gelas nie die uitreiking van 'n permit kragtens sub-artikel (1) nie—

(*a*) wat magtiging verleen vir die verkryging of besit van onroerende goed of die okkupasie van grond of 'n perseel in 'n groepsgebied, tensy hy van oordeel is dat die weiering van die permit te veel ontbering sou veroorsaak of dat die uitreiking van die permit in die belang sou wees van die groep vir wie die groepsgebied ingestel is; of

(*b*) wat magtiging verleen vir die verkyging of besit deur 'n persoon wat nie 'n lid van die blanke groep is nie, van onroerende goed, of die okkupasie deur so 'n persoon 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.

(3) By 'n lasgewing kragtens sub-artikel (1) dat 'n permit uitgereik word of dat die voorwaardes daarvan gewysig word, en by die doen van 'n aanwysing kragtens artikel *sestien*, kan

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into consideration the relative needs of any group concerned in regard to housing, the amenities of life and educational and recreational facilities, trading and industrial undertakings, the situation of the immovable property, land or premises in relation to other property, land or premises owned or occupied by members of any group, and any other matters which in his opinion are relevant to the question whether or not any such permit should be issued or an amendment of the conditions thereof should be made or how any such determination should be made.

(4) A permit authorizing the holding of immovable property or the occupation of land or premises may be issued for an indefinite or a specified period or until withdrawn at the discretion of the Minister.

(5) A permit authorizing the acquisition of immovable property may also be issued to the person who disposes of the property or on application by a person in whose favour the property is mortgaged, and may in such a case authorize the acquisition of the property by any person who is a member of a group specified in the permit, or by a company wherein a controlling interest is held or deemed to be held by or on behalf or in the interest of any such person.

(6) A permit authorizing the acquisition of immovable property by a company referred to in section *thirty-three*, or authorizing an institution the business or part of the business of which it is to advance money on mortgage, to acquire immovable property mortgaged in its favour, may be issued—

(*a*) in respect of any particular immovable property; or

(*b*) in respect of immovable property in any area specified in the permit; or

(*c*) in respect of immovable property in general; and

(*d*) in the cases referred to in paragraphs (*b*) and (*c*), either for a specified period or until withdrawn at the discretion of the Minister: Provided that upon the expiration of any such period or the withdrawal of the permit, the conditions of the permit shall continue to apply in respect of any immovable property acquired under the authority thereof.

(7) A permit authorizing the occupation of any land or premises by any employee or the granting of permission to any employee to occupy land or premises, may be issued in respect of any individual employee or in respect of any number and class of employees specified in the permit, and in the latter case either for a specified period or until withdrawn at the discretion of the Minister.

(8) A permit authorizing the occupation of any land or premises by any person as a patient in or inmate of any institution, may also be issued to the institution, and may authorize the occupation of such land or premises by all *bona fide* patients in or inmates of such institution who are members of any group specified in the permit.

(9) Any provision in the title deed of any building, land or premises which prohibits or restricts the acquisition, holding or occupation thereof by a person belonging to any group or class shall be suspended in so far as it conflicts with the terms of any permit issued under sub-section (1) authorizing any person to acquire, hold or occupy the building, land or premises, for as long as the permit remains in force.

(10) If any permit other than a permit issued for a specified period or until withdrawn at the discretion of the Minister, is issued in respect of the occupation of any land or premises in a specified area, such land or premises shall, unless it is specifically otherwise stated in the permit, as from the commencement of such occupation in pursuance of the permit, for the purposes of section *fifteen* be deemed to have been occupied at the specified date by a person who is a member of the same group as the person in respect of whose occupation the permit is issued.

(11) There shall be payable to the Minister in respect of every application for a permit which is submitted within two years after the date of any previous similar application, by a person who is a member of the same group as the applicant, relating to the same land or premises, or any portion of such land or premises, which has been refused, an amount of ten pounds: Provided that the Minister may, after consideration of any such application, in his discretion refund to the applicant out of moneys to be appropriated by Parliament for the purpose, an amount equal to the amount so paid or any portion thereof as he may deem fit.

(12) Any permit shall lapse if, in the case of a permit authorizing the acquisition of immovable property by agreement,

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die Minister die onderskeie behoeftes van enige betrokke groep wat betref behuising, daaglikse geriewe en onderwys- en ontspanningsfasiliteite, handels- en nywerheidsondernemings, die ligging van die onroerende goed, grond of perseel met betrekking tot ander goed, grond of persele waarvan lede van enige groep die eienaars is of wat deur hulle geokkupeer word, in aanmerking neem, asook enige ander aangeleentheid wat volgens sy oordeel ter sake is by die vraag of 'n permit uitgereik of 'n wysiging van die voorwaardes daarvan aangebring behoort te word al dan nie, of welke aanwysing gedoen behoort te word.

(4) 'n Permit wat die besit van onroerende goed of die okkupasie van grond of 'n perseel magtig, kan uitgereik word vir 'n onbepaalde of 'n bepaalde tydperk of totdat dit na goeddunke van die Minister ingetrek word.

(5) 'n Permit wat die verkryging van onroerende goed magtig, kan ook uitgereik word aan die persoon wat die goed van die hand sit of op aansoek deur 'n persoon ten gunste van wie die goed met verband beswaar is, en kan in so 'n geval die verkryging van die goed magtig deur enige persoon wat 'n lid is van 'n groep in die permit vermeld, of deur 'n maatskappy waarin 'n beheersende belang deur of ten behoewe of ten voordele van so 'n persoon besit word of geag word besit te word.

(6) 'n Permit wat die verkryging van onroerende goed deur 'n in artikel *drie-en-dertig* bedoelde maatskappy magtig, of wat 'n inrigting wie se besigheid of 'n gedeelte van wie se besigheid bestaan uit die uitleen van geld op verband, magtig om onroerende goed wat in sy guns met verband beswaar is, te verkry, kan uitgereik word—

(*a*) ten opsigte van bepaalde onroerende goed; of

(*b*) ten opsigte van onroerende goed in 'n gebied in die permit vermeld; of

(*c*) ten opsigte van onroerende goed in die algemeen; en

(*d*) in die in paragrawe (*b*) en (*c*) bedoelde gevalle, òf vir 'n bepaalde tydperk òf totdat dit na goeddunke van die Minister ingetrek word: Met dien verstande dat by die verstryking van so 'n tydperk of die intrekking van die permit, die voorwaardes van die permit van toepassing bly ten opsigte van onroerende goed wat uit hoofde daarvan verkry is.

(7) 'n Permit wat die okkupasie magtig van grond of 'n perseel deur 'n werknemer of wat die verlening magtig van verlof aan 'n werknemer om grond of 'n perseel te okkupeer, kan uitgereik word ten opsigte van 'n indiwiduele werknemer of ten opsigte van 'n aantal en kategorie werknemers in die permit vermeld en in die laaste geval òf vir 'n bepaalde tydperk òf totdat dit na goeddunke van die Minister ingetrek word.

(8) 'n Permit wat die okkupasie van grond of 'n perseel deur enigiemand as 'n pasiënt in of inwoner van 'n inrigting magtig, kan ook aan die inrigting uitgereik word, en kan die okkupasie van die grond of perseel magtig deur alle *bona fide*-pasiënte in of inwoners van die inrigting wat lede is van 'n groep in die permit vermeld.

(9) Enige bepaling in die titelbewys van enige gebou, grond of perseel wat die verkryging, besit of okkupasie daarvan deur persone wat binne een of ander groep of kategorie val, verbied of beperk, is opgeskort vir sover dit in stryd is met die bepalings van 'n kragtens sub-artikel (1) uitgereikte permit wat iemand magtig om die gebou, grond of perseel te verkry, te besit of te okkupeer, vir so lank die permit van krag bly.

(10) Indien 'n ander permit dan 'n permit wat uitgereik is vir 'n bepaalde tydperk of totdat dit na goeddunke van die Minister ingetrek word, ten opsigte van die okkupasie van enige grond of perseel in 'n aangewese gebied uitgereik word, word daardie grond of perseel, tensy uitdruklik in die permit anders verklaar word, vanaf die begin van die okkupasie ingevolge die permit, by die toepassing van artikel *vyftien* geag op die bepaalde datum geokkupeer te gewees het deur 'n persoon wat 'n lid is van dieselfde groep as die persoon ten opsigte van wie se okkupasie die permit uitgereik word.

(11) Ten opsigte van elke aansoek om 'n permit wat voorgelê word binne twee jaar na die datum van enige vorige soortgelyke aansoek, deur 'n persoon wat 'n lid is van dieselfde groep as die applikant, wat op dieselfde grond of perseel of 'n deel van daardie grond of perseel betrekking het en wat van die hand gewys is, is daar aan die Minister 'n bedrag van tien pond betaalbaar: Met dien verstande dat die Minister na oorweging van so 'n aansoek, na goeddunke, uit geld wat die Parlement vir die doel bewillig, 'n bedrag gelyk aan die aldus betaalde bedrag of 'n deel daarvan, soos hy goedvind, aan die applikant kan terugbetaal.

(12) 'n Permit verval indien, in die geval van 'n permit ter magtiging van die verkryging van onroerende goed by ooreen-

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the agreement is not entered into, or, in the case of a permit authorizing the occupation of land or premises, the land or premises are not occupied in pursuance of the permit, within a period of six months or such longer period after the issue thereof as may be specified in the permit on the direction of the Minister, or within such further period or periods as the Minister may from time to time allow on an application lodged with him prior to the expiration of such firstmentioned period or any such extended period.

(13) If any land or premises in respect of which a permit has been issued under sub-paragraph (ii) of paragraph (*a*) of sub-section (1) is occupied or used contrary to any condition subject to which the permit was issued, the Minister may, after not less than one month's notice to the holder of the permit, revoke the permit.

Delegation of powers by Minister.

19. (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 *sixteen*, *eighteen* and *thirty-seven* as he may deem fit.

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

(3) In relation to the exercise by the said chairman of his powers by virtue of a delegation under this section, any reference in section *five*, *twenty-eight* or *thirty-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 by virtue of a delegation under this section may at any time within sixty days thereafter appeal to the Minister.

Establishment of group areas.

20. (1) The Governor-General may, whenever it is deemed expedient, by proclamation in the *Gazette*—

(*a*) declare—

(i) that as from a date specified in the proclamation, the area defined in the proclamation shall be an area for occupation by members of the group so specified; and

(ii) that as from a date similarly specified, which shall be a date not less than one year after the date of publication of the proclamation, the provisions of section *twenty-three* shall apply with reference to such area;

(*b*) declare that as from a date specified in the proclamation, the area defined in the proclamation shall be an area for ownership by members of the group so specified.

(2) Proclamations under paragraphs (*a*) and (*b*) of sub-section (1) may be issued also in respect of the same area.

(3) No proclamation shall be issued under this section—

(*a*) except with the prior approval in each case by resolution of both Houses of Parliament: Provided that any such proclamation may be issued without such approval—

(i) if it is issued before the expiration of a period of fifteen years from the seventh day of July, 1950, in respect of a group area for a group other than the native group or a group defined under sub-section (2) of section *ten* consisting of members of the native group; or

(ii) if it is issued in respect of an area for the native group or a group defined under sub-section (2) of section *ten* 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*) unless in each case the Minister has considered a report by the board and has, except in the case of an area for the native group or a group defined under sub-section (2) of section *ten* consisting of members of the native group, consulted the Administrator of the province concerned, and in the case of an area situated wholly or partly on land which in terms of any law relating to mining is proclaimed land or deemed to be proclaimed land, or upon

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koms, die ooreenkoms nie ingevolge die permit aangegaan word nie, of indien in die geval van 'n permit ter magtiging van die okkupasie van grond of 'n perseel, die grond of perseel nie ingevolge die permit geokkupeer word nie, binne 'n tydperk van ses maande of so 'n verdere tydperk na die uitreiking daarvan as wat op las van die Minister in die permit vermeld word, of binne die verdere tydperk of tydperke wat die Minister van tyd tot tyd mag toelaat op aansoek voor die verstryking van eersbedoelde tydperk of so 'n verdere tydperk by hom ingedien.

(13) Indien enige grond of perseel ten opsigte waarvan 'n permit kragtens sub-paragraaf (ii) van paragraaf (*a*) van sub-artikel (1) uitgereik is, geokkupeer of gebruik word in stryd met 'n voorwaarde waarop die permit uitgereik is, kan die Minister, na minstens een maand kennisgewing aan die houer van die permit, die permit intrek.

Delegasie van bevoegdhede deur Minister.

19. (1) Die Minister kan, behoudens die voorwaardes wat hy mag bepaal, sodanige van sy bevoegdhede kragtens artikels *sestien*, *agtien* en *sewe-en-dertig* as wat hy goedvind 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) Met betrekking tot die uitoefening deur bedoelde voorsitter van sy bevoegdhede uit hoofde van 'n delegasie kragtens hierdie artikel, word 'n verwysing in artikel *vyf*, *agt-en-twintig* of *sewe-en-dertig* na die Minister as 'n verwysing na bedoelde voorsitter uitgelê.

(4) Iemand wat hom veronreg ag 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.

Instelling van groepsgebiede.

20 (1) Die Goewerneur-generaal kan, wanneer dit raadsaam geag word, by proklamasie in die *Staatskoerant*—

(*a*) verklaar—

(i) dat vanaf 'n datum in die proklamasie vermeld, die in die proklamasie omskrewe gebied 'n gebied vir okkupasie deur lede van die aldus vermelde groep is; en

(ii) dat vanaf 'n datum insgelyks vermeld, wat 'n datum minstens een jaar na die datum van die publikasie van die proklamasie is, die bepalings van artikel *drie-en-twintig* met betrekking tot bedoelde gebied geld;

(*b*) verklaar dat die gebied in die proklamasie omskryf, vanaf 'n daarin vermelde datum 'n gebied vir grondbesit deur lede van die aldus vermelde groep is.

(2) Proklamasies kragtens paragrawe (*a*) en (*b*) van sub-artikel (1) kan ook ten opsigte van dieselfde gebied uitgereik word.

(3) Geen proklamasie word kragtens hierdie artikel uitgereik nie—

(*a*) dan alleen met voorafgaande goedkeuring in iedere geval by besluit van albei Huise van die Parlement: Met dien verstande dat so 'n proklamasie sonder bedoelde goedkeuring uitgereik kan word—

(i) indien dit voor die verstryking van 'n tydperk van vyftien jaar vanaf die sewende dag van Julie 1950 uitgereik word ten opsigte van 'n groepsgebied vir 'n ander groep dan die naturelle-groep of 'n groep ingevolge sub-artikel (2) van artikel *tien* omskryf wat uit lede van die naturelle-groep bestaan; of

(ii) indien dit uitgereik word ten opsigte van 'n gebied vir die naturelle-groep of vir 'n kragtens sub-artikel (2) van artikel *tien* omskrewe groep wat uit lede van die naturelle-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*) tensy die Minister in iedere geval 'n verslag van die raad oorweeg het en behalwe in die geval van 'n gebied vir die naturelle-groep of vir 'n kragtens sub-artikel (2) van artikel *tien* omskrewe groep wat uit lede van die naturelle-groep bestaan, die Administrateur van die betrokke provinsie geraadpleeg het, en in die geval van 'n gebied wat geheel en al of gedeeltelik geleë is op grond wat volgens enige wetsbepaling op myne, geproklameerde grond is of geag word geproklameerde grond te wees, of waarop daar geprospekteer,

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which prospecting, digging or mining operations are being carried on, or on land on which the board reports that in its opinion there are reasonable grounds for believing that minerals exist in workable quantities, also the Minister of Mines, and in the case of an area situated wholly or partly within a controlled area as defined in section *one* of the Natural Resources Development Act, 1947 (Act No. 51 of 1947), also the Natural Resources Development Council established by section *two* of the said Act;

(*c*) by which there would be included in any group area the whole or any part of—

(i) any land situated in an area which is a scheduled native area in terms of the Native Trust and Land Act, 1936 (Act No. 18 of 1936); or

(ii) any location, native village or native hostel referred to in section *two* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945); or

(iii) any coloured persons settlement as defined in section *one* of the Coloured Persons Settlement Act, 1946 (Act No. 7 of 1946); or

(iv) any mission station or communal reserve to which the provisions of the Mission Stations and Communal Reserves Act, 1909 (Act No. 29 of 1909), of the Cape of Good Hope, or of the said Act read with section *sixteen* of the Coloured Mission Stations and Reserves Act, 1949 (Act No. 12 of 1949), apply; or

(v) any area which is a national park in terms of the National Parks Act, 1926 (Act No. 56 of 1926), or any land which forms part of such a park; or

(vi) any land vested in the South African Native Trust established under the Native Trust and Land Act, 1936 (Act No. 18 of 1936), situate outside an area which is a released area in terms of the said Act.

(4) The provisions of paragraph (*a*) of sub-section (3) shall not apply in relation to any proclamation issued under paragraph (*a*) of sub-section (1) in relation to any area defined by a proclamation issued under section *twenty-one*, or any portion of such area.

(5) The provisions of section *twenty-three* shall as from the date specified in any proclamation under sub-paragraph (i) of paragraph (*a*) of sub-section (1), apply *mutatis mutandis* with reference to the occupation of land or premises in the area to which the proclamation relates, by any person who did not occupy such land or premises on the said date.

(6) Any proclamation issued under paragraph (*a*) of sub-section (1) of section *three* of the Group Areas Act, 1950 (Act No. 41 of 1950), prior to the commencement of the Group Areas Amendment Act, 1957, shall have effect as if it were—

(*a*) a proclamation under sub-paragraph (i) of paragraph (*a*) of sub-section (1) of this section, specifying the date of commencement of the Group Areas Amendment Act, 1957, as the date with effect from which the area defined in the proclamation shall be an area for occupation by members of the group concerned; and

(*b*) a proclamation under sub-paragraph (ii) of that paragraph, declaring that as from the date specified therein the provisions of section *twenty-three* shall apply with reference to the said area.

Future group areas.

21. (1) The Governor-General may, whenever it is deemed expedient, by proclamation in the *Gazette* define an area and declare—

(*a*) that such area shall be an area for future occupation by members of the group specified in the proclamation; or

(*b*) that such area shall be an area for future ownership by members of the group so specified.

(2) Proclamations under paragraphs (*a*) and (*b*) of sub-section (1) may be issued also in respect of the same area.

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gedelf of gemyn word, of op grond waarop daar volgens verslag van die raad na sy oordeel redelike gronde bestaan om te vermoed dat minerale in bewerkbare hoeveelhede bestaan, ook die Minister van Mynwese, en in die geval van 'n gebied wat geheel en al of gedeeltelik geleë is in 'n beheerde gebied soos omskryf in artikel *een* van die Wet op Ontwikkeling van Natuurlike Hulpbronne, 1947 (Wet No. 51 van 1947), ook die Raad vir die Ontwikkeling van Natuurlike Hulpbronne by artikel *twee* van genoemde Wet ingestel;

(*c*) waarby daar by 'n groepsgebied ingesluit sou word, die geheel of 'n gedeelte van—

(i) grond wat in 'n gebied geleë is wat volgens die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), 'n afgesonderde naturellegebied is; of

(ii) 'n lokasie, naturelledorp of naturelletehuis in artikel *twee* van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), bedoel; of

(*iii*) 'n kleurlingnedersetting soos in artikel *een* van die Wet op Kleurlingnedersettings, 1946 (Wet No. 7 van 1946), omskryf; of

(iv) 'n sendingstasie of meentreserwe waarop die bepalings van die „Mission Stations and Communal Reserves Act, 1909" (Wet No. 29 van 1909), van die Kaap die Goeie Hoop, of van genoemde Wet gelees met artikel *sestien* van die Wet op Sendingstasies en Reserwes vir Kleurlinge, 1949 (Wet No. 12 van 1949), van toepassing is; of

(v) 'n gebied wat volgens die Wet op Nasionale Parke, 1926 (Wet No. 56 van 1926), 'n nasionale park is, of grond wat deel van so 'n park uitmaak; of

(vi) grond wat by die Suid-Afrikaanse Naturelletrust ingestel by die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), berus en geleë is buite 'n gebied wat volgens bedoelde Wet 'n oopgestelde gebied is.

(4) Die bepalings van paragraaf (*a*) van sub-artikel (3) is nie met betrekking tot 'n proklamasie wat ingevolge paragraaf (*a*) van sub-artikel (1) uitgereik word ten opsigte van 'n gebied omskryf by 'n kragtens artikel *een-en-twintig* uitgereikte proklamasie of 'n gedeelte van so 'n gebied, van toepassing nie.

(5) Die bepalings van artikel *drie-en-twintig* is vanaf die datum in 'n proklamasie kragtens sub-paragraaf (i) van paragraaf (*a*) van sub-artikel (1) vermeld, *mutatis mutandis* van toepassing met betrekking tot die okkupasie van grond of 'n perseel in die gebied waarop die proklamasie betrekking het, deur iemand wat daardie grond of perseel nie op bedoelde datum geokkupeer het nie.

(6) 'n Proklamasie wat voor die inwerkingtreding van die Wysigingswet op Groepsgebiede, 1957, ingevolge paragraaf (*a*) van sub-artikel (1) van artikel *drie* van die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950), uitgevaardig is, geld asof dit—

(*a*) 'n proklamasie uitgevaardig kragtens sub-paragraaf (i) van paragraaf (*a*) van sub-artikel (1) van hierdie artikel was waarby die datum van inwerkingtreding van die Wysigingswet op Groepsgebiede, 1957, vermeld word as die datum van wanneer af die in die proklamasie omskrewe gebied 'n gebied vir okkupasie deur lede van die betrokke groep is; en

(*b*) 'n proklamasie uitgevaardig kragtens sub-paragraaf (ii) van daardie paragraaf was waarby verklaar word dat vanaf die daarin vermelde datum die bepalings van artikel *drie-en-twintig* met betrekking tot bedoelde gebied van toepassing is.

21. (1) Die Goewerneur-generaal kan wanneer dit raadsaam geag word, by proklamasie in die *Staatskoerant* 'n gebied omskryf en verklaar— Toekomstige groepsgebiede.

(*a*) dat daardie gebied 'n gebied vir toekomstige okkupasie deur lede van die in die proklamasie vermelde groep is; of

(*b*) dat daardie gebied 'n gebied vir toekomstige grondbesit deur lede van die aldus vermelde groep is.

(2) Proklamasies kragtens paragrawe (*a*) en (*b*) van sub-artikel (1) kan ook ten opsigte van dieselfde gebied uitgereik word.

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(3) The provisions of sub-section (3) of section *twenty* shall apply also in relation to any proclamation referred to in sub-section (1) of this section.

(4) (*a*) No person (other than a statutory body) who is the owner of any land situate in an area defined by a proclamation issued under sub-section (1), shall, until the area in which his land is situate, has been proclaimed as a group area for occupation, except under the authority of a permit—

(i) sub-divide any such land;

(ii) use the surface of any such land for any purpose for which it was not being used on the date of the relevant proclamation under sub-section (1), or in the case of land in respect of which any such permit has been issued, for any purpose not authorized by the permit;

(iii) enter into any agreement whereby he purports to grant to any person the right to use land in contravention of the provisions of sub-paragraph (ii).

(*b*) For the purpose of this sub-section "land" does not include any building or other structure erected on the land.

(5) The provisions of sub-paragraph (ii) of paragraph (*a*) of sub-section (4) shall not apply in respect of the use of any land for the purpose of prospecting for minerals.

(6) The Governor-General may by proclamation in the *Gazette* exclude the whole or any portion of an area defined under sub-section (1) from all or any of the provisions of sub-section (4).

(7) Any proclamation issued under sub-section (1) of section *three bis* of the Group Areas Act, 1950 (Act No. 41 of 1950), prior to the commencement of the Group Areas Amendment Act, 1957, shall be deemed to have been issued under paragraph (*a*) of sub-section (1) of this section.

Border strips.

22. (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 *twenty-one* 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; or

(*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 *five* 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;

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(3) Die bepalings van sub-artikel (3) van artikel *twintig* is ook van toepassing met betrekking tot 'n in sub-artikel (1) van hierdie artikel bedoelde proklamasie.

(4) (*a*) Niemand (behalwe 'n statutêre liggaam) wat die eienaar is van grond geleë binne 'n gebied omskryf by 'n kragtens sub-artikel (1) uitgevaardigde proklamasie, mag, tot tyd en wyl die gebied waarin sy grond geleë is, as 'n groepsgebied vir okkupasie geproklameer is, dan alleen uit hoofde van 'n permit—

(i) daardie grond onderverdeel nie;

(ii) die oppervlakte van daardie grond vir 'n doel gebruik waarvoor dit nie op die datum van die betrokke proklamasie kragtens sub-artikel (1) in gebruik was nie, of in die geval van grond ten opsigte waarvan so 'n permit uitgereik is, vir 'n doel wat nie deur die permit gemagtig word nie;

(iii) 'n ooreenkoms aangaan waarby hy aan enigiemand die reg heet te verleen om grond in stryd met die bepalings van sub-paragraaf (ii) te gebruik nie.

(*b*) By die toepassing van hierdie sub-artikel beteken „grond" nie ook 'n gebou of ander struktuur wat op die grond opgerig is nie.

(5) Die bepalings van sub-paragraaf (ii) van paragraaf (*a*) van sub-artikel (4) is nie ten opsigte van die gebruik van grond vir die doeleindes van die prospekteer vir minerale van toepassing nie.

(6) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* die geheel of enige gedeelte van 'n kragtens sub-artikel (1) omskrewe gebied van enige van of al die bepalings van sub-artikel (4) uitsluit.

(7) 'n Proklamasie wat voor die inwerkingtreding van die Wysigingswet op Groepsgebiede, 1957, ingevolge sub-artikel (1) van artikel *drie bis* van die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950), uitgevaardig is, word geag kragtens paragraaf (*a*) van sub-artikel (1) van hierdie artikel uitgevaardig te gewees het.

Grensstroke.

22. (1) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* 'n gebied omskryf wat grens aan die geheel of 'n gedeelte van die omtrek van 'n groepsgebied of 'n kragtens artikel *een-en-twintig* 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 is, 'n grensstrook is; of

(*b*) bestem is om kragtens paragraaf (*a*) as 'n grensstrook verklaar te word:

Met dien verstande dat so 'n proklamasie nie uitgevaardig word nie tensy die raad ingevolge artikel *vyf* verslag gedoen het dat daar geen natuurlike of ander hindernis op of naby die omtrek van die betrokke groepsgebied bestaan wat wesentlik dieselfde uitwerking as 'n grensstrook sou hê nie.

(2) Vanaf die datum in die toepaslike proklamasie kragtens paragraaf (*a*) van sub-artikel (1) vermeld, en ondanks enigiets in enige spesiale of ander statutêre bepaling betreffende die besit, okkupasie of gebruik van grond of persele vervat, 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 okkupeer of toelaat dat iemand dit okkupeer 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 eienaar is van grond of persele geleë in 'n gebied by 'n kragtens paragraaf (*b*) van sub-artikel (1) uitgevaardigde proklamasie omskryf, mag, dan alleen uit hoofde van 'n permit—

(*a*) daardie grond onderverdeel nie;

(*b*) daardie persele of die oppervlakte van daardie grond gebruik vir 'n doel 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;

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(*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.

Occupation in group areas.

23. (1) As from the date specified in the relevant proclamation under sub-paragraph (ii) of paragraph (*a*) of sub-section (1) of section *twenty*, and notwithstanding anything contained in any special or other statutory provision relating to the occupation of land or premises, no disqualified person shall occupy and no person shall allow a disqualified person to occupy any land or premises in any group area to which the proclamation relates, except under the authority of a permit.

(2) The provisions of sub-section (1) shall not render it unlawful for any disqualified person to occupy land or premises—

(*a*) as a *bona fide* servant or employee of the State or a statutory body;

(*b*) as a *bona fide* visitor for a total of not more than ninety days in any calendar year of any person lawfully residing on the land or premises or as a *bona fide* guest in an hotel;

(*c*) as a domestic servant of any person lawfully occupying the land or premises: Provided that the provisions of this paragraph shall apply in respect of any group area or part of a group area only if the Governor-General has by proclamation in the *Gazette* declared them to apply in respect of that group area or part thereof, and only to the extent and subject to the conditions, if any, which may be specified in the proclamation;

(*d*) as a *bona fide* patient in a hospital, asylum or similar institution controlled by the State or a statutory body or in any such institution which was in existence at the commencement of the Group Areas Act, 1950 (Act No. 41 of 1950), and is aided by the State, or as an inmate of a prison, work colony, inebriate home or similar institution so controlled.

(3) (*a*) The Governor-General may by proclamation in the *Gazette* exempt from the operation of sub-section (1) disqualified persons of any class or group, either generally or in relation to land or premises situated in any particular area or lawfully occupied by persons of any other class or group or persons of any particular other class or group or in relation to land or premises other than land or premises situated in any particular area or any class of such land or premises.

(*b*) An exemption under paragraph (*a*) shall not apply in respect of the occupation of land or premises by a disqualified person occupying such land or premises otherwise than in accordance with and subject to such reservations and conditions as may be determined by the Governor-General and specified in the relevant proclamation.

(4) Any provision in the title deed of any immovable property situate in any group area referred to in sub-section (1), prohibiting or restricting the occupation or use of such property by persons who are members of the group for which that area has been established, shall lapse as from the date referred to in the said sub-section, and no such provision shall thereafter be inserted in the title deed of any immovable property in such group area.

Acquisition of immovable property in group areas.

24. (1) If any group area is in terms of a proclamation under paragraph (*b*) of sub-section (1) of section *twenty* a group area for ownership—

(*a*) no disqualified person and no disqualified company shall, on or after the relevant date specified in the proclamation, acquire any immovable property situate within that area, whether or not in pursuance of any agreement or testamentary disposition entered into or made before that date, except under the authority of a permit: Provided that the provisions

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(*c*) 'n ooreenkoms aangaan waarby hy aan enigiemand die reg heet te verleen om daardie 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 ten opsigte van die gebruik van grond vir die doeleindes van die prospekteer of myn van minerale van toepassing nie.

Okkupasie in groepsgebiede.

23. (1) Vanaf die datum in die toepaslike proklamasie kragtens sub-paragraaf (ii) van paragraaf (*a*) van sub-artikel (1) van artikel *twintig* vermeld, en ondanks enigiets in enige spesiale of ander statutêre bepaling betreffende die okkupasie van grond of persele vervat, mag geen onbevoegde persoon enige grond of perseel in 'n groepsgebied waarop die proklamasie betrekking het, okkupeer nie, en mag niemand toelaat dat 'n onbevoegde persoon dit okkupeer nie, dan alleen uit hoofde van 'n permit.

(2) Die bepalings van sub-artikel (1) maak dit nie vir 'n onbevoegde persoon onwettig om grond of 'n perseel te okkupeer nie—

(*a*) as 'n *bona fide*-dienaar of -werknemer van die Staat of 'n statutêre liggaam;

(*b*) as 'n *bona fide*-besoeker vir hoogstens negentig dae in die geheel in enige kalenderjaar van 'n persoon wat die grond of perseel wettiglik bewoon of as 'n *bona fide*-gas in 'n hotel;

(*c*) as 'n huisbediende van 'n persoon wat die grond of perseel wettiglik okkupeer: Met dien verstande dat die bepalings van hierdie paragraaf ten opsigte van 'n groepsgebied of gedeelte van 'n groepsgebied van toepassing is slegs as die Goewerneur-generaal hulle by proklamasie in die *Staatskoerant* ten opsigte van daardie groepsgebied of 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*) as 'n *bona fide*-pasiënt in 'n hospitaal, gestig of soortgelyke inrigting beheer deur die Staat of 'n statutêre liggaam of in so 'n inrigting wat by die inwerkingtreding van die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950), bestaan het en wat deur die Staat ondersteun word, of as 'n inwoner van 'n gevangenis, werkkolonie, tehuis vir dranksugtiges of soortgelyke inrigting wat aldus beheer word.

(3) (*a*) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* onbevoegde persone van enige klas of groep van die toepassing van sub-artikel (1) vrystel, hetsy algemeen of met betrekking tot grond of persele wat in 'n bepaalde gebied geleë is of wat wettiglik deur persone van 'n ander klas of groep of persone van 'n besondere ander klas of groep geokkupeer word of met betrekking tot ander grond of persele as grond of persele wat in 'n bepaalde gebied geleë is of enige klas van sodanige grond of persele.

(*b*) 'n Vrystelling kragtens paragraaf (*a*) geld nie ten opsigte van die okkupasie van grond of 'n perseel deur 'n onbevoegde persoon wat daardie grond of perseel andersins as ooreenkomstig en met inagneming van die beperkings en voorwaardes deur die Goewerneur-generaal bepaal en in die betrokke proklamasie vermeld, okkupeer nie.

(4) Enige bepaling in die titelbewys van onroerende goed geleë in 'n in sub-artikel (1) bedoelde groepsgebied, wat 'n verbod of beperking stel op die okkupasie of gebruik van daardie goed deur persone wat lede is van die groep vir wie daardie gebied ingestel is, verval vanaf die in genoemde sub-artikel bedoelde datum, en daarna word geen sodanige bepaling in die titelbewys van onroerende goed in bedoelde groepsgebied opgeneem nie.

Verkryging van onroerende goed in groepsgebiede.

24. (1) Indien 'n groepsgebied ingevolge 'n proklamasie kragtens paragraaf (*b*) van sub-artikel (1) van artikel *twintig* 'n groepsgebied vir grondbesit is—

(*a*) mag geen onbevoegde persoon en geen onbevoegde maatskappy op of na die toepaslike datum in die proklamasie vermeld, onroerende goed wat in daardie gebied geleë is, verkry nie, onverskillig of dit ingevolge 'n ooreenkoms of testamentêre beskikking wat voor daardie datum aangegaan of gedoen is, geskied al dan nie, dan alleen uit hoofde van 'n permit: Met dien verstande dat die bepalings van

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of this paragraph shall not render unlawful any acquisition of immovable property by a statutory body;

(*b*) no disqualified company which is on the said date the holder of any immovable property situate within that area, shall hold that property after the expiration of a period of ten years from the said date, except under the authority of a permit;

(*c*) no company which on or after the said date becomes or again becomes a disqualified company, shall hold any immovable property situate within that area which it has on or after the said date acquired otherwise than in pursuance of a permit, except under the authority of a permit;

(*d*) any provision in the title deed of any immovable property situate in that area prohibiting or restricting the acquisition of such property by persons who are members of the group for which that area has been established, shall lapse as from the said date, and no such provision shall thereafter be inserted in the title deed of any immovable property situate in that area.

(2) Sub-section (1) shall apply notwithstanding anything contained in any special or other statutory provision relating to the acquisition or holding of immovable property, but the provisions of paragraph (*b*) of that sub-section shall not render it unlawful for any company engaged in mining operations or in operations carried on in a factory as defined in the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941), in which machinery acquired at a price of not less than five thousand pounds has been installed, to hold any immovable property used by such company in connection with such operations.

(3) A testamentary disposition or intestate succession by which any person would acquire or hold any immovable property in contravention of sub-section (1) shall, unless the beneficiary is authorized to acquire or hold such property under permit, be deemed to be a testamentary disposition of or succession in respect of the nett proceeds of such property, and it shall be the duty of the executor of the estate of the deceased to realize the property within a period of one year from the date of his death or within such further period as the Minister may allow.

Governing body for certain group areas.

25. (1) The Minister may by notice in the *Gazette*, establish for any group area (other than a group area for the white group), a governing body to be constituted in accordance with regulation.

(2) Such governing body may consist wholly or mainly of members of the group for which the group area has been established, and shall have such powers and functions as may be prescribed by regulation, and shall exercise its powers and functions, where the group area concerned is wholly or partly within the area of jurisdiction of a local authority, subject to such supervision (if any) by that local authority as may be so prescribed, and where the group area concerned is partly within the area of jurisdiction of one local authority and partly within the area of jurisdiction of any other local authority, or wholly outside the area of jurisdiction of any local authority, subject to such supervision (if any) by a local authority designated by the Minister, as may be so prescribed.

(3) The establishment of a governing body under this section shall not divest any local authority, in respect of the group area concerned, of any powers or functions not vested in such governing body.

(4) The Minister shall not exercise his powers under this section without the concurrence of the Administrator of the province who shall consult any local authority concerned.

Measures to ensure proper municipal administration in certain areas.

26. (1) The Minister may, if he is of the opinion that any area referred to in paragraph (*d*) of section *two* of Law No. 3 of 1885 of the Transvaal, or in section *ten* of the Municipal Amending Ordinance, 1905 (Ordinance No. 17 of 1905), of the Transvaal, or any group area (other than a group area for the white group) which is situate within the area of jurisdiction of an urban local authority, is not properly administered by that local authority, request the Administrator of the province concerned to cause an enquiry to be held (at which the said local authority shall be afforded an opportunity of being heard), and thereafter the said Administrator may, by notice

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hierdie paragraaf nie die verkryging van onroerende goed deur 'n statutêre liggaam onwettig maak nie;

(*b*) mag 'n onbevoegde maatskappy wat op genoemde datum onroerende goed besit wat in daardie gebied geleë is, daardie goed nie na verstryking van 'n tydperk van tien jaar vanaf genoemde datum besit nie, dan alleen uit hoofde van 'n permit;

(*c*) mag geen maatskappy wat op of na genoemde datum 'n onbevoegde maatskappy word of dit weer word, onroerende goed besit wat in daardie gebied geleë is en wat hy op of na genoemde datum anders dan ingevolge 'n permit verkry het nie, dan alleen uit hoofde van 'n permit;

(*d*) verval, met ingang van genoemde datum, enige bepaling in die titelbewys van onroerende goed in daardie gebied geleë wat 'n verbod of beperking stel op die verkryging van daardie goed deur persone wat lede is van die groep vir wie daardie gebied ingestel is, en word daarna geen sodanige bepaling in die titelbewys van onroerende goed in daardie gebied geleë, opgeneem nie.

(2) Sub-artikel (1) is van toepassing ondanks enigiets in enige spesiale of ander statutêre bepaling betreffende die verkryging of besit van onroerende goed vervat, maar die bepalings van paragraaf (*b*) van daardie sub-artikel maak dit nie vir 'n maatskappy wat met mynbedrywighede besig is of met bedrywighede in 'n fabriek soos in die Wet op Fabrieke, Masjinerie en Bouwerk, 1941 (Wet No. 22 van 1941), omskryf, waarin masjinerie wat teen 'n prys van minstens vyfduisend pond verkry is, aangebring is, onwettig om onroerende goed wat die maatskappy in verband met daardie bedrywighede gebruik, te besit nie.

(3) 'n Testamentêre beskikking of intestate erfopvolging waardeur enige persoon onroerende goed in stryd met sub-artikel (1) sou verkry of besit, word, tensy die bevoordeelde uit hoofde van 'n permit gemagtig is om die goed te verkry of te besit, geag 'n testamentêre beskikking te wees oor of 'n erfopvolging ten aansien van die netto-opbrings van die goed, en dit is die plig van die eksekuteur van die boedel van die oorledene om die goed binne 'n tydperk van een jaar na die datum van sy dood, of binne so 'n verdere tydperk as wat die Minister toelaat, tot geld te maak.

Bestuursliggaam vir sekere groepsgebiede.

25. (1) Die Minister kan by kennisgewing in die *Staatskoerant* vir 'n groepsgebied (met uitsondering van 'n groepsgebied vir die blanke groep) 'n bestuursliggaam instel wat ooreenkomstig die regulasies saamgestel word.

(2) Bedoelde bestuursliggaam kan geheel en al of hoofsaaklik bestaan uit lede van die groep vir wie die groepsgebied ingestel is en besit die bevoegdhede en is belas met die werksaamhede wat by regulasie voorgeskryf mag word, en oefen sy bevoegdhede uit en verrig sy werksaamhede, waar die betrokke groepsgebied geheel en al of gedeeltelik binne die regsgebied van 'n plaaslike bestuur val, onder sodanige toesig (as daar is) deur daardie plaaslike bestuur as wat aldus voorgeskryf mag word, en waar die betrokke groepsgebied gedeeltelik binne die regsgebied van een plaaslike bestuur val en gedeeltelik binne die regsgebied van 'n ander plaaslike bestuur, of geheel en al buite die regsgebied van enige plaaslike bestuur, onder sodanige toesig (as daar is) deur 'n plaaslike bestuur deur die Minister aangewys, as wat aldus voorgeskryf mag word.

(3) Die instelling van 'n bestuursliggaam kragtens hierdie artikel onthef nie 'n plaaslike bestuur, ten opsigte van die betrokke groepsgebied, van enige bevoegdhede of werksaamhede wat nie by die bestuursliggaam berus nie.

(4) Die Minister oefen nie sy bevoegdhede kragtens hierdie artikel uit nie sonder die instemming van die Administrateur van die provinsie wat enige betrokke plaaslike bestuur moet raadpleeg.

Maatreëls om behoorlike munisipale bestuur in sekere gebiede te verseker.

26. (1) Die Minister kan, indien hy van oordeel is dat 'n gebied in paragraaf (*d*) van artikel *twee* van Wet No. 3 van 1885, van Transvaal, of in artikel *tien* van die „Municipal Amending Ordinance, 1905" (Ordonnansie No. 17 van 1905), van Transvaal, bedoel, of 'n groepsgebied (met uitsondering van 'n groepsgebied vir die blanke groep), wat binne die regsgebied van 'n stedelike plaaslike bestuur geleë is, nie behoorlik deur daardie plaaslike bestuur beheer word nie, die Administrateur van die betrokke provinsie versoek om 'n ondersoek te laat instel (waarby genoemde plaaslike bestuur die geleentheid gegee word om aangehoor te word), en daarop kan

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in writing, call upon such local authority to carry out forthwith any work defined in the said notice which the said local authority has power to carry out and which in the opinion of the Administrator is necessary for the proper administration of that area and may reasonably be required to be carried out by the said local authority, and if such local authority fails to comply with that notice, the Administrator may himself cause that work to be carried out and may for that purpose authorize any person to perform any act which the said local authority could lawfully perform.

(2) The Administrator may recover from the local authority concerned any expenditure incurred by him under this section—

(*a*) by action in a competent court against the local authority in default; or

(*b*) by levying a special rate upon all rateable property within the area of jurisdiction of the local authority in default; or

(*c*) by deduction from any subsidy, grant or other moneys payable out of the Consolidated Revenue Fund or by the Administrator to the local authority in default,

or by all three or any two of such methods of recovery, and the Administrator's certificate shall be proof of the amount due by the local authority under this section, subject to an appeal to the Minister, whose decision shall be final.

Survey of areas to be proclaimed under this Act.

27. (1) The Minister may, for the purposes of any proclamation under sub-section (1) of section *twenty*, sub-section (1) of section *twenty-one* or sub-section (1) of section *twenty-two*, 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.

Consideration by Minister of reports of board.

28. (1) No proclamation under sub-section (4) of section *one*, sub-section (2) of section *ten*, sub-section (1) of section *fourteen*, sub-section (3) of section *fifteen*, sub-section (3) of section *sixteen*, paragraph (*h*), (*i*) or (*o*) of sub-section (2) or sub-section (3) of section *seventeen*, sub-section (1) of section *twenty*, sub-section (1) of section *twenty-one*, sub-section (1) of section *twenty-two* or sub-section (2) of section *twenty-three*, shall be issued, withdrawn or amended, and the Minister shall not make any determination under section *sixteen* or issue or revoke any permit under section *eighteen*, or amend any of its conditions, unless the Minister has considered a report made by the board under section *five* in regard thereto.

(2) The Minister shall lay copies of any proclamation issued under sub-section (4) of section *one*, sub-section (3) of section *fifteen* or sub-section (2) of section *twenty-three* on the Tables of both Houses of Parliament within fourteen days after publication 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 such copies 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 copies shall again be laid on the said Tables as aforesaid within fourteen days after the commencement of its next ensuing ordinary session.

(3) If both Houses of Parliament by resolution passed in the same session (being a session during which copies of such proclamation have been laid on the Tables of both Houses of Parliament in terms of sub-section (2)) disapprove of any such proclamation or any provision thereof, such proclamation or such provision thereof shall thereafter cease to be of force and effect to the extent to which it is so disapproved, but without prejudice to the validity of anything done in terms of such proclamation or of such provision thereof up to the date upon which it 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 proclamation or such provision thereof.

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bedoelde Administrateur die plaaslike bestuur by skriftelike kennisgewing aansê om enige in genoemde kennisgewing omskrewe werk wat daardie plaaslike bestuur bevoeg is om uit te voer, en wat volgens die oordeel van die Administrateur vir die behoorlike bestuur van daardie gebied nodig is, en die uitvoering waarvan volgens sy oordeel redelikerwys van genoemde plaaslike bestuur verlang kan word, onverwyld uit te voer, en indien bedoelde plaaslike bestuur versuim om aan daardie kennisgewing te voldoen, kan die Administrateur daardie werk self laat uitvoer en vir daardie doel enigiemand magtig om enige handeling te verrig wat genoemde plaaslike bestuur wettiglik sou kon verrig.

(2) Die Administrateur kan enige uitgawes wat hy kragtens hierdie artikel aangegaan het, op die betrokke plaaslike bestuur verhaal—

(*a*) deur 'n geding in 'n bevoegde hof teen die plaaslike bestuur wat in gebreke bly; of
(*b*) deur 'n spesiale belasting te hef op alle belasbare eiendom binne die regsgebied van die plaaslike bestuur wat in gebreke bly; of
(*c*) deur dit af te trek van 'n subsidie, toekenning of ander gelde wat uit die Gekonsolideerde Inkomstefonds of deur die Administrateur betaalbaar is aan die plaaslike bestuur wat in gebreke bly,

of deur aldrie of enige twee van bedoelde verhaalmetodes, en die Administrateur se sertifikaat is bewys van die bedrag deur die plaaslike bestuur kragtens hierdie artikel verskuldig, onderworpe aan 'n appèl na die Minister, wie se beslissing afdoende is.

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

27. (1) Die Minister kan, vir die doeleindes van 'n proklamasie kragtens sub-artikel (1) van artikel *twintig*, sub-artikel (1) van artikel *een-en-twintig* of sub-artikel (1) van artikel *twee-en-twintig*, '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.

Oorweging deur Minister van verslae van raad.

28. (1) Geen proklamasie kragtens sub-artikel (4) van artikel *een*, sub-artikel (2) van artikel *tien*, sub-artikel (1) van artikel *veertien*, sub-artikel (3) van artikel *vyftien*, sub-artikel (3) van artikel *sestien*, paragraaf (*h*), (*i*) of (*o*) van sub-artikel (2) of sub-artikel (3) van artikel *sewentien*, sub-artikel (1) van artikel *twintig*, sub-artikel (1) van artikel *een-en-twintig*, sub-artikel (1) van artikel *twee-en-twintig* of sub-artikel (2) van artikel *drie-en-twintig*, word uitgereik, ingetrek of gewysig nie, en die Minister doen geen aanwysing kragtens artikel *sestien* nie, reik nie 'n permit kragtens artikel *agtien* uit nie, trek so 'n permit nie in nie en bring geen wysigings aan in sy voorwaardes nie, tensy die Minister 'n verslag wat die raad kragtens artikel *vyf* in verband daarmee gedoen het, oorweeg het.

(2) Die Minister lê afskrifte van enige proklamasie uitgevaardig kragtens sub-artikel (4) van artikel *een*, sub-artikel (3) van artikel *vyftien* of sub-artikel (2) van artikel *drie-en-twintig*, in beide Huise van die Parlement ter Tafel, binne veertien dae na afkondiging 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, en bedoelde afskrifte bly op genoemde Tafels vir ten minste agt-en-twintig agtereenvolgende dae, en indien die Parlement geprorogeer word voordat die nodige agt-en-twintig dae verloop het, word sodanige afskrifte weer soos voormeld binne veertien dae na die aanvang van sy eersvolgende gewone sitting ter Tafel gelê.

(3) Indien beide Huise van die Parlement by besluit wat gedurende dieselfde sitting geneem word (naamlik 'n sitting waarin afskrifte van so 'n proklamasie ooreenkomstig sub-artikel (2) in beide Huise van die Parlement ter Tafel gelê is) so 'n proklamasie of 'n bepaling daarvan afkeur, verval die regskrag van so 'n proklamasie of so 'n bepaling daarvan vir sover dit aldus afgekeur word, dog sonder afbreuk te doen aan die geldigheid van enigiets wat ingevolge so 'n proklamasie of so 'n bepaling daarvan tot op die datum waarop die regskrag van so 'n proklamasie of so 'n bepaling daarvan aldus verval het, gedoen is, of aan enige reg, voorreg, verpligting of aanspreeklikheid wat op bedoelde datum reeds ingevolge so 'n proklamasie of so 'n bepaling daarvan verkry, opgeloop of aangegaan is.

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Withdrawal and amendment of proclamations and notices.

29. Whenever the Governor-General or the Minister is by this Act authorized to issue any proclamation or notice, he may in like manner, whenever it is deemed expedient, withdraw or amend such proclamation or notice, including a proclamation deemed to have been issued under section *fourteen.*

Issue of certificates by surveyors-general.

30. (1) A surveyor-general may at the request of any person, and upon payment by such person to the surveyor-general of such fee as may be prescribed by regulation, issue to that person a certificate, in such form as may be so prescribed, stating that any land described therein, within his area of jurisdiction, is situated within the controlled area or within any specified area referred to in section *fourteen*, any defined area referred to in sub-section (3) of section *sixteen* or any group area which is so described.

(2) A certificate issued under sub-section (1) shall in all courts of law and public offices be *prima facie* evidence of the facts stated therein.

Trading licences.

31. (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 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), or in connection with the amendment or withdrawal of a certificate under sub-section (3), conduct such enquiry as it may consider necessary, and for the purpose of any such enquiry, the provisions of sections *six* and *seven* shall *mutatis mutandis* apply.

(3) The board may at any time amend or withdraw a certificate issued under sub-section (1) if it is satisfied that such certificate is incorrect in any material particular: Provided that no certificate shall be amended or withdrawn unless at least seven days notice of the intention to amend or withdraw it has been given to the person to whom it was issued and such person has been afforded an opportunity to show cause orally or in writing why it should not be amended or withdrawn.

(4) 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.

(5) The chief inspector referred to in sub-section (1) of section *thirty-nine* 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

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Intrekking en wysiging van proklamasies en kennisgewings.

29. Wanneer die Goewerneur-generaal of die Minister by hierdie Wet gemagtig is om 'n proklamasie of kennisgewing uit te reik, kan hy op dergelike wyse, wanneer dit raadsaam geag word, die proklamasie (met inbegrip van 'n proklamasie wat geag word kragtens artikel *veertien* uitgereik te wees) of kennisgewing intrek of wysig.

Uitreiking van sertifikate deur landmeters-generaal.

30. (1) 'n Landmeter-generaal kan op versoek van enige persoon, en by betaling deur daardie persoon aan die landmeter-generaal van die gelde wat by regulasie voorgeskryf mag word, aan daardie persoon 'n sertifikaat uitreik, in die vorm wat aldus voorgeskryf mag word, waarin verklaar word dat die daarin beskrewe grond wat binne sy regsgebied val, binne die beheerde gebied of binne 'n in artikel *veertien* bedoelde aangewese gebied, 'n in sub-artikel (3) van artikel *sestien* bedoelde omskrewe gebied of 'n groepsgebied in die sertifikaat beskryf geleë is.

(2) 'n Kragtens sub-artikel (1) uitgereikte sertifikaat dien in alle geregshowe en openbare kantore as *prima facie*-bewys van die daarin genoemde feite.

Handelslisensies.

31. (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 besit te 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 of in verband met die wysiging of intrekking van 'n sertifikaat kragtens sub-artikel (3), die ondersoek in wat die raad nodig ag, en vir die doeleindes van so 'n ondersoek is die bepalings van artikels *ses* en *sewe mutatis mutandis* van toepassing.

(3) Die raad kan te eniger tyd 'n sertifikaat wat kragtens sub-artikel (1) uitgereik is, wysig of intrek, indien hy oortuig is dat bedoelde sertifikaat in 'n wesentlike opsig onjuis is: Met dien verstande dat geen sertifikaat gewysig of ingetrek word nie, tensy minstens sewe dae vooraf aan die persoon aan wie dit uitgereik is, kennis gegee is van die voorneme om dit te wysig of in te trek, en bedoelde persoon in die geleentheid gestel is om mondelings of skriftelik redes aan te voer waarom dit nie gewysig of ingetrek behoort te word nie.

(4) 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 enige lisensie wat ten opsigte van bedoelde besigheid, handel of beroep uitgereik of hernieu is, ongeldig of verval dit, na gelang van die geval.

(5) Die in sub-artikel (1) van artikel *nege-en-dertig* bedoelde hoofinspekteur kan te eniger tyd by die magistraat van die distrik waarin die grond of perseel geleë is waarop 'n besigheid, handel of beroep gedryf of beoefen word, aansoek doen om 'n bevel waarby verklaar word dat die lisensie wat ten opsigte

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of that business, trade or occupation to be invalid or to have lapsed in accordance with the provisions of sub-section (4).

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

(*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.

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

(8) The magistrate who in terms of sub-section (6) 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, on or before a date to be specified in such order but not less than fourteen days from the date of the order.

(9) 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 judgement of a magistrate's court.

(10) The provisions of this section shall not apply in relation to—

(*a*) any licence to carry on a business, trade or occupation on land or premises situated in an area which the Governor-General has, by proclamation in the *Gazette*, excluded from the operation of this section; or

(*b*) any 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; or

(*c*) any licence required for carrying on a business or trade referred to in section *thirty-seven* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945); or

(*d*) any licence required for the sale of liquor under the Liquor Act, 1928 (Act No. 30 of 1928); or

(*e*) any certificate authorizing the issue to the holder of any current licence to carry on a business, trade or occupation on any premises, of a similar licence to carry on such business, trade or occupation on those premises as from the expiration of the period of validity of the firstmentioned licence.

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

Shares and debentures of private companies.

32. (1) Whenever a private company holds any immovable property, any share in or debenture of that company held by or pledged to a person who or a company which is a disqualified person or a disqualified company in relation to that property (other than a banking institution as defined in the Banking Act, 1942 (Act No. 38 of 1942)), or by or to any person on behalf or in the interest of such a person or company, may, after not less than three months' notice in writing to the person or company concerned, be declared by the Minister to be forfeited to the State.

(2) It shall be the duty of the secretary and every director of any company referred to in sub-section (1), which holds any immovable property, to notify the registrar of companies whenever any person who or company which is a disqualified person or disqualified company in relation to that property or any other person on behalf or in the interest of such a person or company holds any share in or debenture of such firstmentioned company.

(3) The provisions of sub-sections (1) and (2) shall not apply in respect of any shares in or debentures of a private company—

(*a*) which were held immediately after the commencement of the Group Areas Act, 1950 (Act 41 of 1950), by a disqualified person or a disqualified company, or which were held immediately after the date specified in the relevant proclamation under paragraph (*b*) of sub-section (1) of section *three* of that Act, or are held immediately after the date specified in the relevant

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van bedoelde besigheid, handel of beroep uitgereik of hernieu is, ooreenkomstig die bepalings van sub-artikel (4) ongeldig is of verval het.

(6) By die behandeling van 'n aansoek ingevolge sub-artikel (5) 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 hernieu 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.

(7) Bedoelde koste kan getakseer word *mutatis mutandis* op dieselfde wyse as koste in verband met so 'n verhoor opgeloop.

(8) Die magistraat wat ingevolge sub-artikel (6) 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, op of voor 'n datum in die bevel vermeld, maar minstens veertien dae na die datum van die bevel, te ontruim.

(9) 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.

(10) Die bepalings van hierdie artikel is nie van toepassing nie met betrekking tot—

(*a*) 'n lisensie om 'n besigheid of handel te dryf of 'n beroep te beoefen op grond of 'n perseel geleë in 'n gebied wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* van die toepassing van hierdie artikel uitgesluit het; of

(*b*) '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; of

(*c*) 'n lisensie vereis om 'n besigheid of handel in artikel *sewe-en-dertig* van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), bedoel, te dryf; of

(*d*) 'n lisensie ingevolge die Drankwet, 1928 (Wet No. 30 van 1928), vir die verkoop van drank vereis; of

(*e*) 'n sertifikaat wat die uitreiking magtig aan die houer van 'n bestaande lisensie om op enige perseel 'n besigheid of handel te dryf of 'n beroep te beoefen, van 'n soortgelyke lisensie om op bedoelde perseel die bedoelde besigheid of handel te dryf of beroep te beoefen vanaf die verstryking van die tydperk waarvoor eersbedoelde lisensie geldig is.

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

Aandele en obligasies van private maatskappye.

32. (1) Wanneer 'n private maatskappy onroerende goed besit, kan enige aandeel in of obligasie van daardie maatskappy wat besit word deur of verpand is aan 'n persoon of maatskappy wat 'n onbevoegde persoon of 'n onbevoegde maatskappy met betrekking tot daardie goed is (met uitsondering van 'n bankinstelling soos in die Bankwet, 1942 (Wet No. 38 van 1942), omskryf), of deur of aan enige persoon ten behoewe of ten voordele van so 'n persoon of maatskappy, deur die Minister, na minstens drie maande skriftelike kennisgewing aan die betrokke persoon of maatskappy, aan die Staat verbeurd verklaar word.

(2) Die sekretaris en iedere direkteur van 'n in sub-artikel (1) bedoelde maatskappy wat onroerende goed besit, is verplig om die registrateur van maatskappye daarvan te verwittig as 'n persoon of maatskappy wat 'n onbevoegde persoon of 'n onbevoegde maatskappy met betrekking tot daardie goed is, of 'n ander persoon ten behoewe of ten voordele van so 'n persoon of maatskappy, 'n aandeel in of obligasie van eersbedoelde maatskappy besit.

(3) Die bepalings van sub-artikels (1) en (2) is nie van toepassing nie ten opsigte van aandele in of obligasies van 'n private maatskappy—

(*a*) wat onmiddellik na die inwerkingtreding van die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950), deur 'n onbevoegde persoon of 'n onbevoegde maatskappy besit was, of wat onmiddellik na die datum in die toepaslike proklamasie kragtens paragraaf (*b*) van sub-artikel (1) van artikel *drie* van daardie Wet vermeld, besit was, of onmiddellik na die datum

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proclamation under paragraph (*b*) of sub-section (1) of section *twenty* of this Act, by a person who or a company which as a result of such proclamation became or becomes a disqualified person or a disqualified company in relation to any immovable property held by such private company, while such shares or debentures are held by such person or company; or

(*b*) which are held by a disqualified person, if he inherited them from a disqualified person who lawfully held them; or

(*c*) which are held by a disqualified person who or a disqualified company which lawfully holds any other shares in or debentures of that company, if such person or company acquired such firstmentioned shares or debentures from a disqualified person who or a disqualified company which lawfully held them:

Provided that nothing in this sub-section contained shall affect the application of sub-sections (1) and (2) in respect of any shares or debentures unlawfully held at the commencement of the Group Areas Act, 1950.

(4) If any share in or a debenture of any company has been forfeited under sub-section (1), the secretary of the company shall make such entries in any register, book or document under the control of the company and issue such document as the registrar of companies may direct for the purpose of giving effect to the forfeiture.

(5) For the purposes of this section no person shall, by reason of the establishment of a group area, be a disqualified person in relation to immovable property in that area, unless that area is in terms of a proclamation under paragraph (*b*) of sub-section (1) of section *three* of the Group Areas Act, 1950, or paragraph (*b*) of sub-section (1) of section *twenty* of this Act a group area for ownership.

Companies with bearer shares or debentures.

33. (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.

(2) If any company referred to in sub-section (1) holds any immovable property in any area referred to in sub-section (1), the Minister may, after not less than three months' notice in writing to the company, by notice in the *Gazette* declare the company to be a company wherein a controlling interest shall, for the purposes of sections *eleven*, *seventeen* and *twenty-four*, be deemed to be held by a member of a group specified in the notice, and thereupon the company shall for the said purposes be deemed to be such a company, and it shall further for the said purposes be deemed that no controlling interest in the company is held by or on behalf or in the interest of any member of any other group.

Declaration as to controlling interest in companies.

34. (1) If it appears to the Minister that there is reason to presume that a controlling interest in any company is held by or on behalf or in the interest of any member of any group, he may by notice in writing call upon that company to furnish him, within a period specified in the notice, with such particulars in regard to the control of that company as may be so specified.

(2) If the company fails to comply with any such notice within the said period or within such further period as the Minister may allow, or the said notice has been complied with and the Minister is satisfied that a controlling interest in the company was at the date of such notice held by or on behalf or in the interest of any member of any group, he may by notice in the *Gazette* declare that for the purposes of this Act, it shall be a company wherein a controlling interest is held by or on behalf or in the interest of a member of that group, and thereupon the company shall for the said purposes be deemed to be

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in die toepaslike proklamasie kragtens paragraaf (*b*) van sub-artikel (1) van artikel *twintig* van hierdie Wet vermeld, besit word deur 'n persoon of maatskappy wat as gevolg van die proklamasie 'n onbevoegde persoon of 'n onbevoegde maatskappy geword het of word met betrekking tot onroerende goed wat die private maatskappy besit, solank die aandele of obligasies deur bedoelde persoon of maatskappy besit word; of

(*b*) wat besit word deur 'n onbevoegde persoon wat hulle geërf het van 'n onbevoegde persoon wat hulle wettiglik besit het; of

(*c*) wat besit word deur 'n onbevoegde persoon of 'n onbevoegde maatskappy wat wettiglik ander aandele in of obligasies van daardie maatskappy besit, mits bedoelde persoon of maatskappy eersbedoelde aandele of obligasies verkry het van 'n onbevoegde persoon of 'n onbevoegde maatskappy wat hulle wettiglik besit het:

Met dien verstande dat die bepalings van hierdie sub-artikel nie die toepassing van sub-artikels (1) en (2) ten opsigte van aandele of obligasies wat by die inwerkingtreding van die Wet op Groepsgebiede, 1950, onwettiglik besit was, raak nie.

(4) Indien 'n aandeel in of obligasie van 'n maatskappy ingevolge sub-artikel (1) verbeur is, moet die sekretaris van die maatskappy in enige register, boek of dokument onder beheer van die maatskappy, die inskrywings doen en moet hy die dokument uitreik wat die registrateur van maatskappye mag gelas ten einde aan die verbeuring gevolg te gee.

(5) By die toepassing van hierdie artikel is niemand uit hoofde van die instelling van 'n groepsgebied 'n onbevoegde persoon met betrekking tot onroerende goed in daardie gebied nie, tensy daardie gebied luidens 'n proklamasie kragtens paragraaf (*b*) van sub-artikel (1) van artikel *drie* van die Wet op Groepsgebiede, 1950, of paragraaf (*b*) van sub-artikel (1) van artikel *twintig* van hierdie Wet, 'n groepsgebied vir grondbesit is.

Maatskappye met aandele of obligasies aan toonder.

33. (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 behoewe 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 bepalings van hierdie sub-artikel kan vrystel onderworpe aan die voorwaardes wat in die kennisgewing vermeld word.

(2) Indien 'n in sub-artikel (1) bedoelde maatskappy onroerende goed in 'n gebied in sub-artikel (1) bedoel besit, kan die Minister, na minstens drie maande skriftelike kennisgewing aan die maatskappy, by kennisgewing in die *Staatskoerant* die maatskappy tot 'n maatskappy verklaar waarin 'n beheersende belang, by die toepassing van artikels *elf*, *sewentien* en *vier-en-twintig*, geag word besit te word deur 'n lid van 'n groep in die kennisgewing vermeld, en daarop word die maatskappy by bedoelde toepassing geag so 'n maatskappy te wees, en word dit by bedoelde toepassing verder geag dat geen beheersende belang in die maatskappy deur of ten behoewe of ten voordele van 'n lid van enige ander groep besit word nie.

Verklaring betreffende beheersende belang in maatskappye.

34. (1) Indien dit die Minister voorkom dat daar rede bestaan om te vermoed dat 'n beheersende belang in 'n maatskappy deur of ten behoewe of ten voordele van 'n lid van enige groep besit word, kan hy daardie maatskappy by skriftelike kennisgewing aansê om hom binne 'n tydperk in die kennisgewing aangegee te voorsien van die besonderhede aangaande die beheer van daardie maatskappy, wat aldus aangegee mag word.

(2) Indien die maatskappy versuim om binne genoemde tydperk of binne die verdere tydperk wat die Minister mag toestaan, aan so 'n kennisgewing te voldoen, of aan genoemde kennisgewing voldoen is, en die Minister oortuig is dat 'n beheersende belang in die maatskappy op die datum van die kennisgewing deur of ten behoewe of ten voordele van 'n lid van enige groep besit was, kan hy by kennisgewing in die *Staatskoerant* verklaar dat die maatskappy by die toepassing van hierdie Wet 'n maatskappy is waarin 'n beheersende belang deur of ten behoewe of ten voordele van 'n lid van daardie

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such a company, and it shall further for the said purposes be deemed that no controlling interest in the company is held by or on behalf or in the interest of any member of any other group.

(3) The company shall be notified of such declaration and may, within a period of two months after a date specified in the notification or such longer period as the court may upon application allow, apply to any provincial division of the Supreme Court having jurisdiction for an order setting aside the notice referred to in sub-section (2), and the court may set aside the notice if the company proves that it is not a company wherein a controlling interest was, either at the date of the notice under sub-section (1) or at the date of the notice under sub-section (2), held by or on behalf or in the interest of any member of the group in question.

(4) The operation of a notice under sub-section (2) shall, in respect of immovable property, shares or debentures held by or pledged to the company at the date of the notice, be suspended until the expiration of the period referred to in sub-section (3), or, if an application is made under the said sub-section, until the application has been disposed of.

(5) A notice under sub-section (1) or (3) shall, in the case of a foreign company (as defined in section *two hundred and twenty-nine* of the Companies Act, 1926 (Act No. 46 of 1926)), be deemed to have been effectually given—

(*a*) if served upon a person who is, in regard to the company concerned, authorized as provided in paragraph (*c*) of sub-section (1) of section *two hundred and one* of the said Act; or

(*b*) where there is no such person in the Union, if given in the manner which, in the opinion of the Minister, is best calculated to bring it to the knowledge of the company concerned.

Certain provisions in regard to immovable property to be null and void.

35. Any condition or provision in any document whatsoever, empowering or purporting to empower any disqualified person or any disqualified company to exercise any influence upon the transfer of immovable property shall be null and void: Provided that where at the time such condition or provision was made, the person or company concerned was not a disqualified person or a disqualified company, as the case may be, in relation to the property in question, it shall be revived if such person or company ceases to be a disqualified person or a disqualified company in relation to that property.

Acquisition or holding of property for other person.

36. No person shall acquire or hold on behalf or in the interest of any other person any immovable property which such other person may not lawfully acquire or hold in terms of this Act.

Disposal of property illegally held.

37. (1) If any immovable property—

(*a*) is acquired or held in contravention of any provision of this Act or is dealt with or used contrary to any condition of a permit under the authority of which it has been acquired or is held; or

(*b*) has at the commencement of this Act been acquired or is at the said commencement held in contravention of any provision of the Group Areas Act, 1950 (Act No. 41 of 1950), or any law repealed by that Act or in pursuance of any agreement which is null and void in terms of any such provision, or is registered in favour of any person who is in terms of any such provision debarred from holding it, or is dealt with or used contrary to any condition of a permit or any term of a certificate issued under any such provision, under the authority of which it was acquired or held,

the Minister may, after not less than three months' notice in writing to the person concerned and to the holder of any registered mortgage bond over the property, cause the property to be sold either out of hand upon the terms and conditions approved by the Minister after consultation with the mortgagee and the person concerned, or if the property has not been so

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groep besit word, en daarop word die maatskappy by bedoelde toepassing geag so 'n maatskappy te wees, en word dit verder by bedoelde toepassing geag dat geen beheersende belang in die maatskappy deur of ten behoewe of ten voordele van 'n lid van enige ander groep besit word nie.

(3) Die maatskappy word van bedoelde verklaring verwittig en kan binne 'n tydperk van twee maande na 'n datum in die verwittiging vermeld, of sodanige langer tydperk as wat die Hof by aansoek kan toelaat, by 'n bevoegde provinsiale afdeling van die Hooggeregshof aansoek doen om 'n bevel ter opheffing van die in sub-artikel (2) bedoelde kennisgewing, en as die maatskappy bewys dat hy 'n maatskappy is waarin nòg op die datum van die kennisgewing ingevolge sub-artikel (1) nòg op die datum van die kennisgewing ingevolge sub-artikel (2), 'n beheersende belang deur of ten behoewe of ten voordele van 'n lid van die betrokke groep besit was, kan die hof die kennisgewing ophef.

(4) Die uitwerking van 'n kennisgewing kragtens sub-artikel (2) word, wat onroerende goed, aandele of obligasies betref wat op die datum van die kennisgewing deur die maatskappy besit word of aan hom verpand is, opgeskort tot die verstryking van die in sub-artikel (3) bedoelde tydperk, of as 'n aansoek kragtens genoemde sub-artikel gedoen is, totdat die aansoek afgehandel is.

(5) 'n Kennisgewing kragtens sub-artikel (1) of (3) word, in die geval van 'n buitelandse maatskappy (soos in artikel *tweehonderd nege-en-twintig* van die Maatskappywet, 1926 (Wet No. 46 van 1926), omskryf), geag op geldige wyse gegee te wees—

(*a*) indien dit besorg is aan iemand wat met betrekking tot die betrokke maatskappy gemagtig is soos by paragraaf (*c*) van sub-artikel (1) van artikel *twee-honderd-en-een* van genoemde Wet bepaal; of

(*b*) waar daar nie so iemand in die Unie is nie, indien dit gegee is op die wyse wat volgens die Minister se oordeel die beste bereken is om dit tot kennis van die betrokke maatskappy te bring.

Sekere bepalings betreffende onroerende goed is van nul en gener waarde.

35. 'n Voorwaarde of bepaling in welke dokument ook, wat aan 'n onbevoegde persoon of 'n onbevoegde maatskappy die bevoegdheid verleen of heet te verleen om op die oordrag van onroerende goed enige invloed uit te oefen, is van nul en gener waarde: Met dien verstande dat indien die betrokke persoon of maatskappy, toe die voorwaarde gestel of die bepaling gemaak is, nie 'n onbevoegde persoon of 'n onbevoegde maatskappy, na gelang van die geval, met betrekking tot die betrokke goed was nie, die voorwaarde of bepaling weer van krag word indien bedoelde persoon of maatskappy ophou om 'n onbevoegde persoon of 'n onbevoegde maatskappy met betrekking tot daardie goed te wees.

Verkryging of besit van onroerende goed vir ander persoon.

36. Niemand mag onroerende goed wat 'n ander persoon volgens hierdie Wet nie wettiglik mag verkry of besit nie, ten behoewe of ten voordele van bedoelde ander persoon verkry of besit nie.

Beskikking oor goed wat onwettig besit word.

37. (1) Indien onroerende goed—

(*a*) in stryd met 'n bepaling van hierdie Wet verkry of besit word, of indien met betrekking daartoe gehandel of dit gebruik word in stryd met 'n voorwaarde van 'n permit uit hoofde waarvan dit verkry is of besit word; of

(*b*) by die inwerkingtreding van hierdie Wet verkry is of by bedoelde inwerkingtreding besit word in stryd met 'n bepaling van die Wet op Groepsgebeide, 1950 (Wet No. 41 van 1950), of 'n wetsbepaling wat deur daardie Wet herroep is, of ingevolge 'n ooreenkoms wat volgens so 'n bepaling van nul en gener waarde is, of geregistreer is ten gunste van 'n persoon wat dit volgens so 'n bepaling nie mag besit nie, of indien met betrekking daartoe gehandel of dit gebruik word in stryd met 'n voorwaarde van 'n permit of 'n bepaling van 'n sertifikaat kragtens so 'n wetsbepaling uitgereik, uit hoofde waarvan dit verkry of besit is,

dan kan die Minister, na minstens drie maande skriftelike kennisgewing aan die betrokke persoon, en aan die houer van 'n geregistreerde verband oor die goed, die goed òf uit die hand laat verkoop met die bedinge en op die voorwaardes wat die Minister na raadpleging met die verbandhouer en die betrokke persoon goedkeur, òf indien die goed nie binne 'n

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sold within such period, not being less than one month, as the Minister may allow, then by public tender upon such terms and conditions as the Minister may determine.

(2) 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.

(3) 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.

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

(5) The costs of such sale (including a sale out of hand) shall be a first charge upon the proceeds thereof and any balance shall be applied towards the payment of any debt of which the payment is secured by such property, in its legal order of priority, and any balance left thereafter shall be paid—

(*a*) in the case of property referred to in paragraph (*a*) of sub-section (2) of section *twenty-two* or paragraph (*b*) or (*c*) of sub-section (1) of section *twenty-four* or section *twelve* or *thirteen* of this Act or in paragraph (*a*) of sub-section (2) of section *three ter* or paragraph (*b*) or (*c*) of sub-section (1) of section *five* or section *nine* or *nine bis* of the Group Areas Act, 1950, or in section *three* of the Asiatic Land Tenure Act, 1946 (Act No. 28 of 1946), to the company or person concerned; and

(*b*) in any other case, unless the Minister otherwise directs, into the Consolidated Revenue Fund:

Provided that if the property has been acquired in contravention of section *thirty-six* of this Act or section *nineteen* of the Group Areas Act, 1950, or is or was held in contravention of one or other of those sections, the proceeds thereof shall not be applied directly or indirectly towards the payment of any debt to the person on whose behalf or in whose interest the property has been acquired or is or was held.

(6) A copy of every notice under sub-section (1) shall be transmitted to the officer in charge of the deeds registry concerned, and the said officer shall upon receipt thereof note thereon the day and hour of its receipt and note in the appropriate registers that such a notice has been given in respect of the immovable property in question.

(7) Subject to the provisions of sub-section (8), the said officer shall not after receipt by him of any such notice register any transfer, lease or mortgage or other encumbrance of such immovable property, except a transfer in pursuance of a sale under sub-section (1).

(8) If any such notice is withdrawn, a notice of the withdrawal shall be transmitted to the said officer, and upon receipt of such notice or upon the transfer of the immovable property in pursuance of a sale under sub-section (1), any entry made under sub-section (6) shall be cancelled.

(9) The Minister and any officer designated by him for the purpose, shall have the power to do whatever may be necessary to effect the transfer of any property sold under sub-section (1) to the purchaser thereof.

(10) If the owner of the property fails to produce the title deed thereof, or if the holder of any mortgage bond over such property fails to consent to the cancellation of the bond or the

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tydperk van minstens een maand, wat die Minister mag toelaat, aldus verkoop is nie, dan by publieke tender met die bedinge en op die voorwaardes wat die Minister mag bepaal.

(2) Iemand wat andersins dan uit hoofde van 'n permit of tengevolge 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.

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

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

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

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

(*d*) indien dit 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.

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

(5) Uit die opbrings van die verkoop (met inbegrip van 'n verkoop uit die hand) word eers die koste daarvan vereffen, en enige saldo word aangewend ter vereffening van enige skuld waarvan die betaling deur die onroerende goed verseker is, volgens sy wetlike rangorde van voorkeur, en enige saldo wat daarna oorbly, word—

(*a*) in die geval van eiendom in paragraaf (*a*) van sub-artikel (2) van artikel *twee-en-twintig* of paragraaf (*b*) of (*c*) van sub-artikel (1) van artikel *vier-en-twintig* of artikel *twaalf* of *dertien* van hierdie Wet of in paragraaf (*a*) van sub-artikel (2) van artikel *drie ter* of paragraaf (*b*) of (*c*) van sub-artikel (1) van artikel *vyf* of artikel *nege* of *nege bis* van die Wet op Groepsgebiede, 1950, of in artikel *drie* van die Wet op Grondbesit van Asiate, 1946 (Wet No. 28 van 1946), bedoel, aan die betrokke maatskappy of persoon oorbetaal; en

(*b*) in enige ander geval, tensy die Minister anders gelas, in die Gekonsolideerde Inkomstefonds gestort:

Met dien verstande dat indien die goed in stryd met artikel *ses-en-dertig* van hierdie Wet of artikel *negentien* van die Wet op Groepsgebiede, 1950, verkry is, of in stryd met een of ander van daardie artikels besit word of was, die opbrings daarvan nie regstreeks of onregstreeks ter betaling van 'n skuld aan die persoon ten behoewe of ten voordele van wie die eiendom verkry is of besit word of was, aangewend word nie.

(6) 'n Afskrif van elke kennisgewing ingevolge sub-artikel (1) word aan die amptenaar aan die hoof van die betrokke registrasiekantoor gestuur, en by ontvangs daarvan teken genoemde amptenaar die dag en uur waarop dit ontvang is daarop aan, en teken hy in die aangewese registers aan dat so 'n kennisgewing ten opsigte van die betrokke onroerende goed gegee is.

(7) Na ontvangs deur genoemde amptenaar van so 'n kennisgewing, registreer hy, behoudens die bepalings van sub-artikel (8), geen transport, huur of verband of ander beswaring van die onroerende goed nie, behalwe 'n transport ingevolge 'n verkoop kragtens sub-artikel (1).

(8) Indien so 'n kennisgewing ingetrek word, word 'n kennisgewing van die intrekking aan genoemde amptenaar gestuur, en by ontvangs van die kennisgewing of by die transport van die onroerende goed ingevolge 'n verkoop kragtens sub-artikel (1), word 'n inskrywing wat kragtens sub-artikel (6) gedoen is, gerojeer.

(9) Die Minister en enige amptenaar wat hy daartoe aanwys, besit die bevoegdheid om alles te doen wat nodig is om transport van onroerende goed wat kragtens sub-artikel (1) verkoop is, aan die koper daarvan te besorg.

(10) Indien die eienaar van die goed versuim om die titelbewys daarvan voor te lê, of indien die houer van 'n verband oor die goed versuim om tot die kansellering van die verband

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release of the property from the operation of the bond, the officer in charge of the deeds registry shall nevertheless pass transfer of the property and note the transfer on the duplicate title deed filed in his office and in the appropriate registers.

(11) The provisions of this section shall apply notwithstanding anything to the contrary contained in the Administration of Estates Act, 1913 (Act No. 24 of 1913), the Companies Act, 1926 (Act No. 46 of 1926), the Farmers' Assistance Act, 1935 (Act No. 48 of 1935), or the Insolvency Act, 1936 (Act No. 24 of 1936).

(12) A sale under this section shall, for the purpose of sub-section (3) of section *twenty-four* of the Building Societies Act, 1934 (Act No. 62 of 1934), be deemed to be a sale in execution.

Restriction upon registration of immovable property.

38. (1) The officer in charge of any deeds registry shall not register any transfer of immovable property situated in the controlled area or in any group area, unless the requirements prescribed under paragraph (*d*) of sub-section (1) of section *forty-three* have been complied with and the transferee has submitted to him such further proof as he may require that the transferee may lawfully acquire and hold such immovable property or that the transferor may lawfully dispose thereof to the transferee in terms of this Act.

(2) If any immovable property is registered in the name of any person who may not lawfully acquire or hold such property in terms of this Act, or could not lawfully have acquired or held such property in terms of the Group Areas Act, 1950, the registration shall, subject to any penalty which may be incurred under this Act and to the provisions of section *thirty-seven*, not be invalid by reason of the provisions of this Act.

Appointment and powers of inspectors.

39. (1) The Minister shall, subject to the laws governing the public service, appoint such inspectors (one of whom shall be the chief inspector) as may be necessary for the purpose of ascertaining such facts as may be required by the Minister, the board or any officer in charge of a deeds registry in connection with the application of this Act, and of ascertaining whether the provisions of this Act and of any other statute prohibiting or restricting the ownership, acquisition or occupation of land by any class of persons are being complied with.

(2) Any such inspector may for any such purpose—

(*a*) without previous notice, at any time during the day or night enter upon any premises whatsoever and make such examination and enquiry as may be necessary;

(*b*) at any time and at any place require from any person who has the possession, custody or control of any book, record or other document, the production thereof, then and there or at a time and place fixed by the inspector;

(*c*) examine and make extracts from and copies of any book, record or document, and require from any person an explanation of any entries therein, and seize any such book, record or document as in his opinion may afford evidence of a contravention or evasion of any provision referred to in sub-section (1);

(*d*) question either alone or in the presence of any other person as he thinks fit, with respect to any matter relevant to any such purpose, any person whom he finds on any premises entered under this section;

(*e*) require any person whom he has reasonable grounds for believing to be in possession of information relevant to any such purpose, to appear before him at a time and place fixed by him and then and there question that person concerning any matter relevant to any such purpose.

(3) An inspector exercising any power under paragraph (*d*) or (*e*) of sub-section (2) shall keep a record of any statement made to him, and the person who made the statement shall be entitled to a copy of the statement as so recorded.

(4) Any person who is questioned under paragraph (*d*) or (*e*) of sub-section (2) shall be entitled to all the privileges to which a person giving evidence before a court of law is entitled.

(5) Every person occupying or residing upon any premises entered by an inspector under sub-section (2) or employed by

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of die bevryding van die goed van die toepassing van die verband toe te stem, kan die amptenaar aan die hoof van die registrasiekantoor nogtans die transport van die goed laat deurgaan, en die transport aanteken op die duplikaat-titelbewys wat in sy kantoor geliasseer is, asook in die toepaslike registers.

(11) Die bepalings van hierdie artikel is van toepassing ondanks andersluidende bepalings in die Boedelwet, 1913 (Wet No. 24 van 1913), die Maatskappywet, 1926 (Wet No. 46 van 1926), die Boere-Bystandswet, 1935 (Wet No. 48 van 1935), of die Insolvensiewet, 1936 (Wet No. 24 van 1936).

(12) 'n Verkoop ingevolge hierdie artikel word by die toepassing van sub-artikel (3) van artikel *vier-en-twintig* van die Bouverenigingswet, 1934 (Wet No. 62 van 1934), geag 'n eksekutoriale verkoop te wees.

Beperking op registrasie van onroerende goed.

38. (1) Die amptenaar aan die hoof van 'n registrasiekantoor registreer nie 'n transport van onroerende goed in die beheerde gebied of in 'n groepsgebied geleë nie, tensy aan die kragtens paragraaf (*d*) van sub-artikel (1) van artikel *drie-en-veertig* voorgeskrewe vereistes voldoen is en die transportnemer aan hom die verdere bewys wat hy mag verlang voorgelê het dat die transportnemer daardie onroerende goed volgens hierdie Wet wettiglik kan verkry en besit of dat die transportgewer dit daarvolgens wettiglik aan die transportnemer van die hand kan sit.

(2) Indien onroerende goed geregistreer is op naam van 'n persoon wat die goed volgens hierdie Wet nie wettiglik mag verkry of besit of kon verkry het nie, of die goed volgens die Wet op Groepsgebiede, 1950, nie wettiglik kon verkry of besit het nie, dan is die registrasie, behoudens enige straf wat ingevolge hierdie Wet opgeloop mag word en behoudens die bepalings van artikel *sewe-en-dertig*, nie uit hoofde van die bepalings van hierdie Wet ongeldig nie.

Aanstelling en bevoegdhede van inspekteurs.

39. (1) Die Minister stel met inagneming van die wette op die staatsdiens die inspekteurs (een van wie die hoofinspekteur moet wees) aan wat nodig is om die feite in te win wat die Minister, die raad of 'n amptenaar aan die hoof van 'n registrasiekantoor in verband met die toepassing van hierdie Wet nodig mag hê, en om vas te stel of die bepalings van hierdie Wet en van enige ander wet wat die eiendomsreg op of die verkryging of okkupasie van grond deur enige kategorie persone, verbied of beperk, nagekom word.

(2) So 'n inspekteur kan vir so 'n doel—

(*a*) te eniger tyd gedurende die dag of nag sonder voorafgaande kennisgewing enige perseel hoegenaamd betree en die ondersoek instel en die navraag doen wat nodig is;

(*b*) te eniger tyd en op enige plek van iemand wat die besit of bewaring van of beheer oor 'n boek, aantekening of ander geskrif het, eis dat hy dit daar en dan of op 'n deur die inspekteur bepaalde tyd en plek oorlê;

(*c*) so 'n boek, aantekening of geskrif ondersoek en uittreksels daaruit en afskrifte daarvan maak, en van enige persoon 'n uitleg vorder van enige inskrywings daarin, en beslag lê op so 'n boek, aantekening of geskrif wat volgens sy oordeel bewys mag lewer van 'n oortreding of ontduiking van 'n in sub-artikel (1) bedoelde bepaling;

(*d*) met betrekking tot enige aangeleentheid wat by so 'n doel ter sake is, òf alleen òf in teenwoordigheid van 'n ander persoon, soos hy goedvind, enige persoon ondervra wat hy op 'n kragtens hierdie artikel betrede perseel vind;

(*e*) enige persoon omtrent wie hy op redelike gronde vermoed dat hy inligting besit wat by so 'n doel ter sake is, gelas om op 'n tyd en plek deur hom bepaal voor hom te verskyn, en daar en dan daardie persoon ondervra omtrent enige aangeleentheid wat by so 'n doel ter sake is.

(3) 'n Inspekteur wat 'n bevoegdheid kragtens paragraaf (*d*) of (*e*) van sub-artikel (2) uitoefen, moet 'n aantekening hou van enige verklaring wat aan hom gedoen word, en die persoon wat die verklaring doen, is geregtig op 'n afskrif van die verklaring soos aldus aangeteken.

(4) Iemand wat kragtens paragraaf (*d*) of (*e*) van sub-artikel (2) ondervra word, is geregtig op al die voorregte waarop iemand wat voor 'n geregshof getuienis aflê, geregtig is.

(5) Iedere persoon wat 'n deur 'n inspekteur kragtens sub-artikel (2) betrede perseel okkupeer of bewoon of by so

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any such person, shall at all times furnish such facilities as are required by the inspector for the purpose of exercising his powers under the said sub-section.

(6) An inspector entering any premises under sub-section (2) may be accompanied by an interpreter or any member of the South African Police.

(7) Every such inspector shall be furnished with a certificate signed by an officer thereto designated by the Minister stating that he has been appointed as an inspector under this section, and any inspector exercising any power conferred upon him by this section shall on demand produce such certificate.

(8) Notwithstanding anything to the contrary contained in any law, an officer in charge of a deeds registry is hereby authorized to detain any deed lodged with him and to suspend the execution thereof pending a report (to be submitted within a period determined by such officer) by an inspector to whom any matter relating to such deed may have been referred by such officer for investigation under this Act.

Preservation of secrecy.

40. (1) No inspector and no interpreter or member of the South African Police referred to in sub-section (6) of section *thirty-nine*, shall disclose any information in relation to the financial or business affairs of any person, firm or business, acquired in the exercise of his powers or in the performance of his duties, to any person, except—

(*a*) to the Minister or a member of the board or any committee thereof or an officer in the public service for the purposes of the performance of any duty in connection with any matter investigated under the said section; or

(*b*) for the purpose of the performance of his duties; or

(*c*) for the purpose of the institution of any legal proceedings or when required to do so before a court or under any law.

(2) No member of the board or of any committee thereof and no such officer shall disclose any information received by him under sub-section (1), to any person, except for a purpose referred to in paragraph (*b*) or (*c*) of the said sub-section.

Presumptions.

41. (1) A person who in appearance obviously is a white person shall for the purposes of this Act be presumed to be a member of the white group until the contrary is proved.

(2) A person who in fact is or is generally accepted as a member of an aboriginal race or tribe of Africa shall for the purposes of this Act be presumed to be a member of the native group until the contrary is proved.

(3) A person who is not in appearance obviously a white person and who is not in fact or is not generally accepted as a member of an aboriginal race or tribe of Africa shall for the purposes of this Act be presumed to be a member of the coloured group until the contrary is proved.

(4) Whenever in any proceedings under this Act or any law repealed by this Act, whether civil or criminal, it is alleged by or on behalf of the Minister or any officer in charge of a deeds registry or in any indictment or charge—

(*a*) that any person was at any time an Asiatic in terms of any law repealed by the Group Areas Act, 1950 (Act No. 41 of 1950); or

(*b*) that a company was at any time a company wherein a controlling interest was held by or on behalf or in the interest of an Asiatic in terms of any law repealed by the Group Areas Act, 1950; or

(*c*) that a person is or at any relevant time was a member of any group; or

(*d*) that a company is or at any time was a company wherein a controlling interest is or was held by or on behalf or in the interest of a member of any group,

the allegation shall be presumed to be correct unless the conrary is proved.

Penalties.

42. (1) Any person who—

(*a*) contravenes the provisions of sub-section (1) of section *eleven*, section *twelve*, sub-section (1) of section *fifteen*,

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'n persoon in diens is, moet te alle tye die fasiliteite verskaf wat die inspekteur verlang ten einde sy bevoegdhede ingevolge genoemde sub-artikel uit te oefen.

(6) 'n Inspekteur wat ingevolge sub-artikel (2) 'n perseel betree, kan deur 'n tolk of 'n lid van die Suid-Afrikaanse Polisie vergesel wees.

(7) Iedere sodanige inspekteur word voorsien van 'n sertifikaat onderteken deur 'n amptenaar deur die Minister daartoe aangewys, waarin vermeld word dat hy as inspekteur kragtens hierdie artikel aangestel is, en 'n inspekteur wat 'n bevoegdheid uitoefen wat deur hierdie artikel aan hom verleen word, moet die sertifikaat op versoek toon.

(8) Ondanks andersluidende wetsbepalings, word 'n amptenaar aan die hoof van 'n registrasiekantoor hierby gemagtig om enige akte wat by hom ingedien word in bewaring te hou en die verlyding daarvan uit te stel in afwagting van 'n verslag (wat binne 'n deur bedoelde amptenaar bepaalde tydperk ingedien moet word) van 'n inspekteur na wie bedoelde amptenaar enige aangeleentheid rakende daardie akte vir ondersoek ingevolge hierdie Wet mag verwys het.

Geheimhouding.

40. (1) Geen inspekteur en geen in sub-artikel (6) van artikel *nege-en-dertig* bedoelde tolk of lid van die Suid-Afrikaanse Polisie, mag inligting in verband met die geld- of besigheidsake van enige persoon, firma of besigheid, wat by die uitoefening van sy bevoegdhede of die vervulling van sy pligte ingewin is, aan enige persoon openbaar nie, dan alleen—

(*a*) die Minister of 'n lid van die raad of 'n komitee daarvan of 'n amptenaar in die staatsdiens vir die doeleindes van die vervulling van een of ander plig in verband met 'n aangeleentheid wat ingevolge genoemde artikel ondersoek is; of

(*b*) vir die doeleindes van die vervulling van sy pligte; of

(*c*) vir die doeleindes van die instelling van 'n regsproses of wanneer dit in 'n hof of ingevolge 'n wetsbepaling van hom vereis word.

(2) Geen lid van die raad of van 'n komitee daarvan en geen sodanige amptenaar mag inligting wat hy ingevolge sub-artikel (1) ontvang het, aan enige persoon openbaar nie, dan alleen vir 'n in paragraaf (*b*) of (*c*) van genoemde sub-artikel bedoelde doel.

Vermoedens.

41. (1) Iemand wat volgens voorkoms klaarblyklik 'n blanke is, word by die toepassing van hierdie Wet vermoed 'n lid van die blanke groep te wees totdat die teendeel bewys word.

(2) Iemand wat 'n lid van 'n inboorlingras of -stam van Afrika is of gewoonlik daarvoor deurgaan, word by die toepassing van hierdie Wet vermoed 'n lid van die naturellegroep te wees totdat die teendeel bewys word.

(3) Iemand wat nie volgens voorkoms klaarblyklik 'n blanke is nie en wat nie 'n lid van 'n inboorlingras of -stam van Afrika is of gewoonlik daarvoor deurgaan nie, word by die toepassing van hierdie Wet vermoed 'n lid van die gekleurde groep te wees totdat die teendeel bewys word.

(4) Wanneer in 'n geding ingevolge hierdie Wet of 'n deur hierdie Wet herroepe wetsbepaling, hetsy strafregtelik of siviel, deur of namens die Minister of 'n amptenaar aan die hoof van 'n registrasiekantoor of in 'n akte van beskuldiging of aanklag beweer word—

(*a*) dat enige persoon te eniger tyd 'n Asiaat volgens 'n deur die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950), herroepe wetsbepaling was; of

(*b*) dat 'n maatskappy te eniger tyd 'n maatskappy was waarin volgens 'n deur die Wet op Groepsgebiede, 1950, herroepe wetsbepaling 'n beheersende belang deur of ten behoewe of in belang van 'n Asiaat besit was; of

(*c*) dat iemand 'n lid van een of ander groep is of op enige ter sake dienende tyd was; of

(*d*) dat 'n maatskappy 'n maatskappy is of te eniger tyd was waarin 'n beheersende belang deur of ten behoewe of in belang van 'n lid van enige groep besit word of was,

word die bewering veronderstel juis te wees tensy die teendeel bewys word.

Strafbepalings.

42. (1) Iemand wat—

(*a*) die bepalings van sub-artikel (1) van artikel *elf*, artikel *twaalf*, sub-artikel (1) van artikel *vyftien*, sub-artikel

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sub-section (1) of section *seventeen*, sub-section (3) of section *twenty-one*, paragraph (*b*) or (*c*) of sub-section (2) or sub-section (3) of section *twenty-two*, sub-section (1) of section *twenty-three*, paragraph (*a*), (*b*) or (*c*) of sub-section (1) of section *twenty-four*, sub-section (1) of section *thirty-three* or section *thirty-six*; or

(*b*) contravenes or fails to comply with any condition of a permit; or

(*c*) contravenes or fails to comply with the provisions of sub-section (2) or (4) of section *thirty-two*, sub-section (5) of section *thirty-nine* or section *forty*; or

(*d*) having been summoned or called under section *six* or under the said section read with section *seven*, fails without sufficient cause to attend at the time and place specified in the summons or to remain in attendance until excused from further attendance, or refuses to be sworn or to affirm as a witness; or

(*e*) 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 at an enquiry under section *six* or under the said section read with section *seven*, or to produce any book, document or thing in his possession or custody or under his control which he has been lawfully required to produce at such enquiry; or

(*f*) having been sworn or having made affirmation at any such enquiry, gives an answer to any relevant question lawfully put to him or makes any relevant statement, which is false in any material particular, knowing such answer or statement to be false; or

(*g*) falsely holds himself out to be an inspector; or

(*h*) 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 in the exercise of his powers or to comply with any lawful requirement of an inspector in the exercise of his powers; or

(*i*) gives an answer to any such question or makes any relevant statement to an inspector, which is false in any material particular, knowing such answer or statement to be false; or

(*j*) hinders or obstructs the chairman, the secretary or any member of the board or of a committee thereof, or any person nominated under paragraph (*c*) of sub-section (1) of section *six* or under the said paragraph read with section *seven*, or any inspector, in the exercise of his powers or functions under this Act; or

(*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 sub-section (1) or (2) of section *thirteen*, or paragraph (*a*) of sub-section (2) of section *twenty-two*,

shall be guilty of an offence, and liable on conviction, in the case of an offence referred to in paragraph (*a*), (*b*), (*f*) or (*k*), to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment, and in the case of an offence referred to in any other paragraph, to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(2) The court which convicts any person of a contravention of sub-section (1) of section *fifteen*, sub-section (1) of section *seventeen* or sub-section (1) of section *twenty-three*, shall order the person convicted to vacate the land or premises to which the conviction relates, on or before a date to be specified in such order but not less than fourteen days after the date of the conviction.

(3) Any person who fails to comply with an order made under sub-section (2) of this section or sub-section (7) of section *thirty-one*, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months, or to both such fine and such

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(1) van artikel *sewentien*, sub-artikel (3) van artikel *een-en-twintig*, paragraaf (*b*) of (*c*) van sub-artikel (2) of sub-artikel (3) van artikel *twee-en-twintig*, sub-artikel (1) van artikel *drie-en-twintig*, paragraaf (*a*), (*b*) of (*c*) van sub-artikel (1) van artikel *vier-en-twintig*, sub-artikel (1) van artikel *drie-en-dertig* of artikel *ses-en-dertig* oortree; of

(*b*) 'n voorwaarde van 'n permit oortree of versuim om daaraan te voldoen; of

(*c*) die bepalings van sub-artikel (2) of (4) van artikel *twee-en-dertig*, sub-artikel (5) van artikel *nege-en-dertig* of artikel *veertig* oortree of versuim om daaraan te voldoen; of

(*d*) nadat hy kragtens artikel *ses* of kragtens genoemde artikel gelees met artikel *sewe* gedagvaar of opgeroep is, sonder voldoende rede versuim om op die in die dagvaarding genoemde tyd en plek te verskyn of om aanwesig te bly totdat hy van verdere bywoning onthef is, of weier om as getuie beëdig te word of te bevestig; of

(*e*) 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 wettiglik by 'n ondersoek kragtens artikel *ses* of kragtens genoemde artikel gelees met artikel *sewe* aan hom gestel is, of om 'n boek, geskrif of saak in sy besit of bewaring of onder sy beheer by so 'n ondersoek voor te lê nadat dit wettiglik van hom verlang is; of

(*f*) nadat hy by so 'n ondersoek beëdig is of 'n bevestiging gedoen het, 'n antwoord gee op 'n ter sake dienende vraag wat wettiglik aan hom gestel is, of 'n ter sake dienende verklaring doen wat vals is wat 'n wesenlike besonderheid betref, met die wete dat die antwoord of verklaring vals is; of

(*g*) valslik voorgee dat hy 'n inspekteur is; of

(*h*) 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 by die uitoefening van sy bevoegdhede wettiglik aan hom gestel het, of aan 'n vereiste wettiglik in die uitoefening van sy bevoegdhede deur 'n inspekteur gestel, te voldoen; of

(*i*) 'n antwoord gee op so 'n vraag of 'n ter sake dienende verklaring aan 'n inspekteur doen wat vals is wat 'n wesenlike besonderheid betref, met die wete dat die antwoord of verklaring vals is; of

(*j*) die voorsitter, die sekretaris of 'n lid van die raad of van 'n komitee daarvan, of 'n persoon wat kragtens paragraaf (*c*) van sub-artikel (1) van artikel *ses* of kragtens genoemde paragraaf gelees met artikel *sewe* benoem is, of 'n inspekteur, by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede ingevolge hierdie Wet hinder of belemmer; of

(*k*) hetsy ten behoewe van homself of ten behoewe of ten voordele van 'n ander persoon 'n ooreenkoms aangaan waarvolgens onroerende goed in stryd met sub-artikel (1) of (2) van artikel *dertien*, of paragraaf (*a*) van sub-artikel (2) van artikel *twee-en-twintig*, aan 'n persoon van die hand gesit word of gesit heet te word,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar, in die geval van 'n in paragraaf (*a*), (*b*), (*f*) of (*k*) bedoelde misdryf, met 'n boete van hoogstens tweehonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met sodanige boete sowel as sodanige gevangenisstraf, en in die geval van 'n misdryf in enige ander paragraaf bedoel met 'n boete van hoogstens honderd pond of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sodanige boete sowel as sodanige gevangenisstraf.

(2) Die hof wat iemand weens 'n oortreding van sub-artikel (1) van artikel *vyftien*, sub-artikel (1) van artikel *sewentien* of sub-artikel (1) van artikel *drie-en-twintig* veroordeel, moet die veroordeelde beveel om op of voor 'n datum in die bevel vermeld, maar minstens veertien dae na die datum van die veroordeling, die grond of perseel waarop die veroordeling betrekking het, te ontruim.

(3) Iemand wat versuim om aan 'n bevel kragtens sub-artikel (2) van hierdie artikel of sub-artikel (7) van artikel *een-en-dertig* te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of met gevangenisstraf vir 'n tydperk van hoogstens

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imprisonment, and to a further fine not exceeding five pounds for every day during which the failure to comply with such order continues.

(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.

Regulations.

43. (1) The Governor-General may make regulations—

(*a*) as to the registration of any persons as members of any group referred to in any proclamation under sub-section (2) of section *ten*;

(*b*) as to the manner in which any governing body referred to in sub-section (1) of section *twenty-five*, is to be constituted (including the election of all or some of its members), the powers and functions of such governing body (including the power to levy rates and charges), the supervision to be exercised over such governing body by any local authority referred to in sub-section (2) of the said section, and the powers and functions of such local authority in any group area concerned;

(*c*) prescribing the form of any certificate under section *thirty* and the fee payable in respect thereof;

(*d*) prescribing requirements to be complied with in connection with the registration of immovable property for the purpose of ensuring compliance with the provisions of this Act; and

(*e*) generally as to all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Different regulations may be made in respect of different groups and of different areas or provinces of the Union.

(3) The regulations may provide for legal presumptions in regard to membership of any group established under sub-section (2) of section *ten*, and may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of fifty pounds or imprisonment for a period of six months.

(4) No regulations shall be made under paragraph (*b*) of sub-section (1) unless the Minister has consulted the Administrator of the province and any local authority concerned.

Repeal of laws and savings.

44. (1) The laws specified in the Schedule are, subject to the provisions of sub-section (2), hereby repealed to the extent set out in the second column of the Schedule.

(2) Any notice, permit, regulation, proclamation, certificate, summons, determination, report, order, appointment, record or other document issued, made or kept or any board or other body established, or any other action taken or anything done or deemed to have been taken or done under any provision of a law repealed by sub-section (1) shall be deemed to have been issued, made, kept, established, taken or done under the corresponding provision of this Act.

(3) Any reference in the Asiatic Land Tenure Act, 1946 (Act No. 28 of 1946), or in any other law to the Land Tenure Advisory Board established by section *ten* of the said Act, shall be deemed to be a reference to the board.

(4) Nothing in this Act contained shall affect in any way the application of the provisions of the Diplomatic Privileges Act, 1951 (Act No. 71 of 1951).

(5) Any person who by virtue of any law repealed by section *twenty-seven* of the Group Areas Amendment Act, 1955 (Act No. 68 of 1955), lawfully held or occupied or resided on any land or premises immediately prior to the commencement of that Act shall, subject to the provisions of such law or any other law, be entitled to continue to hold or occupy or reside on such land or premises as if that law had not been repealed.

(6) Notwithstanding the repeal by section *twenty-seven* of the Group Areas Further Amendment Act, 1955, of section *ten*

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ses maande, of met sodanige boete sowel as sodanige gevangenisstraf, en met 'n verdere boete van hoogstens vyf pond vir elke dag waarop die versuim om aan die bevel te voldoen, voortduur.

(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 dié hoedanigheid met betrekking tot onroerende goed handel, of enige ander persoon wat in 'n verteenwoordigende hoedanigheid met betrekking tot onroerende goed handel, geag ten behoewe of ten voordele van die persoon op wie se naam die goed geregistreer is, te handel.

Regulasies.

43. (1) Die Goewerneur-generaal kan regulasies uitvaardig—

(*a*) betreffende die registrasie van persone as lede van enige groep in 'n proklamasie kragtens sub-artikel (2) van artikel *tien* bedoel;

(*b*) betreffende die wyse waarop 'n in sub-artikel (1) van artikel *vyf-en-twintig* bedoelde bestuursliggaam saamgestel moet word (met inbegrip van die verkiesing van al sy lede of sommige van hulle), die bevoegdhede en werksaamhede van so 'n bestuursliggaam (met inbegrip van die bevoegdheid om belastings en gelde te hef), die toesig wat oor so 'n bestuursliggaam deur 'n in sub-artikel (2) van genoemde artikel bedoelde plaaslike bestuur uitgeoefen moet word, en die bevoegdhede en werksaamhede van so 'n plaaslike bestuur in 'n betrokke groepsgebied;

(*c*) wat die vorm van 'n sertifikaat kragtens artikel *dertig*, en die gelde wat ten opsigte daarvan betaalbaar is, voorskryf;

(*d*) wat die vereistes voorskryf waaraan in verband met die registrasie van onroerende goed voldoen moet word ten einde die nakoming van die bepalings van hierdie Wet te verseker; en

(*e*) in die algemeen, betreffende alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.

(2) Verskillende regulasies kan ten opsigte van verskillende groepe en van verskillende gebiede of provinsies van die Unie uitgevaardig word.

(3) Die regulasies kan voorsiening maak vir regsvermoedens ten aansien van lidmaatskap van enige kragtens sub-artikel (2) van artikel *tien* ingestelde groep, en kan op enige oortreding daarvan of versuim om daaraan te voldoen, strawwe stel van hoogstens 'n boete van vyftig pond of gevangenisstraf vir 'n tydperk van ses maande.

(4) Geen regulasies word kragtens paragraaf (*b*) van sub-artikel (1) uitgevaardig nie, tensy die Minister die Administrateur van die provinsie en enige betrokke plaaslike bestuur geraadpleeg het.

Herroeping van wette en voorbehoude.

44. (1) Behoudens die bepalings van sub-artikel (2), word die wette genoem in die Bylae hierby herroep vir sover in die tweede kolom van daardie bylae uiteengesit.

(2) 'n Kennisgewing, permit, regulasie, proklamasie, sertifikaat, dagvaarding, aanwysing, verslag, bevel, aanstelling, aantekening, of ander geskrif uitgereik, gemaak of gehou of 'n raad of ander liggaam ingestel, of enige ander stappe of enigiets gedoen of geag gedoen te wees ingevolge 'n deur sub-artikel (1) herroepe wetsbepaling, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet uitgereik, gemaak, gehou, ingestel of gedoen te gewees het.

(3) 'n Verwysing in die Wet op Grondbesit van Asiate, 1946 (Wet No. 28 van 1946), of in enige ander wet na die kragtens artikel *tien* van genoemde Wet ingestelde Adviserende Raad vir Grondbesit, word geag 'n verwysing na die raad te wees.

(4) Geen bepaling van hierdie Wet het enige uitwerking op die toepassing van die bepalings van die Wet op Diplomatieke Immuniteit, 1951 (Wet No. 71 van 1951), nie.

(5) Iemand wat uit hoofde van 'n deur artikel *sewe-en-twintig* van die Verdere Wysigingswet op Groepsgebiede, 1955 (Wet No. 68 van 1955), herroepe wetsbepaling onmiddellik voor die inwerkingtreding van daardie Wet grond of 'n perseel wettiglik besit of geokkupeer het, of daarop gewoon het, is, behoudens bedoelde of enige ander wetsbepaling, geregtig om voort te gaan om bedoelde grond of perseel te besit of te okkupeer, of daarop te woon, asof bedoelde wetsbepaling nie herroep was nie.

(6) Ondanks die herroeping by artikel *sewe-en-twintig* van die Verdere Wysingingswet op Groepsgebiede, 1955,

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of the Municipal Amending Ordinance, 1905 (Ordinance No. 17 of 1905), of the Transvaal, the provisions of that section shall continue to apply in and in relation to any area which has, prior to the commencement of that Act, been set apart under the said section and which has not been proclaimed under section *three*, *three bis* or *three ter* of the Group Areas Act, 1950, and shall continue so to apply until such area is proclaimed under section *twenty*, *twenty-one* or *twenty-two* of this Act.

Short title and date of commencement.

45. This Act shall be called the Group Areas Act, 1957, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*, which shall not be a date earlier than the date of commencement of the Group Areas Amendment Act, 1957.

Schedule.

Laws repealed.	Extent of repeal.
The Group Areas Act, 1950 (Act No. 41 of 1950).	The whole.
The Group Areas Amendment Act, 1952 (Act No. 65 of 1952).	The whole.
The Group Areas Amendment Act, 1955 (Act No. 6 of 1955).	The whole.
The Group Areas Further Amendment Act, 1955 (Act No. 68 of 1955).	The whole except sections *twenty-three*, *twenty-four*, *twenty-five* and *twenty-six*.
The Group Areas Amendment Act, 1956 (Act No. 29 of 1956).	The whole.
The Group Areas Amendment Act, 1957.	The whole.

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van artikel *tien* van die „Municipal Amending Ordinance, 1905" (Ordonnansie No. 17 van 1905), van Transvaal, bly die bepalings van daardie artikel van toepassing in en met betrekking tot 'n gebied wat voor die inwerkingtreding van daardie Wet kragtens bedoelde artikel afgesonder is en wat nie ingevolge artikel *drie, drie bis* of *drie ter* van die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950), geproklameer is nie, totdat bedoelde gebied kragtens artikel *twintig*, *een-en-twintig* of *twee-en-twintig* van hierdie Wet geproklameer word.

Kort titel en datum van inwerkingtreding

45. Hierdie Wet heet die Wet op Groepsgebiede, 1957, en tree in werking op 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal te word, wat nie 'n vroeër datum is nie as die datum van inwerkingtreding van die Wysigingswet op Groepsgebiede, 1957.

Bylae.

Herroepe wette.	In hoeverre herroep.
Die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950).	Die geheel.
Die Wysigingswet op Groepsgebiede, 1952 (Wet No. 65 van 1952).	Die geheel.
Die Wysigingswet op Groepsgebiede, 1955 (Wet No. 6 van 1955).	Die geheel.
Die Verdere Wysigingswet op Groepsgebiede, 1955 (Wet No. 68 van 1955).	Die geheel, behalwe artikels *drie-en-twintig*, *vier-en-twintig*, *vyf-en-twintig* en *ses-en-twintig*.
Die Wysigingswet op Groepsgebiede, 1956 (Wet No. 29 van 1956).	Die geheel.
Die Wysigingswet op Groepsgebiede, 1957.	Die geheel.

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No. 79, 1957.]

ACT

To amend the Native Administration Act, 1927, the Native Trust and Land Act, 1936, the Natives (Urban Areas) Consolidation Act, 1945, the Native Services Levy Act, 1952, and the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952.

(*English text signed by the Officer Administering the Government.*)
(*Assented to 24th June*, 1957.)

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 38 of 1927, as substituted by section 2 of Act 21 of 1943 and amended by section 19 of Act 56 of 1949 and section 19 of Act 54 of 1952.

1. Section *two* of the Native Administration Act, 1927, is hereby amended by the insertion in sub-section (6) after the word "Affairs", where it occurs for the second time, of the words "or any other officer of the Department of Native Affairs".

Substitution of section 9 of Act 38 of 1927.

2. The following section is hereby substituted for section *nine* of the Native Administration Act, 1927:

„Holding of criminal courts by native commissioners.

9. (1) A native commissioner may hold a court in respect of any offence committed by a native and in respect of the area for which a native commissioner has been appointed he and a court held by him shall for the purposes of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and the Criminal Procedure Act, 1955 (Act No. 56 of 1955), be deemed to be a magistrate and a magistrate's court, respectively, in connection with any proceedings relating to any such offence.

(2) The powers and jurisdiction conferred by sub-section (1) on a native commissioner and a court held by him, respectively, shall not affect the powers of any magistrate or the jurisdiction of any magistrate's court.

(3) If a native commissioner holds a court in terms of sub-section (1), such court shall be held at the place where the office of the native commissioner in the area for which he has been appointed, has been established, and at any other place within the said area which the Minister may designate for the ordinary or periodical sitting of such a court.".

Amendment of section 10 of Act 38 of 1927, as amended by section 5 of Act 9 of 1929, section 3 of Act 21 of 1943 and section 21 of Act 56 of 1949.

3. (1) Section *ten* of the Native Administration Act, 1927, is hereby amended—

(*a*) by the substitution in sub-section (1) for the word "Governor-General" of the word "Minister" and for the word "proclamation" of the word "notice";

(*b*) by the substitution in sub-sections (2) and (3), respectively, for the word "Governor-General" of the word "Minister";

(*c*) by the deletion in paragraph (*b*) of sub-section (4) of the words "and places"; and

(*d*) by the substitution for sub-section (6) of the following sub-section:

"(6) If a judgment creditor who has obtained judgment in a native commissioner's court desires to attach—

(*a*) any debt which is due or will become due to the judgment debtor by any person (excluding the State) who is not a native;

(*b*) any emoluments which are due or will become due to the judgment debtor by any person (including the State) who is not a native,

he may apply to the magistrate's court in whose area of jurisdiction such person resides, carries on business or is employed, for an order for the attachment of such debt or emoluments to the amount necessary to satisfy the said judgment and the costs of the pro-

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No. 79, 1957.]

WET

Tot wysiging van die Naturelle-administrasie Wet, 1927, die Naturelletrust en -grond Wet, 1936, die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, die Wet op Heffings vir Naturelledienste, 1952, en die Naturelle (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952.

(Engelse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 24 Junie 1957.)

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

Wysiging van artikel 2 van Wet 38 van 1927 soos vervang by artikel 2 van Wet 21 van 1943 en gewysig by artikel 19 van Wet 56 van 1949 en artikel 19 van Wet 54 van 1952.

1. Artikel *twee* van die Naturelle-administrasie Wet, 1927, word hierby gewysig deur in sub-artikel (6) na die woord „Naturellesake", waar dit die tweede maal voorkom, die woorde „of 'n ander beampte van die Department van Naturellesake" in te voeg.

Vervanging van artikel 9 van Wet 38 van 1927.

2. Artikel *nege* van die Naturelle-administrasie Wet, 1927, word hierby deur die volgende artikel vervang:

„Hou van strafhowe deur naturellekommissarisse.

9. (1) 'n Naturellekommissaris kan ten opsigte van 'n misdryf deur 'n naturel gepleeg 'n hof hou, en ten opsigte van die gebied waarvoor 'n naturellekommissaris aangestel is, word, by die toepassing van die Magistraatshowewet, 1944 (Wet No. 32 van 1944), en die Strafproseswet, 1955 (Wet No. 56 van 1955), hy en 'n hof deur hom gehou geag onderskeidelik 'n magistraat en 'n magistraatshof te wees in verband met verrigtinge betreffende so 'n misdryf.

(2) Die bevoegdhede en jurisdiksie wat deur sub-artikel (1) aan onderskeidelik 'n naturellekommissaris en 'n hof deur hom gehou verleen word, raak nie die bevoegdhede van enige magistraat of die jurisdiksie van enige magistraatshof nie.

(3) Wanneer 'n naturellekommissaris ingevolge sub-artikel (1) 'n hof hou, moet dié hof gehou word op die plek waar die kantoor van die naturellekommissaris in die gebied waarvoor hy aangestel is, ingestel is, en op enige ander plek in genoemde gebied wat die Minister vir die gewone of periodieke sitting van so 'n hof aanwys.".

Wysiging van artikel 10 van Wet 38 van 1927, soos gewysig by artikel 5 van Wet 9 van 1929, artikel 3 van Wet 21 van 1943 en artikel 21 van Wet 56 van 1949.

3. (1) Artikel *tien* van die Naturelle-administrasie Wet, 1927, word hierby gewysig—

(*a*) deur in sub-artikel (1) die woord „Goewerneur-generaal" deur die woord „Minister", en die woord „proklamasie" deur die woord „kennisgewing" te vervang;

(*b*) deur in onderskeidelik sub-artikels (2) en (3) die woord „Goewerneur-generaal" deur die woord „Minister" te vervang;

(*c*) deur in paragraaf (*b*) van sub-artikel (4) die woorde „en plekke" te skrap; en

(*d*) deur sub-artikel (6) deur die volgende sub-artikel te vervang:

„(6) Indien 'n vonnisskuldeiser wat in 'n naturellekommissarishof vonnis verkry het, verlang om beslag te lê op—

(*a*) 'n skuld wat aan die vonnisskuldenaar verskuldig is of verskuldig sal word deur enige persoon (behalwe die Staat) wat nie 'n naturel is nie;

(*b*) emolumente wat aan die vonnisskuldenaar verskuldig is of verskuldig sal word deur enige persoon (die Staat inbegrepe) wat nie 'n naturel is nie,

kan hy by die magistraatshof in die regsgebied waarvan daardie persoon woon, sake doen of in diens is, aansoek doen om 'n bevel vir die beslaglegging op soveel van daardie skuld of emolumente as wat nodig is om te voldoen aan genoemde vonnis en die koste

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ceedings for attachment, and the said magistrate's court shall adjudicate upon such application in the same manner as if the judgment were a judgment of a magistrate's court.".

(2) Anything done by the Governor-General under the provisions of sub-section (1), (2) or (3) of section *ten* of the Native Administration Act, 1927 (Act No. 38 of 1927), prior to the date of commencement of this Act, shall be deemed to have been done by the Minister of Native Affairs under the said sub-sections as amended by sub-section (1) of this section.

Amendment of section 29 of Act 38 of 1927.

4. Section *twenty-nine* of the Native Administration Act, 1927, is hereby amended by the substitution for sub-section (5) of the following sub-sections:

"(5) Any person not born in any part of South Africa which has been included in the Union—

(*a*) who has been convicted of any offence under sub-section (1); or

(*b*) who is a native and whose presence in the Union is by reason of his activities or on any other ground deemed by the Minister not to be in the general public interest,

may be declared by the Minister to be an undesirable inhabitant of the Union, and the Minister may by warrant under his hand cause such person to be removed from the Union and pending removal to be arrested and detained in custody.

(6) The Minister may in any warrant issued in terms of sub-section (5) direct that the person named therein shall not at any time or for such period as may be specified in the warrant, return to the Union, except with the written permission of the Secretary for Native Affairs.

(7) If any person is removed under a warrant containing any such direction, the person so removing him shall hand over or tender to him a copy of such warrant.

(8) The Minister may order that any person who has returned to the Union in contravention of any direction contained in a warrant issued in terms of sub-section (5), be summarily arrested and detained and as soon as possible be removed from the Union in terms of such warrant.

(9) Any person who, having been removed from the Union in terms of a warrant issued in terms of sub-section (5), returns to the Union in contravention of any direction contained in such warrant, 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 twelve months, and the court convicting him of such offence shall order that after he has paid any fine or served any period of imprisonment to which he may have been sentenced in respect of that offence, he be removed to a place indicated by the court and be detained in custody pending his removal from the Union.".

Amendment of section 4 of Act 18 of 1936.

5. Section *four* of the Native Trust and Land Act, 1936, is hereby amended by the addition thereto of the following sub-section:

"(4) The Minister may, in his discretion, delegate any power or function of administrative routine delegated to him in terms of sub-section (3), to any member of the Native Affairs Commission, the Secretary for Native Affairs or any other officer of the Department of Native Affairs.".

Amendment of Section 47 of Act 18 of 1936.

6. Section *forty-seven* of the Native Trust and Land Act 1936, is hereby amended—

(*a*) by the deletion of the words "or the regulations made thereunder" and of the words "or for a breach of the regulations"; and

(*b*) by the addition thereto of the following sub-section, the existing section becoming sub-section (1):—

"(2) Any person convicted of an offence under the regulations shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months.".

Amendment of section 49 of Act 18 of 1936.

7. Section *forty-nine* of the Native Trust and Land Act, 1936, is hereby amended—

(*a*) by the deletion in the definition of "labour tenant" of the word "male", wherever it occurs; and

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van die verrigtinge van die beslaglegging, en genoemde magistraatshof moet oor so 'n aansoek op dieselfde wyse beslis asof die vonnis 'n vonnis van 'n magistraatshof was.".

(2) Enigiets wat voor die inwerkingtreding van hierdie Wet deur die Goewerneur-generaal kragtens die bepalings van sub-artikel (1), (2) of (3) van artikel *tien* van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), gedoen is, word geag deur die Minister van Naturellesake kragtens genoemde sub-artikels soos deur sub-artikel (1) van hierdie artikel gewysig, gedoen te gewees het.

4. Artikel *nege-en-twintig* van die Naturelle-administrasie Wet, 1927, word hierby gewysig deur sub-artikel (5) deur die volgende sub-artikels te vervang: Wysiging van artikel 29 van Wet 38 van 1927.

„(5) Iemand wat nie in 'n deel van Suid-Afrika wat binne die Unie val, gebore is nie en—

(*a*) wat aan 'n misdryf kragtens sub-artikel (1) skuldig bevind is; of

(*b*) wat 'n naturel is en wie se teenwoordigheid in die Unie deur die Minister omrede van sy bedrywighede of op enige ander grond geag word nie in die algemene openbare belang te wees nie,

kan deur die Minister as 'n ongewenste inwoner van die Unie verklaar word, en die Minister kan so iemand by lasbrief deur hom onderteken uit die Unie laat verwyder en in afwagting van die verwydering in hegtenis laat neem en onder bewaring laat aanhou.

(6) Die Minister kan in 'n lasbrief ingevolge sub-artikel (5) uitgereik, gelas dat die persoon wat daarin genoem word, nie te eniger tyd of gedurende die tydperk in die lasbrief vermeld, sonder die skriftelike toestemming van die Sekretaris van Naturellesake na die Unie mag terugkeer nie.

(7) Indien iemand kragtens 'n lasbrief wat so 'n bevel bevat, verwyder word, moet die persoon wat hom aldus verwyder 'n afskrif van daardie lasbrief aan hom oorhandig of aanbied.

(8) Die Minister kan gelas dat iemand wat in stryd met 'n bevel vervat in 'n lasbrief ingevolge sub-artikel (5) uitgereik, na die Unie teruggekeer het, summier in hegtenis geneem en aangehou word en so spoedig doenlik uit die Unie ooreenkomstig daardie lasbrief verwyder word.

(9) Iemand wat, nadat hy uit die Unie verwyder is ooreenkomstig 'n lasbrief uitgereik ingevolge sub-artikel (5), in stryd met 'n bevel in daardie lasbrief vervat, na die Unie terugkeer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of gevangenisstraf vir 'n tydperk van hoogstens twaalf maande, en die hof wat hom aan so 'n misdryf skuldig bevind, moet gelas dat nadat hy die boete betaal het of die tydperk van gevangenisstraf uitgedien het wat hom ten opsigte van daardie misdryf opgelê is, hy verwyder word na 'n plek deur die hof aangewys en in afwagting van sy verwydering uit die Unie onder bewaring aangehou word.".

5. Artikel *vier* van die Naturelletrust en -grond Wet, 1936, word hierby gewysig deur die volgende sub-artikel daarby te voeg: Wysiging van artikel 4 van Wet 18 van 1936.

„(4) Die Minister kan na goeddunke 'n bevoegdheid of funksie van administratiewe roetine wat ingevolge sub-artikel (3) aan hom oorgedra is, aan 'n lid van die Naturellesakekommissie, die Sekretaris van Naturellesake of 'n ander beampte van die Departement van Naturellesake oordra.".

6. Artikel *sewe-en-veertig* van die Naturelletrust en -grond Wet, 1936, word hierby gewysig— Wysiging van artikel 47 van Wet 18 van 1936.

(*a*) deur die woorde „of die regulasies kragtens hierdie wet uitgevaardig" en die woorde „of vir oortreding van die regulasies" te skrap; en

(*b*) deur die volgende sub-artikel daarby te voeg, terwyl die bestaande artikel sub-artikel (1) word:—

„(2) Iemand wat skuldig bevind word aan 'n misdryf kragtens die regulasies, is strafbaar met 'n boete van hoogstens vyftig pond of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.".

7. Artikel *nege-en-veertig* van die Naturelletrust en -grond Wet, 1936, word hierby gewysig— Wysiging van artikel 49 van Wet 18 van 1936.

(*a*) deur in die omskrywing van „plakker-diensbode" die woord „manlike", oral waar dit voorkom, te skrap; en

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(*b*) by the insertion in the said definition, after the word "servant", of the words "or a native woman who lives with a native man, whether or not she is his wife".

Amendment of section 12 of Act 25 of 1945, as substituted by section 6 of Act 16 of 1955.

8. Section *twelve* of the Natives (Urban Areas) Consolidation Act, 1945, is hereby amended by the deletion, with effect from the sixth day of May, 1958, of the proviso to sub-section (1).

Amendment of section 3 of Act 64 of 1952.

9. Section *three* of the Native Services Levy Act, 1952, is hereby amended by the addition thereto of the following sub-section:

"(5) If in any proceedings under this Act it is proved that—

(*a*) any contract of service entered into between an employer and a native was in terms of any law relating to the registration of contracts of service entered into by natives, registered by such employer; or

(*b*) particulars of a contract of service entered into between an employer and a native were in terms of sub-section (1) of section *eight* of the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952), lodged with a native commissioner,

it shall be presumed, until the contrary is proved, that such native performed work in the service of such employer on every day throughout the period during which such contract of service remained so registered or, as the case may be, remained in existence according to the records kept by such native commissioner.".

Amendment of section 1 of Act 67 of 1952.

10. Section *one* of the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952 (hereinafter referred to as the principal Act), is hereby amended—

(*a*) by the addition at the end of the definition of "fixed date" of the words "which may differ in respect of natives of specified classes and in respect of specified areas";

(*b*) by the substitution for the definition of "reference book" of the following definition:

" 'reference book' means a reference book referred to in sub-paragraph (i) of paragraph (*b*) of sub-section (1) of section *three* and includes any identity document referred to in sub-paragraph (ii) of the said paragraph, any document referred to in sub-section (2) of section *three*, and any duplicate issued under this Act of such book or document;"; and

(*c*) by the insertion after the definition of "native" of the following definition:

" 'native commissioner' includes an additional or an assistant native commissioner and, in a district for which no native commissioner has been appointed, a magistrate and an additional or an assistant magistrate;".

Amendment of section 2 of Act 67 of 1952.

11. Section *two* of the principal Act is hereby amended by the substitution for sub-sections (1) and (2) of the following sub-sections, the existing sub-section (3) becoming sub-section (4):

"(1) The Minister or, if authorized thereto by him, the Director referred to in section *eleven*, may by notice in the *Gazette* require all natives of a class specified in the notice, who have attained the age of sixteen years and are resident in an area defined therein, to appear before a native commissioner or another officer during a period and at a time and place so specified, in order that reference books in such form as the Minister may determine, which may differ in respect of males and females, may be issued to them.

(2) Any reference book issued by a native commissioner or another officer in terms of the provisions of this Act but not in pursuance of a notice under sub-section (1), shall be deemed to have been issued pursuant to such a notice.

(3) It shall be no defence for any person charged with an offence under this Act to prove that no notice has been issued under sub-section (1) in respect of any particular area.".

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(*b*) deur in genoemde omskrywing, na die woord „diensbode", die woorde „of 'n naturellevrou wat by 'n naturelleman woon, hetsy sy sy vrou is, al dan nie" in te voeg.

8. Artikel *twaalf* van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, word hierby gewysig deur die voorbehoudsbepaling by sub-artikel (1) met ingang van 6 Mei 1958 te skrap. **Wysiging van artikel 12 van Wet 25 van 1945, soos vervang by artikel 6 van Wet 16 van 1955.**

9. Artikel *drie* van die Wet op Heffings vir Naturelledienste, 1952, word hierby gewysig deur die volgende sub-artikel daarby te voeg: **Wysiging van artikel 3 van Wet 64 van 1952.**

„(5) Indien dit in 'n geding kragtens hierdie Wet bewys word dat—

(*a*) 'n dienskontrak aangegaan tussen 'n werkgewer en 'n naturel deur die werkgewer ingevolge 'n wet betreffende die registrasie van dienskontrakte aangegaan deur naturelle, geregistreer is; of

(*b*) besonderhede van 'n dienskontrak aangegaan tussen 'n werkgewer en 'n naturel by 'n naturellekommissaris ingevolge sub-artikel (1) van artikel *agt* van die Naturelle (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952 (Wet No. 67 van 1952) ingelewer is,

word dit vermoed, totdat die teendeel bewys word, dat daardie naturel werk in die diens van daardie werkgewer verrig het op elke dag dwarsdeur die tydperk gedurende welke daardie dienskontrak aldus geregistreer gebly het of, na gelang van die geval, volgens die aantekeninge wat daardie naturellekommissaris hou, bly bestaan het.".

10. Artikel *een* van die Naturelle (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952 (hieronder die Hoofwet genoem), word hierby gewysig— **Wysiging van artikel 1 van Wet 67 van 1952.**

(*a*) deur na die omskrywing van „naturel" die volgende omskrywing in te voeg:

„ 'naturellekommissaris' ook 'n addisionele naturellekommissaris en 'n assistent-naturellekommissaris en, in 'n distrik waarvoor daar nie 'n naturellekommissaris aangestel is nie, 'n magistraat, 'n addisionele magistraat en 'n assistent-magistraat;";

(*b*) deur die omskrywing van „bewysboek" deur die volgende omskrywing te vervang:

„ 'bewysboek' 'n bewysboek in sub-paragraaf (i) van paragraaf (*b*) van sub-artikel (1) van artikel *drie* vermeld, en ook 'n herkenningsbewys in sub-paragraaf (ii) van genoemde paragraaf vermeld, 'n dokument in sub-artikel (2) van artikel *drie* vermeld, en 'n duplikaat van so 'n boek, bewys of dokument ingevolge hierdie Wet uitgereik;"; en

(*c*) deur aan die end van die omskrywing van „vasgestelde datum" die woorde „wat ten opsigte van naturelle van bepaalde kategorieë en ten opsigte van bepaalde gebiede kan verskil" by te voeg.

11. Artikel *twee* van die Hoofwet word hierby gewysig deur sub-artikels (1) en (2) deur die volgende sub-artikels te vervang, terwyl die bestaande sub-artikel (3) sub-artikel (4) word: **Wysiging van artikel 2 van Wet 67 van 1952.**

„(1) Die Minister of, indien deur hom daartoe gemagtig, die Direkteur in artikel *elf* vermeld, kan by kennisgewing in die *Staatskoerant* eis dat alle naturelle van 'n kategorie in die kennisgewing vermeld, wat die leeftyd van sestien jaar bereik het en in 'n gebied daarin omskryf woonagtig is, voor 'n naturellekommissaris of 'n ander beampte gedurende 'n tydperk en op 'n tyd en plek aldus vermeld, verskyn sodat bewysboeke in die vorm wat die Minister bepaal, wat ten opsigte van mans- en vrouspersone kan verskil, aan hulle uitgereik kan word.

(2) 'n Bewysboek wat deur 'n naturellekommissaris of 'n ander beampte ingevolge die bepalings van hierdie Wet, maar nie ingevolge 'n kennisgewing kragtens sub-artikel (1) nie, uitgereik is, word geag ingevolge so 'n kennisgewing uitgereik te gewees het.

(3) Indien iemand weens 'n misdryf kragtens hierdie Wet aangekla word, is dit geen verdediging indien hy bewys dat geen kennisgewing kragtens sub-artikel (1) ten opsigte van 'n bepaalde gebied uitgereik is nie.".

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Amendment of section 3 of Act 67 of 1952.

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

(*a*) by the substitution for sub-sections (1), (2) and (3) of the following sub-sections:

"(1) Any native commissioner or other officer before whom a native appears in order that a reference book may be issued to him shall, subject to the provisions of sub-sections (2) and (4)—

(*a*) in the prescribed manner take or cause to be taken the fingerprints of that native and transmit such fingerprints to the bureau; and

(*b*) (i) if that native was born in the Union, the territory of South-West Africa, Basutoland, Swaziland or Bechuanaland, issue to him a reference book in which shall be recorded the appropriate prescribed particulars relating to that native; or

(ii) if that native was not born in the Union, the territory of South-West Africa, Basutoland, Swaziland or Bechuanaland, issue to him, in lieu of such a book as is contemplated in sub-paragraph (i), an identity document.

(2) If for any reason it is found inexpedient, impracticable or impossible to issue a reference book to any native, the native commissioner or officer concerned may issue to such native in lieu of such reference book, a document in the form prescribed, to be valid for the period stated therein, and may direct such native to report to him or to any native commissioner or other officer at a future date in order that such a book may be issued to him.

(3) If any native appears before a native commissioner or other officer in pursuance of such a direction, the provisions of sub-sections (1) and (2) shall *mutatis mutandis* apply.";

(*b*) by the substitution in sub-section (4)—

(i) for the words "who appears before an officer in pursuance of a notice under sub-section (1) of section *two*, proves to the satisfaction of such officer" of the words "contemplated in sub-paragraph (i) of paragraph (*b*) of sub-section (1) proves to the satisfaction of a native commissioner or other officer";

(ii) for the words "issued to him by a provincial education department" of the words "recognized by the Secretary for Native Affairs"; and

(iii) for the words "the South African Native College or any state-aided university or university college" of the words "a university or university college similarly recognized"; and

(*c*) by the substitution in paragraph (*b*) of the said sub-section for the words "paragraph (*b*) of that sub-section" of the words "the said sub-paragraph".

Substitution of section 5 of Act 67 of 1952.

13. The following section is hereby substituted for section *five* of the principal Act:

"Native not in possession of reference book after fixed date.

5. (1) If at any time after the fixed date applicable to him a native attains the age of sixteen years he shall report to a native commissioner, or another officer designated by the Minister, in order that a reference book may be issued to him.

(2) If at any time after the fixed date applicable to him a native of the apparent age of sixteen years or over is found not to be in possession of a reference book any authorized officer may bring him before a native commissioner or such an officer as is referred to in sub-section (1), in order that a reference book may be issued to such native.

(3) If any native reports to or is brought before a native commissioner or other officer in terms of sub-section (1) or (2), the provisions of sub-sections (1) and (2) of section *three* shall, subject to the provisions of sub-section (4) of this section, apply *mutatis mutandis*.

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12. Artikel *drie* van die Hoofwet word hierby gewysig— Wysiging van artikel 3 van Wet 67 van 1952.

(*a*) deur sub-artikels (1), (2) en (3) deur die volgende sub-artikels te vervang:

„(1) 'n Naturellekommissaris of ander beampte voor wie 'n naturel verskyn sodat 'n bewysboek aan hom uitgereik kan word, moet, behoudens die bepalings van sub-artikels (2) en (4)—

(*a*) die vingerafdrukke van dié naturel op die voorgeskrewe wyse neem of laat neem en sodanige vingerafdrukke aan die buro deurstuur; en

(*b*) (i) indien dié naturel in die Unie, die gebied Suidwes-Afrika, Basoetoeland, Swaziland of Betsjoeanaland gebore is, aan hom 'n bewysboek uitreik waarin die toepaslike voorgeskrewe besonderhede betreffende dié naturel aangeteken word; of

(ii) indien dié naturel nie in die Unie, die gebied Suidwes-Afrika, Basoetoeland, Swaziland of Betsjoeanaland gebore is nie, aan hom in plaas van so 'n boek as wat in sub-paragraaf (i) beoog word, 'n herkenningsbewys uitreik.

(2) Indien dit om enige rede ondienstig, ondoenlik of onmoontlik is om 'n bewysboek aan 'n naturel uit te reik, kan die betrokke naturellekommissaris of beampte aan dié naturel in plaas van so 'n bewysboek 'n dokument in die voorgeskrewe vorm uitreik, wat vir die tydperk daarin vermeld geldig is, en kan hy dié naturel beveel om hom by hom of 'n naturellekommissaris of ander beampte op 'n toekomstige dag aan te meld sodat so 'n boek aan hom uitgereik kan word.

(3) Indien 'n naturel voor 'n naturellekommissaris of ander beampte ingevolge so 'n bevel verskyn, is die bepalings van sub-artikels (1) en (2) *mutatis mutandis* van toepassing.";

(*b*) deur in sub-artikel (4)—

(i) die woorde „wat voor 'n beampte uit hoofde van 'n kennisgewing ingevolge sub-artikel (1) van artikel *twee* verskyn, tot die oortuiging van so 'n beampte bewys" te vervang deur die woorde „wat in sub-paragraaf (i) van paragraaf (*b*) van sub-artikel (1) beoog word, tot die oortuiging van 'n naturellekommissaris of ander beampte bewys";

(ii) die woorde „aan hom uitgereik deur 'n provinsiale onderwysdepartement" deur die woorde „deur die Sekretaris van Naturellesake erken" te vervang; en

(iii) die woorde „die Suid-Afrikaanse Naturellekollege of 'n staatsondersteunde universiteit of universiteitskollege" deur die woorde „'n universiteit of universiteitskollege insgelyks erken" te vervang; en

(*c*) deur in paragraaf (*b*) van genoemde sub-artikel die woorde „paragraaf (*b*) van daardie sub-artikel" deur die woorde „genoemde sub-paragraaf" te vervang.

13. Artikel *vyf* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 5 van Wet 67 van 1952.

„Naturel wat na vasgestelde datum nie in besit van bewysboek is nie.

5. (1) Indien 'n naturel te eniger tyd ná die vasgestelde datum wat op hom betrekking het, die leeftyd van sestien jaar bereik, moet hy hom by 'n naturellekommissaris of 'n ander beampte deur die Minister aangewys, aanmeld sodat 'n bewysboek aan hom uitgereik kan word.

(2) Indien te eniger tyd ná die vasgestelde datum wat op hom betrekking het, dit bevind word dat 'n naturel wat oënskynlik sestien jaar of ouer is, nie in besit van 'n bewysboek is nie, kan 'n gemagtigde beampte hom voor 'n naturellekommissaris of 'n beampte vermeld in sub-artikel (1) bring sodat 'n bewysboek aan hom uitgereik kan word.

(3) Indien 'n naturel ingevolge sub-artikel (1) of (2) hom aanmeld by 'n naturellekommissaris of ander beampte of voor so 'n kommissaris of beampte gebring word, is die bepalings van sub-artikels (1) en (2) van artikel *drie*, behoudens die bepalings van sub-artikel (4) van hierdie artikel, *mutatis mutandis* van toepassing.

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(4) Any such native commissioner or officer may, pending the completion of any such enquiries as he may deem necessary, make arrangements to ensure the appearance, on any subsequent date, before him of a native brought before him in terms of sub-section (2), and may for that purpose, if he deems it necessary, cause the native to be detained in any reception depot, lock-up, police cell or gaol for a period not exceeding seven days, which period may from time to time be extended by such native commissioner or other officer for further periods not exceeding seven days at a time: Provided that the total period of detention under this sub-section shall not exceed thirty days.".

Amendment of section 6 of Act 67 of 1952

14. Section *six* of the principal Act is hereby amended—

(*a*) by the addition at the end of sub-section (1) of the words "or so record any such particulars otherwise than in the manner prescribed";

(*b*) by the substitution in sub-section (2) for the words "assistant native commissioner" of the words "other officer designated by the Minister", and for the words "such reference book and the issue of a duplicate thereof advisable, may issue such duplicate" of the words "a reference book and the issue of another book or of a duplicate thereof advisable, may issue such other book or duplicate"; and

(*c*) by the addition thereto of the following sub-sections:

"(3) Whenever it comes to the notice of a native commissioner or an officer referred to in sub-section (2) that a reference book, other than an identity document, has been issued to a native not born in the Union, the territory of South West Africa, Basutoland, Swaziland or Bechuanaland, he may—

(*a*) request that native to surrender such reference book to him; and

(*b*) cancel such reference book,

and thereupon the provisions of sub-sections (1), (2) and (3) of section *three* shall *mutatis mutandis* apply.

(4) If any native fails or refuses to comply with any request under sub-section (3)—

(*a*) he shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds or imprisonment for a period not exceeding one month; and

(*b*) the native commissioner or officer in question may cause that native to be detained in accordance with the provisions of sub-section (4) of section *five*.".

Amendment of section 7 of Act 67 of 1952.

15. Section *seven* of the principal Act is hereby amended by the substitution for the words "assistant native commissioner" of the words "officer designated by the Minister".

Amendment of section 8 of Act 67 of 1952.

16. Section *eight* of the principal Act is hereby amended—

(*a*) by the substitution in paragraph (*a*) of sub-section (1) for the words "of a class specified in a notice issued under sub-section (1) of section *two*" of the words "to whom such fixed date applies and";

(*b*) by the substitution in paragraph (*b*) of the said sub-section for the words "of the class so specified" of the words "to whom such fixed date applies and";

(*c*) by the substitution in the said sub-section for the word "district" of the word "area";

(*d*) by the insertion in sub-section (4) after the word "date", where it occurs for the first time, of the words "applicable to that land", and the substitution in the said sub-section for the word "district" of the word "area"; and

(*e*) by the substitution for sub-section (6) of the following sub-section:

"(6) The Minister may by notice in the *Gazette*, which he may amend from time to time or withdraw, declare that every native of a class specified in such notice, who has attained the age of sixteen years and to whom a fixed date applies but in respect of whom particulars are not required to be furnished to a native commissioner under sub-section (1) or (4),

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(4) So 'n naturellekommissaris of ander beampte kan in afwagting van die voltooiing van die navrae wat hy nodig ag, reëlings tref om te verseker dat 'n naturel wat ingevolge sub-artikel (2) voor hom gebring is, op 'n latere datum voor hom verskyn, en kan vir dié doel, indien hy dit nodig ag, dié naturel in 'n ontvangsdepot, opsluitplek, polisiesel of tronk vir 'n tydperk van hoogstens sewe dae laat aanhou, en dié tydperk kan deur sodanige naturellekommissaris of ander beampte van tyd tot tyd vir verdere tydperke van hoogstens sewe dae op 'n keer verleng word: Met dien verstande dat die totale tydperk van aanhouding kragtens hierdie sub-artikel nie dertig dae te bowe gaan nie.".

14. Artikel *ses* van die Hoofwet word hierby gewysig—

Wysiging van artikel 6 van Wet 67 van 1952.

(*a*) deur aan die end van sub-artikel (1) die volgende woorde by te voeg: „of teken aldus sodanige besonderhede anders as op die voorgeskrewe wyse aan nie";

(*b*) deur in sub-artikel (2) die woord „assistent-naturellekommissaris" deur die woorde „ander beampte deur die Minister aangewys," te vervang, en die woorde „die bewysboek en die uitreiking van 'n duplikaat daarvan raadsaam ag, sodanige duplikaat uitreik" deur die woorde „'n bewysboek en die uitreiking van 'n ander boek of van 'n duplikaat daarvan raadsaam ag, sodanige ander boek of duplikaat uitreik" te vervang; en

(*c*) deur die volgende sub-artikels daarby te voeg:

„(3) Wanneer dit onder die aandag van 'n naturellekommissaris of 'n beampte vermeld in sub-artikel (2) kom dat 'n ander bewysboek as 'n herkenningsbewys uitgereik is aan 'n naturel wat nie in die Unie, die gebied Suidwes-Afrika, Basoetoeland, Swaziland of Betsjoeanaland gebore is nie, kan hy—

(*a*) dié naturel versoek om dié bewysboek aan hom af te gee; en

(*b*) dié bewysboek kanselleer,

en daarop is die bepalings van sub-artikels (1), (2) en (3) van artikel *drie, mutatis mutandis* van toepassing.

(4) Indien 'n naturel versuim of weier om aan 'n versoek kragtens sub-artikel (3) te voldoen—

(*a*) is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tien pond of gevangenisstraf vir 'n tydperk van hoogstens een maand; en

(*b*) kan die betrokke naturellekommissaris of beampte dié naturel ooreenkomstig die bepalings van sub-artikel (4) van artikel *vyf* laat aanhou.".

15. Artikel *sewe* van die Hoofwet word hierby gewysig deur die woord „assistent-naturellekommissaris" deur die woorde „beampte deur die Minister aangewys", te vervang.

Wysiging van artikel 7 van Wet 67 van 1952.

16. Artikel *agt* van die Hoofwet word hierby gewysig—

Wysiging van artikel 8 van Wet 67 van 1952.

(*a*) deur in paragraaf (*a*) van sub-artikel (1) die woorde „van 'n kategorie in 'n kennisgewing ingevolge sub-artikel (1) van artikel *twee* uitgereik vermeld" deur die woorde „op wie dié vasgestelde datum betrekking het" te vervang;

(*b*) deur in paragraaf (*b*) van genoemde sub-artikel die woorde „van die aldus vermelde kategorie" deur die woorde „op wie dié vasgestelde datum betrekking het en" te vervang;

(*c*) deur in genoemde sub-artikel die woord „distrik" deur die woord „gebied" te vervang;

(*d*) deur in sub-artikel (4) na die woord „datum", waar dit die eerste maal voorkom, die woorde „wat op dié grond betrekking het", in te voeg, en die woord „distrik" deur die woord „gebied" te vervang; en

(*e*) deur sub-artikel (6) deur die volgende sub-artikel te vervang:

„(6) Die Minister kan by kennisgewing in die *Staatskoerant*, wat hy van tyd tot tyd kan wysig of kan intrek, verklaar dat iedere naturel van 'n kategorie in dié kennisgewing vermeld, wat die leeftyd van sestien jaar bereik het en op wie 'n vasgestelde datum betrekking het maar ten opsigte van wie dit nie vereis word dat besonderhede aan 'n naturellekommissaris kragtens sub-artikel (1) of (4) verstrek word nie, een maal elke drie maande die voorgeskrewe

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shall once in every three months furnish to the native commissioner of the area in which he is for the time being resident, such particulars in relation to himself as may be prescribed, and if any such native so furnishes such particulars, the native commissioner in question shall record those particulars in such native's reference book in such manner as may be prescribed.".

Insertion of sections 8*bis* and 8*ter* in Act 67 of 1952.

17. The following sections are hereby inserted in the principal Act after section *eight*:

„Employment of natives in area to which a fixed date applies.

8*bis*. After the fixed date no person shall employ in the area to which such date applies any native of a class to which such date applies, who is not in possession of a reference book or a document of identification referred to in sub-section (1) of section *ten*.

Employment of natives if reference books do not indicate termination of previous contracts.

8*ter*. (1) No person shall employ any native if it appears from such native's reference book or document of identification referred to in sub-section (1) of section *ten*, that he entered into a contract of service with some other person and such other person has not recorded in such book or on such document the fact that such contract has been terminated.

(2) If for any reason a previous employer refuses or is unable to record in a native's reference book or on his document of identification the fact that the contract of service entered into with such native has been terminated, or where such previous employer cannot be found or where there is a dispute between such native and such previous employer, any native commissioner may, after making the necessary enquiries, record in such book or on such document the fact that such contract has been terminated.".

Amendment of section 9 of Act 67 of 1952.

18. Section *nine* of the principal Act is hereby amended by the substitution for all the words after the word "permission" of the words "of a native commissioner".

Amendment of section 10 of Act 67 of 1952.

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

(*a*) by the insertion in sub-section (1) after the word "native", where it occurs for the first time, of the words "of a class to which such date applies, who is";

(*b*) by the deletion in the said sub-section of the words "or assistant native commissioner", wherever they occur;

(*c*) by the substitution in the said sub-section for the word "district", wherever it occurs, of the word "area";

(*d*) by the substitution in the said sub-section for the words "superintendent of any location" of the words "officer appointed for the management of any location, native village or native hostel";

(*e*) by the insertion in the said sub-section after the word "guardian", where it occurs for the fifth time, of the words "or where his parent or guardian cannot be found or unreasonably withholds his consent,"; and

(*f*) by the deletion in sub-section (3) of the words "or an assistant native commissioner".

Substitution of section 11 of Act 67 of 1952.

20. The following section is hereby substituted for section *eleven* of the principal Act:

"Establishment of Native Affairs Central Reference Bureau.

11. The Minister shall establish a Native Affairs Central Reference Bureau under the control of an officer of the Department of Native Affairs to be known as the Director, in which all fingerprints taken under this Act and received therein shall be classified and all such particulars as the Minister may from time to time determine which are contained in reference books shall be recorded or otherwise dealt with in such manner as may be prescribed.".

Amendment of section 12 of Act 67 of 1952.

21. (1) Section *twelve* of the principal Act is hereby amended—

(*a*) by the substitution in sub-section (1) for the word "Minister" of the word "Governor-General";

(*b*) by the insertion in paragraph (*b*) of the said sub-section, after the word "service", where it occurs for

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besonderhede betreffende homself aan die naturellekommissaris van die gebied waarin hy op die betrokke tydstip woonagtig is, moet verstrek, en indien so 'n naturel sodanige besonderhede aldus verstrek, moet die betrokke naturellekommissaris dié besonderhede in dié naturel se bewysboek op die wyse wat voorgeskryf is, aanteken.".

17. Die volgende artikels word hierby in die Hoofwet na artikel *agt* ingevoeg: (Invoeging van artikels 8*bis* en 8*ter* in Wet 67 van 1952.)

„Indiensneming van naturelle in gebied waarop 'n vasgestelde datum betrekking het.

8*bis*. Na die vasgestelde datum mag niemand 'n naturel van 'n kategorie waarop dié datum betrekking het, wat nie 'n bewysboek of 'n uitkenbewys vermeld in sub-artikel (1) van artikel *tien* besit nie, in diens hê nie in die gebied waarop dié datum betrekking het.

Indiensneming van naturelle indien bewysboeke nie beëindiging van vorige kontrakte aantoon nie.

8*ter*. (1) Niemand mag 'n naturel in diens neem nie indien dit uit sodanige naturel se bewysboek of uitkenbewys vermeld in sub-artikel (1) van artikel *tien* blyk dat hy 'n dienskontrak met iemand anders aangegaan het en laasgenoemde nie in dié boek of op dié bewys die feit dat sodanige kontrak beëindig is, aangeteken het nie.

(2) Indien om enige rede 'n vorige werkgewer weier of nie in staat is nie om in 'n naturel se bewysboek of op sy uitkenbewys die feit aan te teken dat die dienskontrak wat met dié naturel aangegaan is, beëindig is, of indien sodanige vorige werkgewer nie gekry kan word nie, of indien daar 'n geskil tussen dié naturel en dié vorige werkgewer is, kan 'n naturellekommissaris, nadat hy die nodige navrae gedoen het, in sodanige boek of op sodanige bewys die feit aanteken dat sodanige kontrak beëindig is.".

18. Artikel *nege* van die Hoofwet word hierby gewysig deur al die woorde na die woord „toestemming" deur die woorde „van 'n naturellekommissaris nie" te vervang. (Wysiging van artikel 9 van Wet 67 van 1952.)

19. Artikel *tien* van die Hoofwet word hierby gewysig— (Wysiging van artikel 10 van Wet 67 van 1952.)

(*a*) deur in sub-artikel (1) na die woorde „naturel", waar dit die eerste maal voorkom, die woorde „van 'n kategorie waarop dié datum betrekking het, wat", en na die woord „jaar" die woord „is" in te voeg;

(*b*) deur in genoemde sub-artikel die woorde „of assistent-naturellekommissaris", oral waar hulle voorkom, te skrap;

(*c*) deur in genoemde sub-artikel die woord „distrik", oral waar dit voorkom, deur die woord „gebied" te vervang;

(*d*) deur in genoemde sub-artikel die woorde „superintendent van 'n kragtens artikel *twee* van die Stadsgebiedewet ingestelde lokasie" te vervang deur die woorde „beampte aangestel vir die bestuur van 'n lokasie, naturelledorp of naturelletehuis wat kragtens artikel *twee* van die Stadsgebiedewet ingestel is,";

(*e*) deur in genoemde sub-artikel na die woorde „het nie" die woorde „of indien sy ouer of voog nie gekry kan word nie of op onredelike wyse sy toestemming weerhou," in te voeg; en

(*f*) deur in sub-artikel (3) die woorde „of assistent-naturellekommissaris" te skrap.

20. Artikel *elf* van die Hoofwet word hierby deur die volgende artikel vervang: (Vervanging van artikel 11 van Wet 67 van 1952.)

„Instelling van Sentrale Bewysburo vir Naturellesake.

11. Die Minister moet 'n Sentrale Bewysburo vir Naturellesake, onder beheer van 'n beampte van die Departement van Naturellesake, wat as die Direkteur bekend sal staan, instel, waar alle vingerafdrukke wat kragtens hierdie Wet geneem is en daar ontvang word, geklassifiseer moet word, en al dié besonderhede wat die Minister van tyd tot tyd bepaal, wat in bewysboeke vervat is, op die voorgeskrewe wyse aangeteken of anders oor beskik moet word.".

21. (1) Artikel *twaalf* van die Hoofwet word hierby gewysig— (Wysiging van artikel 12 van Wet 67 van 1952.)

(*a*) deur in sub-artikel (1) die woord „Minister" deur die woord „Goewerneur-generaal" te vervang;

(*b*) deur in paragraaf (*b*) van genoemde sub-artikel die woorde „in artikel *agt* bedoelde dienskontrakte"

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the first time, of the words "and the other particulars";

(*c*) by the insertion in paragraph (*e*) of the said sub-section, after the word "surrender", of the word "disposal", and by the addition at the end of the said paragraph of the words "or to natives departing from the Union, other than natives born in the Union, the territory of South-West Africa, Basutoland, Swaziland or Bechuanaland";

(*d*) by the substitution for paragraph (*f*) of the said sub-section of the following paragraph:

"(*f*) the particulars which may be recorded in reference books and the persons by whom and the manner in which such particulars shall be recorded;"; and

(*e*) by the insertion after paragraph (*g*) of the said sub-section of the following paragraphs:

"(*h*) the taking of fingerprints under this Act;

(*i*) the form of documents referred to in sub-section (2) of section *three*, and the conditions subject to which such documents may be issued;

(*j*) the periodical signing of reference books by or on behalf of employers,".

(2) Any regulation made by the Minister of Native Affairs under the provisions of sub-section (1) of section *twelve* of the principal Act shall be deemed to have been made by the Governor-General under the said sub-section as amended by this section.

Amendment of section 13 of Act 67 of 1952.

22. Section *thirteen* of the principal Act is hereby amended by the deletion of the words "of a class specified in a notice issued under sub-section (1) of section *two*".

Insertion of section 14*bis* in Act 67 of 1952.

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

"Proof of certain facts by affidavit.

14*bis*. Whenever in any criminal proceedings under this Act the question arises whether a particular reference book was issued to an accused person, a document purporting to be an affidavit made by any officer having charge of the finger print records in the bureau who in that affidavit states that he has ascertained that the finger prints submitted to him in respect of such accused person are not identical with those of the person to whom, according to the records of the bureau, such reference book was issued, shall on its mere production in those proceedings by any person, but subject *mutatis mutandis* to the provisions of sub-section (6) of section *two hundred and thirty-nine* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), be *prima facie* proof that the said reference book was not issued to the accused person.".

Substitution of section 15 of Act 67 of 1952.

24. The following section is hereby substituted for section *fifteen* of the principal Act:

"Offences and penalties.

15. (1) Any person—

(*a*) being a native who has attained the age of sixteen years, who—

(i) after the fixed date applicable to him, is not in possession of a reference book issued to him;

(ii) after the fixed date applicable to him, fails or refuses to produce on demand of an authorized officer under section *thirteen*, a reference book issued to him;

(iii) on demand of an authorized officer under section *thirteen*, produces with intent to deceive a reference book which contains any false statement or endorsement or which has been altered in any material respect or which has affixed to it any forged document or stamp;

(*b*) who, having come into possession of a reference book issued to another person, represents it as having been issued to him;

(*c*) who allows any other person to come into possession of a reference book issued to him, or any part thereof;

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deur die woorde „dienskontrakte en die ander besonderhede in artikel *agt* vermeld" te vervang;

(*c*) deur in paragraaf (*e*) van genoemde sub-artikel na die woorde „teruggawe van" die woorde „beskikking oor", en na die woord „is" die woorde „of op naturelle wat nie in die Unie, die Gebied Suidwes-Afrika, Basoetoland, Swaziland of Betsjoeanaland gebore is nie en die Unie verlaat," in te voeg;

(*d*) deur paragraaf (*f*) van genoemde sub-artikel deur die volgende paragraaf te vervang:

„(*f*) die besonderhede wat in bewysboeke aangeteken kan word en die persone deur wie en die wyse waarop sodanige besonderhede aangeteken moet word;"; en

(*e*) deur na paragraaf (*g*) van genoemde sub-artikel die volgende paragrawe in te voeg:

„(*h*) die neem van vingerafdrukke kragtens hierdie Wet;

(*i*) die vorm van dokumente in sub-artikel (2) van artikel *drie* vermeld, en die voorwaardes waarop sodanige dokumente uitgereik kan word;

(*j*) die periodieke teken van bewysboeke deur of namens werkgewers,".

(2) 'n Regulasie deur die Minister van Naturellesake kragtens die bepalings van sub-artikel (1) van artikel *twaalf* van die Hoofwet uitgevaardig, word geag deur die Goewerneur-generaal kragtens die genoemde sub-artikel soos gewysig deur hierdie artikel, uitgevaardig te gewees het.

Wysiging van artikel 13 van Wet 67 van 1952.

22. Artikel *dertien* van die Hoofwet word hierby gewysig deur die woorde „van 'n kategorie in 'n kragtens sub-artikel (1) van artikel *twee* uitgereikte kennisgewing vermeld" te skrap.

Invoeging van artikel 14*bis* in Wet 67 van 1952.

23. Die volgende artikel word hierby in die Hoofwet na artikel *veertien* ingevoeg:

„Bewys van sekere feite deur beëdigde verklaring.

14*bis*. Indien in 'n strafgeding kragtens hierdie Wet die vraag ontstaan of 'n bepaalde bewysboek aan 'n beskuldigde uitgereik is, is 'n dokument wat oënskynlik 'n beëdigde verklaring is wat deur 'n beampte in beheer van die vingerafdruk-registers in die buro afgelê is wat in die beëdigde verklaring verklaar dat hy vasgestel het dat die vingerafdrukke wat ten opsigte van daardie beskuldigde aan hom voorgelê is, nie dieselfde is nie as dié van die persoon aan wie, volgens die aantekeninge van die buro, daardie bewysboek uitgereik is, by die blote oorlegging daarvan in daardie geding deur enige persoon, maar onderworpe *mutatis mutandis* aan die bepalings van sub-artikel (6) van artikel *tweehonderd nege-en-dertig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), *prima facie* bewys dat genoemde bewysboek nie aan die beskuldigde uitgereik is nie.".

Vervanging van artikel 15 van Wet 67 van 1952.

24. Artikel *vyftien* van die Hoofwet word hierby deur die volgende artikel vervang:

„Misdrywe en strawwe.

15. (1) Iemand—

(*a*) wat 'n naturel is, wat die leeftyd van sestien jaar bereik het, en wat—

(i) ná die vasgestelde datum wat op hom betrekking het, nie 'n bewysboek wat aan hom uitgereik is, besit nie;

(ii) ná die vasgestelde datum wat op hom betrekking het, versuim of weier om op aanvraag deur 'n gemagtigde beampte kragtens artikel *dertien*, 'n bewysboek wat aan hom uitgereik is, te toon;

(iii) op aanvraag deur 'n gemagtigde beampte kragtens artikel *dertien*, met die opset om te bedrieg 'n bewysboek toon waarin 'n valse verklaring of endossement voorkom, of wat in 'n wesentlike opsig verander is, of waaraan 'n vervalste dokument of seël geheg is;

(*b*) wat nadat hy die besit verkry het van 'n bewysboek wat aan iemand anders uitgereik is, voorgee dat dit aan hom uitgereik is;

(*c*) wat toelaat dat iemand anders die besit verkry van 'n bewysboek wat aan hom uitgereik is, of van 'n gedeelte daarvan;

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(*d*) who, being a person to whom a reference book has been issued, fails, when he again applies for a reference book or when it is again issued to him, to inform the officer to whom he so applies or by whom the reference book is so issued, that a reference book has previously been issued to him;

(*e*) who fails to surrender to a native commissioner or another officer designated by the Minister, within one month after any reference book has been issued to him, every other reference book previously issued to him;

(*f*) who fails to comply with any provision of section *eight*, *eight bis*, *eight ter* or *nine* or of any notice issued under section *eight*;

(*g*) who forges or without authority alters, defaces, destroys or mutilates any reference book or any document of identification referred to in section *ten*, or any part of, or any document or stamp lawfully affixed to, or any entry or endorsement in or on, any reference book or any such document of identification;

(*h*) who without authority receives or has in his possession any reference book or any document of identification referred to in section *ten*, or any part of a reference book or such a document of identification, in relation to which any offence mentioned in paragraph (*g*) has been committed;

(*i*) who without authority prints, produces or issues any book or document which purports to be or to serve the purpose of a reference book, a document of identification referred to in section *ten*, or any other document issued under this Act;

(*j*) who without authority receives, has in his possession, disposes of or causes to be disposed of any reference book issued to any other person, or any part thereof;

(*k*) who records in any reference book or on any document of identification referred to in section *ten*, or on any document lawfully affixed thereto, any information other than the particulars required or permitted to be recorded therein or thereon under this Act, or records any such particulars therein or thereon or affixes any stamp thereto otherwise than in the manner prescribed, or without authority records any such particulars therein or thereon;

(*l*) who, being or having been the employer of a native to whom a reference book has been issued, fails or refuses to sign or endorse such reference book as required by this Act;

(*m*) who, being a native to whom a reference book has been issued, fails or refuses to surrender such book to his employer or former employer for the purpose of signing or endorsing such book as required by this Act;

(*n*) who, for the purposes of this Act knowingly makes or causes to be made a statement which is false in any material particular; or

(*o*) who resists or wilfully obstructs an authorized officer in the exercise of the powers conferred on him by this Act,

shall be guilty of an offence and liable on conviction—

(i) in the case of an offence referred to in sub-paragraph (i) or (ii) of paragraph (*a*) or in paragraph (*f*), (*k*), (*l*) or (*m*) to a fine not exceeding ten pounds or to imprisonment for a period not exceeding one month; and

(ii) in the case of any other offence referred to in this sub-section, to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

(2) The court convicting any person of an offence referred to in paragraph (*g*) or (*i*) of sub-section (1) shall—

(*a*) declare the book or document in respect of which the offence was committed to be forfeited to the State; and

(*b*) declare any instrument used for the purpose of or in connection with the commission of the

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(*d*) wat, indien hy 'n persoon is aan wie 'n bewysboek reeds uitgereik is, versuim om, wanneer hy weer om 'n bewysboek aansoek doen, of wanneer dit weer aan hom uitgereik word, die beampte by wie hy aldus aansoek doen of deur wie die bewysboek aldus uitgereik word, mee te deel dat 'n bewysboek vantevore aan hom uitgereik is;

(*e*) wat versuim om binne een maand nadat 'n bewysboek aan hom uitgereik is, elke ander bewysboek wat vantevore aan hom uitgereik is, aan 'n naturellekommissaris of ander beampte deur die Minister aangewys, af te gee;

(*f*) wat versuim om 'n bepaling van artikel *agt*, *agt bis*, *agt ter* of *nege* of van 'n kennisgewing kragtens artikel *agt* uitgereik, na te kom;

(*g*) wat 'n bewysboek of 'n uitkenbewys in artikel *tien* vermeld, of 'n gedeelte van, of 'n dokument of seël wettiglik geheg aan, of 'n inskrywing of endossement in of op 'n bewysboek of so 'n uitkenbewys vervals of sonder magtiging verander, onleesbaar maak, vernietig of skend;

(*h*) wat sonder magtiging 'n bewysboek of 'n uitkenbewys in artikel *tien* vermeld, of 'n gedeelte van 'n bewysboek of so 'n uitkenbewys, ten opsigte waarvan 'n misdryf vermeld in paragraaf (*g*) gepleeg is, ontvang of besit;

(*i*) wat sonder magtiging 'n boek of dokument wat oënskynlik 'n bewysboek, 'n uitkenbewys in artikel *tien* vermeld, of 'n ander dokument uitgereik kragtens hierdie Wet is of daarvoor gebruik kan word, druk, voortbring of uitreik;

(*j*) wat sonder magtiging 'n bewysboek wat aan iemand anders uitgereik is, of 'n gedeelte daarvan, ontvang, besit, van die hand sit of van die hand laat sit;

(*k*) wat in 'n bewysboek of op 'n uitkenbewys in artikel *tien* vermeld, of op 'n dokument wat wettiglik daaraan geheg is, enige ander inligting aanteken as die besonderhede wat kragtens hierdie Wet daarin of daarop aangeteken moet of kan word, of wat anders as op die voorgeskrewe wyse enige sodanige besonderhede daarin of daarop aanteken of 'n seël daaraan heg, of wat sonder magtiging enige sodanige besonderhede daarin of daarop aanteken;

(*l*) wat, indien hy die werkgewer van 'n naturel is of was aan wie 'n bewysboek uitgereik is, versuim of weier om daardie bewysboek soos deur hierdie Wet vereis, te teken of te endosseer;

(*m*) wat, indien hy 'n naturel is aan wie 'n bewysboek uitgereik is, versuim of weier om daardie bewysboek aan sy werkgewer of vorige werkgewer af te gee om soos deur hierdie Wet vereis, geteken of geëndosseer te word;

(*n*) wat vir die doeleindes van hierdie Wet wetens 'n verklaring wat ten opsigte van 'n wesentlike besonderheid vals is, aflê of laat aflê; of

(*o*) wat 'n gemagtigde beampte by die uitoefening van die bevoegdhede deur hierdie Wet aan hom verleen, weerstaan of opsetlik belemmer,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

(i) in die geval van 'n misdryf in sub-paragraaf (i) of (ii) van paragraaf (*a*) of in paragraaf (*f*), (*k*), (*l*) of (*m*) vermeld, met 'n boete van hoogstens tien pond of gevangenisstraf vir 'n tydperk van hoogstens een maand; en

(ii) in die geval van 'n ander misdryf in hierdie sub-artikel vermeld, met 'n boete van hoogstens honderd pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(2) Die hof wat iemand aan 'n misdryf vermeld in paragraaf (*g*) of (*i*) van sub-artikel (1) skuldig bevind, moet—

(*a*) die boek of dokument ten opsigte waarvan die misdryf gepleeg is, aan die Staat verbeurd verklaar; en

(*b*) enige instrument wat vir die doeleindes van of in verband met die pleeg van die misdryf

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offence, or the convicted person's rights thereto, to be forfeited to the State: Provided that such declaration shall not affect any rights which any person other than the convicted person may have to such instrument, if it is proved that he did not know that it was being used or would be used for the purpose of or in connection with the commission of such offence, or that he could not prevent such use.

(3) The provisions of sub-sections (4) and (5) of section *three hundred and sixty* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply to any confiscation under paragraph (*b*) of sub-section (2) of this section.".

Amendment of section 17 of Act 67 of 1952.

25. Section *seventeen* of the principal Act is hereby amended—

(*a*) by the insertion in paragraph (*a*) after the word "date" of the words "in respect of any native to whom such date applies"; and

(*b*) by the insertion in paragraph (*b*) after the word "date", where it occurs for the first time, of the words "applicable to him".

Short title

26. This Act shall be called the Native Laws Further Amendment Act, 1957.

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gebruik is, of die veroordeelde persoon se regte daarop, aan die Staat verbeurd verklaar: Met dien verstande dat so 'n verbeurdverklaring geen regte raak wat iemand anders as die veroordeelde persoon op die betrokke instrument mag hê nie, indien bewys word dat hy nie geweet het dat dit vir die doeleindes van of in verband met die pleeg van sodanige misdryf gebruik was of sou word nie of dat hy sodanige gebruik nie kon verhoed nie.

(3) Die bepalings van sub-artikels (4) en (5) van artikel *driehonderd-en-sestig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), is *mutatis mutandis* van toepassing op 'n verbeurdverklaring kragtens paragraaf (*b*) van sub-artikel (2) van hierdie artikel.".

Wysiging van artikel 17 van Wet 67 van 1952.

25. Artikel *sewentien* van die Hoofwet word hierby gewysig—

(*a*) deur in paragraaf (*a*) na die woord „datum" die woorde „ten opsigte van 'n naturel op wie dié datum betrekking het" in te voeg; en

(*b*) deur in paragraaf (*b*) na die woord „dit", waar dit die eerste maal voorkom, die woorde „betrekking het" in te voeg, na die woord „datum", waar dit die eerste maal voorkom, die woorde „wat op hom betrekking het" in te voeg, en die woorde „betrekking het" te skrap.

Kort titel.

26. Hierdie Wet heet die Verdere Wysigingswet op Naturellewetgewing, 1957.

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