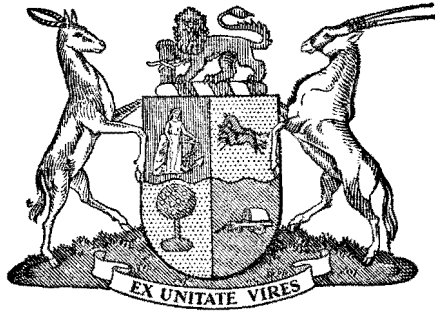


EXTRAORDINARY



BUITENGEWONE

Government Gazette

THE UNION OF SOUTH AFRICA

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

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PRYS 6d. [No. 6195.

DEPARTMENT OF FINANCE

The undermentioned Government Notices are published for general information:—

	PAGE
No. 445	52

DEPARTMENT OF THE PRIME MINISTER.

No. 446.] [25th March, 1959.

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

	PAGE
No. 13 of 1959: Land Settlement Amendment Act, 1959	2
No. 16 of 1959: Criminal Law Amendment Act, 1959	12
No. 21 of 1959: Railways and Harbours Appropriation Act, 1959	38
No. 22 of 1959: Railways and Harbours Unauthorized Expenditure Act, 1959	42
No. 23 of 1959: Railways and Harbours Additional Appropriation Act, 1959	44
No. 24 of 1959: Additional Appropriation Act, 1959	48

DEPARTEMENT VAN FINANSIES.

Onderstaande Goewermentskennisgewings word vir algemene inligting gepubliseer:—

	BLADSY
No. 445	52

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 446.] [25 Maart 1959.

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

	BLADSY
No. 13 van 1959: Wysigingswet op Nedersetting, 1959	3
No. 16 van 1959: Wysigingswet op die Strafreg, 1959	13
No. 21 van 1959: Spoorweg- en Hawebegrotingswet, 1959	39
No. 22 van 1959: Wet op Ongemagtigde Uitgawe vir Spoorweë en Hawens, 1959	43
No. 23 van 1959: Addisionele Spoorweg- en Hawebegrotingswet, 1959	45
No. 24 van 1959: Addisionele Begrotingswet, 1959	49

No. 13, 1959.]

ACT**To amend the Land Settlement Act, 1956.***(English text signed by the Governor-General.)
(Assented to 20th March, 1959.)***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 21 of
1956.**1.** Section *one* of the Land Settlement Act, 1956 (hereinafter referred to as the principal Act) is hereby amended—

- (a) by the substitution in the definition of "local board" for the word "appointed" of the word "established";
- (b) by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):

"(2) Except in respect of the issue of a deed of grant, land shall for the purposes of this Act be deemed to be surveyed also if the situation and extent to the nearest units of measures of area determined by the Minister have been ascertained in the manner required by him by a person designated by the Minister for that purpose."

Amendment of
section 3 of
Act 21 of
1956.**2.** Section *three* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "of three years" of the words "not exceeding three years to be determined by the Governor-General in respect of each such chairman or member on appointment".Amendment of
section 7 of
Act 21 of
1956.**3.** Section *seven* of the principal Act is hereby amended—

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

"(1) There shall be established in respect of each of five areas into which the Governor-General shall divide the Union by proclamation in the *Gazette*, and whereof one area shall consist mainly of the province of Natal or any portion thereof and one area shall consist mainly of the province of the Orange Free State or any portion thereof, a local land board the members whereof shall be appointed by the Governor-General."

- (b) by the deletion in sub-section (2) of the expression "as defined in sub-section (1),".

Amendment of
section 11 of
Act 21 of
1956.**4.** Section *eleven* of the principal Act is hereby amended by the substitution for the expression "appointed under paragraph (a) or (b) of sub-section (1) of section *seven*" of the expression "established in respect of an area which consists mainly of the province of Natal or any portion thereof or mainly of the province of the Orange Free State or any portion thereof".Amendment of
section 18 of
Act 21 of
1956.**5.** Section *eighteen* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (2) for the expression "irrigation area defined under section *ninety-eight* of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912)" of the expression "water control area defined under section *fifty-nine* of the Water Act, 1956 (Act No. 54 of 1956)";
- (b) by the substitution for sub-section (4) of the following sub-section:

"(4) Notwithstanding anything contained in this Act, the Minister may, after consultation with the board, and on such conditions as he may determine, donate, lease, sell or exchange any land acquired by him under sub-section (1), or any portion of any such land, which he considers unnecessary or unsuitable for settlement purposes."

- (c) by the insertion in sub-section (5) after the expression "sub-section (1)" of the expression "or donated, leased, sold or exchanged under sub-section (4)".

No. 13, 1959.]

WET

Tot wysiging van die Nedersettingswet, 1956.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 20 Maart 1959.)

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

1. Artikel *een* van die Nedersettingswet, 1956 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur in die omskrywing van „plaaslike raad” die woord „aangestelde” deur die woord „ingestelde” te vervang;
 - (b) deur aan die end daarvan die volgende sub-artikel by te voeg terwyl die bestaande artikel sub-artikel (1) word:

„(2) Behalwe ten opsigte van die uitreiking van ’n grondbrief, word by die toepassing van hierdie Wet grond geag opgemeet te wees ook indien die ligging en omvang tot die naaste deur die Minister bepaalde eenhede van oppervlaktemate deur ’n deur die Minister daartoe aangewese persoon vasgestel is op die wyse deur die Minister vereis.”.

Wysiging van artikel 1 van Wet 21 van 1956.

2. Artikel *drie* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „drie jaar” deur die woorde „hoogstens drie jaar deur die Goewerneur-generaal ten opsigte van elk so ’n voorsitter of lid by sy aanstelling bepaal” te vervang.

Wysiging van artikel 3 van Wet 21 van 1956.

3. Artikel *sewe* van die Hoofwet word hierby gewysig—
 - (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Daar word ten opsigte van elk van vyf gebiede waarin die Goewerneur-generaal die Unie by proklamasie in die *Staatskoerant* verdeel, en waarvan een gebied hoofsaaklik uit die provinsie Natal of ’n gedeelte daarvan en een gebied hoofsaaklik uit die provinsie Oranje-Vrystaat of ’n gedeelte daarvan bestaan, ’n plaaslike landraad ingestel waarvan die lede deur die Goewerneur-generaal aangestel word.”;
 - (b) deur in sub-artikel (2) die uitdrukking „soos in sub-artikel (1) omskryf,” te skrap.

Wysiging van artikel 7 van Wet 21 van 1956.

4. Artikel *elf* van die Hoofwet word hierby gewysig deur die uitdrukking „ingevolge paragraaf (a) of (b) van sub-artikel (1) van artikel *sewe* aangestel” deur die uitdrukking „ingestel ten opsigte van ’n gebied wat hoofsaaklik uit die provinsie Natal of ’n gedeelte daarvan of hoofsaaklik uit die provinsie Oranje-Vrystaat of ’n gedeelte daarvan bestaan” te vervang.

Wysiging van artikel 11 van Wet 21 van 1956.

5. Artikel *agtien* van die Hoofwet word hierby gewysig—
 - (a) deur in sub-artikel (2) die uitdrukking „*agt-en-negentig* van die ‚Besproeiings- en Waterbewarings Wet, 1912’ (Wet No. 8 van 1912), omskrewes Staatsbesproeiingsgebied” deur die uitdrukking „*nege-en-vyftig* van die Waterwet, 1956 (Wet No. 54 van 1956), omskrewes Staatswaterbeheergebied” te vervang;
 - (b) deur sub-artikel (4) deur die volgende sub-artikel te vervang:

„(4) Ondanks enige bepaling van hierdie Wet, kan die Minister, na oorlegpleging met die raad, grond wat kragtens sub-artikel (1) deur hom verkry is, of enige gedeelte van sodanige grond, wat hy nie vir nedersettingsdoeleindes nodig of geskik ag nie, op die voorwaardes deur hom bepaal, skenk, verhuur, verkoop of verruil.”;
 - (c) deur in sub-artikel (5) na die woord „verkry” die uitdrukking „of kragtens sub-artikel (4) geskenk, verhuur, verkoop of verruil,” in te voeg.

Wysiging van artikel 18 van Wet 21 van 1956.

Amendment of
section 20 of
Act 21 of
1956.

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

(a) by the substitution in sub-section (2) for the words “be in the form prescribed” of the words “contain such particulars as the Minister may require” and the insertion in that sub-section before the proviso thereto of the words “and a statement by the applicant in the form set out in the First Schedule”;

(b) by the insertion at the end of sub-section (2) of the following paragraph, the existing sub-section becoming paragraph (a):

“(b) An applicant who in any declaration required under paragraph (a) in the form set out in the First Schedule, makes a 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 one hundred pounds or, in default of payment, to imprisonment for a period not exceeding six months.”;

(c) by the substitution for paragraph (d) of sub-section (8) of the following paragraph:

“(d) interest at the rate which, on the date of transfer of the land to the Government, was the current rate for the purposes of sub-section (3) of section *thirty-three*, on the difference between the aggregate of the amounts mentioned in paragraphs (a), (b) and (c) and the contribution paid by the applicant towards the purchase price—

(i) for a period of two years, if the applicant is not a lessee of an existing holding; or

(ii) from the said date to the next succeeding date on which an instalment in respect of the original holding is payable, if the applicant is a lessee of an existing holding.”;

(d) by the substitution for paragraph (c) of sub-section (11) of the following paragraph:

“(c) the instalments of purchase price or instalments of interest (as the case may be) payable in respect of the purchase price of the original holding shall as from the second date referred to in sub-paragraph (ii) of paragraph (d) of sub-section (8) be increased accordingly: Provided that in respect of the purchase price of the said land interest shall be payable at the rate referred to in the said paragraph.”.

Amendment of
section 21 of
Act 21 of 1956.

7. Section *twenty-one* of the principal Act is hereby amended—

(a) by the addition at the end of paragraph (c) of sub-section (1) of the words “or the highest amount determined by a sworn appraiser, whichever amount is the higher”;

(b) by the substitution in paragraph (a) of sub-section (3) for the expression “the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), *mutatis mutandis* in accordance with the provisions of sub-section (3) of section *ninety-eight*” of the expression “section *thirty-four* of the Water Act, 1956 (Act No. 54 of 1956), *mutatis mutandis* in accordance with the provisions of sub-section (3) of section *sixty*”.

Amendment of
section 22 of
Act 21 of 1956.

8. Section *twenty-two* of the principal Act is hereby amended—

(a) by the insertion in sub-section (2) after the words “of holdings” of the words “and owners thereof not being lessees”;

(b) by the insertion after sub-section (2) of the following sub-section:

“(2)*bis* The Minister may from time to time and for as long as he deems fit place at the disposal of lessees of holdings and owners thereof not being lessees, as common pasturage any portion of land referred to in sub-section (1) not required for immediate allotment under this Act.”;

(c) by the insertion in sub-section (4) after the word “holdings” of the words “or owners thereof not being lessees,” and after the word “lessee” of the words “or such an owner”.

6. Artikel *twintig* van die Hoofwet word hierby gewysig— Wysiging van artikel 20 van Wet 21 van 1956.
- (a) deur in sub-artikel (2) die woorde „in die voorgeskrewe vorm wees” deur die woorde „die besonderhede deur die Minister vereis, bevat” te vervang en na die woorde „by te dra” die woorde „en ’n verklaring deur die applikant in die vorm in die Eerste Bylae uiteengesit” in te voeg;
- (b) deur aan die end van sub-artikel (2) die volgende paragraaf in te voeg, terwyl die bestaande sub-artikel paragraaf (a) word:
- „(b) ’n Applikant wat in ’n by paragraaf (a) vereiste verklaring in die vorm in die Eerste Bylae uiteengesit, ’n bewering maak wat in ’n wesentlike opsig vals is, met die wete dat dit vals is, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete van hoogstens honderd pond of, by wanbetaling, met gevangenisstraf vir ’n tydperk van hoogstens ses maande.”;
- (c) deur paragraaf (d) van sub-artikel (8) deur die volgende paragraaf te vervang:
- „(d) rente teen die koers wat op die datum waarop die grond aan die Regering getranspoteer was, die heersende koers vir die doeleindes van sub-artikel (3) van artikel *drie-en-dertig* was, op die verskil tussen die som van die bedrae in paragrawe (a), (b) en (c) genoem en die bydrae wat die applikant tot die koopprys betaal het—
- (i) vir ’n tydperk van twee jaar, indien die applikant nie ’n huurder van ’n bestaande hoewe is nie; of
- (ii) vanaf bedoelde datum tot die eersvolgende datum waarop ’n paaielement ten opsigte van die oorspronklike hoewe betaalbaar is, indien die applikant die huurder van ’n bestaande hoewe is.”;
- (d) deur paragraaf (c) van sub-artikel (11) deur die volgende paragraaf te vervang:
- „(c) word die paaielemente van die koopprys of paaielemente van die rente, al na die geval, wat ten opsigte van die koopprys van die oorspronklike hoewe betaalbaar is, vanaf die tweede datum in sub-paragraaf (ii) van paragraaf (d) van sub-artikel (8) vermeld, dienooreenkomstig verhoog: Met dien verstande dat ten opsigte van die koopprys van bedoelde grond rente betaalbaar is teen die koers in bedoelde paragraaf vermeld.”.
7. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig— Wysiging van artikel 21 van Wet 21 van 1956.
- (a) deur in paragraaf (c) van sub-artikel (1) na die woord „het” die woorde „of die hoogste bedrag deur ’n geswore taksateur vasgestel, watter bedrag ook al die hoogste is” in te voeg;
- (b) deur in paragraaf (a) van sub-artikel (3) die uitdrukking „die „Besproeiings- en Waterbewarings Wet, 1912” (Wet No. 8 van 1912), te laat vasstel *mutatis mutandis* ooreenkomstig die bepalings van sub-artikel (3) van artikel *agt-en-negentig*” deur die uitdrukking „artikel *vier-en-dertig* van die Waterwet, 1956 (Wet No. 54 van 1956), te laat vasstel *mutatis mutandis* ooreenkomstig die bepalings van sub-artikel (3) van artikel *sestig*” te vervang.
8. Artikel *twee-en-twintig* van die Hoofwet word hierby gewysig— Wysiging van artikel 22 van Wet 21 van 1956.
- (a) deur in sub-artikel (2) na die woorde „van hoewes” die woorde „en eienaars daarvan wat nie huurders is nie,” in te voeg;
- (b) deur na sub-artikel (2) die volgende sub-artikel in te voeg:
- „(2)*bis* Die Minister kan van tyd tot tyd en vir so lank as wat hy goed ag enige gedeelte van in sub-artikel (1) bedoelde grond wat nie vir onmiddellike toekenning ingevolge hierdie Wet nodig is nie, as gemeenskaplike weiveld tot beskikking stel van huurders van hoewes en eienaars daarvan wat nie huurders is nie.”;
- (c) deur in sub-artikel (4) na die woord „hoewes” die woorde „en eienaars daarvan wat nie huurders is nie,” en na die woord „huurder” die woorde „of so ’n eienaar” in te voeg.

Amendment of section 23 of Act 21 of 1956.

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

- (a) by the insertion in paragraph (b) of the proviso to sub-section (1) after the word "*eighteen*" of the words "or of any other State-owned land which in the opinion of the board is suitable for disposal under this Act";
- (b) by the insertion after sub-section (1) of the following sub-section:

"(1)*bis* The provisions of paragraph (b) of sub-section (2) of section *thirty-nine* and sub-section (7) of that section shall *mutatis mutandis* apply in respect of the allotment of land under paragraph (b) of the proviso to sub-section (1).";
- (c) by the substitution in the proviso to paragraph (b) of sub-section (2) for the words "of four per cent. per annum" of the words "which on the said date was the current rate for the purposes of sub-section (3) of section *thirty-three*,".

Amendment of section 25 of Act 21 of 1956.

10. Section *twenty-five* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "as nearly as may be in the form prescribed" of the words "in the form required by the Minister";
- (b) by the substitution in paragraph (a) of sub-section (4) for the words "the penalties prescribed by law for the crime of perjury" of the words "a fine not exceeding one hundred pounds or, in default of payment, to imprisonment for a period not exceeding six months."

Amendment of section 32 of Act 21 of 1956.

11. Section *thirty-two* of the principal Act is hereby amended by the insertion after sub-section (1) of the following sub-section:

"(1)*bis* For the purposes of registration of a lease issued under this Act, the registrar of deeds concerned shall, in lieu of any diagram required under any other law, accept any diagram prepared in accordance with the provisions of sub-section (2) of section *one*, showing the situation and extent of the land subject to the lease."

Amendment of section 38 of Act 21 of 1956.

12. Section *thirty-eight* of the principal Act is hereby amended by the substitution in sub-section (2) for the expression "river or irrigation board under the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912)" of the expression "irrigation board under the Water Act, 1956 (Act No. 54 of 1956)".

Amendment of section 39 of Act 21 of 1956.

13. Section *thirty-nine* of the principal Act is hereby amended by the addition at the end of paragraph (b) of sub-section (2) of the following proviso:

"Provided that—

- (i) rent in respect of the said land is payable at the rate of the purchase price thereof which, on the date of allotment of the land, was the current rate for the purposes of sub-paragraph (ii) of paragraph (b) of sub-section (4) of section *thirty-one*;
- (ii) interest in respect of the lastmentioned purchase price is payable at the rate which, on the said date, was the current rate for the purposes of sub-section (3) of section *thirty-three*;
- (iii) the Minister may remit wholly or in part any rent payable in respect of the said land for the first three years."

Amendment of section 42 of Act 21 of 1956.

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

- (a) by the insertion in sub-section (1) after the word "improvements", where it occurs for the first time, of the words "of a permanent and substantial nature" and after the word "holding", where it occurs for the second time, of the words "for farming purposes";
- (b) by the addition at the end of sub-section (1) of the words "or, in lieu of causing such improvements to be effected, out of moneys appropriated by Parliament for the purpose and on such conditions as may be prescribed, make advances for the purpose of enabling the lessee to cause such improvements to be effected,

9. Artikel *drie-en-twintig* van die Hoofwet word hierby gewysig— Wysiging van artikel 23 van Wet 21 van 1956.
- (a) deur in paragraaf (b) van die voorbehoudsbepaling by sub-artikel (1) na die woorde „verkry is” die woorde „of van ander Staatsgrond wat volgens die raad se oordeel geskik is om ooreenkomstig hierdie Wet daarvoor te beskik” in te voeg;
- (b) deur die volgende sub-artikel na sub-artikel (1) in te voeg:
 „(1)*bis* Die bepalings van paragraaf (b) van sub-artikel (2) van artikel *nege-en-dertig* en sub-artikel (7) van daardie artikel is *mutatis mutandis* ten opsigte van die toekenning van grond kragtens paragraaf (b) van die voorbehoudsbepaling by sub-artikel (1) van toepassing.”;
- (c) deur in die voorbehoudsbepaling by paragraaf (b) van sub-artikel (2) die woorde „van vier persent per jaar” deur die woorde „wat op bedoelde datum die heersende koers vir die doeleindes van sub-artikel (3) van artikel *drie-en-dertig* was,” te vervang.
10. Artikel *vyf-en-twintig* van die Hoofwet word hierby gewysig— Wysiging van artikel 25 van Wet 21 van 1956.
- (a) deur in sub-artikel (1) die woorde „sover moontlik in die voorgeskrewe vorm” deur die woorde „in die vorm deur die Minister vereis” te vervang;
- (b) deur in paragraaf (a) van sub-artikel (4) die woorde „die strawwe volgens wet vir die misdaad van meened voorgeskryf” deur die woorde „’n boete van hoogstens honderd pond of, by wanbetaling, met gevangenisstraf vir ’n tydperk van hoogstens ses maande” te vervang.
11. Artikel *twee-en-dertig* van die Hoofwet word hierby gewysig deur na sub-artikel (1) die volgende sub-artikel in te voeg: Wysiging van artikel 32 van Wet 21 van 1956.
- „(1)*bis* Vir die doeleindes van registrasie van ’n huurkontrak kragtens hierdie Wet uitgereik, moet die betrokke registrateur van aktes, in plaas van ’n kaart kragtens enige ander wet vereis, ’n kaart aanvaar wat ooreenkomstig die bepalings van sub-artikel (2) van artikel *een* opgestel is en wat die ligging en omvang van die grond wat aan die huurkontrak onderworpe is, aantoon.”.
12. Artikel *agt-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die uitdrukking „rivier- of besproeiingsraad verskuldig en betaalbaar ingevolge die *Besproeiings- en Waterbewarings Wet 1912*, (Wet No. 8 van 1912)” deur die uitdrukking „besproeiingsraad verskuldig en betaalbaar ingevolge die *Waterwet, 1956* (Wet No. 54 van 1956)” te vervang. Wysiging van artikel 38 van Wet 21 van 1956.
13. Artikel *nege-en-dertig* van die Hoofwet word hierby gewysig deur aan die end van paragraaf (b) van sub-artikel (2) die volgende voorbehoudsbepaling by te voeg: Wysiging van artikel 39 van Wet 21 van 1956.
- „Met dien verstande dat—
- (i) huurgeld ten opsigte van bedoelde grond betaalbaar is teen die koers van die koopprys daarvan wat op die datum van toekenning van die grond die heersende koers vir die doeleindes van sub-paragraaf (ii) van paragraaf (b) van sub-artikel (4) van artikel *een-en-dertig* was;
- (ii) rente ten opsigte van laasbedoelde koopprys betaalbaar is teen die koers wat op bedoelde datum die heersende koers vir doeleindes van sub-artikel (3) van artikel *drie-en-dertig* was;
- (iii) die Minister enige huurgeld ten opsigte van bedoelde grond vir die eerste drie jaar betaalbaar, in die geheel of ten dele kan kwytsteld.”.
14. Artikel *twee-en-veertig* van die Hoofwet word hierby gewysig— Wysiging van artikel 42 van Wet 21 van 1956.
- (a) deur in sub-artikel (1) na die woord „verbeterings” waar dit die eerste keer voorkom die woorde „van blywende en wesentlike aard” en na die woord „hoewe” waar dit die tweede keer voorkom die woorde „vir boerderydoeleindes” in te voeg;
- (b) deur aan die end van sub-artikel (1) die woorde „of, in plaas van sodanige verbeterings te laat aanbring, uit gelde deur die Parlement vir die doel bewillig en op die voorwaardes wat voorgeskryf word, voorskotte verleen ten einde die huurder in staat te stel om sodanige verbeterings te laat aanbring, of om verpligte

or to pay for compulsory contributions which may be recovered from him under the Fencing Act, 1912 (Act No. 17 of 1912), and where such an advance is made the amount thereof shall be deemed to be the cost of improvements which the Minister caused to be completed under this section when making the advance”.

Amendment of section 45 of Act 21 of 1956.

15. Section *forty-five* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (3) for the words “on the application of a lessee who desires to hypothecate in favour of a third person any stock or movable property which in terms of sub-section (2) is deemed to be pledged in favour of the Government, waive in respect of all the stock or movable property which is so deemed to be pledged in favour of the Government” of the words “waive in respect of all the stock or movable property which in terms of sub-section (2) is deemed to be pledged in favour of the Government”;
- (b) by the addition at the end thereof of the following sub-section:

“(5) The provisions of section *ninety-six* of the Co-operative Societies Act, 1939 (Act No. 29 of 1939), in so far as they relate to produce belonging to a lessee, do not derogate from any right of the Government in respect of produce deemed in terms of this section to be pledged in favour of the Government.”.

Amendment of section 46 of Act 21 of 1956.

16. Section *forty-six* of the principal Act is hereby amended by the substitution in sub-paragraph (ii) of paragraph (b) of sub-section (1) for the expression “a river board or an irrigation board or any other lawful authority in terms of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912)” of the expression “an irrigation board or any other lawful authority in terms of the Water Act, 1956 (Act No. 54 of 1956)”.

Amendment of section 48 of Act 21 of 1956.

17. Section *forty-eight* of the principal Act is hereby amended by the insertion in paragraph (a) of sub-section (4) after the word “*sixty-seven*” of the words “and if the land has been allotted under this Act before the commencement of the Land Settlement Amendment Act, 1959”.

Amendment of section 53 of Act 21 of 1956.

18. Section *fifty-three* of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of sub-section (1) of the following paragraph:
“(a) enabling any lessee to purchase livestock, implements, seeds and other things necessary on his holding for farming purposes.”;
- (b) by the insertion in paragraph (b) of sub-section (1) after the word “holding” where it occurs for the first time, of the words “for farming purposes”;
- (c) by the insertion in sub-section (1) after the word “holding”, where it occurs for the second last time, of the words “for farming purposes”;
- (d) by the substitution for sub-section (2) of the following sub-section:
“(2) The total amount owing by any lessee in respect of such advances shall not at any time exceed the sum of seven hundred-and-fifty pounds.”;
- (e) by the deletion of sub-section (7).

Amendment of section 60 of Act 21 of 1956, as amended by section 12 of Act 81 of 1957.

19. Section *sixty* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (b) of sub-section (1) for the expression “(c) of sub-section (3) of section *twenty*” of the expression “(b) of sub-section (2) of section *twenty* or paragraph (c) of sub-section (3) of that section”;
- (b) by the deletion in sub-section (2) of the words “shall cancel any lease in the circumstances mentioned in paragraph (a) of sub-section (1) where the cancellation thereof is recommended by the board, and”;
- (c) by the insertion in paragraph (a) of sub-section (5) after the expression “sub-section (1)” of the words “or by reason of failure of the lessee to comply with the provisions of section *thirty-five*”.

Amendment of section 67 of Act 21 of 1956.

20. Section *sixty-seven* of the principal Act is hereby amended—

- (a) by the insertion in paragraph (a) of sub-section (1) after the word “years” of the words “or in the case of a holding allotted under section *twenty*, five years”;
- (b) by the deletion at the end of paragraph (c) of sub-section (2) of the word “and”;

bydraes wat ingevolge die Omheiningswet 1912 (Wet No. 17 van 1912), op hom verhaal kan word, te betaal, en waar so 'n voorskot verleen word, word die bedrag daarvan geag die koste te wees van verbeterings wat die Minister ingevolge hierdie artikel by verlening van die voorskot laat voltooi het" by te voeg.

- 15.** Artikel *vyf-en-veertig* van die Hoofwet word hierby gewysig— Wysiging van artikel 45 van Wet 21 van 1956.
- (a) deur in sub-artikel (3) die woorde „op aansoek van 'n huurder wat vee of losgoed, wat ingevolge sub-artikel (2) geag word ten gunste van die Regering verpand te wees, aan 'n derde party wil verpand, ten opsigte van al die vee of losgoed wat aldus" deur die woorde „ten opsigte van al die vee of losgoed wat ingevolge sub-artikel (2)" te vervang;
- (b) deur die volgende sub-artikel aan die end daarvan by te voeg:
- „(5) Die bepalings van artikel *ses-en-negentig* van die Wet op Koöperatiewe Verenigings, 1939 (Wet No. 29 van 1939), vir sover dit betrekking het op produkte behorende aan 'n huurder, doen nie afbreuk aan 'n reg van die Regering ten opsigte van produkte wat ingevolge hierdie artikel geag word ten gunste van die Regering verpand te wees nie.”
- 16.** Artikel *ses-en-veertig* van die Hoofwet word hierby gewysig deur in sub-paragraaf (ii) van paragraaf (b) van sub-artikel (1) die uitdrukking „,Besproeiings- en Waterbewaringswet, 1912' (Wet No. 8 van 1912), aan 'n rivier- of" deur die uitdrukking „Waterwet, 1956 (Wet No. 54 van 1956), aan 'n" te vervang. Wysiging van artikel 46 van Wet 21 van 1956.
- 17.** Artikel *agt-en-veertig* van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (4) na die woord „,sewe-en-sestig" die woorde „en indien die grond ingevolge hierdie Wet voor die inwerkingtreding van die Wysigingswet op Nedersetting, 1959, toegeken is" in te voeg. Wysiging van artikel 48 van Wet 21 van 1956.
- 18.** Artikel *drie-en-vyftig* van die Hoofwet word hierby gewysig— Wysiging van artikel 53 van Wet 21 van 1956.
- (a) deur paragraaf (a) van sub-artikel (1) deur die volgende paragraaf te vervang:
- „(a) 'n huurder in staat te stel om vee, gereedskap, saad en ander goed wat vir boerderydoeleindes op sy hoewe nodig is, aan te koop;"
- (b) deur in paragraaf (b) van sub-artikel (1) na die woord „hoewe" die woorde „vir boerderydoeleindes" in te voeg;
- (c) deur in sub-artikel (1) na die woord „hoewe" waar dit die laaste keer voorkom die woorde „vir boerderydoeleindes" in te voeg;
- (d) deur sub-artikel (2) deur die volgende sub-artikel te vervang:
- „(2) Die totale bedrag deur 'n huurder ten opsigte van sodanige voorskotte verskuldig, mag nie te eniger tyd die som van sewehonderd-en-vyftig pond te bowe gaan nie.";
- (e) deur sub-artikel (7) te skrap.
- 19.** Artikel *sestig* van die Hoofwet word hierby gewysig— Wysiging van artikel 60 van Wet 21 van 1956, soos by artikel 12 van Wet 81 van 1957 gewysig.
- (a) deur in paragraaf (b) van sub-artikel (1) die uitdrukking „(c) van sub-artikel (3) van artikel *twintig*" deur die uitdrukking „(b) van sub-artikel (2) van artikel *twintig* of paragraaf (c) van sub-artikel (3) van daardie artikel" te vervang;
- (b) deur in sub-artikel (2) die woorde „moet 'n huurkontrak onder die in paragraaf (a) van sub-artikel (1) vermelde omstandighede kanselleer, waar kansellering daarvan deur die raad aanbeveel word, en" te skrap;
- (c) deur in paragraaf (a) van sub-artikel (5) na die woord „redes" die woorde „of op grond van versuim deur die huurder om aan die bepalings van artikel *vyf-en-dertig* te voldoen," in te voeg.
- 20.** Artikel *sewe-en-sestig* van die Hoofwet word hierby gewysig— Wysiging van artikel 67 van Wet 21 van 1956.
- (a) deur in paragraaf (a) van sub-artikel (1) na die woord „jaar" die woorde „of in die geval van 'n kragtens artikel *twintig* toegekende hoewe, vyf jaar" in te voeg;
- (b) deur aan die end van paragraaf (c) van sub-artikel (2) die woord „en" te skrap;

- (c) by the addition at the end of paragraph (d) of subsection (2) of the word "and" and the following paragraph:
 - "(e) any prohibition or restriction which the Minister may with the consent of the lessee impose in respect of the separate alienation—
 - (i) of a holding to which land has been added under this Act; or
 - (ii) of land which has so been added to a holding; or
 - (iii) of separately surveyed land which has been allotted simultaneously with any other such land."

Substitution of First Schedule to Act 21 of 1956.

21. The following Schedule is hereby substituted for the First Schedule to the principal Act:

"FIRST SCHEDULE.

I/We do solemnly and sincerely declare that I/we make the attached application solely on my/our own behalf and not as agent(s) or trustee(s) for any other person, and that the particulars therein contained are true to the best of my/our knowledge and belief.

Signature

Place

Date

Before me

Commissioner of Oaths."

A member or chairman of an existing local land board to remain in office.

22. Any appointment of any person as a member or designation of any person as chairman of a local land board under the principal Act, which took place prior to the commencement of this Act, shall be deemed to have taken place under the principal Act as amended by this Act, in respect of the local land board established under the principal Act as amended by this Act, the area whereof corresponds most closely to the area of the firstmentioned local land board.

Repeal of section 34 of and Second Schedule to Act 21 of 1956.

23. Section *thirty-four* of and the Second Schedule to the principal Act are hereby repealed.

Short title and commencement.

24. This Act shall be called the Land Settlement Amendment Act, 1959, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

- (c) deur aan die end van paragraaf (d) van sub-artikel (2) die woord „en” en die volgende paragraaf by te voeg:
 „(e) enige verbod of beperking wat die Minister met goedkeuring van die huurder mag opleë ten opsigte van die afsonderlike vervreemding—
 (i) van 'n hoewe waarby grond ingevolge hierdie Wet gevoeg is; of
 (ii) van grond wat aldus by 'n hoewe gevoeg is; of
 (iii) van afsonderlik opgemete grond wat gelyktydig met ander sodanige grond toegeken is.”

21. Die Eerste Bylae by die Hoofwet word hierby deur die volgende Bylae vervang:

Vervanging van Eerste Bylae by Wet 21 van 1956.

„EERSTE BYLAE.

Ek/Ons verklaar plegtig en opreg dat ek/ons enkel ten behoeve van myself/onself en nie as agent(e) of kurator(e) vir 'n ander persoon nie, die aangehegte aansoek doen en dat die besonderhede daarin vervat, na my/ons beste wete en oortuiging waar is.

Handtekening.....

Plek.....

Datum.....

Voor my.....

Kommissaris van Ede.”.

22. 'n Aanstelling van iemand as lid of aanwysing van iemand as voorsitter van 'n plaaslike landraad ingevolge die Hoofwet, wat voor die inwerkingtreding van hierdie Wet plaasgevind het, word geag ingevolge die Hoofwet, soos by hierdie Wet gewysig, plaas te gevind het ten opsigte van die plaaslike landraad wat ingevolge die Hoofwet, soos by hierdie Wet gewysig, ingestel is en waarvan die gebied die naaste ooreenstem met die gebied van eersbedoelde plaaslike landraad.

'n Lid of voorsitter van 'n bestaande plaaslike landraad bly sy amp beklee.

23. Artikel vier-en-dertig van en die Tweede Bylae by die Hoofwet word hierby herroep.

Herroeping van artikel 34 van en Tweede Bylae by Wet 21 van 1956.

24. Hierdie Wet heet die Wysigingswet op Nedersetting, 1959, en tree in werking op 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerkingtreding.

No. 16, 1959.]

ACT

To amend the Magistrates' Courts Act, 1944, and the Criminal Procedure Act, 1955.

(Afrikaans text signed by the Governor-General.)
(Assented to 23rd March, 1959.)

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:—

Substitution of section 92 of Act 32 of 1944, as amended by section 21 of Act 40 of 1952.

1. The following section is hereby substituted for section *ninety-two* of the Magistrates' Courts Act, 1944:

"Limits of jurisdiction in the matter of punishments.

92. Save as otherwise in this Act or in any other law specially provided, the court, whenever it may punish a person for an offence—

- (a) by imprisonment, may impose a sentence of imprisonment for a period not exceeding six months, where the court is not the court of a regional division, or not exceeding three years, where the court is the court of a regional division;
- (b) by fine, may impose a fine not exceeding one hundred pounds, where the court is not the court of a regional division, or not exceeding three hundred pounds, where the court is the court of a regional division;
- (c) by whipping, may impose a sentence of whipping with a cane only."

Amendment of section 93*ter* of Act 32 of 1944, as inserted by section 3 of Act 14 of 1954.

2. Section *ninety-three ter* of the Magistrates' Courts Act, 1944, is hereby amended—

(a) by the substitution in sub-section (2) for the expression "*two hundred and twenty-eight* of the Criminal Procedure and Evidence Act, 1917 (Act No. 31 of 1917)" of the expression "*one hundred and eighty-nine* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955)";

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

"(5) The provisions of sub-sections (1), (2) and (5) of section *one hundred and ten* of the Criminal Procedure Act, 1955, shall *mutatis mutandis* apply where an assessor referred to in this section dies or becomes in the opinion of the presiding judicial officer incapable of continuing to act as an assessor."

Substitution of section 94 of Act 32 of 1944.

3. The following section is hereby substituted for section *ninety-four* of the Magistrates' Courts Act, 1944:

"Cases remitted for trial or sentence.

94. When a case in which a preparatory examination has been held, has been remitted for trial or sentence, the court to which it has been remitted shall deal therewith as prescribed in the Criminal Procedure Act, 1955, and may, in respect of each offence or count to which the remittal refers, impose a sentence which in accordance with the terms of the remittal is within its jurisdiction."

Amendment of section 96 of Act 32 of 1944, as amended by section 25 of Act 40 of 1952 and section 25 of Act 62 of 1955.

4. Section *ninety-six* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution in sub-section (1) for the expression "Criminal Procedure and Evidence Act, No. 31 of 1917" of the expression "Criminal Procedure Act, 1955".

Amendment of section 100 of Act 32 of 1944, as amended by section 26 of Act 40 of 1952.

5. Section *one hundred* of the Magistrates' Courts Act, 1944, is hereby amended by the insertion in sub-section (1) after the word "imprisonment" of the words "other than periodical imprisonment,".

No. 16, 1959.]

WET

Tot wysiging van die Wet op Landdroshowe, 1944, en die Strafproseswet, 1955.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 23 Maart 1959.)

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

- 1. Artikel twee-en-negentig** van die Wet op Landdroshowe, 1944, word hierby deur die volgende artikel vervang:

„Perke van jurisdiksie ten aansien van strawwe. **92.** Behoudens andersluidende uitdruklike bepalings in hierdie Wet of in 'n ander wet, kan die hof, wanneer die hof 'n persoon weens 'n misdryf kan straf—

(a) met gevangenisstraf, gevangenisstraf vir 'n tydperk van hoogstens ses maande oplê, waar die hof nie die hof van 'n streekafdeling is nie, of van hoogstens drie jaar, waar die hof die hof van 'n streekafdeling is;

(b) met boete, 'n boete van hoogstens honderd pond oplê, waar die hof nie die hof van 'n streekafdeling is nie, of van hoogstens driehonderd pond, waar die hof die hof van 'n streekafdeling is;

(c) met lyfstraf, slegs lyfstraf met 'n rottang oplê.”

Vervanging van artikel 92 van Wet 32 van 1944, soos by artikel 21 van Wet 40 van 1952 gewysig.
- 2. Artikel drie-en-negentig ter** van die Wet op Landdroshowe, 1944, word hierby gewysig—

(a) deur in sub-artikel (2) die uitdrukking „*tweehonderd agt-en-twintig* van die „Wet op de Kriminele Procedure en Bewijslevering, 1917” (Wet No. 31 van 1917)” deur die uitdrukking „*honderd nege-en-tagtig* van die Strafproseswet, 1955 (Wet No. 56 van 1955)” te vervang;

(b) deur aan die end daarvan die volgende sub-artikel by te voeg:

„(5) Die bepalings van sub-artikels (1), (2) en (5) van artikel *honderd-en-tien* van die Strafproseswet, 1955, is *mutatis mutandis* van toepassing waar 'n assessor in hierdie artikel vermeld, te sterwe kom of volgens die oordeel van die presiderende regterlike amptenaar onbekwaam word om verder as assessor te dien.”

Wysiging van artikel 93ter van Wet 32 van 1944, soos by artikel 3 van Wet 14 van 1954 ingevoeg.
- 3. Artikel vier-en-negentig** van die Wet op Landdroshowe, 1944, word hierby deur die volgende artikel vervang:

„Terugverwysde sake vir verhoor of vonnis. **94.** Wanneer 'n saak waarin 'n voorlopige ondersoek gehou is, vir verhoor of vonnis terugverwys is, handel die hof waarna dit terugverwys is daarmee soos in die Strafproseswet, 1955, voorgeskryf en kan die hof ten opsigte van elke misdryf of aanklag waarop die terugverwysing betrekking het, 'n vonnis oplê wat ooreenkomstig die voorskrifte van die terugverwysing binne die hof se jurisdiksie is.”

Vervanging van artikel 94 van Wet 32 van 1944.
- 4. Artikel ses-en-negentig** van die Wet op Landdroshowe, 1944, word hierby gewysig deur in sub-artikel (1) die uitdrukking „„Wet op de Kriminele Procedure en Bewijslevering”, No. 31 van 1917” deur die uitdrukking „Strafproseswet, 1955” te vervang.

Wysiging van artikel 96 van Wet 32 van 1944, soos by artikel 25 van Wet 40 van 1952 en artikel 25 van Wet 62 van 1955 gewysig.
- 5. Artikel honderd** van die Wet op Landdroshowe, 1944, word hierby gewysig deur in sub-artikel (1) na die woord „gevangenisstraf” die woorde „behalwe periodieke gevangenisstraf” in te voeg.

Wysiging van artikel 100 van Wet 32 van 1944, soos by artikel 26 van Wet 40 van 1952 gewysig.

Amendment of section 101 of Act 32 of 1944.

6. Section *one hundred and one* of the Magistrates' Courts Act, 1944, is hereby amended—

- (a) by the deletion of the words "whether with or without hard labour";
- (b) by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):

"(2) The court may refuse to release any person on bail for the purposes of sub-section (1), in respect of a sentence of a fine or in default of payment imprisonment, if it is satisfied that such person is able to pay the fine."

Amendment of section 102 of Act 32 of 1944.

7. Section *one hundred and two* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution in sub-section (1) for the expression "Criminal Procedure and Evidence Act, No. 31 of 1917" of the expression "Criminal Procedure Act, 1955".

Amendment of section 103 of Act 32 of 1944.

8. Section *one hundred and three* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution in sub-section (1) for the expression "Criminal Procedure and Evidence Act, No. 31 of 1917" of the expression "Criminal Procedure Act, 1955".

Amendment of section 114 of Act 32 of 1944.

9. Section *one hundred and fourteen* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) Nothing in this Act contained shall be construed as affecting the operation of the Criminal Procedure Act, 1955."

Substitution of section 8 of Act 56 of 1955.

10. The following section is hereby substituted for section *eight* of the Criminal Procedure Act, 1955 (hereinafter referred to as the principal Act):

"Power of stopping prosecutions.

8. (1) The attorney-general, or with his consent, any person delegated under section *six* or designated under section *seven*, may, at any time before conviction, stop any prosecution commenced at the public instance within the area of jurisdiction of the attorney-general.

(2) An accused who has pleaded to a charge in respect whereof the prosecution has so been stopped, shall be entitled to a verdict of acquittal in respect of that charge."

Amendment of section 22 of Act 56 of 1955.

11. Section *twenty-two* of the principal Act is hereby amended by the addition at the end of sub-section (1) of the following paragraphs:

"(n) any person reasonably suspected of having failed to observe any condition imposed in postponing the passing of sentence or in suspending the operation of any sentence under this Act;

(o) any person reasonably suspected of having failed to pay any fine or portion thereof on the date fixed by order of court under this Act;

(p) any person who fails to surrender himself in order that he may undergo periodical imprisonment when and where he is required to do so under an order of court or under the laws relating to prisons and gaols."

Amendment of section 111 of Act 56 of 1955, as amended by section 26 of Act 50 of 1956.

12. Section *one hundred and eleven* of the principal Act is hereby amended by the substitution for the words "a notification on or attached to the notice of trial" of the words "notice served upon the registrar of the court and the accused person or persons".

Amendment of section 117 of Act 56 of 1955.

13. Section *one hundred and seventeen* of the principal Act is hereby amended by the addition at the end of sub-section (2) of the words "and of all persons who from information furnished in their applications for registration as voters are clearly exempt from serving as jurors".

Amendment of section 119 of Act 56 of 1955.

14. Section *one hundred and nineteen* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) Whenever a jury will be required for the trial of criminal cases in a superior court, the sheriff or his deputy shall summon as many jurors as the attorney-general may direct."

- 6. Artikel honderd-en-een** van die Wet op Landdroshowe, 1944, word hierby gewysig—
- (a) deur die woorde „met of sonder dwangarbeid” te skrap;
- (b) deur die volgende sub-artikel aan die end daarvan by te voeg, terwyl die bestaande artikel sub-artikel (1) word:
- „(2) Die hof kan weier om 'n persoon vir die doeleindes van sub-artikel (1) op borgtog vry te laat, ten opsigte van 'n vonnis van 'n boete, of by wanbetaling gevangenisstraf, indien die hof oortuig is dat dié persoon in staat is om die boete te betaal.”
- 7. Artikel honderd-en-twee** van die Wet op Landdroshowe, 1944, word hierby gewysig deur in sub-artikel (1) die uitdrukking „,Wet op de Kriminele Procedure en Bewijslevering’, No. 31 van 1917” deur die uitdrukking „Strafproseswet, 1955” te vervang.
- 8. Artikel honderd-en-drie** van die Wet op Landdroshowe, 1944, word hierby gewysig deur in sub-artikel (1) die uitdrukking „,Wet op de Kriminele Procedure en Bewijslevering’, No. 31 van 1917” deur die uitdrukking „Strafproseswet, 1955” te vervang.
- 9. Artikel honderd-en-veertien** van die Wet op Landdroshowe, 1944, word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:
- „(1) Die bepalings van hierdie Wet raak nie die toepassing van die Strafproseswet, 1955, nie.”
- 10. Artikel agt** van die Strafproseswet, 1955 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:
- „Bevoegdheid om vervolgings stop te sit.
- 8. (1)** Die prokureur-generaal, of met sy toestemming, iemand ingevolge artikel *ses* aangestel of ingevolge artikel *sewe* aangewys, kan, te eniger tyd voor skuldigbevinding, 'n vervolging stopsit wat van staatsweë binne die regsgebied van die prokureur-generaal begin is.
- (2) 'n Beskuldigde wat op 'n aanklag ten opsigte waarvan die vervolging aldus stopgesit is, gepleit het, is ten opsigte van daardie aanklag op vryspraak geregtig.”
- 11. Artikel twee-en-twintig** van die Hoofwet word hierby gewysig deur die volgende paragrafe aan die end van sub-artikel (1) by te voeg:
- „(n) wat op redelike gronde daarvan verdink word dat hy in gebreke gebly het om 'n voorwaarde na te kom wat by die uitstel van die oplegging van 'n vonnis of by die opskorting van die tenuitvoerlegging van 'n vonnis ingevolge hierdie Wet, opgelê is;
- (o) wat op redelike gronde daarvan verdink word dat hy in gebreke gebly het om 'n boete of 'n gedeelte daarvan op die datum wat by hofbevel ingevolge hierdie Wet bepaal is, te betaal;
- (p) wat in gebreke bly om hom oor te gee sodat hy periodieke gevangenisstraf kan ondergaan wanneer en waar hy verplig is om dit te doen ingevolge 'n hofbevel of ingevolge die wetsbepalings op gevangnisse en tronke.”
- 12. Artikel honderd-en-elf** van die Hoofwet word hierby gewysig deur die woorde „op of geheg aan die kennisgewing van verhoor” deur die woorde „aan die griffier van die hof en die beskuldigde persoon of persone” te vervang.
- 13. Artikel honderd-en-sewentien** van die Hoofwet word hierby gewysig deur aan die end van sub-artikel (2) die woorde „en van alle persone wat volgens inligting in hul aansoeke om registrasie as kiesers verstrek, klaarblyklik van diens as jurieledes vrygestel is” by te voeg.
- 14. Artikel honderd-en-negentien** van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:
- „(1) Wanneer 'n jurie nodig sal wees vir die verhoor van strafsake in 'n hoërhof, dagvaar die balju of sy adjunk soveel jurieledes as wat die prokureur-generaal gelas.”

Wysiging van artikel 101 van Wet 32 van 1944.

Wysiging van artikel 102 van Wet 32 van 1944.

Wysiging van artikel 103 van Wet 32 van 1944.

Wysiging van artikel 114 van Wet 32 van 1944.

Vervanging van artikel 8 van Wet 56 van 1955.

Wysiging van artikel 22 van Wet 56 van 1955.

Wysiging van artikel 111 van Wet 56 van 1955, soos by artikel 26 van Wet 50 van 1956 gewysig.

Wysiging van artikel 117 van Wet 56 van 1955.

Wysiging van artikel 119 van Wet 56 van 1955.

Insertion of section 179bis in Act 56 of 1955.

15. The following section is hereby inserted in the principal Act after section *one hundred and seventy-nine*:

“Defect in indictment or charge cured by evidence. 179bis. Whenever an indictment or charge in respect of any offence is defective for want of the averment of any matter which is an essential ingredient of the offence, the defect shall be cured by evidence at the trial in respect of the offence proving the presence of such a matter which should have been averred, unless the want of such averment was brought to the notice of the court before judgment.”.

Amendment of section 180 of Act 56 of 1955.

16. Section *one hundred and eighty* of the principal Act is hereby amended by the insertion after the word “charge” where it occurs for the last time in sub-section (1) of the expression “(whether or not it discloses an offence)”.

Amendment of section 196 of Act 56 of 1955.

17. Section *one hundred and ninety-six* of the principal Act is hereby amended by the insertion of the following sub-section after sub-section (3):

“(3)bis. Any person charged with murder or culpable homicide in regard to whom it is not proved that he committed the crime of murder or culpable homicide, may be convicted of public violence if it is proved that in fact such offence was committed.”.

Insertion of section 200bis in Act 56 of 1955.

18. The following section is hereby inserted in the principal Act after section *two hundred*:

“Persons charged with receiving stolen goods knowing them to have been stolen, may be convicted of theft. 200bis. Any person charged with receiving stolen goods knowing them to have been stolen, may be found guilty of theft, if such be the facts proved.”.

Amendment of section 226 of Act 56 of 1955.

19. Section *two hundred and twenty-six* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (d) of sub-section (1) for all the words after the words “provision of” of the expression “section *two, eight, nine, ten, eleven, twelve, thirteen, seventeen* or *twenty* of the Immorality Act, 1957 (Act No. 23 of 1957)”;
- (b) by the substitution in sub-section (2) for the expression “the Immorality Act, 1927 (Act No. 5 of 1927)” of the expression “section *sixteen* of the Immorality Act, 1957”.

Amendment of section 289 of Act 56 of 1955, as amended by section 28 of Act 50 of 1956.

20. Section *two hundred and eighty-nine* of the principal Act is hereby amended by the substitution in sub-section (3) for the words “may, at the request of the public prosecutor,” of the words “or any magistrate may”.

Insertion of sections 303bis and 303ter in Act 56 of 1955

21. The following sections are hereby inserted in the principal Act after section *three hundred and three*:

“Proof of previous convictions after conviction of offences referred to in Part I of the Third Schedule. 303bis. (1) Whenever an accused has been found guilty of an offence referred to in Part I of the Third Schedule, the court shall not pass sentence on the accused for such offence, whether or not any previous conviction has been proved against him, unless the prosecutor produces to the court a certificate purporting to be issued by the South African Criminal Bureau, which indicates the previous convictions recorded in the records of the said Bureau against the accused or indicates that no previous convictions have so been recorded.

(2) If the said certificate indicates any previous conviction which, if proved against the accused, would result in the compulsory imposition of a prescribed punishment on him, the court shall, notwithstanding anything to the contrary in this Chapter contained, afford the prosecutor an opportunity of proving the said previous conviction.

15. Die volgende artikel word hierby in die Hoofwet na artikel *honderd nege-en-sewentig* ingevoeg: Invoeging van artikel 179bis in Wet 56 van 1955.
- „Gebrek in 179bis. Wanneer 'n akte van beskuldiging of aanklag ten opsigte van 'n misdryf gebrekkig is weens gebrek aan die bewering van enigiets wat 'n wesenlike bestanddeel van die misdryf is, word die gebrek by die verhoor ten opsigte van die misdryf deur getuienis herstel wat die aanwesigheid bewys van so iets wat beweer moes word, tensy die gebrek aan dié bewering vóór uitspraak onder die aandag van die hof gebring is.”.
16. Artikel *honderd-en-tagtig* van die Hoofwet word hierby gewysig deur na die woord „aanklag”, waar dit die laaste keer in sub-artikel (1) voorkom, die uitdrukking „(hetsy dit 'n misdryf inhou al dan nie)” in te voeg. Wysiging van artikel 180 van Wet 56 van 1955.
17. Artikel *honderd ses-en-negentig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel na sub-artikel (3) in te voeg: Wysiging van artikel 196 van Wet 56 van 1955.
- „(3)bis. Iemand wat weens moord of strafbare manslag aangekla word en met betrekking tot wie dit nie bewys word dat hy die misdaad van moord of strafbare manslag gepleeg het nie, kan aan openbare geweld skuldig bevind word indien dit bewys word dat daardie misdryf inderdaad gepleeg is.”.
18. Die volgende artikel word hierby in die Hoofwet na artikel *tweehonderd* ingevoeg: Invoeging van artikel 200bis in Wet 56 van 1955.
- „Persone wat weens ontvang van gesteelde goed wetende dat dit gesteel is, aangekla word, kan weens diefstal skuldig bevind word. 200bis. Iemand wat weens ontvang van gesteelde goed wetende dat dit gesteel is, aangekla word, kan weens diefstal skuldig bevind word indien die feite dit bewys.”.
19. Artikel *tweehonderd ses-en-twintig* van die Hoofwet word hierby gewysig— Wysiging van artikel 226 van Wet 56 van 1955.
- (a) deur in paragraaf (d) van sub-artikel (1) al die woorde na die woorde „bepaling van” deur die uitdrukking „artikel twee, agt, nege, tien, elf, twaalf, dertien, sewentien of twintig van die Ontugwet, 1957 (Wet No. 23 van 1957)” te vervang;
- (b) deur in sub-artikel (2) die uitdrukking „die Ontug Wet, 1927 (Wet No. 5 van 1927)” deur die uitdrukking „artikel sestien van die Ontugwet, 1957” te vervang.
20. Artikel *tweehonderd nege-en-tagtig* van die Hoofwet word hierby gewysig deur in sub-artikel (3) die woorde „kan, op versoek van die staatsaanklaer,” deur die woorde „of 'n magistraat kan” te vervang. Wysiging van artikel 289 van Wet 56 van 1955, soos by artikel 28 van Wet 50 van 1956 gewysig.
21. Die volgende artikels word hierby in die Hoofwet na artikel *driehonderd-en-drie* ingevoeg: Invoeging van artikels 303bis en 303ter in Wet 56 van 1955.
- „Bewys van vorige skuldigbevindings na skuldigbevinding aan misdrywe in Deel I van die Derde Bylae vermeld. 303bis. (1) Wanneer 'n beskuldigde aan 'n misdryf in Deel I van die Derde Bylae vermeld, skuldig bevind is, lê die hof die beskuldigde nie 'n straf weens dié misdryf op nie, hetsy 'n vorige skuldigbevinding teen hom bewys is al dan nie, tensy die aanklaer aan die hof 'n sertifikaat voorlê wat deur die Suid-Afrikaanse Kriminele Buro uitgereik heet te wees, en wat die vorige skuldigbevindings aantoon wat in die stukke van genoemde Buro teen die beskuldigde opgeteken is of wat aantoon dat geen vorige skuldigbevinding aldus opgeteken is nie.
- (2) Indien genoemde sertifikaat 'n vorige skuldigbevinding aantoon wat, indien dit teen die beskuldigde bewys word, die verpligte oplegging van 'n voorgeskrewe straf op hom tot gevolg sou hê, verleen die hof, ondanks andersluidende bepalings van hierdie Hoofstuk, die geleentheid aan die aanklaer om genoemde vorige skuldigbevinding te bewys.

Rules relating to previous convictions to be taken into account in imposing sentence.

303ter. (1) The rules contained in the Fifth Schedule shall be observed by a court when taking previous convictions into account in imposing any sentence on a person convicted by it of an offence.

(2) The Governor-General may by proclamation in the *Gazette* amend or withdraw the rules contained in the Fifth Schedule or add new rules thereto.

(3) Any proclamations issued under sub-section (2) shall be laid on the Tables of both Houses of Parliament within fourteen days after promulgation thereof if Parliament is then in ordinary session or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

(4) If both Houses of Parliament by resolutions passed in the same session (being a session during which a proclamation has been laid on the Tables of both Houses of Parliament in terms of sub-section (3)) disapprove of any such proclamation or of any provision in any such proclamation, such proclamation or such provision thereof shall thereafter cease to be of force and effect to the extent to which it is so disapproved."

Amendment of section 304 of Act 56 of 1955.

22. Section *three hundred and four* of the principal Act is hereby amended by the addition of the following sub-section at the end thereof, the existing section becoming sub-section (1):

"(2) A telegram purporting to have been sent by any officer referred to in sub-section (1) or by any officer of any court, in reply to a request by the court for particulars relating to anything contained in such a record, photograph or document, shall likewise be admissible in evidence in any criminal proceedings and be *prima facie* proof of the facts set forth in such telegram."

Insertion of section 309bis in Act 56 of 1955.

23. The following section is hereby inserted in the principal Act after section *three hundred and nine*:

"Notice to appear in inferior court.

309bis. (1) If a peace officer has reasonable grounds for believing that an inferior court will on convicting any person of any offence, impose a sentence of a fine not exceeding fifteen pounds and hands to such person a written notice in the prescribed form calling upon him to appear to answer a charge of having committed such offence, such person shall, except for the purposes of sub-section (2) of section *three hundred and ten*, be deemed to have been duly summoned under section *three hundred and nine* to appear to answer the charge at the time and place stated in the notice.

(2) When a person under the age of nineteen years is handed a notice as aforesaid, the provisions of sub-sections (1), (2) and (4) of section *fifty-seven* shall *mutatis mutandis* apply as if the notice were a summons served by the said peace officer upon such person."

Substitution of section 329 of Act 56 of 1955, as amended by section 4 of Act 9 of 1958.

24. The following section is hereby substituted for section *three hundred and twenty-nine* of the principal Act:

"Nature of punishments.

329. (1) The following sentences may subject to the provisions of this Act and of any other law and of the common law be passed upon a person convicted of an offence, namely—

- (a) sentence of death;
- (b) imprisonment with or without solitary confinement and spare diet;
- (c) periodical imprisonment;
- (d) imprisonment for corrective training;
- (e) imprisonment for the prevention of crime;
- (f) declaration as an habitual criminal;
- (g) fine;
- (h) detention at a farm colony;
- (i) detention at an inebriate reformatory;
- (j) whipping;
- (k) putting the accused under recognizance with conditions.

Reëls met betrekking tot vorige skuldigbevindings wat in aanmerking geneem moet word by die oplegging van straf.

303ter. (1) Die reëls in die Vyfde Bylae vervat, moet deur 'n hof nagekom word wanneer die hof vorige skuldigbevindings in aanmerking neem by die oplegging van 'n straf op iemand deur die hof aan 'n misdryf skuldig bevind.

(2) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* die reëls in die Vyfde Bylae vervat, wysig of herroep of nuwe reëls daarby voeg.

(3) 'n Kragtens sub-artikel (2) uitgevaardigde proklamasie word binne veertien dae na afkondiging daarvan in beide Huisse van die Parlement ter Tafel gelê indien 'n gewone sessie van die Parlement dan aan die gang is, of indien 'n gewone sessie van die Parlement nie dan aan die gang is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

(4) Indien beide Huisse van die Parlement by besluite wat gedurende dieselfde sessie geneem word (naamlik 'n sessie waarin 'n proklamasie ooreenkomstig sub-artikel (3) in beide Huisse van die Parlement ter Tafel gelê is) so 'n proklamasie of 'n bepaling van so 'n proklamasie afkeur, verval die regskrag van die proklamasie of die bepaling daarvan vir sover dit aldus afgekeur word."

22. Artikel *driehonderd-en-vier* van die Hoofwet word hierby gewysig deur die volgende sub-artikel aan die end daarvan by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

Wysiging van artikel 304 van Wet 56 van 1955.

„(2) 'n Telegram wat deur 'n in sub-artikel (1) vermelde beampte of deur 'n beampte van een of ander hof afgestuurd heet te wees, in antwoord op 'n versoek deur die hof om besonderhede met betrekking tot enigiets in so 'n register, foto of stuk vervat, is insgelyks in 'n strafsak as getuienis toelaatbaar, en is *prima facie* bewys van die feite in die telegram uiteengesit."

23. Die volgende artikel word hierby in die Hoofwet na artikel *driehonderd-en-nege* ingevoeg:

Invoeging van artikel 309bis in Wet 56 van 1955.

„Kennisgewing om in laerhof te verskyn.

309bis. (1) Indien 'n vredesbeampte redelike gronde het om te vermoed dat 'n laerhof by die veroordeling van 'n persoon weens 'n misdryf, 'n vonnis van 'n boete van hoogstens vyftien pond sal oplê en aan daardie persoon 'n skriftelike kennisgewing in die voorgeskrewe vorm oorhandig wat hom aansê om te verskyn om te antwoord op 'n aanklag dat hy daardie misdryf gepleeg het, word dit, behalwe vir die doeleindes van sub-artikel (2) van artikel *driehonderd-en-tien*, geag dat daardie persoon behoorlik ingevolge artikel *driehonderd-en-nege* gedagvaar is om op die tyd en plek in die kennisgewing vermeld, te verskyn om op die aanklag te antwoord.

(2) Wanneer 'n kennisgewing soos voormeld aan iemand onder die ouderdom van negentien jaar oorhandig word, is die bepalings van sub-artikels (1), (2) en (4) van artikel *sewe-en-vyftig mutatis mutandis* van toepassing asof die kennisgewing 'n dagvaarding was wat deur genoemde vredesbeampte aan so iemand bestel is."

24. Artikel *driehonderd nege-en-twintig* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 329 van Wet 56 van 1955, soos by artikel 4 van Wet 9 van 1958 gewysig.

„Aard van strawwe.

329. (1) Die volgende strawwe kan behoudens die bepalings van hierdie Wet en van 'n ander wetsbepaling en van die gemenerereg iemand wat aan 'n misdryf skuldig bevind word, opgelê word, naamlik—

- (a) die doodvonnis;
- (b) gevangenisstraf met of sonder alleenopsluiting en skraal rantsoen;
- (c) periodieke gevangenisstraf;
- (d) gevangenisstraf vir korrektiewe opleiding;
- (e) gevangenisstraf ter voorkoming van misdaad;
- (f) verklaring tot gewoontemisdadiger;
- (g) boete;
- (h) aanhouding in 'n boerderykolonie;
- (i) aanhouding in 'n dronkaardsasiel;
- (j) lyfstraf;
- (k) die beskuldigde onder borgakte met voorwaardes stel.

(2) Save as is otherwise specially provided in this Act, nothing therein contained shall be construed—

- (a) as authorizing any court to impose for any offence any sentence other than, or in excess of, the sentence which by law it is competent for that court to impose for that offence; or
- (b) as derogating from the authority specially conferred on any court by any law to impose any other punishment or to impose any forfeiture in addition to any other punishment.”.

Amendment of section 330 of Act 56 of 1955.

25. Section *three hundred and thirty* of the principal Act is hereby amended by the insertion at the beginning thereof of the following sub-section, the existing section becoming sub-section (2):

“(1) Sentence of death may be passed by a superior court only and shall be passed by such a court upon a person convicted before or by it of murder, and may be passed by such a court upon a person convicted before or by it of treason or rape or robbery (including an attempt to commit robbery) if aggravating circumstances are found to have been present or any offence, either at common law or under any statute, of housebreaking or attempted housebreaking with intent to commit an offence, if aggravating circumstances are found to have been present: Provided that where a woman is convicted of the murder of her newly born child, or where a person under eighteen years of age is convicted of murder or where the jury, in convicting the accused of murder, expresses, in terms of sub-section (2) of section *one hundred and forty-one*, the opinion that there are extenuating circumstances, or in the case of a trial without a jury, where the court is of opinion that there are extenuating circumstances, the court may impose any sentence other than the death sentence.”.

Insertion of section 333bis in Act 56 of 1955.

26. The following section is hereby inserted in the principal Act after section *three hundred and thirty-three*:

“Interpretation of certain provisions in laws relating to imprisonment and fines.
333bis. (1) In construing any provision of any law (not being an Act of Parliament passed after the commencement of this section or anything enacted by virtue of powers conferred by such an Act), in so far as it prescribes or confers the power to prescribe a punishment for any offence, any reference in that law—

- (a) to imprisonment with or without any form of labour, shall be construed as a reference to imprisonment only;
- (b) to any period of imprisonment of less than three months which may not be exceeded in imposing or prescribing a sentence of imprisonment, shall be construed as a reference to a period of imprisonment of three months;
- (c) to any fine of less than twenty-five pounds, which may not be exceeded in imposing or prescribing a fine, shall, subject to the provisions of sub-section (2), be construed as a reference to a fine of twenty-five pounds.

(2) The provisions of paragraph (c) of sub-section (1) shall not apply in relation to any offence cognizable in the first instance only by a court which has no jurisdiction to impose a sentence of imprisonment.”.

Amendment of section 334 of Act 56 of 1955.

27. Section *three hundred and thirty-four* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (1) of the words “and a person liable to a sentence of imprisonment, may be sentenced to imprisonment with or without compulsory labour,”;
- (b) by the deletion in sub-section (2) of the words “or imprisonment with compulsory labour, as distinguished from imprisonment with or without compulsory labour,”;
- (c) by the substitution for sub-section (3) of the following sub-section:

“(3) Notwithstanding anything to the contrary contained in any law, but subject to the provisions

(2) Behoudens andersluidende uitdruklike bepalings in hierdie Wet, word geen bepaling van hierdie Wet uitgelê asof dit—

- (a) aan 'n hof bevoegdheid verleen om vir 'n misdryf 'n ander of 'n hoër straf op te lê as die straf wat daardie hof regtens bevoeg is om vir daardie misdryf op te lê nie; of
- (b) afbreuk doen aan die bevoegdheid wat spesiaal aan 'n hof by wetlike voorskrif verleen word om 'n ander straf op te lê of om benewens 'n ander straf enigiets verbeurd te verklaar nie.”.

25. Artikel *driehonderd-en-dertig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel aan die begin daarvan in te voeg, terwyl die bestaande artikel sub-artikel (2) word:

Wysiging van artikel 330 van Wet 56 van 1955.

„(1) Die doodvonnis kan slegs deur 'n hoërhof opgelê word en moet deur so 'n hof iemand opgelê word wat voor of deur dié hof aan moord skuldig bevind word, en kan deur so 'n hof iemand opgelê word wat voor of deur dié hof skuldig bevind word weens hoogverraad of verkragting of roof (met inbegrip van 'n poging tot roof) indien dit bevind word dat verswarende omstandighede aanwesig was of 'n misdryf, hetsy kragtens die gemenerereg of 'n wetsbepaling, van huisbraak met die doel om 'n misdryf te pleeg of 'n poging daartoe, indien dit bevind word dat verswarende omstandighede aanwesig was: Met dien verstande dat wanneer 'n vrou skuldig bevind word aan moord op haar pangebore kind, of wanneer iemand onder die ouderdom van agtien jaar aan moord skuldig bevind word, of waar die jurie, by skuldigbevinding van die beskuldigde aan moord, kragtens sub-artikel (2) van artikel *honderd een-en-veertig* die mening uitspreek dat daar versagtende omstandighede is, of in die geval van 'n verhoor sonder 'n jurie, waar die hof van oordeel is dat daar versagtende omstandighede is, die hof 'n ander vonnis as die doodvonnis kan oplê.”.

26. Die volgende artikel word hierby in die Hoofwet na artikel *driehonderd drie-en-dertig* ingevoeg:

Invoeging van artikel 333bis in Wet 56 van 1955.

„Uitleg van sekere bepalings in wette met betrekking tot gevangenisstraf en boetes.

333bis. (1) By die uitleg van 'n bepaling in een of ander wet (behalwe 'n Wet van die Parlement wat na die inwerkingtreding van hierdie artikel aangeneem word of enigiets wat ingevolge bevoegdhede deur so 'n Wet verleen, verorden is), vir sover dit 'n straf vir 'n misdryf voorskryf of die bevoegdheid verleen om so 'n straf voor te skryf, word 'n verwysing in daardie wet—

- (a) na gevangenisstraf met of sonder een of ander vorm van arbeid, as 'n verwysing na slegs gevangenisstraf uitgelê;
- (b) na 'n tydperk van gevangenisstraf vir minder as drie maande wat by die oplê of voorskryf van gevangenisstraf nie te bowe gegaan mag word nie, as 'n verwysing na 'n tydperk van gevangenisstraf van drie maande uitgelê;
- (c) na 'n boete van minder as vyf-en-twintig pond, wat by die oplê of voorskryf van 'n boete nie te bowe gegaan mag word nie, behoudens die bepalings van sub-artikel (2) as 'n verwysing na 'n boete van vyf-en-twintig pond uitgelê.

(2) Die bepalings van paragraaf (c) van sub-artikel (1) is nie van toepassing nie met betrekking tot 'n misdryf wat in die eerste instansie beregbaar is slegs deur 'n hof wat nie regsbevoegdheid het om gevangenisstraf op te lê nie.”.

27. Artikel *driehonderd vier-en-dertig* van die Hoofwet, word hierby gewysig—

Wysiging van artikel 334 van Wet 56 van 1955.

- (a) deur in sub-artikel (1) die woorde „en iemand wat met gevangenisstraf strafbaar is, kan tot gevangenisstraf met of sonder dwangarbeid veroordeel word” te skrap;
- (b) deur in sub-artikel (2) die woorde „of gevangenisstraf met dwangarbeid, in teenstelling met gevangenisstraf met of sonder dwangarbeid,” te skrap;
- (c) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Ondanks andersluidende wetsbepalings, maar behoudens die bepalings van sub-artikel (5), is 'n hof

- of sub-section (5), any court which sentences a person to a period of imprisonment without the option of a fine shall be competent to order that during that period or any portion thereof the imprisonment shall be on spare diet and in solitary confinement.”;
- (d) by the deletion in sub-section (4) of the words “whether with or without compulsory labour,”;
- (e) by the substitution for sub-section (5) of the following sub-section:

“(5) Save as provided in the laws relating to prisons and gaols, no person shall be sentenced to imprisonment on spare diet and in solitary confinement if the period of such imprisonment alone or together with any unexpired portion of any sentence of imprisonment without the option of a fine imposed on him would exceed six months.”.

Insertion of sections 334bis, 334ter and 334quat in Act 56 of 1955.

28. The following sections are hereby inserted in the principal Act after section *three hundred and thirty-four*:

“Periodical imprisonment. 334bis. (1) The provisions of this section shall apply only in such areas as the Minister may from time to time determine by notice in the *Gazette*.

(2) If a court convicts a person of any offence other than an offence specified in the Fourth Schedule or an offence in respect of which the imposition of a prescribed punishment on the person convicted thereof is compulsory, it may, in lieu of any other punishment, sentence such person to undergo in accordance with the laws relating to prisons and gaols, periodical imprisonment for a period of not less than one hundred hours and not exceeding one thousand hours.

(3) The court imposing a sentence of periodical imprisonment upon any person shall cause him to be furnished with a notice in writing in the prescribed form directing that he shall on a date and at a time specified in the notice or (if prevented from doing so by circumstances beyond his control) as soon as possible thereafter, surrender himself for the purpose of undergoing such imprisonment to the officer in charge of a place so specified within an area in which this section applies, whether within or outside the area of jurisdiction of the court.

(4) A copy of the said notice shall serve as a warrant for the reception into custody of the convicted person by the said officer.

(5) Any person who—

- (a) without lawful excuse, proof whereof shall be on such person, fails to comply with a notice issued under sub-section (3); or
- (b) surrenders himself for the purpose of undergoing periodical imprisonment, while under the influence of intoxicating liquor or narcotic drugs; or
- (c) impersonates or falsely represents himself to be a person who has been directed to surrender himself for the purpose of undergoing periodical imprisonment,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding three months.

(6) If, before the expiration of any sentence of periodical imprisonment imposed upon any person for any offence, such person is undergoing a punishment of any other form of detention imposed by any court, any magistrate before whom such person is brought, shall set aside the unexpired portion of the sentence of periodical imprisonment and, after considering the evidence recorded in respect of such offence, may impose in lieu of such unexpired portion, any punishment within the limits of his punitive jurisdiction and of any punishment prescribed by any law as a punishment for such offence.

Imprisonment for corrective training.

334ter. (1) Subject to the provisions of sub-sections (2) and (3), a superior court or the court of a regional division which convicts a person of one or more offences, may, if it is satisfied that the said person requires training and treatment for his reformation, impose in lieu of any other punishment for such offence or offences, a sentence of imprisonment for corrective training.

wat iemand tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete veroordeel, bevoeg om te beveel dat gedurende daardie tydperk of 'n gedeelte daarvan die gevangenisstraf op skraal rantsoen en met alleenopsluiting moet wees.”;

(d) deur in sub-artikel (4) die woorde „met of sonder dwangarbeid,” te skrap;

(e) deur sub-artikel (5) deur die volgende sub-artikel te vervang:

„(5) Behoudens die bepalings van die wette op gevangenis en tronke, word niemand veroordeel tot gevangenisstraf op skraal rantsoen en met alleenopsluiting nie indien die tydperk van dié gevangenisstraf alleen of saam met 'n onverstreke gedeelte van gevangenisstraf sonder die keuse van 'n boete hom opgelê, ses maande te bowe sou gaan.”.

28. Die volgende artikels word hierby in die Hoofwet na artikel *driehonderd vier-en-dertig* ingevoeg: Invoeging van artikels 334bis, 334ter en 334quat in Wet 56 van 1955.

„Periodieke gevangenisstraf.

334bis. (1) Die bepalings van hierdie artikel is van toepassing slegs in die gebiede wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal.

(2) Indien 'n hof iemand skuldig bevind aan 'n ander misdryf as 'n misdryf in die Vierde Bylae genoem of 'n misdryf ten opsigte waarvan die oplegging van 'n voorgeskrewe straf op die persoon wat daaraan skuldig bevind word, verpligtend is, kan die hof, in die plek van enige ander straf, so iemand veroordeel om, ooreenkomstig die wetsbepalings op gevangenis en tronke, periodieke gevangenisstraf vir 'n tydperk van minstens honderd uur en hoogstens duisend uur te ondergaan.

(3) Die hof wat iemand periodieke gevangenisstraf oplê, moet 'n skriftelike kennisgewing in die voorgeskrewe vorm aan hom laat verstrek wat hom gelas om op 'n datum en tyd in die kennisgewing vermeld of (indien hy deur omstandighede buite sy beheer verhoed word om dit te doen) so spoedig moontlik daarná, hom oor te gee om daardie gevangenisstraf te ondergaan, aan die beampte in bevel van 'n aldus vermelde plek binne 'n gebied waarin hierdie artikel van toepassing is, hetsy binne of buite die regsgebied van die hof.

(4) 'n Afskrif van genoemde kennisgewing dien as 'n lasbrief vir die inbewaringneming van die veroordeelde persoon deur genoemde beampte.

(5) Iemand wat—

(a) sonder regmatige verskoning, waarvan die bewyslas op hom rus, in gebreke bly om 'n kennisgewing kragtens sub-artikel (3) uitgereik, te gehoorsaam; of

(b) hom oorgee om periodieke gevangenisstraf te ondergaan terwyl hy onder die invloed van bedwelmende drank of verdowingsmiddels is; of

(c) hom uitgee vir, of valslik voordoen as, iemand wat gelas is om hom oor te gee om periodieke gevangenisstraf te ondergaan,

is aan 'n misdryf skuldig en by skuldigbevinding met gevangenisstraf vir 'n tydperk van hoogstens drie maande strafbaar.

(6) Indien, voor die verstryking van periodieke gevangenisstraf wat 'n persoon weens 'n misdryf opgelê is, daardie persoon 'n straf van 'n ander vorm van aanhouding deur 'n hof opgelê, ondergaan, moet 'n magistraat voor wie hy gebring word, die onverstreke gedeelte van die periodieke gevangenisstraf tersyde stel en kan die magistraat, na oorweging van die getuienis ten opsigte van genoemde misdryf genotuleer, in die plek van daardie onverstreke gedeelte, 'n straf oplê wat binne die perke val van sy strafbevoegdheid en van 'n straf by 'n wetsbepaling voorgeskryf as 'n straf vir daardie misdryf.

Gevangenisstraf vir korrektiewe opleiding.

334ter. (1) Behoudens die bepalings van sub-artikels (2) en (3), kan 'n hoërhof of die hof van 'n streekafdeling wat 'n persoon aan een of meer misdrywe skuldig bevind, indien die hof oortuig is dat genoemde persoon opleiding en behandeling vir sy verbetering nodig het, in die plek van enige ander straf vir daardie misdryf of misdrywe, gevangenisstraf vir korrektiewe opleiding oplê.

(2) Subject to the provisions of sub-section (3), a superior court or a magistrate's court which convicts a person of an offence referred to in any Group of Part I of the Third Schedule in regard to which it has jurisdiction, is authorized and required to impose in lieu of any other punishment for such offence or that offence and any other offences of which the accused is simultaneously convicted, a sentence of imprisonment for corrective training—

- (a) if he is proved to have been ordered previously, before or after the commencement of this Act, either in the Union or elsewhere, to be sent to a reformatory as defined in section one of the Children's Act, 1937 (Act No. 31 of 1937), and to have been convicted previously, before or after the commencement of this Act, either in the Union or elsewhere, in respect of at least three charges for one or more of the offences included in such Group; or
- (b) if he is proved to have been sentenced previously, before or after the commencement of this Act, either in the Union or elsewhere, to imprisonment for periods of at least twelve months in the aggregate, as punishment (whether direct or alternative) for offences and if at least three of the charges for those offences are charges in respect of one or more of the offences included in such Group.

(3) A sentence of imprisonment for corrective training shall not be imposed—

- (a) on a person under the age of nineteen years; or
- (b) for an offence in respect of which it is compulsory to impose the death sentence or a sentence which by itself or together with any punishment warranted or required in respect of any other offence of which the accused is simultaneously convicted, would entail imprisonment for a period exceeding four years; or
- (c) if in the opinion of the court the offence warrants the imposition of the death sentence or punishment which by itself or together with any punishment warranted or required in respect of any other offence of which the accused is simultaneously convicted, would entail imprisonment for a period exceeding four years; or
- (d) if any unexpired period of imprisonment which the convicted person is undergoing exceeds two years.

(4) A person sentenced to imprisonment for corrective training shall be dealt with in accordance with the laws relating to prisons and gaols.

Imprisonment for the prevention of crime.

334quat. (1) Subject to the provisions of sub-sections (2) and (3), a superior court which convicts a person of an offence referred to in any Group of Part I of the Third Schedule may, if the said person is proved to have been convicted previously, before or after the commencement of this Act, either in the Union or elsewhere, of an offence included in such Group, impose in lieu of any other punishment for the first-mentioned offence or that offence and any other offences of which the accused is simultaneously convicted, a sentence of imprisonment for the prevention of crime.

(2) Subject to the provisions of sub-section (3), a superior court or the court of a regional division which convicts a person of an offence referred to in any Group of Part I of the Third Schedule in regard to which it has jurisdiction, is authorized and required to impose in lieu of any other punishment for such offence or that offence and any other offences of which the accused is simultaneously convicted, a sentence of imprisonment for the prevention of crime—

- (a) if he is proved to have been sentenced previously to imprisonment for corrective training for an offence included in such Group; or

(2) Behoudens die bepalings van sub-artikel (3), is 'n hoërhof of 'n magistratshof wat 'n persoon skuldig bevind aan 'n misdryf in 'n Groep van Deel I van die Derde Bylae vermeld, ten opsigte waarvan die hof regsbevoegdheid het, gemagtig en verplig om in die plek van enige ander straf vir daardie misdryf of daardie misdryf en ander misdrywe waaraan die beskuldigde terselfdertyd skuldig bevind word, gevangenisstraf vir korrektiewe opleiding op te lê—

(a) indien dit bewys word dat dit voorheen, vóór of ná die inwerkingtreding van hierdie Wet, hetsy in die Unie of elders, beveel is dat hy na 'n verbeteringshuis soos omskryf in artikel een van die Kinderwet, 1937 (Wet No. 31 van 1937), verwys word, en dat hy voorheen, vóór of ná die inwerkingtreding van hierdie Wet, hetsy in die Unie of elders, ten opsigte van minstens drie aanklagtes weens een of meer van die misdrywe wat by daardie Groep ingesluit word, skuldig bevind is; of

(b) indien dit bewys word dat hy voorheen, vóór of ná die inwerkingtreding van hierdie Wet, hetsy in die Unie of elders, veroordeel is tot gevangenisstraf vir tydperke van minstens twaalf maande in die geheel, as straf (hetsy direk of as alternatief) weens misdrywe en indien minstens drie van die aanklagtes weens daardie misdrywe aanklagtes is ten opsigte van een of meer van die misdrywe wat by daardie Groep ingesluit word.

(3) Gevangenisstraf vir korrektiewe opleiding word nie opgelê nie—

(a) op iemand onder die ouderdom van negentien jaar; of

(b) weens 'n misdryf ten opsigte waarvan dit verpligtend is om die doodvonnis op te lê of 'n straf wat op sigself of saam met 'n straf wat ten opsigte van 'n ander misdryf waaraan die beskuldigde terselfdertyd skuldig bevind word, geregverdig is of vereis word, gevangenisstraf vir 'n tydperk wat vier jaar te bowe gaan, sou meebring; of

(c) indien na die oordeel van die hof die misdryf die oplegging regverdig van die doodvonnis of 'n straf wat op sigself of saam met 'n straf wat ten opsigte van 'n ander misdryf waaraan die beskuldigde terselfdertyd skuldig bevind word, geregverdig is of vereis word, gevangenisstraf vir 'n tydperk wat vier jaar te bowe gaan sou meebring; of

(d) indien enige onverstreke tydperk van gevangenisstraf wat die veroordeelde persoon ondergaan twee jaar te bowe gaan.

(4) Met iemand wat tot gevangenisstraf vir korrektiewe opleiding veroordeel is, word gehandel ooreenkomstig die wetsbepalings op gevangnisse en tronke.

Gevangenisstraf ter voorkoming van misdaad.

334quat. (1) Behoudens die bepalings van sub-artikels (2) en (3), kan 'n hoërhof wat 'n persoon aan 'n misdryf in 'n Groep van Deel I van die Derde Bylae vermeld, skuldig bevind, indien dit bewys word dat genoemde persoon voorheen, vóór of ná die inwerkingtreding van hierdie Wet, hetsy in die Unie of elders, aan 'n misdryf wat by daardie Groep ingesluit word, skuldig bevind is, in die plek van enige ander straf vir eersgenoemde misdryf of daardie misdryf en ander misdrywe waaraan die beskuldigde terselfdertyd skuldig bevind word, gevangenisstraf ter voorkoming van misdaad oplê.

(2) Behoudens die bepalings van sub-artikel (3), is 'n hoërhof of die hof van 'n streekafdeling wat 'n persoon skuldig bevind aan 'n misdryf in 'n Groep van Deel I van die Derde Bylae vermeld, ten opsigte waarvan die hof regsbevoegdheid het, gemagtig en verplig om in die plek van enige ander straf vir daardie misdryf of daardie misdryf en ander misdrywe waaraan die beskuldigde terselfdertyd skuldig bevind word, gevangenisstraf ter voorkoming van misdaad op te lê—

(a) indien dit bewys word dat hy voorheen tot gevangenisstraf vir korrektiewe opleiding veroordeel is weens 'n misdryf wat by daardie Groep ingesluit is; of

(b) if he is proved to have been sentenced previously, before or after the commencement of this Act, either in the Union or elsewhere, to imprisonment for periods of at least thirty-six months in the aggregate, as punishment (whether direct or alternative) for offences and if at least three of the charges for those offences are charges in respect of one or more of the offences included in such Group.

(3) A sentence of imprisonment for the prevention of crime shall not be imposed—

(a) on a person under the age of nineteen years; or

(b) for an offence in respect of which it is compulsory to impose the death sentence or a sentence which by itself or together with any punishment warranted or required in respect of any other offence of which the accused is simultaneously convicted, would entail imprisonment for a period exceeding eight years; or

(c) if in the opinion of the court the offence warrants the imposition of the death sentence or punishment which by itself or together with any punishment warranted or required in respect of any other offence of which the accused is simultaneously convicted, would entail imprisonment for a period exceeding eight years; or

(d) if any unexpired period of imprisonment which the convicted person is undergoing exceeds four years.

(4) A person sentenced to imprisonment for the prevention of crime shall be dealt with in accordance with the laws relating to prisons and gaols.”.

Substitution of section 335 of Act 56 of 1955.

29. The following section is hereby substituted for section *three hundred and thirty-five* of the principal Act:

“Declara-
tion of
certain
persons as
habitual
criminals.

335. (1) Subject to the provisions of sub-sections (2) and (3), a superior court which convicts a person of one or more offences, may, if it is satisfied that the said person habitually commits offences, declare him an habitual criminal, in lieu of the imposition of any other punishment for the offence or offences of which he is convicted.

(2) Subject to the provisions of sub-section (3), a superior court or the court of a regional division which convicts a person of an offence referred to in any Group of Part I of the Third Schedule in regard to which it has jurisdiction, is authorized and required to declare the said person an habitual criminal, in lieu of the imposition of any other punishment for such offence or that offence and any other offences of which the accused is simultaneously convicted—

(a) if he is proved to have been sentenced previously to imprisonment for the prevention of crime for an offence included in such Group; or

(b) if he is proved to have been declared an habitual criminal previously, before or after the commencement of this Act, either in the Union or elsewhere; or

(c) if he is proved to have been sentenced previously, before or after the commencement of this Act, either in the Union or elsewhere, to imprisonment for periods of at least sixty months in the aggregate as punishment (whether direct or alternative) for offences and if at least three of the charges for these offences are charges in respect of one or more of the offences included in such Group.

(3) No person shall be declared an habitual criminal—

(a) if he is under the age of nineteen years; or

(b) for an offence in respect of which it is compulsory to impose the death sentence; or

(c) if in the opinion of the court the offence war-

- (b) indien dit bewys word dat hy voorheen, vóór of ná die inwerkingtreding van hierdie Wet, hetsy in die Unie of elders, veroordeel is tot gevangenisstraf vir tydperke van minstens ses-en-dertig maande in die geheel, as straf (hetsy direk of as alternatief) weens misdrywe en indien minstens drie van die aanklagtes weens daardie misdrywe aanklagtes is ten opsigte van een of meer van die misdrywe wat by daardie Groep ingesluit is.
- (3) Gevangenisstraf ter voorkoming van misdaad word nie opgelê nie—
- (a) op iemand onder die ouderdom van negentien jaar; of
- (b) weens 'n misdryf ten opsigte waarvan dit verpligtend is om die doodvonnis op te lê of 'n straf wat op sigself of saam met 'n straf wat ten opsigte van 'n ander misdryf waaraan die beskuldigde terselfdertyd skuldig bevind word, geregverdig is of vereis word, gevangenisstraf vir 'n tydperk wat agt jaar te bowe gaan, sou meebring; of
- (c) indien na die oordeel van die hof die misdryf die oplegging regverdig van die doodvonnis of 'n straf wat op sigself of saam met 'n straf wat ten opsigte van 'n ander misdryf waaraan die beskuldigde terselfdertyd skuldig bevind word, geregverdig is of vereis word, gevangenisstraf vir 'n tydperk wat agt jaar te bowe gaan, sou meebring; of
- (d) indien enige onverstreke tydperk van gevangenisstraf wat die veroordeelde persoon ondergaan vier jaar te bowe gaan.
- (4) Met iemand wat tot gevangenisstraf ter voorkoming van misdaad veroordeel is, word gehandel ooreenkomstig die wetsbepalings op gevangenisstraf en tronke.”

29. Artikel *driehonderd vyf-en-dertig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Verklaring van sekere persone tot gewoontemisdadigers.

335. (1) Behoudens die bepalinge van sub-artikels (2) en (3), kan 'n hoërhof wat 'n persoon aan een of meer misdrywe skuldig bevind, indien die hof oortuig is dat genoemde persoon uit gewoonte misdrywe pleeg, hom 'n gewoontemisdadiger verklaar, in plaas van die oplegging van enige ander straf vir die misdryf of misdrywe waaraan hy skuldig bevind word.
- (2) Behoudens die bepalinge van sub-artikel (3), is 'n hoërhof of die hof van 'n streekafdeling wat 'n persoon skuldig bevind aan 'n misdryf in 'n Groep van Deel I van die Derde Bylae vermeld, ten opsigte waarvan die hof regsbevoegdheid het, gemagtig en verplig om genoemde persoon 'n gewoontemisdadiger te verklaar, in die plek van die oplegging van enige ander straf vir daardie misdryf of daardie misdryf en ander misdrywe waaraan die beskuldigde terselfdertyd skuldig bevind word—
- (a) indien dit bewys word dat hy voorheen tot gevangenisstraf ter voorkoming van misdaad veroordeel is weens 'n misdryf wat by daardie Groep ingesluit is; of
- (b) indien dit bewys word dat hy voorheen, vóór of ná die inwerkingtreding van hierdie Wet, hetsy in die Unie of elders, 'n gewoontemisdadiger verklaar is; of
- (c) indien dit bewys word dat hy voorheen, vóór of ná die inwerkingtreding van hierdie Wet, hetsy in die Unie of elders, veroordeel is tot gevangenisstraf vir tydperke van minstens sestig maande in die geheel, as straf (hetsy direk of as alternatief) weens misdrywe en indien minstens drie van die aanklagtes weens daardie misdrywe aanklagtes is ten opsigte van een of meer van die misdrywe wat by daardie Groep ingesluit is.
- (3) Niemand word 'n gewoontemisdadiger verklaar nie—
- (a) indien hy onder die ouderdom van negentien jaar is; of
- (b) weens 'n misdryf ten opsigte waarvan dit verpligtend is om die doodvonnis op te lê; of
- (c) indien na die oordeel van die hof die misdryf

Vervanging van artikel 335 van Wet 56 van 1955.

rants the imposition of the death sentence or punishment which by itself or together with any punishment warranted or required in respect of any other offence of which the accused is simultaneously convicted, would entail imprisonment for a period exceeding fifteen years.

(4) A person declared an habitual criminal shall be dealt with in accordance with the laws relating to prisons and gaols."

Amendment of section 336 of Act 56 of 1955.

30. Section *three hundred and thirty-six* of the principal Act is hereby amended by the deletion in sub-section (1) of the words "with or without compulsory labour,".

Amendment of section 339 of Act 56 of 1955.

31. Section *three hundred and thirty-nine* of the principal Act is hereby amended by the deletion of the words "with or without compulsory labour".

Amendment of section 342 of Act 56 of 1955.

32. Section *three hundred and forty-two* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "*three hundred and twenty-nine*" of the words "*three hundred and thirty*".

Substitution of section 344 of Act 56 of 1955.

33. The following section is hereby substituted for section *three hundred and forty-four* of the principal Act:

"Discretion of court in relation to whipping.

344. When any person may be sentenced by a court to a whipping, that punishment may be inflicted in addition to, or in substitution for, any other punishment to which he may otherwise be sentenced, and the number of strokes to be inflicted, not exceeding ten, shall, subject to the provisions of any other law, be in the discretion of the court which shall specify in the sentence the number of strokes which are to be inflicted."

Insertion of sections 344bis, 344ter and 344quat, in Act 56 of 1955.

34. The following sections are hereby inserted in the principal Act after section *three hundred and forty-four*:

"Sentence of whipping to be imposed by inferior courts in certain cases only.

344bis. Subject to the provisions of section *three hundred and forty-four ter*, whipping shall only be imposed by an inferior court—

(a) in the case of a first conviction for—

- (i) assault of an aggravated or indecent nature or with intent to do grievous bodily harm or with intent to commit any other offence;
- (ii) culpable homicide, bestiality or an act of gross indecency committed by one male person with another or any attempt to commit any such offence; or
- (iii) any statutory offence for which whipping may be imposed as a punishment, unless it is expressly provided that whipping shall only be imposed as a punishment on a second or subsequent conviction;

(b) in the case of a second or subsequent conviction for an offence committed within a period of three years after the former conviction.

Sentence of whipping shall be imposed for certain offences.

344ter. (1) Subject to the provisions of sub-section (2) and sections *three hundred and forty-four* and *three hundred and forty-six*, any person convicted of an offence mentioned in Part II of the Third Schedule shall be sentenced to whipping.

(2) The provisions of sub-section (1) shall not apply in relation to any person who is proved to have been sentenced previously to a whipping other than whipping referred to in section *three hundred and forty-five* or who is dealt with under section *three hundred and thirty-four ter*, *three hundred and thirty-five*, *three hundred and thirty-five*, *three hundred and forty-two* or *three hundred and forty-five*.

(3) The Minister may by notice in the *Gazette* add any offence to Part II of the Third Schedule, if a resolution authorizing him so to add such offence is passed by both Houses of Parliament.

die oplegging regverdig van die doodvonnis of 'n straf wat op sigself of saam met 'n straf wat ten opsigte van 'n ander misdryf waaraan die beskuldigde terselfdertyd skuldig bevind word, geregverdig is of vereis word, gevangenisstraf vir 'n tydperk wat vyftien jaar te bowe gaan, sou meebring.

(4) Met iemand wat 'n gewoontemisdadiger verklaar is, word gehandel ooreenkomstig die wetsbepalings op gevangenis en tronke."

30. Artikel *driehonderd ses-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „met of sonder dwangarbeid” te skrap. Wysiging van artikel 336 van Wet 56 van 1955.

31. Artikel *driehonderd nege-en-dertig* van die Hoofwet word hierby gewysig deur die woorde „met of sonder dwangarbeid” te skrap. Wysiging van artikel 339 van Wet 56 van 1955.

32. Artikel *driehonderd twee-en-veertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „*driehonderd nege-en-twintig*” deur die woorde „*driehonderd-en-dertig*” te vervang. Wysiging van artikel 342 van Wet 56 van 1955.

33. Artikel *driehonderd vier-en-veertig* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 344 van Wet 56 van 1955.

„Diskresie van hof met betrekking tot lyfstraf.

344. Wanneer iemand deur 'n hof met lyfstraf gestraf kan word, kan daardie straf opgelê word benevens of ter vervanging van 'n ander straf wat hom anders opgelê kan word, en die aantal houe van hoogstens tien wat toegedien moet word, berus, behoudens enige ander wetsbepalings, by die diskresie van die hof wat die aantal houe wat toegedien moet word, in die vonnis bepaal."

34. Die volgende artikels word hierby in die Hoofwet na artikel *driehonderd vier-en-veertig* ingevoeg: Invoeging van artikels 344bis, 344ter en 344quat in Wet 56 van 1955.

„Lyfstraf word deur laerhowe slegs in sekere gevalle opgelê.

344bis. Behoudens die bepaling van artikel *driehonderd vier-en-veertig ter*, word lyfstraf deur 'n laerhof opgelê slegs—

(a) in die geval van 'n eerste skuldigbevinding weens—

(i) aanranding onder verswarende omstandighede of van 'n onsedelike aard of met die opset om ernstig te beseer of met die opset om 'n ander misdryf te pleeg;

(ii) strafbare manslag, bestialiteit of 'n growwe onsedelike daad deur 'n manspersoon met 'n ander gepleeg of 'n poging om so 'n misdryf te pleeg; of

(iii) 'n wettoregtelike misdryf waarvoor lyfstraf as straf opgelê kan word, tensy dit uitdruklik bepaal word dat lyfstraf slegs as 'n straf by 'n tweede of daaropvolgende skuldigbevinding opgelê word;

(b) in die geval van 'n tweede of daaropvolgende skuldigbevinding weens 'n misdryf wat binne 'n tydperk van drie jaar ná die vorige skuldigbevinding gepleeg is.

Lyfstraf moet vir sekere misdrywe opgelê word.

344ter. (1) Behoudens die bepaling van sub-artikel (2) en artikels *driehonderd vier-en-veertig* en *driehonderd ses-en-veertig*, moet 'n persoon wat aan 'n misdryf in Deel II van die Derde Bylae vermeld, skuldig bevind word tot lyfstraf veroordeel word.

(2) Die bepaling van sub-artikel (1) is nie van toepassing nie met betrekking tot iemand ten opsigte van wie dit bewys word dat hy voorheen veroordeel is tot ander lyfstraf as lyfstraf in artikel *driehonderd vyf-en-veertig* vermeld, of ten opsigte van wie kragtens artikel *driehonderd vier-en-dertig ter*, *driehonderd vier-en-dertig quat*, *driehonderd vyf-en-dertig*, *driehonderd twee-en-veertig* of *driehonderd vyf-en-veertig* opgetree word.

(3) Die Minister kan by kennisgewing in die *Staatskoerant* een of ander misdryf by Deel II van die Derde Bylae byvoeg, indien 'n besluit wat hom magtig om so 'n misdryf aldus by te voeg deur beide Huise van die Parlement aangeneem word.

Procedure when sentence of whipping by superior court prevented from being executed.

344quat. In any case in which a sentence by a superior court of whipping is wholly or partly prevented on grounds of health from being executed, the person sentenced to a whipping shall be kept in custody until that sentence is revised by the court which passed it or if that court is not sitting, by the provincial division concerned, and the court may in its discretion either remit the sentence of whipping or sentence such person, in lieu of whipping or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for a period not exceeding twelve months, which period of imprisonment may be in addition to any other punishment to which the person may have been sentenced for the same offence.”.

Amendment of section 346 of Act 56 of 1955.

35. Section *three hundred and forty-six* of the principal Act is hereby amended by the insertion in sub-section (1) after the word “female” of the words “and no person over the age of fifty years”.

Amendment of section 347 of Act 56 of 1955.

36. Section *three hundred and forty-seven* of the principal Act is hereby amended by the substitution for the words “regulations made under the law governing prisons or gaols” of the words “laws governing prisons and gaols”.

Amendment of section 348 of Act 56 of 1955.

37. Section *three hundred and forty-eight* of the principal Act is hereby amended by the substitution in sub-section (2) for the words “three months” of the words “one year” and for the words “one month” of the words “three months”.

Amendment of section 352 of Act 56 of 1955.

38. Section *three hundred and fifty-two* of the principal Act is hereby amended—

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

“(a)*bis* postpone the passing of sentence, release the person convicted and order that, within a period not exceeding three years specified by the court, he may be called upon by any magistrate to appear before him; or”;

(b) by the insertion in paragraph (a) of sub-section (2) after the words “prescribed punishment” of the expression “(other than a punishment prescribed by section *three hundred and thirty-four ter, three hundred and thirty-four quat* or *three hundred and thirty-five*)” and by the deletion in the said sub-section of the expression “subject to the provisions of sub-section (2) of section *three hundred and thirty-five*”;

(c) by the insertion in paragraph (a) of sub-section (3) after the words “whether as to” of the words “the entering by the accused into his own recognizances, with or without sureties, in the amount of such fine or such portion, for the payment of that amount or as to”;

(d) by the addition at the end of sub-section (3) of the following paragraph:

“(c) If the conditions upon which any recognizance under paragraph (a) has been given are not observed by the person who gave it, the court may declare the recognizance to be forfeited and such declaration of forfeiture shall have the effect of a judgment in a civil action in that court: Provided that the provisions of this paragraph shall not apply in the event of any condition upon which a recognizance has been given, not having been observed by reason of the death of the person who gave it.”;

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

“(4)*bis*. If the convicted person has, at the end of the period within which he may in terms of an order under paragraph (a)*bis* of sub-section (1) be called upon to appear, not been so called upon, he shall be deemed to have been discharged with a caution under paragraph (d) of sub-section (1).”;

(f) by the insertion after paragraph (a) of sub-section (6) of the following paragraph:

Prosedure
wanneer
vonnis tot
lyfstraf
deur hoër-
hof nie ten
uitvoer
gelê kan
word nie.

344quat. In 'n geval waarin 'n vonnis deur 'n hoërhof tot lyfstraf om gesondheidsredes in die geheel of gedeeltelik nie ten uitvoer gelê kan word nie, word die persoon wat daartoe gevonniss is in bewaring gehou totdat daardie vonnis deur die hof wat dit opgelê het of, indien daardie hof nie in sitting is nie, deur die betrokke provinsiale afdeling, hersien is, en kan die hof, na goëddunke, die vonnis tot lyfstraf kwytsekeld of genoemde persoon, in die plek van die lyfstraf of in die plek van soveel van die lyfstraf as wat nie ten uitvoer gelê is nie, tot gevangenisstraf veroordeel vir 'n tydperk van hoogstens twaalf maande, watter tydperk van gevangenisstraf benewens enige ander straf kan wees waartoe die persoon vir dieselfde misdryf veroordeel mag gewees het."

35. Artikel *driehonderd ses-en-veertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woord „vrou” die woorde „en geen persoon bó die ouderdom van vyftig jaar” in te voeg. Wysiging van artikel 346 van Wet 56 van 1955.

36. Artikel *driehonderd sewe-en-veertig* van die Hoofwet word hierby gewysig deur die woorde „regulasies uitgevaardig kragtens die wetsbepalings op gevangnisse of tronke” deur die woorde „wetsbepalings op gevangnisse en tronke” te vervang. Wysiging van artikel 347 van Wet 56 van 1955.

37. Artikel *driehonderd agt-en-veertig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „drie maande” deur die woorde „een jaar” en die woorde „een maand” deur die woorde „drie maande” te vervang. Wysiging van artikel 348 van Wet 56 van 1955.

38. Artikel *driehonderd twee-en-vyftig* van die Hoofwet word hierby gewysig— Wysiging van artikel 352 van Wet 56 van 1955.

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

„(a)*bis* die oplegging van die vonnis uitstel, die veroordeelde persoon vrystel en beveel dat hy binne 'n deur die hof bepaalde tydperk wat drie jaar nie te bowe gaan nie, deur 'n magistraat opgeroep kan word om voor hom te verskyn; of”;

(b) deur in paragraaf (a) van sub-artikel (2) na die woorde „voorgeskrewe straf” die uitdrukking „(behalwe 'n by artikel *driehonderd vier-en-dertig ter, driehonderd vier-en-dertig quat* of *driehonderd vyf-en-dertig* voorgeskrewe straf)” in te voeg en deur in genoemde sub-artikel die uitdrukking „behoudens die bepalings van sub-artikel (2) van artikel *driehonderd vyf-en-dertig*” te skrap;

(c) deur in paragraaf (a) van sub-artikel (3) na die woorde „met betrekking tot” die woorde „die aangaan deur die beskuldigde van 'n borgakte met of sonder borge, vir die bedrag van daardie boete of daardie gedeelte, ter betaling van daardie bedrag of met betrekking tot” in te voeg;

(d) deur aan die end van sub-artikel (3) die volgende paragraaf by te voeg:

„(c) Indien die voorwaardes waarop 'n borgakte kragtens paragraaf (a) aangegaan is, nie deur die persoon wat dit aangegaan het, nagekom word nie, kan die hof die borgakte verbeurd verklaar en het die verbeurdverklaring die uitwerking van 'n vonnis in 'n siviele saak in daardie hof: Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie in geval 'n voorwaarde waarop 'n borgakte aangegaan is, weens die dood van die persoon wat dit aangegaan het, nie nagekom is nie.”;

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

„(4)*bis* Indien die veroordeelde persoon aan die einde van die tydperk waarbinne hy ingevolge 'n bevel kragtens paragraaf (a)*bis* van sub-artikel (1) opgeroep kan word om te verskyn, nie aldus opgeroep is nie, word dit geag dat hy kragtens paragraaf (d) van sub-artikel (1) met 'n waarskuwing ontslaan is.”;

(f) deur na paragraaf (a) van sub-artikel (6) die volgende paragraaf in te voeg:

“(a)bis. A convicted person who has been called upon to appear before a magistrate in terms of an order under paragraph (a)bis of sub-section (1), may be arrested without warrant upon the order of a magistrate, and the magistrate before whom he appears may pass sentence upon him in respect of the offence of which he has been convicted.”.

Amendment of section 353 of Act 56 of 1955.

39. Section *three hundred and fifty-three* of the principal Act is hereby amended by the deletion of the words “with the consent of the person convicted,”.

Repeal of section 354 of Act 56 of 1955.

40. Section *three hundred and fifty-four* of the principal Act is hereby repealed.

Insertion of section 355ter in Act 56 of 1955.

41. The following section is hereby inserted in the principal Act after section *three hundred and fifty-five bis*:

“Amendment of Part I of Third Schedule.

355ter. (1) The Governor-General may from time to time by proclamation in the *Gazette* remove from or add to any Group of Part I of the Third Schedule any offence mentioned in the proclamation and may in like manner add any Group of offences to the said Part I.

(2) Any proclamations issued under sub-section (1) shall be laid on the Tables of both Houses of Parliament within fourteen days after promulgation thereof if Parliament is then in ordinary session or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

(3) If both Houses of Parliament by resolutions passed in the same session (being a session during which a proclamation has been laid on the Tables of both Houses of Parliament in terms of sub-section (2)) disapprove of any such proclamation or of any provision in any such proclamation, such proclamation or such provision thereof shall thereafter cease to be of force and effect to the extent to which it is so disapproved.”.

Amendment of section 356 of Act 56 of 1955.

42. Section *three hundred and fifty-six* of the principal Act is hereby amended by the substitution in paragraph (a) for the word “*fifty-two*” of the word “*fifty-three*”.

Amendment of section 371 of Act 56 of 1955.

43. Section *three hundred and seventy-one* of the principal Act is hereby amended by the insertion after the word “Act” of the words “or the laws relating to prisons and gaols”.

Amendment of section 374 of Act 56 of 1955.

44. Section *three hundred and seventy-four* of the principal Act is hereby amended by the deletion of the words “with or without compulsory labour”.

Amendment of section 390 of Act 56 of 1955.

45. Section *three hundred and ninety* of the principal Act is hereby amended by the addition at the end of sub-section (1) of the words “or which may be prescribed”.

Amendment of section 391 of Act 56 of 1955.

46. Section *three hundred and ninety-one* of the principal Act is hereby amended by the substitution in sub-section (1) for the word “Fifth” of the word “Sixth” and for the word “fourth” of the word “third”.

Amendment of the Third Schedule to Act 56 of 1955.

47. The Third Schedule to the principal Act is hereby amended—
(a) by the substitution for Part I of the following Part:

“PART I.

OFFENCES, ON CONVICTION WHEREOF THE OFFENDER SHALL IN CERTAIN CIRCUMSTANCES BE SENTENCED TO IMPRISONMENT FOR CORRECTIVE TRAINING UNDER SECTION *THREE HUNDRED AND THIRTY-FOUR TER* OR TO IMPRISONMENT FOR THE PREVENTION OF CRIME UNDER SECTION *THREE HUNDRED AND THIRTY-FOUR QUAT*, OR BE DECLARED AN HABITUAL CRIMINAL UNDER SECTION *THREE HUNDRED AND THIRTY-FIVE*.

Group I.

Murder.
Rape.
Culpable Homicide involving an assault.
Robbery.

- „(a)*bis* 'n Veroordeelde persoon wat opgeroep is om ingevolge 'n bevel kragtens paragraaf (a)*bis* van sub-artikel (1) voor 'n magistraat te verskyn, kan op bevel van 'n magistraat sonder lasbrief in hegtenis geneem word, en die magistraat voor wie hy verskyn, kan hom vonnis oplê ten opsigte van die misdryf waaraan hy skuldig bevind is.”
39. Artikel *driehonderd drie-en-vyftig* van die Hoofwet word hierby gewysig deur die woorde „met die toestemming van die veroordeelde persoon” te skrap. Wysiging van artikel 353 van Wet 56 van 1955.
40. Artikel *driehonderd vier-en-vyftig* van die Hoofwet word hierby herroep. Herroeping van artikel 354 van Wet 56 van 1955.
41. Die volgende artikel word hierby na artikel *driehonderd vyf-en-vyftig bis* van die Hoofwet ingevoeg: Invoeging van artikel 355*ter* in Wet 56 van 1955.
- „Wysiging van Deel I van Derde Bylae. **355*ter*.** (1) Die Goewerneur-generaal kan van tyd tot tyd by proklamasie in die *Staatskoerant* 'n misdryf in die proklamasie genoem, van een of ander Groep van Deel I van die Derde Bylae skrap of daarby voeg en kan insgelyks 'n Groep misdrywe by genoemde Deel I voeg.
- (2) 'n Kragtens sub-artikel (1) uitgevaardigde proklamasie word binne veertien dae na afkondiging daarvan in beide Huise van die Parlement ter Tafel gelê indien 'n gewone sessie van die Parlement dan aan die gang is, of indien 'n gewone sessie van die Parlement nie dan aan die gang is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.
- (3) Indien beide Huise van die Parlement by besluite wat gedurende dieselfde sessie geneem word (naamlik 'n sessie waarin 'n proklamasie ooreenkomstig sub-artikel (2) in beide Huise van die Parlement ter Tafel gelê is) so 'n proklamasie of 'n bepaling van so 'n proklamasie afkeur, vervel die regs krag van die proklamasie of die bepaling daarvan vir sover dit aldus afgekeur word.”
42. Artikel *driehonderd ses-en-vyftig* van die Hoofwet word hierby gewysig deur in paragraaf (a) die woord „*twee-en-vyftig*” deur die woord „*drie-en-vyftig*” te vervang. Wysiging van artikel 356 van Wet 56 van 1955.
43. Artikel *driehonderd een-en-sewentig* van die Hoofwet word hierby gewysig deur na die woord „Wet” die woorde „of die wetsbepalings op gevangnisse en tronke” in te voeg. Wysiging van artikel 371 van Wet 56 van 1955.
44. Artikel *driehonderd vier-en-sewentig* van die Hoofwet word hierby gewysig deur die woorde „met of sonder dwangarbeid” te skrap. Wysiging van artikel 374 van Wet 56 van 1955.
45. Artikel *driehonderd-en-negentig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woord „hof” die woorde „of wat voorgeskryf kan word” in te voeg. Wysiging van artikel 390 van Wet 56 van 1955.
46. Artikel *driehonderd een-en-negentig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „Vyfde” deur die woord „Sesde” en die woord „vierde” deur die woord „derde” te vervang. Wysiging van artikel 391 van Wet 56 van 1955.
47. Die Derde Bylae by die Hoofwet word hierby gewysig— (a) deur Deel I deur die volgende Deel te vervang: Wysiging van Derde Bylae by Wet 56 van 1955.

„DEEL I.

MISDRYWE BY SKULDIGBEVINDING WAARAAN DIE OORTREDER ONDER SEKERE OMSTANDIGHED E VER- OORDEEL MOET WORD TOT GEVANGENISSTRAF VIR KORREKTIEWE OPLEIDING KRAGTENS ARTIKEL *DRIEHONDERD VIER-EN-DERTIG TER* OF TOT GEVANGENISSTRAF TER VOORKOMING VAN MISDAAD KRAGTENS ARTIKEL *DRIEHONDERD VIER-EN-DERTIG QUAT*, OF 'N GEWOONTE- MISDADIGER KRAGTENS ARTIKEL *DRIEHONDERD VYF-EN-DERTIG* VERKLAAR MOET WORD.

Groep I.

Moord.
Verkragting.
Strafbare manslag waarby aanranding betrokke is.
Roof.

Assault with intent to commit murder, rape, robbery or sodomy, or to do grievous bodily harm.
 Indecent assault.
 Arson.
 Malicious injury to property.
 Public violence.
 Sedition.
 Any conspiracy, incitement or attempt to commit any of the offences in this Group.

Group II.

Rape.
 Assault with intent to commit rape or sodomy.
 Indecent assault.
 Abduction.
 Incest.
 Bestiality.
 Sodomy.
 Criminal *injuria* which involves an indecent act.
 Any conspiracy, incitement or attempt to commit any of the offences in this Group.

Group III.

Breaking or entering any premises with intent to commit an offence, either under the common law or under any statutory provision.
 Receiving stolen property knowing it to have been stolen.
 Robbery.
 Theft.
 Extortion.
 Fraud.
 Forgery or uttering a forged instrument knowing it to be forged.
 Any conspiracy, incitement or attempt to commit any of the offences in this Group.

Group IV.

Abortion.
 Disposing of the body of a child with intent to conceal the fact of its birth.
 Abduction.
 Any conspiracy, incitement or attempt to commit any of the offences in this Group.

Group V.

Defeating or obstructing the course of justice.
 Perjury.
 Bribery.
 Any conspiracy, incitement or attempt to commit any of the offences in this Group.

Group VI.

Extortion.
 Bribery.
 Fraud.
 Forgery or uttering a forged instrument knowing it to be forged.
 Any conspiracy, incitement or attempt to commit any of the offences in this Group.

Group VII.

Treason.
 Sedition.
 Public violence.
 Any conspiracy, incitement or attempt to commit any of the offences in this Group.”;
 (b) by the substitution for the heading to Part II of the following heading:

“OFFENCES, ON CONVICTION WHEREOF THE OFFENDER SHALL BE SENTENCED TO WHIPPING UNDER SECTION THREE HUNDRED AND FORTY-FOUR TER.”;

Aanranding met die opset om moord, verkragting, roof of sodomie te pleeg, of om ernstig te beseer.
 Onsedelike aanranding.
 Brandstigting.
 Opsetlike saakbeskadiging.
 Openbare geweld.
 Oproer.
 Enige sameswering, uitlokking of poging om enigeen van die misdrywe in hierdie Groep te pleeg.

Groep II.

Verkragting.
 Aanranding met die opset om verkragting of sodomie te pleeg.
 Onsedelike aanranding.
 Ontvoering.
 Bloedskande.
 Bestialiteit.
 Sodomie.
 Strafregtelike *injuria* waarby 'n onsedelike daad betrokke is.
 Enige sameswering, uitlokking of poging om enigeen van die misdrywe in hierdie Groep te pleeg.

Groep III.

Oopbreek of betreding van 'n perseel met die opset om 'n oortreding te pleeg, hetsy ingevolge die gemene-reg of ingevolge 'n wettoregtelike bepaling.
 Ontvang van gesteelde goed wetende dat dit gesteel is.
 Roof.
 Diefstal.
 Afpersing.
 Bedrog.
 Vervalsing of uitgifte van 'n vervalste stuk wetende dat dit vervals is.
 Enige sameswering, uitlokking of poging om enigeen van die misdrywe in hierdie Groep te pleeg.

Groep IV.

Vrugafdrywing.
 Die wegdoen met die lyk van 'n kind met die doel om die feit van sy geboorte te verberg.
 Ontvoering.
 Enige sameswering, uitlokking of poging om enigeen van die misdrywe in hierdie Groep te pleeg.

Groep V.

Dwarsboming of belemmering van die verloop van die gereg.
 Meineed.
 Omkoperij.
 Enige sameswering, uitlokking of poging om enigeen van die misdade in hierdie Groep te pleeg.

Groep VI.

Afpersing.
 Omkoperij.
 Bedrog.
 Vervalsing of uitgifte van 'n vervalste stuk wetende dat dit vervals is.
 Enige sameswering, uitlokking of poging om enigeen van die misdrywe in hierdie Groep te pleeg.

Groep VII.

Hoogverraad.
 Oproer.
 Openbare geweld.
 Enige sameswering, uitlokking of poging om enigeen van die misdrywe in hierdie Groep te pleeg.”;
 (b) deur die opskrif by Deel II deur die volgende opskrif te vervang:

„MISDRYWE BY SKULDIGBEVINDING WAARAAN DIE OORTREDER KRAGTENS ARTIKEL *DRIEHONDERD VIER-EN-VEERTIG TER TOT LYFSTRAF VER-OORDEEL MOET WORD.*”;

(c) by the deletion in Part II of all the words after the words "to have been stolen".

Amendment of Fourth Schedule to Act 56 of 1955.

48. The Fourth Schedule to the principal Act is hereby amended by the insertion in the heading thereto after the word "SECTION" of the words "*THREE HUNDRED AND THIRTY-FOUR BIS* OR SUB-SECTION (1) OF SECTION".

Insertion of Fifth Schedule in Act 56 of 1955, the existing Fifth Schedule becoming the Sixth Schedule.

49. The following Schedule is hereby inserted in the principal Act after the Fourth Schedule, the existing Fifth Schedule becoming the Sixth Schedule:

"Fifth Schedule.

RULES WHICH, IN TERMS OF SECTION *THREE HUNDRED AND THREETER*, SHALL BE OBSERVED WHEN TAKING PREVIOUS CONVICTIONS INTO ACCOUNT IN IMPOSING ANY SENTENCE.

1. (a) No previous conviction shall be taken into account in imposing any sentence on a convicted person, if a period of ten years has elapsed after the date of such conviction or the date of expiration of any unexpired period of imprisonment imposed on the convicted person, whichever is the later date, unless he is proved to have committed an offence during such period of ten years.

(b) The expression 'unexpired period of imprisonment' in this rule means the aggregate of any periods of imprisonment imposed either before or on the date of the previous conviction and which would have had to be undergone at the time of the previous conviction, in the absence of payment of any fine and of remission of sentence and of suspension of any period of imprisonment.

2. Where there are more counts than one in any charge, a conviction on each count shall be treated as a separate conviction.

3. When an accused has been convicted of more offences than one on the same day, a conviction of each offence shall be treated as a separate conviction.

4. In calculating any period of imprisonment—

(a) twenty hours periodical imprisonment shall be equivalent to imprisonment for one day;

(b) one week shall be equivalent to seven days;

(c) thirty days shall be equivalent to one month;

(d) imprisonment for corrective training shall be equivalent to imprisonment for a period of two years;

(e) imprisonment for the prevention of crime shall be equivalent to imprisonment for a period of five years;

(f) declaration as an habitual criminal shall be equivalent to imprisonment for a period of nine years.

5. Whenever the date of commission of an offence has not been proved, the date alleged in the charge shall be deemed to be the date of commission of the offence, or if a period is alleged in the charge, the date of commencement of that period shall be deemed to be the date of commission of the offence."

Short title and commencement.

50. (1) This Act shall be called the Criminal Law Amendment Act, 1959, and shall, subject to the provisions of sub-section (2), come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(2) Different dates may in terms of sub-section (1) be fixed in respect of the several provisions of this Act.

(c) deur in Deel II al die woorde na die woorde „dat dit gesteel is” te skrap.

48. Die Vierde Bylae by die Hoofwet word hierby gewysig deur in die opskrif daarby ná die woord „ARTIKEL” die woorde „DRIEHONDERD VIER-EN-DERTIG BIS OF SUB-ARTIKEL (1) VAN ARTIKEL” in te voeg.

Wysiging van Vierde Bylae by Wet 56 van 1955.

49. Die volgende Bylae word hierby in die Hoofwet na die Vierde Bylae ingevoeg, terwyl die bestaande Vyfde Bylae die Sesde Bylae word:

Invoeging van Vyfde Bylae in Wet 56 van 1955, terwyl die bestaande Vyfde Bylae die Sesde Bylae word.

„Vyfde Bylae.

REÛLS WAT INGEVOLGE ARTIKEL *DRIEHONDERD-EN-DRIE TER* NAGEKOM MOET WORD WANNEER VORIGE SKULDIGBEVINDINGS BY DIE OPLEGGING VAN 'N STRAF IN AANMERKING GENEEM WORD.

1. (a) Geen vorige skuldigbevinding word by die oplegging van 'n straf op 'n veroordeelde persoon in aanmerking geneem nie, indien 'n tydperk van tien jaar verloop het na die datum van daardie skuldigbevinding of die datum van verstryking van enige onverstreke tydperk van gevangenisstraf die veroordeelde persoon opgelê, watter datum ook al die jongste is, tensy dit bewys word dat hy gedurende daardie tydperk van tien jaar 'n misdryf gepleeg het.
- (b) Die uitdrukking „onverstreke tydperk van gevangenisstraf” in hierdie reël beteken die gesamentlike tydperk van die gevangenisstraf hetsy voor of op die datum van die vorige skuldigbevinding opgelê en wat ten tyde van die vorige skuldigbevinding ondergaan sou moes word by ontstentenis van betaling van 'n boete en van kwytskelding van straf en van opskorting van 'n tydperk van gevangenisstraf.
2. Waar daar meer as een hoof in 'n aanklag voorkom, word 'n skuldigbevinding op elke hoof as 'n afsonderlike skuldigbevinding beskou.
3. Wanneer 'n beskuldigde aan meer as een misdryf op dieselfde dag skuldig bevind is, word 'n skuldigbevinding aan elke misdryf as 'n afsonderlike skuldigbevinding beskou.
4. By die berekening van 'n tydperk van gevangenisstraf is—
 - (a) twintig uur periodieke gevangenisstraf gelyk aan een dag gevangenisstraf;
 - (b) een week gelyk aan sewe dae;
 - (c) dertig dae gelyk aan een maand;
 - (d) gevangenisstraf vir korrektiewe opleiding gelyk aan gevangenisstraf vir 'n tydperk van twee jaar;
 - (e) gevangenisstraf ter voorkoming van misdaad gelyk aan gevangenisstraf vir 'n tydperk van vyf jaar;
 - (f) verklaring tot 'n gewoontemisdadiger gelyk aan gevangenisstraf vir 'n tydperk van nege jaar.
5. Wanneer die datum waarop 'n misdryf gepleeg is, nie bewys is nie, word die datum in die aanklag beweer, geag die datum te wees waarop die misdaad gepleeg is, of indien 'n tydperk in die aanklag beweer word, word die datum waarop daardie tydperk begin, geag die datum te wees waarop die misdryf gepleeg is.”.

50. (1) Hierdie Wet heet die Wysigingswet op die Strafwet, 1959, en tree in werking, behoudens die bepalings van sub-artikel (2), op 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerking-treding.

(2) Verskillende datums kan ingevolge sub-artikel (1) ten opsigte van die afsonderlike bepalings van hierdie Wet bepaal word.

No. 21, 1959.]

ACT

To apply a sum of money not exceeding two hundred and sixty-six million one hundred and sixty-five thousand two hundred pounds from the Railway and Harbour Fund for the services of the railways and harbours for the year ending the thirty-first day of March, 1960.

*(English text signed by the Governor-General.)
(Assented to 23rd March, 1959.)*

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:—

Railway and Harbour Fund to be charged with £266,165,200.

1. The Railway and Harbour Fund is hereby charged with such sums of money as may be required for the services of the railways and harbours of the Union for the year ending the thirty-first day of March, 1960, not exceeding in the whole for revenue services the sum of one hundred and ninety-three million five hundred and ninety-one thousand two hundred pounds and for capital and betterment services the sum of seventy-two million five hundred and seventy-four thousand pounds.

How moneys to be applied.

2. The moneys appropriated by this Act for revenue services shall be applied to the purposes set forth in the First Schedule hereto and more particularly specified in the Estimates of Expenditure [U.G. 5—1959] as approved by Parliament, and for capital and betterment services to the purposes set forth in the Second Schedule hereto and more particularly specified in the Estimates of Expenditure [U.G. 6—1959] as approved by Parliament, but no portion of the sum of four million nine hundred and sixty-eight thousand pounds contributed from the Betterment Fund specified in the Third Schedule shall be utilized for expenditure except for the purposes falling under heads numbered 2 to 9 inclusive in the said Second Schedule.

Minister may authorize variations.

3. With the approval of the Minister of Transport a saving on any of the heads set out in the First and Second Schedules to this Act may be made available for any excess of expenditure on any other head in the same Schedule: Provided that no excess shall be incurred on any sum appearing in column 2 of either of the said Schedules and that savings thereon shall not be available for any purpose other than that for which the money is hereby appropriated as indicated in those Schedules: Provided further that the amount appearing in column 3 of the Second Schedule may be made available for any services falling under heads numbered 2 to 8 inclusive in that Schedule.

Lines under construction.

4. In the case of the service falling under Head No. 1 of the Second Schedule the total expenditure on any line under construction shall not exceed the amount prescribed by law as the maximum amount which may be expended thereon.

Increase or decrease in expenditure on certain authorized lines.

5. Anything to the contrary notwithstanding in any law authorizing the construction and equipment of any line of railway mentioned in column 1 of the Fourth Schedule to this Act—

- (a) the amount mentioned in column 3 of that Schedule opposite the name of any such line (being the amount prescribed by law as the maximum sum to be expended on that line) shall be increased to the sum set out in column 5 opposite such name;
- (b) the amount mentioned in column 2 of that Schedule opposite the name of any such line (being the amount prescribed by law as the maximum sum to be expended on that line) shall be reduced to the sum set out in column 4 opposite such name.

Sources from which moneys appropriated will be provided.

6. The moneys appropriated by this Act for capital and betterment services shall be provided from the sources set out in the Third Schedule hereto.

Short title.

7. This Act shall be called the Railways and Harbours Appropriation Act, 1959.

No. 21, 1959.]

WET

Tot aanwending van 'n som van hoogstens tweehonderd ses-en-sestigmiljoen eenhonderd vyf-en-sestigduisend tweehonderd pond uit die Spoorweg- en Hawefonds vir die dienste van die spoorweë en hawens vir die jaar wat op die een-en-dertigste dag van Maart 1960 eindig.

*(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 23 Maart 1959.)*

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

1. Die Spoorweg- en Hawefonds word hiermee belas met sodanige somme geld as wat nodig mag wees vir die dienste van die spoorweë en hawens van die Unie gedurende die jaar wat op die een-en-dertigste dag van Maart 1960 eindig, maar gesamentlik ten bedrae van hoogstens eenhonderd drie-en-negentigmiljoen vyfhonderd een-en-negentigduisend tweehonderd pond vir inkomstedienste en twee-en-sewentigmiljoen vyfhonderd vier-en-sewentigduisend pond vir kapitaal- en verbeteringsdienste.

Spoorweg- en
Hawefonds
belas met
£266,165,200.

2. Die gelde deur hierdie Wet beskikbaar gestel vir inkomstedienste moet aangewend word vir die doeleindes vermeld in die Eerste Bylae by hierdie Wet en nader omskrywe in die Begroting van Uitgawe [U.G. 5—1959] soos deur die Parlement goedgekeur, en vir kapitaal- en verbeteringsdienste vir die doeleindes vermeld in die Tweede Bylae by hierdie Wet en nader omskrywe in die Begroting van Uitgawe [U.G. 6—1959] soos deur die Parlement goedgekeur, maar geen deel van die som van viermiljoen negehoonderd agt-en-sestigduisend pond getrek uit die verbeteringsfonds in die Derde Bylae vermeld, mag vir ander doeleindes as dié wat onder die hoofde genummer 2 tot en met 9 van bedoelde Tweede Bylae val, bestee word nie.

Hoe die gelde
bestee moet
word.

3. Mei goedkeuring van die Minister van Vervoer kan 'n besparing op een of ander van die hoofde in die Eerste en Tweede Bylaes by hierdie Wet vermeld, aangewend word ter dekking van meerdere uitgawe onder enige ander hoof in dieselfde Bylae: Met dien verstande dat geen som wat in kolom 2 van een van bedoelde Bylaes voorkom, oorskry mag word nie, en dat besparings daarop vir geen ander doel aangewend mag word nie as dié waarvoor die geld hiermee beskikbaar gestel word soos in daardie Bylaes aangetoon: Met dien verstande verder dat die bedrag in kolom 3 van die Tweede Bylae vermeld, vir enige dienste onder die hoofde genummer 2 tot en met 8 in daardie Bylae aangewend kan word.

Minister kan
afwykings
magtig.

4. By die diens vermeld onder Hoof No. 1 van die Tweede Bylae mag die gesamentlike uitgawe vir 'n lyn wat in aanbou is, nie meer bedra nie as die bedrag wat deur 'n wet vasgestel is as die maksimum-bedrag wat daaraan bestee mag word.

Lyn in aanbou.

5. Ondanks andersluidende bepalings in enige wet wat magtiging verleen vir die aanleg en uitrusting van enige spoorlyn vermeld in kolom 1 van die Vierde Bylae by hierdie Wet—

Vermeerdering of
vermindering van
uitgawes op
sekere
goedgekeurde
spoorlyne.

(a) word die bedrag vermeld in kolom 3 van daardie Bylae teenoor die naam van so 'n lyn, naamlik, die bedrag deur 'n wet vasgestel as die maksimum-som wat aan daardie lyn bestee mag word, vermeerder tot die som wat in kolom 5 teenoor daardie naam uitgedruk staan;

(b) word die bedrag vermeld in kolom 2 van daardie Bylae teenoor die naam van so 'n lyn, naamlik, die bedrag deur 'n wet vasgestel as die maksimum-som wat aan daardie lyn bestee mag word, verminder tot die som wat in kolom 4 teenoor daardie naam uitgedruk staan.

6. Die gelde wat deur hierdie Wet vir kapitaal- en verbeteringsdienste beskikbaar gestel word, moet uit die in die Derde Bylae by hierdie Wet vermelde bronne verskaf word.

Bronne waaruit
beskikbaar-
gestelde gelde
verskaf sal word.

7. Hierdie Wet heet die Spoorweg- en Hawebegrotingswet, 1959.

Kort titel.

First Schedule.

REVENUE SERVICES.

Head No.	Head.	Column 1.	Column 2.
	RAILWAYS.	£	£
	<i>Transportation Services—</i>		
1	General Charges	2,773,803	—
2	Maintenance of Permanent Way and Works	15,519,260	—
3	Maintenance of Rolling Stock	20,115,388	—
4	Running Expenses	28,865,674	—
5	Traffic Expenses	25,587,813	—
6	Superannuation	4,903,000	—
7	Cartage Services	1,922,995	—
8	Depreciation	11,709,112	—
	<i>Subsidiary Services—</i>		
9	Catering and Bedding Services	2,974,986	—
10	Publicity, Bookstalls, Advertising and Automatic Machines	969,786	—
11	Grain Elevators	397,154	—
12	Road Transport Service	5,427,541	—
13	Tourist Service	585,000	—
	<i>Net Revenue Account—</i>		
14	Interest on Capital	—	23,940,733
15	Interest on Superannuation and other Funds	—	5,827,500
17	Miscellaneous Expenditure	—	25,338,255
	HARBOURS.		
	<i>Transportation Services—</i>		
18	Maintenance of Assets	1,425,028	—
19	Operating Expenses	1,621,312	—
20	General Charges	180,319	—
21	Superannuation	150,000	—
22	Depreciation	452,194	—
	<i>Subsidiary Service—</i>		
23	Lighthouses, Beacons, Bells and Signal Stations	234,843	—
	<i>Net Revenue Account—</i>		
24	Interest on Capital	—	1,185,179
25	Miscellaneous Expenditure	—	853,125
	STEAMSHIPS.		
	<i>Transportation Services—</i>		
26	Working and Maintenance	275,569	—
	<i>Net Revenue Account—</i>		
27	Miscellaneous Expenditure	—	9,431
	AIRWAYS.		
	<i>Transportation Services—</i>		
28	Working and Maintenance	8,376,224	—
	<i>Net Revenue Account—</i>		
29	Interest on Capital	—	406,384
30	Miscellaneous Expenditure	—	538,392
	NET REVENUE APPROPRIATION ACCOUNT.		
31	Betterment Fund	—	1,000,000
32	Deficiency in Pension Fund	—	25,200
	Total	£193,591,200	

Second Schedule.

CAPITAL AND BETTERMENT SERVICES.

Head No.	Head.	Column 1.	Column 2.	Column 3.
		£	£	£
1	Construction of Railways	—	2,285,622	—
2	New Works on Open Lines	40,552,393	—	—
3	Rolling Stock	13,955,620	—	—
4	Road Transport Service	129,445	—	—
5	Harbours	—	3,698,345	—
6	Steamships	—	—	—
7	Airways	—	1,043,575	—
8	Working Capital	10,709,000	—	—
9	Unforeseen Works	—	—	200,000
	Total		£72,574,000	

SUMMARY.

Revenue Services (First Schedule)	£ 193,591,200
Capital and Betterment Services (Second Schedule)	72,574,000
	£266,165,200

Eerste Bylae.

INKOMSTEDIENSTE.

Hoof No.	Hoof.	Kolom 1.	Kolom 2.
		£	£
	SPOORWEË.		
	<i>Vervoerdienste—</i>		
1	Algemene koste	2,773,803	—
2	Onderhoud van spoorbaanen werke	15,519,260	—
3	Onderhoud van rollende materiaal	20,115,388	—
4	Treinloopkoste	28,865,674	—
5	Verkeerskoste	25,587,813	—
6	Superannuasie	4,903,000	—
7	Besteldiens	1,922,995	—
8	Waardevermindering	11,709,112	—
	<i>Hulpdienste—</i>		
9	Verversings- en beddediens ..	2,974,986	—
10	Publisiteit, boekwinkels, reklame en outomate	969,786	—
11	Graansuiers	397,154	—
12	Padvervoerdien	5,427,541	—
13	Toeristediens	585,000	—
	<i>Netto inkomsterekening—</i>		
14	Rente op kapitaal	—	23,940,733
15	Rente op superannuasie- en ander fondse	—	5,827,500
17	Diverse uitgawe	—	25,338,255
	HAWENS.		
	<i>Vervoerdienste—</i>		
18	Onderhoud van bate	1,425,028	—
19	Bedryfskoste	1,621,312	—
20	Algemene koste	180,319	—
21	Superannuasie	150,000	—
22	Waardevermindering	452,194	—
	<i>Hulpdienste—</i>		
23	Vuurtorings, bakens, klokke en seinstasies	234,843	—
	<i>Netto inkomsterekening—</i>		
24	Rente op kapitaal	—	1,185,179
25	Diverse uitgawe	—	853,125
	STOOMSKEPE.		
	<i>Vervoerdienste—</i>		
26	Eksplorasie en onderhoud ..	275,569	—
	<i>Netto inkomsterekening—</i>		
27	Diverse uitgawe	—	9,431
	LUGDIENS.		
	<i>Vervoerdienste—</i>		
28	Eksplorasie en onderhoud ..	8,376,224	—
	<i>Netto inkomsterekening—</i>		
29	Rente op kapitaal	—	406,384
30	Diverse uitgawe	—	538,392
	AANWENDINGSMREKENING VAN NETTO INKOMSTE.		
31	Verbeteringsfonds	—	1,000,000
32	Tekort in pensioenfondse	—	25,200
	Totaal	£193,591,200	

Tweede Bylae.

KAPITAAL- EN VERBETERINGSDIENSTE.

Hoof No.	Hoof.	Kolom 1.	Kolom 2.	Kolom 3.
		£	£	£
1	Aanleg van spoorweë ..	—	2,285,622	—
2	Nuwe werke aan oop- gestelde lyne	40,552,393	—	—
3	Rollende materiaal ..	13,955,620	—	—
4	Padvervoerdien	129,445	—	—
5	Hawens	—	3,698,345	—
6	Stoomskepe	—	—	—
7	Lugdiens	—	1,043,575	—
8	Bedryfskapitaal	10,709,000	—	—
9	Onvoorsiene werke	—	—	200,000
	Totaal		£72,574,000	

SAMEVATTING.

Inkomstedienste (Eerste Bylae)	£	193,591,200
Kapitaal- en verbeteringsdiens (Tweede Bylae)		72,574,000
		<u>£266,165,200</u>

Third Schedule.SOURCES FROM WHICH FUNDS FOR CAPITAL AND BETTERMENT SERVICES
WILL BE PROVIDED.

	£
1. Loan Funds	67,000,000
2. Loan from South West Africa Administration	200,000
3. Betterment Fund	4,968,000
4. Capital Credits	396,000
5. Recoveries from Municipalities and other sources as contributions towards the cost of various works ..	10,000
	£72,574,000

Fourth Schedule.

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.
	£	£	£ s. d.	£
Alliance—Daveyton Grootvlei—Redan ..	1,790,802	325,048	1,361,582 3 2	360,048

No. 22, 1959.]

ACT

To apply a further sum of money for the purpose of meeting certain unauthorized expenditure incurred on railways and harbours services during the financial year which ended the thirty-first day of March, 1958.

(Afrikaans text signed by the Governor-General.)
(Assented to 23rd March, 1959.)

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:—

Railway and
Harbour Fund
charged with
£501,947 4s. 11d.
in respect of
expenditure of
year 1957-'58.

1. The Railway and Harbour Fund is hereby charged with the sum of five hundred and one thousand nine hundred and forty-seven pounds four shillings and eleven pence to meet certain expenditure not authorized by the Railways and Harbours Appropriation Act, 1957, the Railways and Harbours Second Additional Appropriation Act, 1957, and the Railways and Harbours Additional Appropriation Act, 1958, for the services of the railways and harbours, during the financial year which ended the thirty-first day of March, 1958. Such expenditure is set forth in the Schedule to this Act and is more particularly specified on pages 7, 9, 11 and 13 of the Report (which has been submitted to Parliament) of the Controller and Auditor-General on the accounts for that year and in the First Report of the Select Committee on Railways and Harbours, 1959.

Short title.

2. This Act shall be called the Railways and Harbours Unauthorized Expenditure Act, 1959.

Schedule.

Service.	Amount.	
	£	s. d.
Revenue Services	233,372	19 10
Capital and Betterment Services	268,574	5 1
	501,947	4 11

Derde Bylae.BRONNE WAARUIT FONDSE VIR KAPITAAL- EN VERBETERINGSDIENSTE
VERSKAF SAL WORD.

	£
1. Leningsfondse	67,000,000
2. Lening van Suidwes-Afrika-Administrasie	200,000
3. Verbeteringsfonds	4,968,000
4. Kapitaalkrediete	396,000
5. Invorderings van Munisipaliteite en ander bronne as bydraes tot die koste van verskillende werke	10,000
	£72,574,000

Vierde Bylae.

Kolom 1.	Kolom 2.	Kolom 3.	Kolom 4.	Kolom 5.
	£	£	£ s. d.	£
Alliance—Daveyton Grootvlei—Redan ..	1,790,802	325,048	1,361,582 3 2	360,048

No. 22, 1959.]

WET

Tot aanwending van 'n verdere geldsom ter bestryding van sekere ongemagtigde uitgawe aan spoorweg- en hawedienste gedurende die diensjaar wat op die een-en-dertigste dag van Maart 1958 geëindig het.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 23 Maart 1959.)

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

1. Die Spoorweg- en Hawefonds word hiermee belas met die som van vyfhonderd-en-eenduisend negehonderd sewe-en-veertig pond vier sjielings en elf pennies tot dekking van sekere uitgawe vir die dienste van die spoorweë en hawens gedurende die diensjaar wat op die een-en-dertigste dag van Maart 1958 geëindig het, waartoe die Spoorweg- en Hawebegrotingswet, 1957, die Tweede Addisionele Spoorweg- en Hawebegrotingswet, 1957, en die Addisionele Spoorweg- en Hawebegrotingswet, 1958, geen magtiging verleen het nie. Hierdie uitgawe word in die Bylae by hierdie Wet uiteengesit en nader omskryf op bladsye 6, 8, 10 en 12 van die Verslag (voorgelê aan die Parlement) van die Kontroleur en Ouditeur-generaal oor die rekenings vir daardie jaar en in die Eerste Verslag van die Gekose Komitee oor Spoorweë en Hawens, 1959.

Spoorweg- en
Hawefonds
belas met
£501,947 4s. 11d.
ten opsigte van
uitgawe vir die
jaar 1957-'58.

2. Hierdie Wet heet die Wet op Ongemagtigde Uitgawe vir Kort titel. Spoorweë en Hawens, 1959.

Bylae.

Diens.	Bedrag.
	£ s. d.
Inkomstedienste	233,372 19 10
Kapitaal- en verbeteringsdienste	268,574 5 1
	501,947 4 11

No. 23, 1959.]

ACT

To apply a further sum not exceeding five million two hundred and fifty-one thousand eight hundred and seven pounds from the Railway and Harbour Fund for the services of the railways and harbours for the year ending the thirty-first day of March, 1959.

(English text signed by the Governor-General.)
(Assented to 23rd March, 1959.)

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:—

Railway and Harbour Fund charged with £5,251,807.

1. The Railway and Harbour Fund is hereby charged with such sums of money as may be required for the services of the railways and harbours of the Union for the year ending the thirty-first day of March, 1959, not exceeding in the whole for revenue services the sum of three million four hundred and forty-seven thousand four hundred and fifty-seven pounds and for capital and betterment services the sum of one million eight hundred and four thousand three hundred and fifty pounds in addition to the sums provided by the Railways and Harbours Appropriation Act, 1958 (Act No. 21 of 1958).

How moneys to be applied.

2. The moneys appropriated by this Act shall be applied to the purposes set forth in the First and Second Schedules hereto and more particularly specified in the Estimates of Additional Expenditure [U.G. 3—1959 and U.G. 4—1959] for the said year as approved by Parliament.

Amendment of Third Schedule to Act No. 21 of 1958.

3. The amount of the Loan Funds mentioned in the Third Schedule to Act No. 21 of 1958 shall be deemed to have been the sum of seventy-two million four hundred and fifty-one thousand six hundred and five pounds instead of the sum of seventy-two million five hundred and twenty-five thousand four hundred and twenty-eight pounds, and the amount of the Capital Credits mentioned in the same Schedule shall be deemed to have been the sum of four hundred and seventy-three thousand eight hundred and twenty-three pounds instead of the sum of four hundred thousand pounds.

Minister may authorize variations.

4. (1) With the approval of the Minister of Transport a saving on any of the heads set out in column 1 of the First Schedule to this Act may be made available for any excess of expenditure on any other head appearing in column 1 of the First Schedule to Act No. 21 of 1958, and similarly a saving on any one of the heads set out in column 1 of the Second Schedule to this Act may be made available for any excess of expenditure on any other head appearing in column 1 of the Second Schedule to Act No. 21 of 1958.

(2) No excess shall be incurred on any sum appearing in column 2 of either the First or Second Schedule to this Act, and savings thereon shall not be available for any purpose other than that for which the money is hereby appropriated as indicated in those Schedules.

Lines under construction.

5. In the case of the service falling under Head No. 1 of the Second Schedule to this Act the total expenditure on any line under construction shall not exceed the amount prescribed by law as the maximum amount which may be expended thereon.

Increase in expenditure on authorized line.

6. Anything to the contrary notwithstanding in any law authorizing the construction and equipment of the line of railway mentioned in column 1 of the Fourth Schedule to this Act, the amount mentioned in column 2 of that Schedule (being the amount prescribed by law as the maximum sum to be expended on that line) shall be increased to the sum set out in column 3.

Sources from which moneys appropriated will be provided.

7. The moneys appropriated by this Act for capital and betterment services shall be provided from the sources set out in the Third Schedule hereto.

Short title.

8. This Act shall be called the Railways and Harbours Additional Appropriation Act, 1959.

No. 23, 1959.]

WET

Tot aanwending van 'n verdere som van hoogstens vyfmiljoen tweehonderd een-en-vyftigduisend agthonderd en sewe pond uit die Spoorweg- en Hawefonds vir die dienste van die spoorweë en hawens vir die jaar wat op die een-en-dertigste dag van Maart 1959 eindig.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 23 Maart 1959.)

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

1. Die Spoorweg- en Hawefonds word hiermee belas met sodanige somme geld as wat nodig mag wees vir die dienste van die spoorweë en hawens van die Unie gedurende die jaar wat op die een-en-dertigste dag van Maart 1959 eindig, maar gesamentlik ten bedrae van hoogstens driemiljoen vierhonderd sewe-en-veertigduisend vierhonderd sewe-en-vyftig pond vir inkomstedienste en eenmiljoen agthonderd en vierduisend driehonderd en vyftig pond vir kapitaal- en verbeteringsdienste bo en behalwe die bedrae waarvoor voorsiening gemaak is deur die Spoorweg- en Hawebegrotingswet, 1958 (Wet No. 21 van 1958). Spoorweg- en Hawefonds belas met £5,251,807.
2. Die gelde deur hierdie Wet beskikbaar gestel moet aangewend word vir die doeleindes vermeld in die Eerste en Tweede Bylae by hierdie Wet en nader omskrywe in die Begroting van Addisionele Uitgawe [U.G. 3—1959 en U.G. 4—1959] vir die genoemde jaar soos deur die Parlement goedgekeur. Hoe die gelde bestee moet word.
3. Die bedrag van die Leningsfondse vermeld in die Derde Bylae by Wet No. 21 van 1958 word geag die som van twee-en-sewentigmiljoen vierhonderd een-en-vyftigduisend seshonderd en vyf pond te gewees het in stede van die som van twee-en-sewentigmiljoen vyfhonderd vyf-en-twintigduisend vierhonderd agt-en-twintig pond, en die bedrag van die kapitaalkrediete vermeld in dieselfde Bylae word geag die som van vierhonderd drie-en-sewentigduisend agthonderd drie-en-twintig pond te gewees het in stede van die som van vierhonderdduisend pond. Wysiging van Derde Bylae by Wet No. 21 van 1958.
4. (1) Met die goedkeuring van die Minister van Vervoer kan 'n besparing op een of ander van die hoofde aangetoon in kolom 1 van die Eerste Bylae by hierdie Wet beskikbaar gestel word vir 'n oorskryding van uitgawe op 'n ander hoof wat voorkom in kolom 1 van die Eerste Bylae by Wet No. 21 van 1958, en insgelyks kan 'n besparing op een of ander van die hoofde aangetoon in kolom 1 van die Tweede Bylae by hierdie Wet beskikbaar gestel word vir 'n oorskryding van uitgawe op 'n ander hoof wat voorkom in kolom 1 van die Tweede Bylae by Wet No. 21 van 1958. Minister kan afwykings magtig.
(2) Geen bedrag wat voorkom in kolom 2 van die Eerste of Tweede Bylae by hierdie Wet mag oorskry word nie, en besparings daarop mag vir geen ander doel as dié waarvoor die geld hiermee beskikbaar gestel word, soos aangetoon in daardie Bylae, aangewend word nie.
5. By die diens vermeld onder Hoof No. 1 van die Tweede Bylae by hierdie Wet mag die gesamentlike uitgawe vir 'n lyn wat in aanbou is, nie meer bedra nie as die bedrag wat deur 'n wet vasgestel is as die maksimum-bedrag wat daaraan bestee mag word. Lyne in aanbou.
6. Ondanks andersluidende bepalings in enige wet wat magtiging verleen vir die aanleg en uitrusting van die spoorlyn vermeld in kolom 1 van die Vierde Bylae by hierdie Wet, word die bedrag vermeld in kolom 2 van daardie Bylae, naamlik, die bedrag deur 'n wet vasgestel as die maksimum-som wat aan daardie lyn bestee mag word, vermeerder tot die som wat in kolom 3 uitgedruk staan. Vermeerdering van uitgawe op goedgekeurde spoorlyn.
7. Die gelde wat deur hierdie Wet vir kapitaal- en verbeteringsdienste beskikbaar gestel word, moet uit die in die Derde Bylae by hierdie Wet vermelde bronne verskaf word. Bronne waaruit beskikbaar gestelde gelde verskaf sal word.
8. Hierdie Wet heet die Addisionele Spoorweg- en Hawebegrotingswet, 1959. Kort titel.

First Schedule.

REVENUE SERVICES.

Head No.	Head.	Column 1.	Column 2.
	RAILWAYS:	£	£
	<i>Transportation Services—</i>		
3	Maintenance of Rolling Stock ..	1,260,996	—
4	Running Expenses	916,566	—
	<i>Expenditure on Net Revenue Account—</i>		
14	Interest on Capital	—	535,638
17	Miscellaneous Expenditure	—	509,092
	HARBOURS:		
	<i>Expenditure on Net Revenue Account—</i>		
24	Interest on Capital	—	155,249
	STEAMSHIPS:		
	<i>Expenditure on Net Revenue Account—</i>		
26/1	Interest on Capital	—	190
	AIRWAYS:		
	<i>Expenditure on Net Revenue Account—</i>		
29	Interest on Capital	—	50,831
30	Miscellaneous Expenditure	—	18,895
	TOTAL	£3,447,457	

Second Schedule.

CAPITAL AND BETTERMENT SERVICES.

Head No.	Head.	Column 1.	Column 2.
1	Construction of Railways	£ —	£ 726,900
2	New Works on Open Lines	365,300	—
3	Rolling Stock	190,850	—
5	Harbours	—	375,000
7	Airways	—	140,000
8	Working Capital	6,300	—
	TOTAL	£1,804,350	

SUMMARY.

Revenue Services (First Schedule)	£ 3,447,457
Capital and Betterment Services (Second Schedule)	1,804,350
	<u>£5,251,807</u>

Third Schedule.

Sources from which the additional funds for capital and betterment services will be provided:

Capital Credits	£ 200,000
Savings on provision made by the Second Schedule to Act No. 21 of 1958:	
Head No. 2: New Works on Open Lines	104,350
Head No. 3: Rolling Stock	1,500,000
	<u>£1,804,350</u>

Fourth Schedule.

Column 1.	Column 2.	Column 3.
Virginia-Harmony: New line (guaranteed) ..	£ 225,000	£ 272,700

Eerste Bylae.

INKOMSTEDIENSTE.

Hoof no.	Hoof.	Kolom 1.	Kolom 2.
	SPOORWEE:	£	£
	<i>Vervoerdienste—</i>		
3	Onderhoud van rollende materiaal ..	1,260,996	—
4	Treinloopkoste	916,566	—
	<i>Uitgawe op netto inkomsterekening—</i>		
14	Rente op kapitaal	—	535,638
17	Diverse uitgawe	—	509,092
	HAWENS:		
	<i>Uitgawe op netto inkomsterekening—</i>		
24	Rente op kapitaal	—	155,249
	STOOMSKEPE:		
	<i>Uitgawe op netto inkomsterekening—</i>		
26/1	Rente op kapitaal	—	190
	LUGDIENS:		
	<i>Uitgawe op netto inkomsterekening—</i>		
29	Rente op kapitaal	—	50,831
30	Diverse uitgawe	—	18,895
	TOTAAL	£3,447,457	

Tweede Bylae.

KAPITAAL- EN VERBETERINGSDIENSTE.

Hoof no.	Hoof.	Kolom 1.	Kolom 2.
		£	£
1	Aanleg van spoorweë	—	726,900
2	Nuwe werke aan oopgestelde lyne ..	365,300	—
3	Rollende materiaal	190,850	—
5	Hawens	—	375,000
7	Lugdiens	—	140,000
8	Bedryfskapitaal	6,300	—
	TOTAAL	£1,804,350	

SAMEVATTING.

Inkomstediens (Eerste Bylae)	£	3,447,457
Kapitaal- en Verbeteringsdiens (Tweede Bylae) ..	£	1,804,350
		<u>£5,251,807</u>

Derde Bylae.

Bronne waaruit die addisionele fondse vir kapitaal- en verbeteringsdiens verskaf sal word:

Kapitaalkrediete	£	200,000
Besparings op die beskikbaarstelling kragtens die Tweede Bylae by Wet No. 21 van 1958:		
Hoof no. 2: Nuwe werke aan oopgestelde lyne ..		104,350
Hoof no. 3: Rollende materiaal		1,500,000
		<u>£1,804,350</u>

Vierde Bylae.

	Kolom 1.	Kolom 2.	Kolom 3.
		£	£
Virginia-Harmony: Nuwe spoorlyn (gewaarborg)		225,000	272,700

No. 24, 1959.]

ACT

To apply a further sum not exceeding nineteen million seven hundred and nineteen thousand five hundred and forty-four pounds towards the service of the Union for the financial year ending on the thirty-first day of March, 1959.

*(Afrikaans text signed by the Governor-General.)
(Assented to 23rd March, 1959.)*

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:—

- | | |
|--|---|
| Exchequer Account charged with sums not exceeding £4,006,294 on Revenue Account. | 1. The Exchequer Account is hereby charged with such sums of money as may be required for the service of the Union (and chargeable to the Revenue Account) for the financial year ending on the thirty-first day of March, 1959, not exceeding in the aggregate four million and six thousand two hundred and ninety-four pounds, in addition to the sums with which that Account has been charged by the Appropriation Act, 1958 (Act No. 39 of 1958). |
| Exchequer Account charged with sums not exceeding £15,713,250 on Loan Account. | 2. The Exchequer Account is further charged with such sums of money as may be required for the service of the Union (and chargeable to the Loan Account) for the financial year ending on the thirty-first day of March, 1959, not exceeding in the aggregate fifteen million seven hundred and thirteen thousand two hundred and fifty pounds, in addition to the sums with which that Account has been charged by the Appropriation Act, 1958 (Act No. 39 of 1958). |
| How money to be applied. | 3. The money appropriated by this Act shall be applied to the services detailed in the Schedule hereto, and more particularly specified in the Estimates of Additional Expenditure [U.G. 2—1959] as approved by Parliament, and to no other purpose. |
| Minister may approve variation. | 4. With the approval of the Minister of Finance, a saving on any sub-head of a vote may be made available to meet excess expenditure on any other sub-head, or expenditure on a new sub-head of the same vote: Provided that the sums appearing in column 2 of the Schedule shall not be exceeded, nor shall savings thereon be available for any purpose other than that for which the money is hereby granted as indicated in the said Schedule. |
| Short title. | 5. This Act shall be known as the Additional Appropriation Act, 1959. |

No. 24, 1959.]

WET

Tot aanwending van 'n verdere som van hoogstens negentienmiljoen sewehonderd-en-negentienduisend vyfhonderd vier-en-veertig pond vir die diens van die Unie vir die boekjaar wat op die een-en-dertigste dag van Maart 1959 eindig.

*(Afrikaanse teks deur die Goewerneur-generaal ge teken.)
(Goedgekeur op 23 Maart 1959.)*

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

1. Die Skatkisrekening word hiermee belas met die somme geld wat nodig mag wees vir die diens van die Unie vir die boekjaar wat op die een-en-dertigste dag van Maart 1959 eindig, maar gesamentlik hoogstens viermiljoen sesduisend tweehonderd vier-en-negentig pond ten laste van die Inkomsterekening benewens die somme waarmee bedoelde Rekening deur die Begrotingswet, 1958 (Wet No. 39 van 1958), belas is.

Skatkisrekening
belas met som
van hoogstens
£4,006,294 op
Inkomsterekening.

2. Die Skatkisrekening word verder belas met die somme geld wat nodig mag wees vir die diens van die Unie vir die boekjaar wat op die een-en-dertigste dag van Maart 1959 eindig, maar gesamentlik hoogstens vyftienmiljoen sewehonderd-en-dertien-duisend tweehonderd-en-veertig pond ten laste van die Leningsrekening benewens die somme waarmee bedoelde Rekening deur die Begrotingswet, 1958 (Wet No. 39 van 1958), belas is.

Skatkisrekening
belas met som van
hoogstens
£15,713,250 op
Leningsrekening.

3. Die geld wat deur hierdie Wet beskikbaar gestel word, moet aangewend word vir die dienste opgenoem in die aangehegte Bylae en met meer besonderhede vermeld in die Begroting van Addisionele Uitgawes [U.G. 2—1959], soos deur die Parlement goedgekeur en vir geen ander doel nie.

Hoe die geld bestee
moet word.

4. Met goedkeuring van die Minister van Finansies kan 'n besparing onder die een subhoof van 'n begrotingspos aangewend word tot dekking van uitgawes bo die gemagtigde bedrag onder 'n ander subhoof, of van uitgawe onder 'n nuwe subhoof van dieselfde begrotingspos: Met dien verstande dat die somme wat in kolom 2 van die Bylae voorkom, nie oorskry mag word nie, en besparings daarop ewemin aangewend mag word vir enige ander doel as dié waarvoor die geld hierby toegestaan word soos in die gemelde Bylae aangedui.

Die Minister kan
'n afwyking
goedkeur.

5. Hierdie Wet heet die Addisionele Begrotingswet, 1959. Kort titel.

Schedule.

No. of Vote.	Title of Vote.	Column 1.	Column 2.
	<i>(Chargeable to Revenue Account.)</i>	£	£
5	Justice	90,500	
6	Prisons and Gaols	215,000	
7	Police	240,000	
9	Deeds	9,000	
11	Water Affairs	75,400	
14	Interior	12,392	
19	Forestry	7,000	
20	Transport	430	
23	Provincial Administrations	184,684	
24	Miscellaneous Services	6,000	
28	Inland Revenue	11,810	
29	Customs and Excise	237,978	
31	State Advances Recoveries Office	29,000	
33	Commerce and Industries	337,500	
35	Posts, Telegraphs and Telephones	239,500	
36	Social Welfare	97,000	
37	Labour	3,500	
39	Education, Arts and Science	17,000	
	Including—		
	State-Aided Institutions		6,000
41	Health (Union)	530,000	
	Including—		
	Financial Assistance in terms of Section 50 (1) (f) of Act No. 36 of 1919		1,569
42	Health (Union): Hospitals and Institutions	187,300	
45	Agriculture (Administration and National Services)	55,000	
47	Agriculture (General)	1,420,300	
	Total	£4,006,294	
	<i>(Chargeable to Loan Account.)</i>		
A.	Miscellaneous Loans and Services	575,000	
B.	Public Works	93,250	
E.	Water Affairs	100,000	
	Including—		
	3. Minor Irrigation Loans, etc.		50,000
	7. Betterment and Drainage on Government Water Schemes in operation		50,000
G.	Agriculture	1,755,000	
H.	State Advances Recoveries Office	1,000,000	
J.	Commerce and Industries	12,000,000	
L.	Transport	35,000	
N.	Native Affairs	152,000	
P.	Coloured Affairs	3,000	
	Total	£15,713,250	

SUMMARY.

Amount chargeable to Revenue Account	£4,006,294
Amount chargeable to Loan Account	15,713,250
Total	<u>£19,719,544</u>

Bylae.

No. van Begrotingspos.	Titel van Begrotingspos.	Kolom 1.	Kolom 2.
	<i>(Ten laste van Inkomsterekening.)</i>	£	£
5	Justisie	90,500	
6	Gevangenis en Tronke	215,000	
7	Polisie	240,000	
9	Registrasiekantore	9,000	
11	Waterwese	75,400	
14	Binnelandse Sake	12,392	
19	Bosbou	7,000	
20	Vervoer	430	
23	Provinsiale Administrasies	184,684	
24	Diverse Dienste	6,000	
28	Binnelandse Inkomste	11,810	
29	Doecane en Aksyns	237,978	
31	Kantoor tot Invordering van Staatsvoorskotte	29,000	
33	Handel en Nywerheid	337,500	
35	Pos-, Telegraaf- en Telefoonwese	239,500	
36	Volkswelsyn	97,000	
37	Arbeid	3,500	
39	Onderwys, Kuns en Wetenskap	17,000	
	Met inbegrip van—		
	Staatsondersteunde Inrigtings		6,000
41	Gesondheid (Unie)	530,000	
	Met inbegrip van—		
	Finansiële hulp kragtens Artikel 50 (1) (f) van Wet No. 36 van 1919		1,569
42	Gesondheid (Unie): Hospitale en Inrigtings	187,300	
45	Landbou (Administrasie en Nasionale Dienste)	55,000	
47	Landbou (Algemeen)	1,420,300	
	Totaal	£4,006,294	
	<i>(Ten laste van Leningsrekening.)</i>		
A.	Diverse Lenings en Dienste	575,000	
B.	Publieke Werke	93,250	
E.	Waterwese	100,000	
	Met inbegrip van—		
	3. Kleinere Besproeiingslenings, ens.		50,000
	7. Verbeterings en dreinerings op bestaande Staatswaterskemas		50,000
G.	Landbou	1,755,000	
H.	Kantoor tot Invordering van Staatsvoorskotte	1,000,000	
J.	Handel en Nywerheid	12,000,000	
L.	Vervoer	35,000	
N.	Naturellesake	152,000	
P.	Kleurlingsake	3,000	
	Totaal	£15,713,250	

SAMEVATTING.

Bedrag ten laste van die Inkomsterekening	£4,006,294
Bedrag ten laste van die Leningsrekening	15,713,250
Totaal	<u>£19,719,544</u>

GOVERNMENT NOTICE.

DEPARTMENT OF FINANCE.

No. 445.] [25th March, 1959.

EXCISE ACT, 1956—BRINGING INTO OPERATION OF SUSPENDED DUTIES.

I, Theophilus Ebenhaezer Dönges, Minister of Finance, acting in terms of sub-section (3) of section seven of the Excise Act (No. 62 of 1956) hereby bring into operation with effect from the date of publication of this notice the suspended duties mentioned in the undermentioned items of Schedule No. 1 to the said Excise Act to the extent and in respect of the class or kind of goods shown hereunder:

Item.	Goods.	Amount of suspended duties brought into operation.
		£ s. d.
Ex 12	Cane Spirits, that is to say, the distillate resulting from the distillation of any product obtained from sugar cane per imperial proof gallon	0 2 6
Ex 13	Mixtures of wine with cane spirits, that is to say, with the distillate resulting from the distillation of any product obtained from sugar cane per imperial proof gallon	0 2 6

T. E. DÖNGES,
Minister of Finance.

NOTE.—The effect of this notice is to bring into operation to the extent stated the suspended duties on cane spirits and mixtures of wine with cane spirits.

GOEWERMENSKENNISGEWING.

DEPARTEMENT OF FINANSIES.

No. 445.] [25 Maart 1959.

AKSYNSWET, 1956—INWERKINGSTELLING VAN OPGESKORTE REGTE.

Ek, Theophilus Ebenhaezer Dönges, Minister van Finansies, handelende kragtens sub-artikel (3) van artikel sewe van die Aksynswet (No. 62 van 1956), stel hierby die opgeskorte regte wat in die onderstaande items van Bylae No. 1 van genoemde Aksynswet vermeld word, met ingang van die datum van publikasie van hierdie kennisgewing in werking in die mate en ten opsigte van die klas of soort goedere hieronder aangedui:

Item.	Goedere.	Bedrag van opgeskorte regte in werking gestel.
		£ s. d.
Ex 12	Rietspiritus, dit wil sê die distillaat wat ontstaan uit die distillering van enige produk wat van suikerriet verkry is per imperiale proefgelling	0 2 6
Ex 13	Mengsels van wyn met rietspiritus, dit wil sê met die distillaat wat ontstaan uit die distillering van enige produk wat van suikerriet verkry is per imperiale proefgelling	0 2 6

T. E. DÖNGES,
Minister van Finansies.

OPMERKING.—Die uitwerking van hierdie kennisgewing is om die opgeskorte regte in die mate aangetoon op rietspiritus en mengsels van wyn met rietspiritus in werking te stel.

