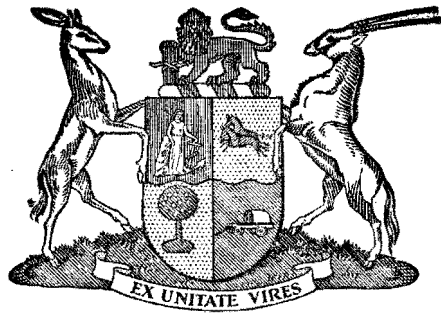


EXTRAORDINARY



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Staatskoerant

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KAAPSTAD, 17 JULIE 1959.**

PRYS 6d. [No. 6262.]

DEPARTMENT OF THE PRIME MINISTER.

No. 1102.] 17th July, 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:—

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1102.] 17 Julie 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:—

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No. 75, 1959.]

ACT

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

(English text signed by the Governor-General.)
(Assented to 3rd July, 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 89 of Act 32 of 1944.

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

“Jurisdiction 89. (1) The court, other than the court of a in respect of regional division, shall have jurisdiction over all offences. offences except treason, murder and rape.

(2) The court of a regional division shall have jurisdiction over all offences except treason and murder: Provided that such court shall not have jurisdiction in the case of rape where the accused has demanded before plea that he be tried before a superior court.”

Amendment of section 90 of Act 32 of 1944, as substituted by section 20 of Act 40 of 1952.

2. Section *ninety* of the Magistrates' Courts Act, 1944, is hereby amended by the addition at the end thereof of the following sub-section:

“(9) Notwithstanding anything contained in this section, the provisions of sub-section (5)*bis* of section *fifty-nine* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply in respect of the trial of any person by any court.”

Amendment of section 1 of Act 56 of 1955, as amended by section 22 of Act 50 of 1956 and section 1 of Act 9 of 1958.

3. Section *one* of the Criminal Procedure Act, 1955 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the addition at the end of paragraph (a) of the definition of “aggravating circumstances” of the words “on the occasion when the offence is committed, whether before, during or after the commission thereof”;

(b) by the addition at the end of paragraph (b) of the said definition of the words “by the offender or an accomplice, on the occasion when the offence is committed, whether before, during or after the commission thereof”.

Amendment of section 59 of Act 56 of 1955.

4. Section *fifty-nine* of the principal Act is hereby amended by the insertion after sub-section (5) of the following sub-section:

“(5)*bis* (a) The Attorney-General may, whenever he deems it expedient owing to the number of accused involved in any criminal proceedings or with a view to avoiding excessive inconvenience or the disturbance of public order, direct in writing that the preparatory examination be held at a specified place in any district of the province or area for which he holds office and at a specified time.

(b) A copy (including a telegraphic copy) of any direction by the attorney-general under paragraph (a) shall serve as a warrant for the removal of the accused from any place where he may be in custody to any prison or gaol in the district in which the preparatory examination is to be held.

(c) Upon service of any such copy on an accused who has been released on bail, the recognizances of the bail shall be deemed to be extended to the time and place specified in the direction: Provided that the recognizances of persons bound thereby shall not be liable to forfeiture unless notice of such time and place has been given to them.”

No. 75, 1959.]

WET

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

(Engels teks deur die Goewerneur-generaal geteken.)
Goedgekeur op 3 Julie 1959.)

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

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

„Jurisdiksie 89. (1) Die hof, behalwe die hof van 'n streek-
ten aansien afdeling, het jurisdiksie ten opsigte van alle mis-
van drywe behalwe hoogverraad, moord en verkrag-
misdrywe. ting.

(2) Die hof van 'n streekafdeling het jurisdiksie ten opsigte van alle misdrywe behalwe hoogverraad en moord: Met dien verstande dat daardie hof nie jurisdiksie het nie in die geval van verkragting waar die beskuldigde voordat hy gepleit het, geëis het dat hy voor 'n hoërhof verhoor moet word.”

Vervanging van artikel 89 van Wet 32 van 1944.
2. Artikel *negentig* van die Wet op Landdroshowe, 1944, word hierby gewysig deur die volgende sub-artikel aan die end daarvan by te voeg:

„(9) Ondanks die bepalings van hierdie artikel, is die bepalings van sub-artikel (5)*bis* van artikel *nege-en-vyftig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), *mutatis mutandis* ten aansien van die verhoor van enigiemand deur enige hof van toepassing.”

Wysiging van artikel 90 van Wet 32 van 1944, soos by artikel 20 van Wet 40 van 1952 vervang.
3. Artikel *een* van die Strafproseswet, 1955 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur aan die end van paragraaf (a) van die omskrywing van „verswarende omstandighede” die woorde „by die geleentheid wanneer die misdryf gepleeg word, hetsy voor, gedurende of na die pleeg daarvan” by te voeg;

(b) deur aan die end van paragraaf (b) van genoemde omskrywing die woorde „deur die oortreder of 'n medepligtige, by die geleentheid wanneer die misdryf gepleeg word, hetsy voor, gedurende of na die pleeg daarvan” by te voeg.

Wysiging van artikel 1 van Wet 56 van 1955, soos by artikel 22 van Wet 50 van 1956 en artikel 1 van Wet 9 van 1958 gewysig.
4. Artikel *nege-en-vyftig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel na sub-artikel (5) in te voeg:

„(5)*bis* (a) Die Prokureur-generaal kan, wanneer hy dit dienstig ag weens die aantal beskuldigdes by 'n strafsak betrokke of ten einde buitensporige ongerief of die verstoring van die openbare orde te vermy, skriftelik gelas dat die voorlopige ondersoek op 'n bepaalde plek in enige distrik van die provinsie of gebied ten opsigte waarvan hy sy amp bekleed en op 'n bepaalde tyd gehou word.

(b) 'n Afskrif (met inbegrip van 'n telegrafiese afskrif) van 'n bevel deur die prokureur-generaal kragtens paragraaf (a), dien as 'n lasbrief vir die verwydering van die beskuldigde van enige plek waar hy in hegtenis is na 'n gevangenis of tronk in die distrik waarin die voorlopige ondersoek gehou moet word.

(c) Wanneer so 'n afskrif aan 'n beskuldigde wat op borgtog vrygelaat is, bestel word, word dit geag dat die borgaktes van die borgtog na die tyd en plek in die bevel bepaal, uitgebrei is: Met dien verstande dat die borgaktes van persone wat daarkragtens verbind is, nie aan verbeurdverklaring onderhewig is tensy kennisgewing van bedoelde tyd en plek aan hulle gegee is nie.”

Wysiging van artikel 59 van Wet 56 van 1955.

Amendment of section 109 of Act 56 of 1955, as amended by section 2 of Act 9 of 1958.

5. Section *one hundred and nine* of the principal Act is hereby amended by the deletion of the proviso to sub-section (2).

Insertion of section 280*bis* in Act 56 of 1955.

6. The following section is hereby inserted after section *two hundred and eighty* of the principal Act:

“Evidence on charges of which a false representation is an element.

280*bis*. Whenever upon the trial of any person charged with an offence of which a false representation is an element, it is proved that the false representation was made by such person, he shall, unless the contrary is proved, be deemed to have made such representation knowing it to be false.”.

Short title.

7. This Act shall be called the Criminal Law Further Amendment Act, 1959.

5. Artikel *honderd-en-nege* van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by sub-artikel (2) te skrap.

Wysiging van artikel 109 van Wet 56 van 1955, soos by artikel 2 van Wet 9 van 1958 gewysig.

6. Die volgende artikel word hierby na artikel *tweehonderden-tagtig* van die Hoofwet ingevoeg:

„Getuienis op aan- klagtes waarvan 'n valse voorstelling 'n bestanddeel is. 280bis. Wanneer by die verhoor van iemand op 'n aanklag weens 'n misdryf waarvan 'n valse voorstelling 'n bestanddeel is, dit bewys word dat die valse voorstelling deur so iemand gemaak is, word dit geag, tensy die teendeel bewys word, dat hy die voorstelling gemaak het met die wete dat dit vals is.”.

Invoeging van artikel 280bis in Wet 56 van 1955.

7. Hierdie Wet heet die Verdere Wysigingswet op die Straf- Kort titel. reg, 1959.

No. 76, 1959.]

ACT**To amend the Unemployment Insurance Act, 1946.***(Afrikaans text signed by the Governor-General.)
(Assented to 3rd July, 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:—

Definitions.

1. In this Act "principal Act" means the Unemployment Insurance Act, 1946 (Act No. 53 of 1946), and any expression to which a meaning has been assigned in the principal Act shall, when used in this Act, have the same meaning unless the context otherwise indicates.

Amendment of section 2 of Act 53 of 1946, as amended by section 3 of Act 41 of 1949, section 3 of Act 48 of 1952, section 1 of Act 10 of 1954 and section 2 of Act 9 of 1957.

2. (1) Section *two* of the principal Act is hereby amended by the substitution for paragraph (1) of sub-section (2) of the following paragraph:“(1) persons who are officers in terms of the definition of ‘officer’ in section *one* of the Public Service Act, 1957 (Act No. 54 of 1957); or”.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of August, 1957.

Amendment of section 2*bis* of Act 53 of 1946, as inserted by section 3 of Act 9 of 1957.**3.** (1) Section *two bis* of the principal Act is hereby amended—

(a) by the substitution in sub-section (1) for the words “Subject to the provisions of this section and unless the context otherwise indicates ‘earnings’ in this Act means” of the words “Save in so far as may be otherwise determined by the Minister after consultation with the board, either generally or in respect of any contributor or class of contributors or the context otherwise indicates, ‘earnings’ in this Act includes”; and

(b) by the deletion in sub-section (1) of the proviso.

(2) Any amount included or excluded in calculating the earnings of any contributor for the purposes of the principal Act, before the commencement of this Act, shall be deemed to have been duly included or excluded in pursuance of a determination made in terms of sub-section (1) of section *two bis* of the principal Act as amended by sub-section (1) of this section.

Amendment of section 5 of Act 53 of 1946, as amended by section 5 of Act 48 of 1952.

4. Section *five* of the principal Act is hereby amended by the insertion after paragraph (a) of the following paragraphs:“(a)*bis* the payment of any amounts payable in terms of section *thirty-nine ter*;(a)*ter* the payment of any amounts which may become payable in pursuance of any authorization in terms of section *thirty-nine quat*.”.

Amendment of section 32 of Act 53 of 1946, as amended by section 5 of Act 41 of 1949, section 7 of Act 48 of 1952 and section 3 of Act 10 of 1954.

5. Section *thirty-two* of the principal Act is hereby amended by the substitution for sub-section (12) of the following sub-section:

“(12) Whenever any contribution is due by any person to the fund and the Secretary is in respect of any amount of such contribution of opinion that it cannot or should not, under the circumstances of the case, be recovered, he may direct that such amount be written off.”.

Amendment of section 39 of Act 53 of 1946, as amended by section 9 of Act 41 of 1949, section 1 of Act 57 of 1951, section 8 of Act 48 of 1952, Proclamation 155 of 1952, section 5 of Act 10 of 1954 and section 6 of Act 9 of 1957.

6. (1) Section *thirty-nine* of the principal Act is hereby amended—

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

“(3)*bis* (a) Whenever the Minister is of the opinion that in any area the extent of the unemployment in any business is such that a state of emergency exists, he may, after consultation with the board, by notice in the *Gazette* suspend, for such period and subject to such conditions, exceptions and

No. 76, 1959.]

WET**Tot wysiging van die Werkloosheidversekeringswet, 1946.**

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 3 Julie 1959.)

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

1. In hierdie Wet beteken „Hoofwet” die Werkloosheidversekeringswet, 1946 (Wet No. 53 van 1946), en het enige uitdrukking waaraan ’n betekenis in die Hoofwet toegeskryf is, dieselfde betekenis wanneer dit in hierdie Wet gebesig word, tensy uit die samehang anders blyk. Woordbepaling.
2. (1) Artikel *twee* van die Hoofwet word hierby gewysig deur paragraaf (l) van sub-artikel (2) deur die volgende paragraaf te vervang:
 - „(l) persone wat beamptes is ingevolge die omskrywing van ‚beampte’ in artikel *een* van die Staatsdienswet, 1957 (Wet No. 54 van 1957); of”.Wysiging van artikel 2 van Wet 53 van 1946, soos gewysig deur artikel 3 van Wet 41 van 1949, artikel 3 van Wet 48 van 1952, artikel 1 van Wet 10 van 1954 en artikel 2 van Wet 9 van 1957.
- (2) Sub-artikel (1) word geag op die eerste dag van Augustus 1957 in werking te getree het.
3. (1) Artikel *twee bis* van die Hoofwet word hierby gewysig—
 - (a) deur in sub-artikel (1) die woorde „Behoudens die bepalings van hierdie artikel en tensy uit die samehang anders blyk, beteken ‚verdienste’ in hierdie Wet” deur die woorde „Behalwe vir sover die Minister, na raadpleging met die raad, anders bepaal of in die algemeen of ten opsigte van enige bydraer of klas bydraer, of dit uit die samehang anders blyk, beteken ‚verdienste’ in hierdie Wet ook” te vervang; en
 - (b) deur in sub-artikel (1) die voorbehoudsbepaling te skrap.Wysiging van artikel 2bis van Wet 53 van 1946, soos ingevoeg deur artikel 3 van Wet 9 van 1957.
- (2) Enige bedrag wat voor die inwerkingtreding van hierdie Wet in- of uitgesluit is by die berekening van die verdienste van enige bydraer vir die doeleindes van die Hoofwet, word geag behoorlik in- of uitgesluit te gewees het ingevolge ’n bepaling gemaak kragtens sub-artikel (1) van artikel *twee bis* van die Hoofwet soos gewysig deur sub-artikel (1) van hierdie artikel.
4. Artikel *vyf* van die Hoofwet word hierby gewysig deur na paragraaf (a) die volgende paragrawe in te voeg:
 - „(a)bis die betaling van enige bedrae betaalbaar ingevolge artikel *nege-en-dertig ter*;
 - (a)ter die betaling van enige bedrae wat betaalbaar mag word ingevolge enige magtiging kragtens artikel *nege-en-dertig quat*.”.Wysiging van artikel 5 van Wet 53 van 1946, soos gewysig deur artikel 5 van Wet 48 van 1952.
5. Artikel *twee-en-dertig* van die Hoofwet word hierby gewysig deur sub-artikel (12) deur die volgende sub-artikel te vervang:
 - „(12) Wanneer ’n bydrae deur enigiemand aan die fonds verskuldig is en die Sekretaris ten opsigte van enige bedrag van sodanige bydrae van mening is dat dit nie verhaal kan word nie of dat dit, onder die omstandighede van die geval, nie verhaal behoort te word nie, kan hy gelas dat daardie bedrag afgeskryf word.”.Wysiging van artikel 32 van Wet 53 van 1946, soos gewysig deur artikel 5 van Wet 41 van 1949, artikel 7 van Wet 48 van 1952 en artikel 3 van Wet 10 van 1954.
6. (1) Artikel *nege-en-dertig* van die Hoofwet word hierby gewysig—
 - (a) deur na sub-artikel (3) die volgende sub-artikel in te voeg:
 - „(3)bis (a) Wanneer die Minister van mening is dat in enige gebied die mate van werkloosheid in enige besigheid sodanig is dat ’n noodtoestand bestaan, kan hy, na raadpleging met die raad, by kennisgewing in die *Staatskoerant*, die werking van die bepalings van sub-artikel (2)bis of (3), vir so ’n tydperk en onderworpe aan sodanige voorwaardes, uitsonderings en uitsluitings asWysiging van artikel 39 van Wet 53 van 1946, soos gewysig deur artikel 9 van Wet 41 van 1949, artikel 1 van Wet 57 van 1951, artikel 8 van Wet 48 van 1952, Proklamasie 155 van 1952, artikel 5 van Wet 10 van 1954 en artikel 6 van Wet 9 van 1957.

exclusions as may be specified in the notice and either wholly or in part, the operation of the provisions of sub-section (2)*bis* or (3) in respect of any contributors or any class of contributors who are or have been employed in that business in that area.

- (b) The Minister may at any time by notice in the *Gazette* amend or repeal any notice issued in terms of this sub-section.”;
- (b) by the deletion in paragraph (b) of sub-section (5) of the words “during which there is in the business in which he is employed, a stoppage of work in pursuance of any holiday scheme or”; and
- (c) by the insertion after sub-section (5)*bis* of the following sub-section:

“(5)*ter*. If in any business there is, in pursuance of any holiday scheme, a stoppage of work for any period (in this sub-section referred to as the holiday period), a contributor whose last employment prior to the commencement of the holiday period was in such business, shall not, except for the purposes of sub-section (11), be regarded as unemployed during that period unless he satisfies the claims officer that he is not unemployed solely on account of the holiday period.”.

(2) Any amount paid to a contributor in respect of any holiday period referred to in sub-section (5)*ter* of section *thirty-nine* of the principal Act, before the commencement of this Act, shall be deemed to have been validly paid in terms of the principal Act as amended by this Act.

Insertion of section 39 *quat* in Act 53 of 1946.

7. The following section is hereby inserted in the principal Act after section *thirty-nine ter*:

“Schemes to combat unemployment. 39*quat*. (1) If the Minister is of the opinion that unemployment exists or is likely to arise in any business or area among contributors who cannot readily be placed in other suitable employment, he may, on the recommendation of the board, provide for a scheme to keep such contributors in employment or to place those who are or who become unemployed in employment.

(2) The Minister may in any such scheme—

- (a) provide for any matter for which he considers it necessary or expedient to provide, including the grant of financial or other assistance to any employer or contributor or any class of employers or contributors to whom the scheme relates;
- (b) differentiate between different classes of employers and different classes of contributors on any basis which he deems necessary in order to achieve the objects of the scheme.

(3) The Minister may, after consultation with the Minister of Finance, authorize the payment from the fund of the whole or any portion of any amount which may become payable in connection with the application of the scheme, including any expenditure incurred in the administration thereof.

(4) The Minister may at any time—

- (a) after consultation with the Minister of Finance, withdraw or alter any authority granted in terms of sub-section (3);
- (b) on the recommendation of the board, withdraw or amend any scheme.”.

Amendment of long title of Act 53 of 1946, as amended by section 13 of Act 9 of 1957.

8. The long title of the principal Act is hereby amended by the insertion before the words “to repeal” of the words “to provide for the combating of unemployment;”.

Short title.

9. This Act shall be called the Unemployment Insurance Amendment Act, 1959.

wat in die kennisgewing vermeld word en of geheel en al of gedeeltelik, opskort ten opsigte van enige bydraers of enige klas bydraers wat in daardie besigheid in daardie gebied in diens is of was.

(b) Die Minister kan te eniger tyd by kennisgewing in die *Staatskoerant* 'n kragtens hierdie sub-artikel uitgevaardigde kennisgewing wysig of intrek.”;

(b) deur in paragraaf (b) van sub-artikel (5) die woorde „gedurende welke daar in die besigheid waarin hy in diens is, 'n werkstilstand ten gevolge van 'n vakansieskema is nie, of” te skrap; en

(c) deur na sub-artikel (5)*bis* die volgende sub-artikel in te voeg:

„(5)*ter*. Indien daar in enige besigheid ingevolge 'n vakansieskema 'n werkstilstand is vir enige tydperk (in hierdie sub-artikel die vakansietydperk genoem), word 'n bydraer wat voor die aanvang van die vakansietydperk laas in sodanige besigheid in diens was nie geag (behalwe vir die doeleindes van sub-artikel (11)) werkloos te wees gedurende daardie tydperk nie tensy hy die eisebeampte oortuig dat hy nie slegs weens die vakansietydperk werkloos is nie.”.

(2) Enige bedrag wat voor die inwerkingtreding van hierdie Wet aan 'n bydraer betaal is ten opsigte van 'n in sub-artikel (5)*ter* van artikel *nege-en-dertig* van die Hoofwet bedoelde vakansietydperk, word geag wettiglik betaal te gewees het ingevolge die Hoofwet soos deur hierdie Wet gewysig.

7. Die volgende artikel word hierby in die Hoofwet na artikel *nege-en-dertig ter* ingevoeg:

„Skemas om werkloosheid te bestry.

39*quat*. (1) Indien die Minister van mening is dat in enige besigheid of gebied werkloosheid bestaan of waarskynlik sal ontstaan onder bydraers wat nie geredelik in ander geskikte werk geplaas kan word nie, kan hy, op aanbeveling van die raad, voorsiening maak vir 'n skema om sodanige bydraers in werk te hou of om dié wat werkloos is of word in werk te plaas.

(2) Die Minister kan in so 'n skema—

(a) voorsiening maak vir enige aangeleentheid wat hy nodig of raadsaam ag om voorsiening voor te maak, met inbegrip van die verlening van geldelike of ander hulp aan enige werkgewer of bydraer of enige klas werkgewer of bydraer waarop die skema betrekking het;

(b) differensieer tussen verskillende klasse werkgewers en verskillende klasse bydraers op enige basis wat hy nodig ag om die oogmerke van die skema te bereik.

(3) Die Minister kan, na raadpleging met die Minister van Finansies, die betaling uit die fonds magtig van die hele of enige gedeelte van enige bedrag wat betaalbaar mag word in verband met die toepassing van die skema, met inbegrip van enige uitgawes aangegaan by die uitvoering daarvan.

(4) Die Minister kan te eniger tyd—

(a) na raadpleging met die Minister van Finansies, enige magtiging ingevolge sub-artikel (3) verleen, intrek of verander;

(b) op aanbeveling van die raad, enige skema intrek of wysig.”.

Invoeging van artikel 39*quat* in Wet 53 van 1946.

8. Die lang titel van die Hoofwet word hierby gewysig deur voor die woorde „om die” die woorde „om voorsiening te maak vir die bestryding van werkloosheid;” in te voeg.

Wysiging van lang titel van Wet 53 van 1946, soos gewysig deur artikel 13 van Wet 9 van 1957.

9. Hierdie Wet heet die Wysigingswet op Werkloosheid-versekering, 1959. Kort titel.

No. 79, 1959.]

ACT

To amend the Insurance Act, 1943.

(English text signed by the Governor-General.)
(Assented to 4th July, 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 27 of 1943, as amended by section 2 of Act 73 of 1951, section 39 of Act 24 of 1956 and section 50 of Act 25 of 1956.

1. (1) Section *one* of the Insurance Act, 1943 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion in sub-section (1) before the definition of "approved reinsurances", of the following definition:

"'actuary' means any Fellow of the Institute of Actuaries of England or of the Faculty of Actuaries in Scotland or of the Society of Actuaries of America or of any other institute, faculty, society or chapter of actuaries approved by the Minister;";

(b) by the substitution in sub-section (1) in the definition of "industrial policy" for the words "one hundred" of the words "three hundred";

(c) by the substitution in sub-section (1) in paragraph (c) of the definition of "insurance business" for the words "if they fall within the scope of the regulations of the society or company concerned" of the words "in so far as they relate to a scheme or arrangement in terms of the regulations of the society or company concerned, under which the amount of the benefits afforded by such scheme or arrangement is not guaranteed and the liability of the society or company in respect of claims is limited to the amount standing to the credit of a fund specially maintained in respect of such claims";

(d) by the substitution in sub-section (1) for the definition of "principal officer" of the following definition:

"'public officer' means the public officer in the Union appointed in terms of section *seven*;";

(e) by the insertion in sub-section (1) in the definition of "registered insurer" before the word "*four*" of the words "*three bis* or"; and

(f) by the addition at the end of sub-section (1) of the following definition:

"'valuator' means a valuator appointed in terms of section *ten*."

(2) The amendment effected by paragraph (b) of sub-section (1) shall not apply in respect of any life policy in force at the commencement of that paragraph.

Amendment of section 2 of Act 27 of 1943.

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

"(1)*bis* The Minister may similarly appoint an officer to be styled the Deputy Registrar of Insurance who may, subject to the control and directions of the registrar, do anything which may lawfully be done by the registrar."

Insertion of section 3*bis* in Act 27 of 1943.

3. The following section is hereby inserted in the principal Act after section *three*:

"Provisions relating to existing co-operative insurers. 3*bis*. (1) Any co-operative society or co-operative company referred to in paragraph (c) of the definition of 'insurance business' in sub-section (1) of section *one* which immediately before the commencement of this section was lawfully carrying on in the Union any class of insurance business (hereinafter called a co-operative insurer) and which intends to continue to carry on that class of business shall within a period of three months as from such commence-

No. 79, 1959.]

WET**Tot wysiging van die Versekeringswet, 1943.***(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 4 Julie 1959.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. (1) Artikel *een* van die Versekeringswet, 1943 (hieronder die Hoofwet genoem), word hierby gewysig—
- (a) deur in sub-artikel (1) voor die omskrywing van „goedgekeurde herversekerings” die volgende omskrywing in te voeg:
- „,aktuaris’ beteken ’n ,Fellow’ van die ,Institute of Actuaries’ van Engeland of van die ,Faculty of Actuaries’ van Skotland of van die ,Society of Actuaries’ van Amerika of van ’n ander deur die Minister goedgekeurde instituut, fakulteit, vereniging of kapittel van aktuarisse;”;
- (b) deur in sub-artikel (1) in die omskrywing van „nywerheidspolis” die woord „eenhonderd” deur die woord „driehonderd” te vervang;
- (c) deur in sub-artikel (1) in paragraaf (c) van die omskrywing van „versekeringsbesigheid” die woorde „as hulle val binne die bestek van die regulasies van die betrokke vereniging of maatskappy” te vervang deur die woorde „vir sover hulle betrekking het op ’n skema of reëling ingevolge die regulasies van die betrokke vereniging of maatskappy, waarkragtens die bedrag van die voordele waarvoor die skema of reëling voorsiening maak, nie gewaarborg word nie en die aanspreeklikheid van die vereniging of maatskappy ten opsigte van eise beperk is tot die bedrag wat gekrediteer is aan ’n fonds wat spesiaal ten opsigte van sodanige eise in stand gehou word”;
- (d) deur in sub-artikel (1) die omskrywing van „hoofamptenaar” deur die volgende omskrywing te vervang:
- „,openbare amptenaar’ beteken die openbare amptenaar in die Unie, wat ingevolge artikel *sewe* aangestel is;”;
- (e) deur in sub-artikel (1) in die omskrywing van „geregistreerde versekeraar” voor die woord „,vier” die woorde „,drie bis of” in te voeg; en
- (f) deur aan die end van sub-artikel (1) die volgende omskrywing by te voeg:
- „,waardeerder’ beteken ’n waardeerder wat ingevolge artikel *tien* aangestel is.”
- (2) Die wysiging deur paragraaf (b) van sub-artikel (1) aangebring, is nie van toepassing nie ten opsigte van ’n lewenspolis wat by die inwerkingtreding van daardie paragraaf van krag is.
2. Artikel *twee* van die Hoofwet word hierby gewysig deur na sub-artikel (1) die volgende sub-artikel in te voeg:
- „(1)*bis* Die Minister kan insgelyks ’n amptenaar aanstel, genoem die Adjunk-registrateur van Versekeringswese, wat, onderworpe aan die beheer en voorskrifte van die registrateur, enigiets kan doen wat die registrateur wettiglik kan doen.”
3. Die volgende artikel word hierby na artikel *drie* in die Hoofwet ingevoeg:
- „Bepalings met betrekking tot bestaande koöperatiewe versekeraars.
- 3bis.* (1) ’n Koöperatiewe vereniging of koöperatiewe maatskappy in paragraaf (c) van die omskrywing van ,versekeringsbesigheid’ in sub-artikel (1) van artikel *een* bedoel, wat onmiddellik voor die inwerkingtreding van hierdie artikel wettig ’n soort versekeringsbesigheid in die Unie gedryf het (hieronder ’n koöperatiewe versekeraar genoem) en wat voornemens is om daardie soort besigheid voort te sit, moet binne ’n tydperk van drie maande

Wysiging van artikel 1 van Wet 27 van 1943, soos gewysig by artikel 2 van Wet 73 van 1951, artikel 39 van Wet 24 van 1956 en artikel 50 van Wet 25 van 1956.

Wysiging van artikel 2 van Wet 27 van 1943.

Invoeging van artikel 3bis in Wet 27 van 1943.

ment apply for registration under this Act by furnishing to the registrar the documents and particulars prescribed by regulation for the purposes of section *four*, as far as any such regulation is applicable, and, in the case of life business, a copy of every table or statement, and of the report, mentioned in sub-section (2) of section *thirty-four*.

(2) Except as provided in sub-section (3) of this section, the provisions of sub-section (3) of section *four* shall thereupon *mutatis mutandis* apply in respect of such an application for registration.

(3) In the case of a co-operative insurer Part I of the First Schedule to this Act shall be deemed to provide that the amount of the deposit with the Treasury shall be as follows, namely—

- (a) before registration, an amount equal to twenty per cent. of the amount of the deposit which, had this sub-section not been enacted, would have been prescribed by the said Part I; and
- (b) within each succeeding period of twelve months after registration, an amount equal to the amount arrived at in terms of paragraph (a) until the total amount of the deposit equals the amount of the deposit which would have been so prescribed.

(4) Notwithstanding the provisions of sub-section (1) of section *five*, a co-operative insurer who has within a period of three months as from the commencement of this section applied for registration in terms of sub-section (1) of this section, may without having been registered under this Act, continue to carry on any class of insurance business in respect of which he has so applied for registration during the said period of three months and thereafter until he has been so registered or until his application has been refused; Provided that a co-operative insurer who at any time before the expiration of the said period of three months lawfully issued a policy which is still in force at such expiration may continue to carry on any insurance business relating to that policy (except issue another policy which is not a paid-up policy issued in terms of sub-section (2) of section *sixty-two*) even though he has not applied for registration in terms of sub-section (1) of this section, and a co-operative insurer whose application has been refused may, after the date of such refusal, continue likewise to carry on insurance business relating to any policy in force at such date.

(5) In the case of a co-operative insurer the provisions of sections *twelve* and *thirteen* shall apply as if such insurer had commenced to carry on insurance business on the date of commencement of this section.”.

Amendment of section 4 of Act 27 of 1943, as amended by section 1 of Act 19 of 1945 and section 3 of Act 73 of 1951.

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

- (a) by the insertion in sub-section (3) after the words “such a deposit has been made” of the words “and has paid to the registrar a registration fee of one pound”;
- (b) by the addition at the end of the proviso to sub-section (3) of the following paragraphs:
 - “(f) under a name which is, in the opinion of the registrar, calculated to mislead the public;
 - (g) other than a company incorporated and registered or deemed to have been incorporated and registered under the Companies Act, 1926 (Act No. 46 of 1926), or the Companies Ordinance, 1928 (Ordinance No. 19 of 1928), of the Territory, or a co-operative society or co-operative company registered or deemed to be registered under the Co-operative Societies Act, 1939, or the Co-operation Proclamation, 1922, of the Territory, or a corporate body established under the provisions of any other law.”; and

vanaf bedoelde inwerkingtreding aansoek om registrasie kragtens hierdie Wet doen deur aan die registrateur die dokumente en besonderhede wat by regulasie vir die toepassing van artikel vier voorgeskryf is, vir sover so 'n regulasie van toepassing is, te verstrek, asook, in die geval van lewensbesigheid, 'n afskrif van elke tabel of staat, en van die verslag, in sub-artikel (2) van artikel vier-en-dertig bedoel.

(2) Behoudens die bepalings van sub-artikel (3) van hierdie artikel, is die bepalings van sub-artikel (3) van artikel vier daarna op so 'n aansoek om registrasie *mutatis mutandis* van toepassing.

(3) In die geval van 'n koöperatiewe versekeraar word Deel I van die Eerste Bylae by hierdie Wet geag te bepaal dat die bedrag van die deposito by die Tesourie die volgende is, naamlik—

(a) vóór registrasie, 'n bedrag wat gelyk is aan twintig persent van die deposito wat deur bedoelde Deel I voorgeskryf sou gewees het indien hierdie sub-artikel nie verorden was nie; en

(b) binne elke opeenvolgende tydperk van twaalf maande ná registrasie, 'n bedrag wat gelyk is aan die bedrag kragtens paragraaf (a) bereken, tot tyd en wyl die totale bedrag van die deposito gelyk is aan die bedrag van die deposito wat aldus voorgeskryf sou gewees het.

(4) Ondanks die bepalings van sub-artikel (1) van artikel vyf, kan 'n koöperatiewe versekeraar wat binne 'n tydperk van drie maande vanaf die inwerkingtreding van hierdie artikel volgens voorskrif van sub-artikel (1) van hierdie artikel aansoek om registrasie gedoen het, aanhou om, sonder dat hy kragtens hierdie Wet geregistreer is, 'n soort versekeringsbesigheid ten opsigte waarvan hy aldus om registrasie aansoek gedoen het, gedurende bedoelde tydperk van drie maande en daarna totdat hy aldus geregistreer word of totdat sy aansoek geweier word, te dryf: Met dien verstande dat 'n koöperatiewe versekeraar wat te eniger tyd voor die verstryking van bedoelde tydperk van drie maande wettig 'n polis uitgereik het wat by bedoelde verstryking nog geldig is, kan voortgaan om met betrekking tot daardie polis versekeringsbesigheid te dryf (behalwe om 'n ander polis uit te reik wat nie 'n volgens sub-artikel (2) van artikel twee-en-sestig uitgereikte opbetaalde polis is nie), selfs al het hy nie volgens voorskrif van sub-artikel (1) van hierdie artikel aansoek om registrasie gedoen nie, en 'n koöperatiewe versekeraar wie se aansoek geweier is, na die datum van weiering insgelyks kan voortgaan om met betrekking tot 'n polis wat op bedoelde datum nog geldig is, versekeringsbesigheid te dryf.

(5) In die geval van 'n koöperatiewe versekeraar is die bepalings van artikels twaalf en dertien van toepassing asof die versekeraar op die datum van inwerkingtreding van hierdie artikel begin het om versekeringsbesigheid te dryf.”

4. Artikel vier van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (3) na die woorde „bewys van daardie deposito gelewer het” die woorde „en aan die registrateur registrasiegeld van een pond betaal het” in te voeg;

(b) deur aan die end van die voorbehoudsbepaling by sub-artikel (3) die volgende paragrafe by te voeg:

„(f) onder 'n naam wat, na die oordeel van die registrateur, daarop bereken is om die publiek te mislei;

(g) behalwe 'n maatskappy wat ingevolge die Maatskappywet, 1926 (Wet No. 46 van 1926), of die Maatskappy-Ordonnansie 1928 (Ordonnansie No. 19 van 1928) van die Gebied regs persoonlikheid verleen en geregistreer is of geag word regs persoonlikheid verleen en geregistreer te wees, of 'n koöperatiewe vereniging of koöperatiewe maatskappy wat geregistreer is of geag word geregistreer te wees ingevolge die Wet op Koöperatiewe Verenigings, 1939 of „De Koöperatie Proklamatie, 1922” van die Gebied, of 'n regs persoon wat kragtens die bepalings van 'n ander wet opgerig is.”; en

Wysiging van artikel 4 van Wet 27 van 1943, soos gewysig by artikel 1 van Wet 19 van 1945 en artikel 3 van Wet 73 van 1951.

(c) by the addition to sub-section (3) of the following further proviso:

“Provided further that the registrar may refuse to register any person as an insurer authorized to carry on any insurance business, unless such person satisfies the registrar that such business will be in the public interest and complies with such conditions as the registrar may deem it desirable to impose in the public interest.”.

Insertion of section 4bis in Act 27 of 1943.

5. The following section is hereby inserted in the principal Act after section *four*:

“Change of name. 4bis. (1) A registered insurer shall not without the approval in writing of the registrar—

- (a) alter the name under which he is registered under this Act;
- (b) use or refer to himself by a name other than the name under which he is so registered, or a literal translation thereof; or
- (c) use or refer to himself by an abbreviation of or derivation from such name:

Provided that the provisions of this sub-section shall not authorize the change of any name without compliance with the requirements of any other law relating to such a change of name.

(2) In considering any application for approval in terms of sub-section (1), the registrar shall observe the provisions of paragraphs (e) and (f) of the proviso to sub-section (3) of section *four* as if he were considering an application for registration under that section.

(3) When a registered insurer has altered his name as aforesaid the registrar shall, at the request of the insurer and on payment by him of a fee of one pound, alter the name of the insurer in his register of insurers and issue to him a certificate of such alteration.”.

Amendment of section 6 of Act 27 of 1943, as amended by section 5 of Act 73 of 1951.

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

- (a) by the insertion in sub-sections (1) and (4) after the words “section *three*” of the words “, *three bis*”;
- (b) by the insertion in paragraph (a) of sub-section (5) after the word “on” of the words “any particular class of”;
- (c) by the substitution in sub-section (5) for the words “his long term” of the words “the said class of”, and for the words “such insurance business” of the words “such class of insurance business”; and
- (d) by the insertion in sub-section (6) after the word “any” of the words “particular class of”.

Substitution of section 7 of Act 27 of 1943.

7. The following section is hereby substituted for section *seven* of the principal Act:

“Principal office and public officer in Union. 7. (1) Every registered insurer shall maintain a principal office in the Union and shall appoint a public officer in the Union and shall notify the registrar in writing of the situation of that office and of the name of his public officer.

(2) Whenever a registered insurer has changed his principal office in the Union or has appointed a new public officer, he shall within a period of twenty-one days as from such change or appointment give notice in writing thereof to the registrar.

(3) Process in any legal proceedings against a registered insurer may be served by leaving it at the principal office of the insurer in the Union, and if such office within the Union is no longer in existence service upon the registrar shall be deemed to be service upon the insurer.”.

Amendment of section 9 of Act 27 of 1943, as amended by section 7 of Act 73 of 1951.

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

- (a) by the addition at the end of sub-section (3) of the following proviso:
“Provided that where in the opinion of the registrar

- (c) deur die volgende verdere voorbehoudsbepaling by sub-artikel (3) te voeg:

„Met dien verstande voorts dat die registrateur kan weier om iemand as 'n versekeraar wat bevoeg is om versekeringsbesigheid te dryf, te registreer tensy daardie persoon die registrateur oortuig dat daardie besigheid in die openbare belang sal wees en die voorwaardes nakom wat die registrateur dit wenslik ag om in die openbare belang op te lê.”

5. Die volgende artikel word hierby na artikel vier in die Hoofwet ingevoeg:

„Verandering van naam.

4bis. (1) 'n Geregistreeerde versekeraar mag nie sonder die skriftelike goedkeuring van die registrateur—

(a) die naam waaronder hy kragtens hierdie Wet geregistreeer is, verander nie;

(b) 'n ander naam as die naam waaronder hy aldus geregistreeer is, of 'n letterlike vertaling daarvan, besig of op homself toepas nie; of

(c) 'n afkorting of afleiding van bedoelde naam besig of op homself toepas nie;

Met dien verstande dat die bepalings van hierdie sub-artikel nie verandering van 'n naam magtig sonder nakoming van die voorskrifte van enige ander wetsbepaling wat op so 'n naamsverandering betrekking het nie.

(2) By die oorweging van 'n aansoek om goedkeuring ooreenkomstig sub-artikel (1), moet die registrateur die bepalings van paragraawe (e) en (f) van die voorbehoudsbepaling by sub-artikel (3) van artikel vier nakom asof hy 'n aansoek om registrasie kragtens daardie artikel aan oorweeg was.

(3) Wanneer 'n geregistreeerde versekeraar sy naam soos voormeld verander het, moet die registrateur op versoek van die versekeraar en na betaling deur hom van die bedrag van een pond die naam van die versekeraar in sy register van versekeraars verander, en aan hom 'n sertifikaat van die verandering uitreik.”

Invoeging van artikel 4bis in Wet 27 van 1943.

6. Artikel ses van die Hoofwet word hierby gewysig—

(a) deur in sub-artikels (1) en (4) na die woorde „artikel drie” die woorde „, drie bis” in te voeg;

(b) deur in paragraaf (a) van sub-artikel (5) voor die woord „langtermyn-versekeringsbesigheid” die woorde „'n bepaalde soort” in te voeg;

(c) deur in sub-artikel (5) die woorde „sy langtermyn-versekeringsbesigheid” deur die woorde „voormelde soort versekeringsbesigheid” en die woorde „sodanige versekeringsbesigheid” deur die woorde „sodanige soort versekeringsbesigheid” te vervang; en

(d) deur in sub-artikel (6) na die woorde „in verband met” die woorde „enige bepaalde soort” in te voeg.

Wysiging van artikel 6 van Wet 27 van 1943, soos gewysig by artikel 5 van Wet 73 van 1951.

7. Artikel sewe van die Hoofwet word hierby deur die volgende artikel vervang:

„Hoofkantoor en openbare amptenaar in die Unie.

7. (1) Elke geregistreeerde versekeraar moet 'n hoofkantoor in die Unie aanhou en 'n openbare amptenaar in die Unie aanstel, en moet die registrateur skriftelik in kennis stel van die adres van daardie kantoor en van die naam van sy openbare amptenaar.

(2) Wanneer 'n geregistreeerde versekeraar van hoofkantoor in die Unie verander het of 'n ander openbare amptenaar aangestel het, moet hy die registrateur skriftelik daarvan in kennis stel binne 'n tydperk van een-en-twintig dae vanaf daardie verandering of aanstelling.

(3) Die bestelling van prosesstukke in 'n regs-geding teen 'n geregistreeerde versekeraar kan geskied deur hulle by die hoofkantoor van die versekeraar in die Unie te laat, en ingeval so 'n kantoor in die Unie opgehou het om te bestaan, word bestelling op die registrateur geag bestelling op die versekeraar te wees.”

Vervanging van artikel 7 van Wet 27 van 1943.

8. Artikel nege van die Hoofwet word hierby gewysig—

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

„Met dien verstande dat waar die registrateur van

Wysiging van artikel 9 van Wet 27 van 1943, soos gewysig by artikel 7 van Wet 73 van 1951.

special circumstances justify it, a non-Union insurer may appoint one of his servants as his auditor.”; and

- (b) by the substitution in sub-sections (4) and (10) for the word “actuary” wherever it occurs of the word “valuator”.

Substitution of section 10 of Act 27 of 1943, as amended by section 8 of Act 73 of 1951.

9. The following section is hereby substituted for section *ten* of the principal Act:

“Appointment, powers and duties of valuator.

10. (1) Every Union insurer carrying on long term insurance business shall have a valuator for that insurance business, whether carried on in the Union or elsewhere, and every non-Union insurer carrying on such business in the Union shall have a valuator for that business.

(2) The provisos to sub-section (1) of section *nine* and sub-section (2) of section *nine* shall apply *mutatis mutandis* in connection with a valuator of a registered insurer.

(3) A registered insurer shall not appoint a person as his valuator unless he is an actuary: Provided that if the registrar is of the opinion that in any particular case special circumstances exist which make the application of the preceding provisions of this sub-section undesirable, he may authorize the appointment as valuator of any person who, in the registrar's opinion, has sufficient actuarial knowledge.

(4) At the request of the valuator of a registered insurer, every director, auditor, local auditor or servant of the insurer shall submit to the valuator any book or document or information relating to any business of the insurer, which is in his possession or at his disposal, and which the valuator may deem necessary to perform his functions as valuator of the insurer.

(5) The provisions of sub-section (5) of section *nine* shall apply *mutatis mutandis* in connection with a valuator of a registered insurer.

(6) The valuator of a registered insurer shall satisfy himself that the statement of the insurer's liabilities in respect of long term insurance business, prepared by the insurer in terms of sections *twelve* and *thirteen*, is correct in so far as it relates to liabilities under unmatured policies and to such further extent as may be directed by the registrar at the request of the insurer and shall, if he has so satisfied himself, attest the statement accordingly, or, if he cannot so satisfy himself, attest it subject to such qualifications as he deems necessary.

(7) In attesting any statement under sub-section (6) the valuator shall state—

- (a) whether he has compared the number of deaths amongst the persons whose lives were insured by the insurer with the number of deaths which would have occurred had such persons been subject to the rates of mortality incorporated in the mortality table used for calculating the liabilities, and, if so, in respect of what period such comparison was made and the results of the comparison;
- (b) whether he has compared the rate of interest which the insurer earned in the past in respect of all the assets referred to in paragraph (a) of sub-section (1) of section *seventeen* (in the case of a Union insurer), or the assets referred to in sub-section (1) of section *eighteen* (in the case of a non-Union insurer), with the rate of interest used in calculating the liabilities, and, if so, the period in respect of which and the method by which the rate of interest earned by the insurer was calculated, and the result of the comparison; and
- (c) whether he has compared the expenses of conducting the classes of insurance business in question (including commissions and other

mening is dat buitengewone omstandighede dit reg-verdig, 'n buitelandse versekeraar een van sy dienaars as sy ouditeur kan aanstel."; en

- (b) deur in sub-artikels (4) en (10) die woord „aktuaris” waar dit ook al voorkom deur die woord „waardeerder” te vervang.

9. Artikel *tien* van die Hoofwet word hierby deur die volgende artikel vervang:

„Aanstelling, bevoegdhede en pligte van waardeerder.

10. (1) Elke binnelandse versekeraar wat langtermyn-versekeringsbesigheid dryf, moet 'n waardeerder vir daardie versekeringsbesigheid hê, ongeag of dit in die Unie of elders gedryf word, en elke buitelandse versekeraar wat in die Unie sodanige besigheid dryf, moet 'n waardeerder vir daardie besigheid hê.

(2) Die voorbehoudsbepalings by sub-artikel (1) van artikel *nege* en sub-artikel (2) van artikel *nege* is *mutatis mutandis* van toepassing in verband met 'n waardeerder van 'n geregistreerde versekeraar.

(3) 'n Geregistreerde versekeraar mag nie iemand as sy waardeerder aanstel nie tensy hy 'n aktuaris is: Met dien verstande dat as die registrateur van oordeel is dat daar in 'n bepaalde geval buitengewone omstandighede bestaan wat die toepassing van die voorgaande bepaling van hierdie sub-artikel onwenslik maak, hy magtiging kan verleen tot die aanstelling as waardeerder van iemand wat volgens die oordeel van die registrateur, voldoende aktuariële kennis besit.

(4) Op versoek van die waardeerder van 'n geregistreerde versekeraar, moet elke direkteur, ouditeur, plaaslike ouditeur of dienaar van die versekeraar aan die waardeerder enige boek of dokument of inligting voorlê met betrekking tot enige besigheid van die versekeraar wat hy in sy besit of tot sy beskikking het en wat die waardeerder nodig mag ag om sy werksaamhede as waardeerder van die versekeraar te verrig.

(5) Die bepaling van sub-artikel (5) van artikel *nege* is *mutatis mutandis* van toepassing in verband met 'n waardeerder van 'n geregistreerde versekeraar.

(6) Die waardeerder van 'n geregistreerde versekeraar moet homself daarvan vergewis dat die opgawe van die versekeraar se verbintnisse ten opsigte van langtermyn-versekeringsbesigheid, soos ooreenkomstig artikels *twaalf* en *dertien* deur die versekeraar opgemaak, juis is vir sover dit op verbintnisse kragtens nog lopende polisse betrekking het, asook vir sover die registrateur op versoek van die versekeraar mag gelas, en moet, indien hy homself aldus vergewis het, die opgawe dienooreenkomstig waarmerk, of, indien hy homself nie aldus kan vergewis nie, dit waarmerk onderworpe aan die voorbehoude wat hy nodig ag.

(7) Die waardeerder moet, wanneer hy ingevolge sub-artikel (6) 'n opgawe waarmerk, meld—

(a) of hy die aantal sterfgevälle onder persone wie se lewens deur die versekeraar verseker was, vergelyk het met die aantal sterfgevälle wat sou ontstaan het indien dit ooreengekom het met die sterftesyfer ingelyf by die sterftetabel wat vir die berekening van die verbintnisse gebruik is, en so ja, ten opsigte van watter tydperk die vergelyking gemaak is en wat die uitslag van die vergelyking was;

(b) of hy die rentekoers wat die versekeraar met sy beleggings in die verlede verdien het ten opsigte van al die in paragraaf (a) van sub-artikel (1) van artikel *sewentien* bedoelde bates (in die geval van 'n binnelandse versekeraar), of die in sub-artikel (1) van artikel *agtien* bedoelde bates (in die geval van 'n buitelandse versekeraar), vergelyk het met die rentekoers by die berekening van die verbintnisse gebruik, en so ja, die tydperk ten opsigte waarvan en die metode waarvolgens die rentekoers verdien deur die versekeraar bereken is, en wat die uitslag van die vergelyking was; en

(c) of hy die koste om die betrokke soorte versekeringsbesigheid te dryf (met inbegrip van kommissiegelde en ander koste in verband met

Vervanging van artikel 10 van Wet 27 van 1943, soos gewysig by artikel 8 van Wet 73 van 1951.

expenses incurred in connection with the receipt of applications for policies or the collection of premiums) with the allowance for expenses made in calculating the liabilities, and, if so, the methods by which the comparison was made, and the results of the comparison,

or, if any of the comparisons referred to in paragraphs (a), (b) and (c) have not been made, in what manner he has satisfied himself of the suitability of the mortality table used, or, as the case may be, of the rate of interest used, or of the allowance for expenses made, in calculating the liabilities.”.

Amendment of section 15 of Act 27 of 1943, as substituted by section 13 of Act 73 of 1951.

10. (1) Section *fifteen* of the principal Act is hereby amended by the substitution for paragraph (f) of the following paragraph:

“(f) Every asset which a registered insurer holds in respect of long term insurance business and which is of a kind specified in paragraph 3, 4, 5 or 6 of the Third Schedule to this Act shall be shown at an amount which does not exceed the lesser of the two amounts stated below, namely—

(i) the cost to the insurer concerned of acquiring the asset, after deducting the amount of any interest due or accrued which was included in such cost, and after making such adjustments (if any) in respect of brokerage, stamp duty and underwriting commission as may be required by the methods of bookkeeping habitually applied by the insurer concerned; or

(ii) the amount of capital payable on redemption (whether in one sum or by instalments):

Provided that where the amount arrived at in terms of sub-paragraph (i) differs from the amount referred to in sub-paragraph (ii), the insurer concerned may show the asset at an amount which has been arrived at by a method of annual adjustments approved by the registrar: Provided further that to the amount determined in accordance with the foregoing provisions there may be added the amount of any interest due or accrued at the date to which the statement relates.”.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of January, 1952.

Amendment of section 17 of Act 27 of 1943, as substituted by section 15 of Act 73 of 1951.

11. (1) Section *seventeen* of the principal Act is hereby amended—

(a) by the substitution in paragraph (a) of sub-section (2) for the word “forty” of the word “thirty”; and

(b) by the substitution in sub-section (3) for the word “actuary” where it occurs for the first time of the word “valuator”.

(2) (a) Paragraph (a) of sub-section (1) shall come into operation on the first day of January, 1964, and prior to that date paragraph (a) of sub-section (2) of section *seventeen* of the principal Act shall be construed as if for the word “forty” occurring therein there had been substituted with effect from the first day of January, 1960, the word “thirty-eight”, and with effect from the first day of January in each succeeding year the word “thirty-six”, the word “thirty-four” and the word “thirty-two” respectively.

(b) The provisions of paragraph (a) shall apply *mutatis mutandis* to every Union insurer in respect of his short term insurance business.

Amendment of section 18 of Act 27 of 1943, as substituted by section 16 of Act 73 of 1951.

12. (1) Section *eighteen* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (2) for the word “forty” of the word “thirty”.

(2) (a) Sub-section (1) shall come into operation on the first day of January, 1964, and prior to that date paragraph (a) of sub-section (2) of section *eighteen* of the principal Act shall be construed as if for the word “forty” occurring therein there had been substituted with effect from the first day of January, 1960, the word “thirty-eight”, and with effect from the first day of January in each succeeding year the word “thirty-six”, the word “thirty-four” and the word “thirty-two” respectively.

die ontvangs van aansoeke om polisse of die invordering van premies aangegaan) vergelyk het met die voorsiening vir koste gemaak by die berekening van verbintenisse en so ja, die metodes waarvolgens die vergelyking gemaak is, en wat die uitslag van die vergelyking was,

of, indien enige van die in paragrafe (a), (b) en (c) bedoelde vergelykings nie gemaak is nie, op watter wyse hy homself vergewis het van die geskiktheid van die sterftetabel wat gebruik is, of, na gelang van die geval, van die rentekoers wat gebruik of die voorsiening wat vir koste gemaak is, by die berekening van die verbintenisse."

10. (1) Artikel *vyftien* van die Hoofwet word hierby gewysig deur paragraaf (f) deur die volgende paragraaf te vervang: Wysiging van artikel 15 van Wet 27 van 1943 soos vervang by artikel 13 van Wet 73 van 1951.

„(f) Elke bate van 'n in paragraaf 3, 4, 5 of 6 van die Derde Bylae by hierdie Wet vermeldde soort wat 'n geregistreerde versekeraar ten opsigte van langtermyn-versekeringsbesigheid besit, moet aangegee word teen 'n bedrag wat die kleinste van ondervermelde twee bedrae nie te bowe gaan nie, te wete—

(i) die koste vir die betrokke versekeraar van die verkryging van die bate na aftrekking van die bedrag aan enige verskuldigde of opgelope rente wat by bedoelde koste ingesluit is, en nadat ten opsigte van makelaarsloon, seëlregte en onderskrywingskommissie, die verrekenings (as daar is) gedoen is wat vereis word volgens die boekhoumetodes wat gewoonlik deur die betrokke versekeraar toegepas word; of

(ii) die bedrag aan kapitaal wat by aflossing betaalbaar is (hetsy in een bedrag of paaielementsgewys): Met dien verstande dat waar die bedrag kragtens sub-paragraaf (i) bereken, van die in sub-paragraaf (ii) bedoelde bedrag verskil, die betrokke versekeraar die bate kan aangee teen 'n bedrag wat bereken is volgens 'n metode van jaarlikse verrekenings soos deur die registrateur goedgekeur: Met dien verstande voorts dat daar by die bedrag wat volgens die voorafgaande bepalinge bereken is, die bedrag aan enige rente wat op die datum waarop die opgawe betrekking het, verskuldig is of opgeloop het, gevoeg kan word."

- (2) Sub-artikel (1) word geag op die eerste dag van Januarie 1952 in werking te getree het.

11. (1) Artikel *sewentien* van die Hoofwet word hierby gewysig— Wysiging van artikel 17 van Wet 27 van 1943, soos vervang by artikel 15 van Wet 73 van 1951.

(a) deur in paragraaf (a) van sub-artikel (2) die woord „veertig” deur die woord „dertig” te vervang; en

(b) deur in sub-artikel (3) die woord „aktuaris” waar dit die eerste keer voorkom deur die woord „waardeerder” te vervang.

- (2) (a) Paragraaf (a) van sub-artikel (1) tree op die eerste dag van Januarie 1964 in werking, en voor daardie datum word paragraaf (a) van sub-artikel (2) van artikel *sewentien* van die Hoofwet uitgelê asof die woord „veertig” wat daarin voorkom met ingang van die eerste dag van Januarie 1960 deur die woord „agt-en-dertig”, en met ingang van die eerste dag van Januarie in elke daaropvolgende jaar onderskeidelik deur die woord „ses-en-dertig”, die woord „vier-en-dertig” en die woord „twee-en-dertig” vervang was.

(b) Die bepalinge van paragraaf (a) is *mutatis mutandis* op elke binnelandse versekeraar van toepassing ten opsigte van sy korttermyn-versekeringsbesigheid.

12. (1) Artikel *agtien* van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (2) die woord „veertig” deur die woord „dertig” te vervang. Wysiging van artikel 18 van Wet 27 van 1943, soos vervang by artikel 16 van Wet 73 van 1951.

- (2) (a) Sub-artikel (1) tree op die eerste dag van Januarie 1964 in werking, en voor daardie datum word paragraaf (a) van sub-artikel (2) van artikel *agtien* van die Hoofwet uitgelê asof die woord „veertig” wat daarin voorkom met ingang van die eerste dag van Januarie 1960 deur die woord „agt-en-dertig”, en met ingang van die eerste dag van Januarie in elke daaropvolgende jaar onderskeidelik deur die woord „ses-en-dertig”, die woord „vier-en-dertig” en die woord „twee-en-dertig” vervang was.

- (b) The provisions of paragraph (a) shall apply *mutatis mutandis* to every non-Union insurer in respect of the short term insurance business which he carries on in the Union.

Amendment of section 21 of Act 27 of 1943, as substituted by section 19 of Act 73 of 1951.

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

- (a) by the insertion in paragraph (a) of sub-section (1) after the word "*three*" of the words "*, three bis*";
- (b) by the substitution in paragraph (d) of sub-section (1) for the words "a bank" of the words "a banking institution registered otherwise than provisionally in terms of the Banking Act, 1942 (Act No. 38 of 1942)," and for the words "such bank" of the words "such banking institution"; and
- (c) by the deletion of the word "and" after paragraph (d) of sub-section (1) and the insertion after the said paragraph of the following paragraph:
 "(d)*bis* an asset consisting of an advance to a discount house approved by the South African Reserve Bank, if such advance is repayable within the Union; and".

Insertion of section 28*bis* in Act 27 of 1943.

14. The following section is hereby inserted in the principal Act after section *twenty-eight*:

"Registrar 28*bis*. The registrar may by notice in writing may require certain persons to furnish information. require any person who is not a registered insurer and who he has reason to suspect is carrying on any class of insurance business, to transmit to him within a period stated in such notice any document or information relating to his affairs which the registrar may require, and any such person shall comply with the requirements of the registrar to his satisfaction within the said period or within such further period as the registrar may allow."

Amendment of section 29 of Act 27 of 1943, as amended by section 25 of Act 73 of 1951.

15. Section *twenty-nine* of the principal Act is hereby amended by the substitution in paragraph (g) of sub-section (1) and in sub-section (3) for the word "actuary" of the word "valuator".

Amendment of section 30 of Act 27 of 1943.

16. Section *thirty* of the principal Act is hereby amended by the addition to sub-section (1) of the following further proviso:

"Provided further that no application shall be made for an order, and an order shall not be made, for the judicial management of the business of a registered insurer who is a co-operative society or co-operative company registered or deemed to be registered under the Co-operative Societies Act, 1939 or the Co-operation Proclamation, 1922 of the Territory."

Amendment of section 32 of Act 27 of 1943, as amended by section 27 of Act 73 of 1951.

17. Section *thirty-two* of the principal Act is hereby amended by the insertion in sub-section (5) after the word "companies" of the words "or, in the case of a registered insurer who is a co-operative society or co-operative company registered or deemed to be registered under the Co-operative Societies Act, 1939 or the Co-operation Proclamation, 1922 of the Territory, the law relating to the winding-up or dissolution of any such society or company,".

Amendment of section 34 of Act 27 of 1943 as amended by section 28 of Act 73 of 1951.

18. Section *thirty-four* of the principal Act is hereby amended by the substitution for the word "actuary" in paragraph (a) of sub-section (3) of the word "valuator" and for the word "actuary's" in paragraph (b) of the said sub-section of the word "valuator's".

Amendment of section 65 of Act 27 of 1943, as amended by section 41 of Act 73 of 1951.

19. Section *sixty-five* of the principal Act is hereby amended by the substitution in paragraph (a) for the words "principal officer" of the words "public officer".

Amendment of section 71 of Act 27 of 1943, as amended by section 43 of Act 73 of 1951.

20. Section *seventy-one* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (c) of sub-section (1) for the word "actuary" of the word "valuator"; and

- (b) Die bepalings van paragraaf (a) is *mutatis mutandis* op elke buitelandse versekeraar van toepassing ten opsigte van die korttermyn-versekeringsbesigheid wat hy in die Unie dryf.

13. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (1) na die woord „drie” die woorde „, drie bis” in te voeg;
- (b) deur in paragraaf (d) van sub-artikel (1) die uitdrukking „’n bank” deur die woorde „’n bankinstelling wat ooreenkomstig die Bankwet, 1942 (Wet No. 38 van 1942), anders as voorlopig geregistreer is”, en die woorde „daardie bank” deur die woorde „daardie bankinstelling”, te vervang; en
- (c) deur die woord „en ” na paragraaf (d) van sub-artikel (1) te skrap en na bedoelde paragraaf die volgende paragraaf in te voeg:
- „(d)bis ’n bate bestaande uit ’n voorskot aan ’n diskontohuis deur die Suid-Afrikaanse Reserwebank goedgekeur, indien daardie voorskot in die Unie terugbetaalbaar is; en”.

Wysiging van artikel 21 van Wet 27 van 1943, soos vervang by artikel 19 van Wet 73 van 1951.

14. Die volgende artikel word hierby na artikel *agt-en-twintig* in die Hoofwet ingevoeg:

„Registrateur kan inligting van sekere persone eis.

28bis. Die registrator kan by skriftelike kennisgewing enigiemand wat nie ’n geregistreerde versekeraar is nie en wat, na hy rede het om te vermoed, enige soort versekeringsbesigheid dryf, gelas om binne ’n in die kennisgewing vermelde tydperk aan hom enige dokument of inligting met betrekking tot sy sake wat die registrator mag verlang, te verstrek, en so iemand moet tot bevrediging van die registrator aan sy vereistes binne bedoelde tydperk of binne die verdere tydperk wat die registrator mag toestaan, voldoen.”.

Invoeging van artikel 28bis in Wet 27 van 1943.

15. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig deur in paragraaf (g) van sub-artikel (1) en in sub-artikel (3) die woord „aktuaris” deur die woord „waardeerder” te vervang.

Wysiging van artikel 29 van Wet 27 van 1943, soos gewysig by artikel 25 van Wet 73 van 1951.

16. Artikel *dertig* van die Hoofwet word hierby gewysig deur die volgende verdere voorbehoudsbepaling by sub-artikel (1) te voeg:

„Met dien verstande voorts dat geen aansoek om ’n bevel gedoen mag word nie, en dat ’n bevel nie gegee mag word nie, vir die geregtelike bestuur van die besigheid van ’n geregistreerde versekeraar wat ’n koöperatiewe vereniging of koöperatiewe maatskappy is wat geregistreer is of geag word geregistreer te wees ingevolge die Wet op Koöperatiewe Verenigings, 1939 of „De Koöperatie Proklamatie, 1922” van die Gebied.”.

Wysiging van artikel 30 van Wet 27 van 1943.

17. Artikel *twee-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (5) na die woord „maatskappye” in te voeg die woorde „of, in die geval van ’n geregistreerde versekeraar wat ’n koöperatiewe vereniging of koöperatiewe maatskappy is wat geregistreer is of geag word geregistreer te wees ingevolge die Wet op Koöperatiewe Verenigings, 1939 of „De Koöperatie Proklamatie, 1922” van die Gebied, die wetsbepalings met betrekking tot die likwidasië of ontbinding van so ’n vereniging of maatskappy.”.

Wysiging van artikel 32 van Wet 27 van 1943, soos gewysig by artikel 27 van Wet 73 van 1951.

18. Artikel *vier-en-dertig* van die Hoofwet word hierby gewysig deur in paragraaf (a) en (b) van sub-artikel (3) die woord „aktuaris” deur die woord „waardeerder” te vervang.

Wysiging van artikel 34 van Wet 27 van 1943, soos gewysig by artikel 28 van Wet 73 van 1951.

19. Artikel *vyf-en-sestig* van die Hoofwet word hierby gewysig deur in paragraaf (a) die woord „hoofamptenaar” deur die woorde „openbare amptenaar” te vervang.

Wysiging van artikel 65 van Wet 27 van 1943, soos gewysig by artikel 41 van Wet 73 van 1951.

20. Artikel *een-en-sewentig* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (c) van sub-artikel (1) die woord „aktuaris” deur die woord „waardeerder” te vervang; en

Wysiging van artikel 71 van Wet 27 van 1943, soos gewysig by artikel 43 van Wet 73 van 1951.

(b) by the substitution in paragraph (a) of sub-section (4) for the words "principal officer" of the words "public officer" and for the word "actuary" of the word "valuator".

Insertion of sections 73bis and 73ter in Act 27 of 1943.

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

"Penalty for failure to submit documents or to furnish information.

73bis. Any person who fails to submit, transmit or furnish to the registrar within any period fixed by or under this Act any statement, report, return or other document or information required by or under this Act to be so submitted, transmitted or furnished, shall, irrespective of any criminal action that may have been taken or may be taken against such person under this Act, be liable to pay such penalty (if any) as the registrar may deem fit but not exceeding ten pounds for every day after the expiration of such period that he continues so to fail, and the registrar may by action in any competent court recover from such person such penalty or such portion thereof (if any) as he in his discretion considers the circumstances justify him in claiming.

Penalty for failure to comply with financial provisions.

73ter. Any person who fails to comply with the provisions of sub-section (1), (2) or (4) of section *seventeen* or of sub-section (1), (2) or (4) of section *eighteen*, shall be liable to pay such penalty (if any) as the registrar may deem fit but not exceeding one hundred pounds, and the registrar may by action in any competent court recover from such person such penalty or such portion thereof (if any) as he in his discretion considers the circumstances justify him in claiming."

Insertion of section 75bis in Act 27 of 1943.

22. The following section is hereby inserted in the principal Act after section *seventy-five*:

"Restriction upon use of certain names.

75bis. (1) After the expiration of a period of twelve months from the commencement of this section, no person who is not—

- (a) a registered insurer; or
- (b) a former insurer or deemed to be a former insurer, in terms of section *twenty-four*,

shall without the approval in writing of the registrar use in respect of or apply to any business or undertaking carried on by him, or permit to be so used or applied, any name, style or description in which the word "insure" or the word "assure" or any derivative of either word occurs.

(2) The registrar shall issue a certificate in respect of any change of name by virtue of the provisions of sub-section (1).

(3) Any person who has changed his name by virtue of the provisions of sub-section (1) shall on receipt of the certificate referred to in sub-section (2), produce such certificate or a copy thereof, certified as a true copy by the registrar, to the officer in charge of the deeds registry in which is registered any deed bearing the previous name.

(4) Such officer shall, if any such deed is at any time produced to him, without charge substitute the new name for the previous name on such deed and in all the relevant registers in the said registry."

Amendment of section 77ter of Act 27 of 1943, as inserted by section 44 of Act 73 of 1951.

23. Section *seventy-seven ter* of the principal Act is hereby amended—

- (a) by the deletion of paragraphs (a), (b), (c) and (d) of sub-section (1); and
- (b) by the deletion in paragraph (g) of sub-section (1) of the words "paragraph (c) of sub-section (1) of section *twenty*, sub-section (12) of section *thirty-one*."

Amendment of the Third Schedule to Act 27 of 1943, as substituted by section 46 of Act 73 of 1951.

24. The Third Schedule to the principal Act is hereby amended—

- (a) by the insertion in paragraph 1 after the words "section *three*" of the words " , *three bis*";
- (b) by the substitution in paragraph 2 for the words "commercial bank as defined in" of the words

- (b) deur in paragraaf (a) van sub-artikel (4) die woord „hoofamptenaar” deur die woorde „openbare amptenaar” en die woord „aktuaris” deur die woord „waardeerder” te vervang.

21. Die volgende artikels word hierby na artikel *drie-en-sewentig* in die Hoofwet ingevoeg: Invoeging van artikels 73bis en 73ter in Wet 27 van 1943.

„Boete vir versuim om dokumente voor te lê of om inligting te verstrek.

73bis. Iemand wat in gebreke bly om binne enige tydperk deur of kragtens hierdie Wet vasgestel, aan die registrateur enige staat, verslag, opgawe of ander dokument of inligting voor te lê, te stuur of te verstrek, waarvan die voorlegging, stuur of verstrekking deur of kragtens hierdie Wet vereis word, is, afgesien van enige strafregtelike stappe wat ingevolge hierdie Wet teen so iemand gedoen is of gedoen kan word, onderhewig aan die boete (indien wel) wat die registrateur goetvind maar wat hoogstens tien pond vir elke dag na die verstryking van daardie tydperk wat hy aanhou om aldus in gebreke te bly, bedra, en die registrateur kan daardie boete of soveel daarvan (indien enigiets) as wat hy na goeddunke in die omstandighede billik ag om te vorder, by aksie in 'n bevoegde hof op so iemand verhaal.

Boete vir versuim om finansiële bepalings na te kom.

73ter. Iemand wat in gebreke bly om aan die bepalings van sub-artikel (1), (2) of (4) van artikel *sewentien* of van sub-artikel (1), (2) of (4) van artikel *agtien* te voldoen, is onderhewig aan die boete (indien wel) wat die registrateur goetvind maar wat honderd pond nie oorskry nie, en die registrateur kan daardie boete of soveel daarvan (indien enigiets) as wat hy na goeddunke in die omstandighede billik ag om te vorder, by aksie in 'n bevoegde hof op so iemand verhaal.”.

22. Die volgende artikel word hierby na artikel *vyf-en-sewentig* in die Hoofwet ingevoeg: Invoeging van artikel 75bis in Wet 27 van 1943.

„Beperking op gebruik van sekere name.

75bis. (1) Na verstryking van 'n tydperk van twaalf maande vanaf die inwerkingtreding van hierdie artikel, mag niemand wat nie—

- (a) 'n geregistreerde versekeraar is nie; of
(b) ingevolge artikel *vier-en-twintig* 'n voormalige versekeraar is of as 'n voormalige versekeraar beskou word nie,

sonder die skriftelike goedkeuring van die registrateur ten opsigte van 'n besigheid of onderneming deur hom gedryf, 'n naam, betiteling of beskrywing besig of daarop toepas, of toelaat dat dit aldus gebesig of toegepas word, waarin die woord ‚verseker’ of die woord ‚verassureer’ of 'n afleiding van die een of die ander van daardie woorde voorkom.

(2) Die registrateur moet ten opsigte van 'n naamsverandering uit hoofde van die bepalings van sub-artikel (1) 'n sertifikaat uitreik.

(3) Iemand wat sy naam uit hoofde van die bepalings van sub-artikel (1) verander het, moet by ontvangs van die sertifikaat in sub-artikel (2) genoem, daardie sertifikaat of 'n afskrif daarvan, deur die registrateur as 'n juiste afskrif gesertifiseer, aan die amptenaar belas met die beheer oor die registrasiekantoor van aktes waarin 'n akte met die vorige naam daarop geregistreer is, oorlê.

(4) Daardie amptenaar moet, indien so 'n akte te eniger tyd aan hom oorgelê word, die vorige naam op daardie akte en in al die betrokke registers in gemelde registrasiekantoor kosteloos deur die nuwe naam vervang.”.

23. Artikel *sewe-en-sewentig* ter van die Hoofwet word hierby gewysig— Wysiging van artikel 77ter van Wet 27 van 1943, soos ingevoeg by artikel 44 van Wet 73 van 1951.

- (a) deur paragrawe (a), (b), (c) en (d) van sub-artikel (1) te skrap; en
(b) deur in paragraaf (g) van sub-artikel (1) die woorde „paragraaf (c) van sub-artikel (1) van artikel *twintig*, sub-artikel (12) van artikel *een-en-dertig*,” te skrap.

24. Die Derde Bylae by die Hoofwet word hierby gewysig— Wysiging van die Derde Bylae van Wet 27 van 1943, soos vervang by artikel 46 van Wet 73 van 1951.

- (a) deur in paragraaf 1 na die woorde „artikel *drie*” die woorde „, *drie bis*” in te voeg;
(b) deur in paragraaf 2 die woorde „handelsbank soos in die „Bankwet, 1942 (Wet No. 38 van 1942), om-

- “banking institution registered otherwise than provisionally in terms of”;
- (c) by the addition at the end of paragraph 5 of the words “or the Land and Agricultural Bank of South Africa”;
 - (d) by the substitution in paragraph 6 for the word “Minister” of the word “registrar”; and
 - (e) by the insertion after paragraph 7 of the following paragraph:
“7bis. Advances to a discount house approved by the South African Reserve Bank.”.

Application of Act to South-West Africa.

25. This Act shall, to the same extent as the principal Act, apply also in the territory of South-West Africa.

Short title and commencement.

26. (1) This Act shall be called the Insurance Amendment Act, 1959, and shall, subject to the provisions of sub-section (2), come into operation upon 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.

skryf" deur die woorde „bankinstelling ooreenkomstig die Bankwet, 1942 (Wet No. 38 van 1942), anders as voorlopig geregistreer" te vervang;

- (c) deur aan die end van paragraaf 5 die woorde „of die Land- en Landboubank van Suid-Afrika" by te voeg;
- (d) deur in paragraaf 6 die woord „Minister" deur die woord „registrateur" te vervang; en
- (e) deur na paragraaf 7 die volgende paragraaf in te voeg:
„7bis. Voorskotte aan 'n diskontohuis deur die Suid-Afrikaanse Reserwebank goedgekeur."

25. Hierdie Wet is in dieselfde mate as die Hoofwet ook in die gebied Suidwes-Afrika van toepassing.

Toepassing van Wet op Suidwes-Afrika.

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

Kort titel en inwerkingtreding.

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

No. 81, 1959.]

ACT

To amend the Group Areas Development Act, 1955.

(English text signed by the Governor-General.)
(Assented to 4th July, 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 69 of 1955.

1. Section *one* of the Group Areas Development Act, 1955 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution in that part of sub-section (1) which precedes the definition of "affected property" for the expression "Group Areas Act, 1950 (Act No. 41 of 1950)" of the words "principal Act";

(b) by the substitution for the definition of "affected property" in that sub-section of the following definition:

"'affected property' means any immovable property (excluding mineral rights) situate—

(a) in any area defined in a proclamation issued under paragraph (a) of sub-section (1) of section *twenty* or paragraph (a) of sub-section (1) of section *twenty-one* of the principal Act and occupied at the basic date by a person who is not a member of the group specified in the proclamation;

(b) in any area defined in a proclamation issued under paragraph (b) of sub-section (1) of section *twenty* or paragraph (b) of sub-section (1) of section *twenty-one* of the principal Act and owned or occupied at the basic date by a person who is not a member of the group specified in the proclamation, or owned by a company wherein a controlling interest is held or deemed to be held by or on behalf or in the interest of a person who is not a member of the group specified in the proclamation;

(c) in any area defined in a proclamation issued under paragraph (b) of sub-section (1) of section *twenty* or paragraph (b) of sub-section (1) of section *twenty-one* of the principal Act and—

(i) which forms part of the controlled area for the purpose of the provisions of the principal Act relating to the occupation of land or premises in the controlled area, and which is occupied at the basic date by a person who is not a member of the group of which the owner of such immovable property is a member or, if the owner is a company, is occupied at that date by a person who is a member of any group if a controlling interest in that company is held or deemed to be held by or on behalf or in the interest of a person who is a member of another group; or

(ii) to which the provisions of sections *fifteen* and *sixteen* of the principal Act apply and which is occupied at the basic date by a person who is not a member of the group specified in the proclamation;

(d) in any area defined in a proclamation issued under sub-section (1) of section *twenty-two* of the principal Act and not owned by the state, a statutory body or a local authority;";

No. 81, 1959.]

WET

Tot wysiging van die Wet op die Ontwikkeling van Groepsgebiede, 1955.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 4 Julie 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 Wet op die Ontwikkeling van Groepsgebiede, 1955 (hieronder die Hoofwet genoem), word hierby gewysig—

Wysiging van artikel 1 van Wet 69 van 1955.

- (a) deur in daardie deel van sub-artikel (1) wat die omskrywing van „akteskantoor” voorafgaan die uitdrukking „Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950),” deur die woord „Hoofwet” te vervang;
- (b) deur in paragraaf (a) van die omskrywing van „basiese waarde” in daardie sub-artikel die woorde „artikel twee-en-dertig” deur die woorde „hierdie Wet” te vervang, in paragraaf (b) van daardie omskrywing die woorde „aanvanklik bedoel was of” en die woorde „na gelang van watter bedrag groter is” te skrap en die volgende voorbehoudsbepaling by daardie paragraaf te voeg:

„Met dien verstande dat die basiese waarde van ’n gebou (uitgesonderd ’n gebou wat uitsluitlik vir godsdienstige, skool- of dergelike doeleindes bestem is of gebruik word of wat vir ’n deur die Minister bepaalde doel bestem is of gebruik word) in geen geval meer bedra nie as die verskil tussen die markwaarde van die grond waarop daardie gebou opgerig is, bepaal op die grondslag dat daardie gebou ’n integrerende deel van bedoelde grond uitmaak, en die markwaarde wat bedoelde grond sou gehad het as daardie gebou nie bestaan het nie.”;

- (c) deur die omskrywing van „geaffekteerde eiendom” in daardie sub-artikel deur die volgende omskrywing te vervang:

„geaffekteerde eiendom’ enige onroerende eiendom (behalwe mineraalregte) wat geleë is—

- (a) in ’n gebied omskryf in ’n proklamasie uitgevaardig kragtens paragraaf (a) van sub-artikel (1) van artikel *twintig* of paragraaf (a) van sub-artikel (1) van artikel *een-en-twintig* van die Hoofwet, en op die basiese datum geokkupeer word deur iemand wat nie ’n lid van die in die proklamasie vermelde groep is nie;
- (b) in ’n gebied omskryf in ’n proklamasie uitgevaardig kragtens paragraaf (b) van sub-artikel (1) van artikel *twintig* of paragraaf (b) van sub-artikel (1) van artikel *een-en-twintig* van die Hoofwet, en op die basiese datum besit of geokkupeer word deur iemand wat nie ’n lid van die in die proklamasie vermelde groep is nie, of besit word deur ’n maatskappy waarin ’n beheersende belang besit word of geag word besit te word deur of ten behoeve of ten voordele van iemand wat nie ’n lid van die in die proklamasie vermelde groep is nie;
- (c) in ’n gebied omskryf in ’n proklamasie uitgevaardig kragtens paragraaf (b) van sub-artikel (1) van artikel *twintig* of paragraaf (b) van sub-artikel (1) van artikel *een-en-twintig* van die Hoofwet, en

- (i) by die toepassing van die bepaling van die Hoofwet met betrekking tot die okkupasie van grond of persele in die beheerde gebied, deel van die beheerde gebied uitmaak, en op die basiese datum geokkupeer word deur iemand wat nie ’n lid is van die groep waarvan die eienaar van bedoelde on-

- (c) by the substitution in paragraph (a) of the definition of "basic value" in that sub-section for the words "section *thirty-two*" of the words "this Act", the deletion in paragraph (b) of that definition of the words "was originally intended or" and the words "whichever is the greater" and the addition to that paragraph of the following proviso:

"Provided that the basic value of a building (not being a building intended or used exclusively for religious, school or similar purposes or intended or used for a purpose determined by the Minister) shall not in any case exceed the difference between the market value of the land on which such building is erected, determined on the basis that such building constitutes an integral part of that land, and the market value which that land would have had if such building had not existed.";

- (d) by the substitution in the definition of "group area" in that sub-section for the words "*three, three bis or three ter*" of the words "*twenty, twenty-one or twenty-two*";
- (e) by the deletion in the definition of "immovable property" in that sub-section of all the words after the word "property" where it occurs for the second time;
- (f) by the insertion after the definition of "land" in that sub-section of the following definition:
"legal proceedings" includes proceedings of a revision court referred to in section *nineteen*";;
- (g) by the insertion after the definition of "list" in that sub-section of the following definition:
"mineral rights" means any rights to minerals (including rights to prospect, dig or mine) or any lease or sub-lease of such rights";;
- (h) by the insertion after the definition of "mortgagee" in that sub-section of the following definition:
"occupy" means occupy as owner or by virtue of a lease or usufruct or right of *habitatio* or by virtue of a prescriptive title";; and
- (i) by the substitution in the definition of "principal Act" in that sub-section for the expression "1950 (Act No. 41 of 1950)" of the expression "1957 (Act No. 77 of 1957)".

Amendment of section 3 of Act 69 of 1955.

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

- (a) by the substitution in sub-section (1) for the word "six" of the word "eight";
- (b) by the substitution in sub-section (2) for the word "one" of the word "three", for the words "Native Affairs" of the words "Bantu Administration and Development", and for the expression "1920 (Act No. 35 of 1920)", of the expression "1957 (Act No. 10 of 1957)"; and
- (c) by the insertion after sub-section (2) of the following sub-section:

"(2)*bis* The Governor-General may appoint any member of the board as vice-chairman of the board, and the vice-chairman so appointed may in the absence of the chairman exercise all his powers and perform all his functions."

Amendment of section 5 of Act 69 of 1955.

3. Section *five* of the principal Act is hereby amended by the substitution in sub-section (4) for the words "he is" where they occur for the second time of the words "both the chairman and the vice-chairman are".

Amendment of section 7 of Act 69 of 1955.

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

- (a) by the insertion in sub-section (1) after the word "chairman" of the words "and the vice-chairman"; and
- (b) by the insertion after sub-section (1) of the following sub-section:
"(1)*bis* Any three members of the executive committee shall form a quorum."

Substitution of section 9 of Act 69 of 1955.

5. The following section is hereby substituted for section *nine* of the principal Act:

"Staff of board. 9. (1) The work incidental to the performance of its functions by the board shall be performed at its

- roerende eiendom lid is nie, of, as die eienaar 'n maatskappy is, op daardie datum deur 'n lid van enige groep geokkupeer word indien 'n beheersende belang in daardie maatskappy deur of ten behoeve of ten voordele van iemand wat lid is van 'n ander groep besit word of geag word besit te word; of
- (ii) waarop die bepalings van artikels *vyftien* en *sestien* van die Hoofwet van toepassing is en wat op die basiese datum geokkupeer word deur iemand wat nie 'n lid van die in die proklamasie vermelde groep is nie;
- (d) in 'n gebied omskryf in 'n proklamasie uitgevaardig kragtens sub-artikel (1) van artikel *twee-en-twintig* van die Hoofwet en wat nie deur die Staat, 'n statutêre liggaam of 'n plaaslike bestuur besit word nie;";
- (d) deur in die omskrywing van „groepsgebied” in daardie sub-artikel die woorde „*drie, drie bis of drie ter*” deur die woorde „*twintig, een-en-twintig of twee-en-twintig*” te vervang;
- (e) deur in die omskrywing van „Hoofwet” in daardie sub-artikel die uitdrukking „1950 (Wet No. 41 van 1950)” deur die uitdrukking „1957 (Wet No. 77 van 1957)” te vervang;
- (f) deur na die omskrywing van „lys” in daardie sub-artikel die volgende omskrywing in te voeg:
„mineraalregte’ enige regte op minerale (met inbegrip van regte om daarvoor te prospekteer of dit te delf of te myn) of 'n huur of onderhuur van sodanige regte;”;
- (g) deur na die omskrywing van „Minister” in daardie sub-artikel die volgende omskrywing in te voeg:
„okkupeer’ as eienaar of uit hoofde van 'n huur of vruggebruik of 'n reg van *habitatio* of op grond van titel verkry deur verjaring okkupeer;”;
- (h) deur in die omskrywing van „onroerende eiendom” in daardie sub-artikel al die woorde na die woord „eiendom” waar dit die tweede maal voorkom te skrap; en
- (i) deur na die omskrywing van „registrateur van aktes” in daardie sub-artikel die volgende omskrywing in te voeg:
„regsgeding’ ook verrigtings van 'n in artikel *negen-tien* bedoelde hersieningshof;”.
2. Artikel *drie* van die Hoofwet word hierby gewysig— Wysiging van artikel 3 van Wet 69 van 1955.
- (a) deur in sub-artikel (1) die woord „ses” deur die woord „agt” te vervang;
- (b) deur in sub-artikel (2) die woord „een” deur die woord „drie”, die woord „Naturellesake” deur die woorde „Bantoe-administrasie en -ontwikkeling”, en die uitdrukking „Woningwet, 1920 (Wet No. 35 van 1920)” deur die uitdrukking „Behuisingswet, 1957 (Wet No. 10 van 1957)” te vervang; en
- (c) deur na sub-artikel (2) die volgende sub-artikel in te voeg:
„(2)*bis*. Die Goewerneur-generaal kan 'n lid van die raad as ondervoorsitter van die raad aanstel, en die aldus aangestelde ondervoorsitter kan by afwesigheid van die voorsitter al sy bevoegdhede uitoefen en al sy werksaamhede verrig.”.
3. Artikel *vyf* van die Hoofwet word hierby gewysig deur in sub-artikel (4) die woord „hy” waar dit die tweede maal voorkom deur die woorde „beide die voorsitter en die ondervoorsitter” te vervang. Wysiging van artikel 5 van Wet 69 van 1955.
4. Artikel *sewe* van die Hoofwet word hierby gewysig— Wysiging van artikel 7 van Wet 69 van 1955.
- (a) deur in sub-artikel (1) na die woord „voorsitter” die woorde „en die ondervoorsitter” in te voeg; en
- (b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:
„(1)*bis*. Enige drie lede van die uitvoerende komitee maak 'n kworum uit.”.
5. Artikel *nege* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 9 van Wet 69 van 1955.
- „Personeel 9. (1) Die werk verbonde aan die verrigting van van raad. sy werksaamhede deur die raad, word op sy koste

expense and under its directions and control by—

- (a) officers in the public service seconded to the service of the board on the recommendation of the Public Service Commission;
- (b) employees in the public service seconded to the service of the board;
- (c) officers in the service of any statutory body or local authority who are by arrangement with the body or authority concerned seconded to the service of the board; and
- (d) such other persons as may be appointed by the board on such terms and conditions as may be approved by the Minister in consultation with the Minister of Finance.

(2) Any officer seconded under paragraph (c) of sub-section (1) shall be subject to the conditions of employment applicable to employees of the statutory body or local authority concerned, as if he had remained such an employee, and for that purpose any reference to the statutory body or local authority in any staff regulations or decision of the body or authority concerned or in any agreement or award which is in operation under the Industrial Conciliation Act, 1956 (Act No. 28 of 1956), or any other law, and which relates to the conditions of employment of employees of the statutory body or local authority concerned, shall be construed as a reference to the board, and any reference therein to an officer of the statutory body or local authority in whom any powers are vested either in terms of such staff regulations or in terms of decisions of the statutory body or local authority concerned or for the purposes of such agreement or award, shall be deemed to be a reference to an officer or employee of the board designated by it or under its authority.

(3) The Minister shall designate one of the officers so seconded from the public service as secretary of the board, and such officer shall be the chief administrative officer of the board.

(4) An officer or employee in the public service seconded to the service of the board in terms of this section, shall in all respects remain subject to the laws governing the public service, and for that purpose the chief administrative officer of the board shall, in relation to any officer or employee in the public service, be deemed to be the head of the department in which such officer is employed.

(5) An officer or employee in the public service who is seconded to the service of the board may in addition to his salary and allowances as such an officer or employee, receive such remuneration as may be determined subject to the laws governing the public service.”.

Amendment of section 10 of Act 69 of 1955.

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

“(1)*bis*. Notwithstanding the provisions of section *sixteen* of the Deeds Registries Act, 1937 (Act No. 47 of 1937), the transfer to the board of any immovable property acquired by it from the State or the transfer by the board of any immovable property to the State may upon application to the officer in charge of the deeds registry concerned be effected by endorsement by him upon the title deed of such property, and any such endorsement shall for all purposes be sufficient evidence of the fact that the ownership in the property in question is vested in the board or the State, as the case may be, by virtue of the title so endorsed.”

Amendment of section 12 of Act 69 of 1955.

7. Section *twelve* of the principal Act is hereby amended—

- (a) by the insertion in paragraph (a) of sub-section (1) after the word “property” of the words “whether situated in a group area or elsewhere”;
- (b) by the insertion in paragraph (b) of that sub-section after the word “members” of the words “and alternate members and persons in its service”;
- (c) by the substitution in sub-paragraph (i) of paragraph (c) of that sub-section for the words “situate in a group area” of the words “whether situated in a group area or elsewhere”;

en onder sy opdrag en beheer verrig deur—

- (a) amptenare in die Staatsdiens wat op aanbeveling van die Staatsdienskommissie tydelik na die raad se diens oorgeplaas word;
- (b) werknemers in die Staatsdiens wat tydelik na die diens van die raad oorgeplaas word;
- (c) amptenare in die diens van 'n statutêre liggaam of plaaslike bestuur wat by reëling met die betrokke liggaam of bestuur tydelik na die raad se diens oorgeplaas word; en
- (d) ander persone wat deur die raad aangestel mag word op bedinge en voorwaardes deur die Minister in oorleg met die Minister van Finansies goedgekeur.

(2) 'n Kragtens paragraaf (c) van sub-artikel (1) oorgeplaaste amptenaar is onderhewig aan die diensvoorwaardes van toepassing op werknemers van die betrokke statutêre liggaam of plaaslike bestuur, asof hy so 'n werknemer gebly het, en vir dié doel word 'n verwysing na die statutêre liggaam of plaaslike bestuur in enige personeel-regulasies of besluit van die betrokke liggaam of bestuur of in 'n ooreenkoms of toekenning wat van krag is ingevolge die Wet op Nywerheidsversoening, 1956 (Wet No. 28 van 1956), of enige ander wetsbepaling, en wat betrekking het op die diensvoorwaardes van werknemers van die betrokke statutêre liggaam of plaaslike bestuur, uitgelê as 'n verwysing na die raad, en word 'n verwysing daarin na 'n amptenaar van die statutêre liggaam of plaaslike bestuur aan wie òf ingevolge sodanige personeel-regulasies òf ingevolge besluite van die betrokke statutêre liggaam of plaaslike bestuur òf vir die doeleindes van sodanige ooreenkoms of toekenning enige bevoegdhede verleen is, geag 'n verwysing te wees na 'n deur of op gesag van die raad aangewese amptenaar of werknemer van die raad.

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

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

(5) 'n Amptenaar of werknemer in die Staatsdiens wat tydelik na die diens van die raad oorgeplaas word, kan, benewens sy salaris en toelaes as so 'n amptenaar of werknemer, sodanige besoldiging ontvang as wat met inagneming van die wetsbepalings op die Staatsdiens bepaal mag word."

6. Artikel *tien* van die Hoofwet word hierby gewysig deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis*. Ondanks die bepalinge van artikel *sestien* van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), kan die oordrag aan die raad van onroerende eiendom deur hom van die Staat verkry, of die oordrag deur die raad van onroerende eiendom aan die Staat, op aansoek by die beampte in bevel van die betrokke akteskantoor, deur middel van endossement deur hom op die transportakte van daardie eiendom teweeggebring word, en so 'n endossement is vir alle doeleindes voldoende bewys van die feit dat die eiendomsreg op die betrokke eiendom uit hoofde van bedoelde endossement by die raad of die Staat, al na die geval, berus."

Wysiging van artikel 10 van Wet 69 van 1955.

7. Artikel *twaalf* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (1) na die woord „eiendom” die woorde „hetsy in 'n groepsgebied of elders geleë” in te voeg;
- (b) deur in paragraaf (b) van daardie sub-artikel na die woord „lede” die woorde „en plaasvervangende lede en persone in sy diens” in te voeg;
- (c) deur in sub-paragraaf (i) van paragraaf (c) van daardie sub-artikel die woorde „in 'n groepsgebied geleë” deur die woorde „hetsy in 'n groepsgebied of elders geleë” te vervang;

Wysiging van artikel 12 van Wet 69 van 1955.

- (d) by the deletion in sub-paragraph (iii) of paragraph (c) of that sub-section of the word "let" and the insertion in that sub-paragraph after the word "property" where it occurs for the second time of the words "and to let such property to any person, including any disqualified person";
- (e) by the addition to paragraph (c) of that sub-section of the following sub-paragraph:
 "(iv) to sub-let any immovable property which the board has hired to any person, including any disqualified person;";
- (f) by the deletion in paragraph (d) of that sub-section of the words "and subject to the provisions of any law relating to townships and townplanning in force in such area", and the addition at the end of that paragraph of the following sub-paragraph:
 "(v) to construct and maintain on any land roads, drains, sewers, aqueducts, conduits, water and other mains and power lines to connect with roads, drains, sewers, aqueducts, conduits, water and other mains and power lines constructed or to be constructed under sub-paragraph (iii) of this paragraph, and for such purposes, subject *mutatis mutandis* to the provisions of sub-paragraph (i) of paragraph (c) of this sub-section and of section *twenty-four*, to acquire any interest in immovable property wherever situated;"; and
- (g) by the addition of the following sub-section:
 "(3) The board shall in the exercise of its powers under paragraph (d) of sub-section (1), comply with the provisions of any applicable law relating to townships and townplanning, except in so far as the Minister after consultation with the Administrator concerned otherwise directs."

Insertion of sections 12*bis* and 12*ter* in Act 69 of 1955.

8. The following sections are hereby inserted in the principal Act after section *twelve*:

"Vesting in board in certain circumstances of portions of townships set aside for public purposes.

- 12*bis*.** (1) (a) Whenever the board has acquired all the lots or erven (other than public places) within any township or portion of a township situated in an area in which the provisions of this section have in terms of section *thirty-eight* been applied, all the public places in that township or portion thereof shall, notwithstanding anything to the contrary contained in any law, vest in the board, and the board shall be entitled to obtain transfer in respect of the piece of land comprising such township or portion thereof as if that entire piece of land had become vested in the board under circumstances contemplated in sub-section (1) of section *thirty-one* of the Deeds Registries Act, 1937 (Act No. 47 of 1937).
- (b) No compensation shall be payable by the board to any person in respect of any public place which becomes vested in the board in terms of sub-section (1), but the board shall compensate any existing local authority in respect of useful improvements made to any such public place up to an amount not exceeding the unredeemed portion of the cost thereof.
 - (c) Upon the registration of the transfer of any piece of land referred to in paragraph (a), the registrar of deeds concerned shall cancel every title deed held by the board in respect of any lot or erf in the township or portion of a township in question and make the necessary consequential endorsements in his registers.
- (2) When all the lots or erven and public places in a township or portion thereof have in terms of sub-section (1) become vested in the board, the surveyor-general concerned shall, on the application of the board, cancel the general plan of that township or, as the case may be, so much of that general plan as relates to such portion of the township in question, and such cancellation shall, subject to the provisions of sub-section (1), have effect as if it had been effected under the law in pursuance of which the township in question was established.

- (d) deur in sub-paragraaf (iii) van paragraaf (c) van daardie sub-artikel die woorde „te verhuur” te skrap en na die woord „verruil” die woorde „of aan enige persoon, met inbegrip van ’n onbevoegde persoon, te verhuur” in te voeg;
- (e) deur die volgende sub-paragraaf by paragraaf (c) van daardie sub-artikel te voeg:
 „(iv) om onroerende eiendom wat die raad gehuur het aan enige persoon, met inbegrip van ’n onbevoegde persoon, te onderverhuur;”;
- (f) deur in paragraaf (d) van daardie sub-artikel die woorde „en behoudens die wetsbepalings wat in so ’n gebied met betrekking tot dorpe en dorpsaanlegskemas van krag is” te skrap, en aan die end van daardie paragraaf die volgende sub-paragraaf by te voeg:
 „(v) om op enige grond paaie, afvoerslote, riole, waterleidings, pype, water- en ander hoofleidings en kraglyne aan te lê en in stand te hou om aan te sluit by paaie, afvoerslote, riole, waterleidings, pype, water- en ander hoofleidings en kraglyne wat ingevolge sub-paragraaf (iii) van hierdie paragraaf gebou is of staan te word, en om vir so ’n doel enige belang in onroerende eiendom, waar ook al geleë, te verkry, onderworpe *mutatis mutandis* aan die bepalings van sub-paragraaf (i) van paragraaf (c) van hierdie sub-artikel en van artikel vier-en-twintig;”;
- (g) deur die volgende sub-artikel by te voeg:
 „(3) Die raad moet by die uitoefening van sy bevoegdhede kragtens paragraaf (d) van sub-artikel (1), aan enige toepaslike wetsbepalings op dorpe en dorpsaanleg voldoen, behalwe vir sover die Minister na oorlegpleging met die betrokke Administrateur anders gelas.”.

8. Die volgende artikels word hierby na artikel twaalf in die Hoofwet ingevoeg:

„Vestiging in raad onder sekere omstandighede van gedeeltes van dorpe wat vir openbare doeleindes opsy gesit is.

12bis. (a) Wanneer die raad al die persele of erwe (behalwe openbare plekke) in ’n dorp of deel van ’n dorp geleë in ’n gebied waarbinne die bepalings van hierdie artikel ingevolge artikel *agt-en-dertig* toegepas is, verkry het, gaan ondanks andersluidende wetsbepalings die eiendomsreg in al die openbare plekke in daardie dorp of deel daarvan oor op die raad, en is die raad geregtig om ten opsigte van die stuk grond wat daardie dorp of deel daarvan uitmaak oordrag te verkry asof daardie hele stuk grond onder omstandighede in sub-artikel (1) van artikel *een-en-dertig* van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), beoog op die raad oorgegaan het.

(b) Geen vergoeding is ten opsigte van ’n openbare plek wat ingevolge sub-artikel (1) op die raad oorgegaan het, aan enigiemand deur die raad betaalbaar nie, maar die raad moet aan enige bestaande plaaslike bestuur vergoeding betaal ten opsigte van nuttige verbeterings aan so ’n openbare plek aangebring, tot ’n bedrag wat die onafgeloste gedeelte van die koste daarvan nie te bowe gaan nie.

(c) By registrasie van die oordrag van ’n in paragraaf (a) bedoelde stuk grond, moet die betrokke registrateur van aktes elke titelbewys wat ten opsigte van ’n perseel of erf in die betrokke dorp of deel van ’n dorp deur die raad besit word, kanselleer en die nodige gevolglike endossemente in sy registers maak.

(2) Wanneer al die persele of erwe en openbare plekke in ’n dorp of deel van ’n dorp ingevolge sub-artikel (1) op die raad oorgegaan het, moet die betrokke landmeter-generaal op aansoek deur die raad die algemene plan van daardie dorp of, al na die geval, soveel van daardie algemene plan as wat op bedoelde deel van die betrokke dorp betrekking het, kanselleer, en so ’n kansellasië het, behoudens die bepalings van sub-artikel (1), dieselfde uitwerking asof dit geskied het ingevolge die wetsbepalings uit kragte waarvan die betrokke dorp gestig was.

Invoeging van artikels 12bis en 12ter in Wet 69 van 1955.

(3) The provisions of sub-sections (1) and (2) shall apply *mutatis mutandis* with reference to a local authority, statutory body or other body corporate which holds or has in pursuance of a delegation under section *thirteen*, acquired all the lots or erven in any township or portion thereof, and for the purpose of such application any reference in the said sub-sections to the board shall be construed as a reference to such local authority, statutory body or other body corporate.

(4) For the purposes of this section—

- (a) 'public place' means the land comprising any street, road, square, thoroughfare, sanitary lane, park, recreation or sports ground or open space shown on the general plan of a township and all land vested in a local authority or in the Governor-General in trust for a future local authority or to which the owners of lots or erven in the township have a common right; and
- (b) 'township' includes any village, settlement or sub-divided estate and any other land laid out and proclaimed for residential, industrial, occupational or similar purposes in terms of any law relating to townships.

Assignment of certain powers, functions, and duties of local authority to board.

12ter. (1) The Governor-General may, after consultation with the local authority, if any, and after reference to the Administrator of the province concerned, by proclamation in the *Gazette* determine that, as from a date specified in the proclamation, and subject to such conditions and restrictions as may be set out in the proclamation, the board shall, with reference to any defined area, be vested and charged with any or all of the powers, functions and duties of any local authority which could be established in such province, and thereupon the provisions of any applicable law relating to the exercise of such powers or the performance of such functions or duties by such a local authority within its area of jurisdiction, shall *mutatis mutandis* apply with reference to the exercise of such powers or the performance of such functions or duties by the board within the defined area in question as if it were such a local authority, except in so far as the proclamation or this section otherwise provides.

(2) Any such proclamation may provide *inter alia* that the board shall not, in relation to the exercise of a power or the performance of a function or duty with which it is so vested or charged, be required to comply with any requirements, whether as regards approval of any proposed action or otherwise, with which a local authority is required to comply in connection with the exercise by it of any such power or the performance by it of any such function or duty.

(3) Where any powers, functions or duties have by proclamation under sub-section (1) been assigned to the board with reference to any portion of the area of jurisdiction of a local authority, such local authority shall not, so long and in so far as the proclamation remains in force, be competent to exercise such powers or perform such functions or duties with reference to the said portion.

(4) Notwithstanding anything to the contrary contained in any law, any notice which may be required in connection with the exercise of any power or the performance of any function or duty with which the board is vested or charged in terms of this section, may by order of the board be made known in the *Gazette* or in such other manner as the Minister may determine.

(5) The Governor-General may at any time by proclamation in the *Gazette* repeal any proclamation issued under sub-section (1) or amend it in such manner as he may deem fit.

(6) In this section 'defined area' means any group area or any area comprising only land belonging to

(3) Die bepalings van sub-artikels (1) en (2) is *mutatis mutandis* van toepassing met betrekking tot 'n plaaslike bestuur, statutêre liggaam of ander regs persoon wat al die persele of erwe in 'n dorp of deel daarvan besit of ingevolge 'n delegasie kragtens artikel *dertien* verkry het, en by sodanige toepassing word 'n verwysing in daardie sub-artikels na die raad as 'n verwysing na bedoelde plaaslike bestuur, statutêre liggaam of ander regs persoon uitgelê.

(4) By die toepassing van hierdie artikel beteken—

- (a) ,openbare plek' die grond bestaande uit 'n straat, pad, plein, deurgang, sanitêre gang, park of ontspannings- of sportterrein of ope gebied wat op die algemene plan van 'n dorp aangewys word, en alle grond waarvan die eiendomsreg by 'n plaaslike bestuur of by die Goewerneur-generaal in trust vir 'n toekomstige plaaslike bestuur berus of waarop die eienaars van persele of erwe in die dorp 'n gemeenskaplike reg het; en
- (b) ,dorp' ook 'n dorpsgebied, nedersetting of onderverdeelde landgoed en enige ander grond wat ingevolge 'n wet op dorpe vir woon-, nywerheids-, okkupasie- of dergelike doeleindes aangelê en geproklameer is.

Toewysing van sekere bevoegdhede, werksaamhede en pligte van plaaslike bestuur aan raad.

12ter. (1) Die Goewerneur-generaal kan, na oorlegpleging met die plaaslike bestuur (as daar een is), en na verwysing na die Administrateur van die betrokke provinsie, by proklamasie in die *Staatskoerant* bepaal dat, vanaf 'n datum in die proklamasie vermeld, en onderworpe aan die voorwaardes en beperkings in die proklamasie uiteengesit, die raad met betrekking tot een of ander omskrewe gebied, met enige van of al die bevoegdhede, werksaamhede en pligte van enige plaaslike bestuur wat in bedoelde provinsie ingestel sou kon word, beklee en belas is, en daarop is enige toepaslike wetsbepalings wat op die uitoefening van sodanige bevoegdhede of die verrigting van sodanige werksaamhede of pligte deur so 'n plaaslike bestuur binne sy regsgebied betrekking het, *mutatis mutandis* van toepassing met betrekking tot die uitoefening van bedoelde bevoegdhede of die verrigting van bedoelde werksaamhede of pligte deur die raad binne die betrokke omskrewe gebied asof hy so 'n plaaslike bestuur was, behalwe vir sover in die proklamasie of in hierdie artikel anders bepaal word.

(2) So 'n proklamasie kan onder meer bepaal dat die raad met betrekking tot die uitoefening van 'n bevoegdheid of die verrigting van 'n werksaamheid of plig waarmee hy aldus beklee of belas is, nie verplig is om te voldoen aan enige vereiste, hetsy met betrekking tot goedkeuring van enige voorgenome optrede of andersins, waaraan 'n plaaslike bestuur in verband met die uitoefening deur hom van so 'n bevoegdheid of die verrigting deur hom van so 'n werksaamheid of plig moet voldoen nie.

(3) Waar enige bevoegdhede, werksaamhede of pligte by proklamasie ingevolge sub-artikel (1) aan die raad toegewys is met betrekking tot enige deel van die regsgebied van 'n plaaslike bestuur, is daardie plaaslike bestuur, solank en vir sover die proklamasie van krag bly, nie bevoeg om met betrekking tot daardie deel bedoelde bevoegdhede uit te oefen of bedoelde werksaamhede of pligte te verrig nie.

(4) Ondanks andersluidende wetsbepalings kan enige kennisgewing wat in verband met die uitoefening van 'n bevoegdheid of die verrigting van 'n werksaamheid of plig waarmee die raad ingevolge hierdie artikel beklee of belas is, vereis mag word, op las van die raad in die *Staatskoerant* of op die ander wyse wat die Minister bepaal, bekend gemaak word.

(5) Die Goewerneur-generaal kan 'n kragtens sub-artikel (1) uitgevaardigde proklamasie te eniger tyd by proklamasie in die *Staatskoerant* herroep of wysig op die wyse wat hy goetvind.

(6) In hierdie artikel beteken ,omskrewe gebied' 'n groepsgebied of 'n gebied wat bestaan uitsluit-

the board, or any area consisting partly of a group area and partly of such land, whether or not such area or any portion thereof falls within the jurisdiction of a local authority.”.

Amendment of section 13 of Act 69 of 1955.

9. Section *thirteen* of the principal Act is hereby amended by the addition at the end of sub-section (1) of the following provisos:

“Provided that no power to expropriate mineral rights shall in terms of this sub-section be delegated or assigned to any local authority, statutory body or other body corporate; and provided further that no delegation or assignment in terms of this sub-section shall exempt a local authority, statutory body or other body corporate from the provisions of any law relating to townships or town planning.”.

Insertion of section 13bis in Act 69 of 1955.

10. The following section is hereby inserted in the principal Act after section *thirteen*:

“Assistance and facilities to be afforded to board by local authority. 13bis. (1) The board may after consultation with any local authority and with the approval of the Minister—

- (a) connect any drain, sewer, conduit, water or other main or power line or telephone line on land belonging to the board, or situated in an area defined under section *twelve ter* to any drain, sewer, conduit, water or other main or power line or telephone line in the vicinity of such land which is under the control of that local authority;
- (b) connect any road, street or thoroughfare on such land to any road, street or thoroughfare which is under the control of that local authority;
- (c) make use for the deposit of night soil or refuse of any site used for that purpose by that local authority;
- (d) make use of any burial place, for the group concerned, which belongs to or is under the control of that local authority,

in so far as may be reasonably practicable and necessary for the purpose of providing essential services on such land or ensuring convenient entrance to or exit from such land, and may for the purpose of paragraph (a) require the local authority or its servants to furnish any assistance or information which the board may consider necessary for the effective exercise of its powers under that paragraph.

(2) The local authority shall in so far as may be reasonably practicable supply water and electricity from and receive water or sewage at any connection made under sub-section (1) in the same manner and on the same conditions as if the services in question were provided in respect of land within the area of jurisdiction of the local authority concerned, and the charges made in respect of such services shall not exceed the charges for like services in respect of any similar township served by the local authority concerned.

(3) (a) Whenever the Minister has certified that any group area is intended for occupation or ownership by members of the group concerned who are resident within the area of jurisdiction of any local authority, the board may, whether or not that group area or any portion thereof is within such area of jurisdiction, direct that local authority to perform in that group area at the expense of the board any or all of the functions which the board is in terms of paragraph (d) of sub-section (1) of section *twelve* empowered to perform in that area, and such local authority shall be obliged to comply with any such direction and shall for that purpose have the same powers as the board has in connection with the performance of such functions, as also any powers which such local authority has in connection with the performance by it of its own accord of such functions within its area of jurisdiction, and the provisions of any law applicable in connection with the performance by that local authority

lik uit grond wat aan die raad behoort, of 'n gebied wat ten dele uit 'n groepsgebied en ten dele uit sodanige grond bestaan, hetsy so 'n gebied of enige deel daarvan binne die regsgebied van 'n plaaslike bestuur val al dan nie."

9. Artikel *dertien* van die Hoofwet word hierby gewysig deur aan die end van sub-artikel (1) die volgende voorbehoudsbepalings by te voeg: Wysiging van artikel 13 van Wet 69 van 1955.

„Met dien verstande dat geen bevoegdheid om mineraalregte te onteien ingevolge hierdie sub-artikel aan 'n plaaslike bestuur, statutêre liggaam of ander regspersoon gedeleger of toegewys word nie; en met dien verstande voorts dat geen delegering of toewysing ingevolge hierdie sub-artikel 'n plaaslike bestuur, statutêre liggaam of ander regspersoon van die bepalings van enige wet met betrekking tot dorpe of dorpsaanleg vrystel nie."

10. Die volgende artikel word hierby na artikel *dertien* in die Hoofwet ingevoeg: Invoeging van artikel 13bis in Wet 69 van 1955.

„Hulp en fasiliteite deur plaaslike bestuur aan raad verleen te word.

13bis. (1) Die raad kan, na oorlegpleging met 'n plaaslike bestuur, en met goedkeuring van die Minister—

- (a) enige afvoersloot, riool, pyp, water- of ander hoofleiding of krag- of telefoonlyn op grond wat aan die raad behoort, of wat in 'n kragtens artikel *twaalf ter* omskrewe gebied geleë is, verbind met enige afvoersloot, riool, pyp, water- of ander hoofleiding of krag- of telefoonlyn in die nabyheid van daardie grond wat deur bedoelde plaaslike bestuur beheer word;
- (b) enige pad, straat of deurgang op sodanige grond verbind met enige pad, straat of deurgang wat deur bedoelde plaaslike bestuur beheer word;
- (c) gebruik maak van enige nagvuil- of afvalstortingsterrein wat deur bedoelde plaaslike bestuur vir die doel gebruik word;
- (d) gebruik maak van enige begraafplaas, vir die betrokke groep, wat aan bedoelde plaaslike bestuur behoort of onder sy beheer staan, vir sover as wat redelikerwys doenlik en nodig mag wees om essensiële dienste te voorsien op bedoelde grond of om gerieflike toegang tot of uitgang vanaf sodanige grond te verleen, en kan vir die doeleindes van paragraaf (a) van die plaaslike bestuur of sy dienaars die hulp of inligting eis wat die raad vir die doeltreffende uitoefening van sy bevoegdhede onder daardie paragraaf nodig ag.

(2) Die plaaslike bestuur moet sover redelikerwys doenlik by 'n aansluiting kragtens sub-artikel (1) gemaak, water en elektrisiteit verskaf en aldaar water of rioolslyk ontvang op dieselfde wyse en op dieselfde voorwaardes asof die betrokke dienste ten opsigte van grond binne die regsgebied van die betrokke plaaslike bestuur voorsien was, en die gelde ten opsigte van sodanige dienste bereken, mag nie hoër wees nie as die gelde vir dergelike dienste ten opsigte van enige soortgelyke dorpsgebied waaraan deur die betrokke plaaslike bestuur dienste voorsien word.

- (3) (a) Wanneer die Minister gesertifiseer het dat 'n groepsgebied bestem is vir okkupasie of grondbesit deur lede van die betrokke groep wat binne die regsgebied van 'n plaaslike bestuur woon, kan die raad, hetsy daardie groepsgebied of enige deel daarvan binne bedoelde regsgebied val al dan nie, daardie plaaslike bestuur gelas om op koste van die raad in daardie groepsgebied enige van of al die werksaamhede te verrig wat die raad ingevolge paragraaf (d) van sub-artikel (1) van artikel *twaalf* bevoeg is om in daardie gebied te verrig, en bedoelde plaaslike bestuur is verplig om aan so 'n lasgewing te voldoen en het vir dié doel dieselfde bevoegdhede as wat die raad in verband met die uitvoering van sodanige werksaamhede besit, asook enige bevoegdhede wat daardie plaaslike bestuur in verband met die verrigting deur hom uit eie beweging van sodanige werksaamhede binne sy regsgebied besit, en enige wetsbepalings wat in verband met die verrigting van sodanige werksaamhede

of such functions of its own accord within its area of jurisdiction shall also apply with reference to the performance of such functions in pursuance of a direction by the board.

- (b) The cost of the performance of any functions by a local authority in pursuance of any direction under paragraph (a), shall not be higher than would have been the case if that local authority had performed such functions of its own accord.

(4) The board may, with the approval of the Minister, and subject *mutatis mutandis* to the provisions of sections *twelve* and *twenty-four*, acquire rights over any land wherever situated for the purpose of making any connection under paragraph (a) or (b) of sub-section (1), or for the maintenance or supervision thereof."

Insertion of section 14bis in Act 69 of 1955.

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

"Extinction or modification of certain restrictions on land.

14bis. (1) Notwithstanding anything to the contrary contained in any law, the Governor-General may, on the recommendation of the Minister, by proclamation in the *Gazette*, direct that any restriction in operation under any law with reference to the use, occupation or sub-division of land belonging to or to be acquired by the board shall for the purposes of the development thereof by the board be suspended for such period or shall lapse or shall be modified in such manner and to such extent as may be specified in that direction,

(2) No recommendation shall be made under sub-section (1) by the Minister—

(a) except after not less than one month's prior notice in writing to every person who in his opinion is likely to be affected thereby;

(b) in respect of land which in terms of any law relating to mining is or is deemed to be proclaimed land or upon which prospecting, digging or mining operations are being carried on or upon which there are reasonable grounds for believing that minerals exist in workable quantities, except with the concurrence of the Minister of Mines.

(3) The provisions of sub-sections (2) and (3) of section *twenty-five* shall *mutatis mutandis* apply in connection with any notice required to be given under paragraph (a) of sub-section (2) of this section."

Amendment of section 15 of Act 69 of 1955.

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

(a) by the substitution in sub-section (1) for the words "*three, three bis or three ter*" wherever they occur of the words "*twenty, twenty-one or twenty-two*", and for the words "*this Act*" where they occur for the first time and where they occur for the third time of the words "*this section*", and the deletion in that sub-section of the word "*thereof*"; and

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

"(1)*bis* If after the basic date any affected property has been or is to be transferred to any person in pursuance of a transaction entered into before that date or in pursuance of a disposition otherwise than for value, the transferee shall for the purposes of this Act be deemed to have been the owner of such property at the said date."

Amendment of section 17 of Act 69 of 1955.

13. Section *seventeen* of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-section:

"(3) (a) No immovable property situated in an area in which the provisions of sections *twelve bis* to *thirteen bis* inclusive, *fifteen* to *twenty-three* inclusive, and *thirty-four* apply shall be transferred to any person other than the board, unless there is lodged with the registrar of deeds concerned a certificate, signed by an officer authorized thereto by the board, to the

deur bedoelde plaaslike bestuur uit eie beweging binne sy regsgebied van toepassing is, geld ook met betrekking tot die verrigting van bedoelde werksaamhede ingevolge 'n lasgewing deur die raad.

- (b) Die koste van die verrigting van enige werksaamhede deur 'n plaaslike bestuur ingevolge 'n lasgewing kragtens paragraaf (a), mag nie hoër wees as wat dit sou gewees het indien daardie plaaslike bestuur bedoelde werksaamhede uit eie beweging verrig het nie.

(4) Die raad kan, met goedkeuring van die Minister, en onderworpe *mutatis mutandis* aan die bepalings van artikels *twaalf* en *vier-en-twintig*, regte oor grond, waar ook al geleë, verkry om 'n aansluiting in paragraaf (a) of (b) van sub-artikel (1) bedoel aan te bring of in stand te hou of daarvoor toesig te hou."

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

„Opheffing of wysiging van sekere beperkings op grond.

14bis. (1) Ondanks andersluidende wetsbepalings, kan die Goewerneur-generaal op aanbeveling van die Minister by proklamasie in die *Staatskoerant* gelas dat enige beperking wat ingevolge een of ander wetsbepaling geld met betrekking tot die gebruik, okkupasie of onderverdeling van grond wat aan die raad behoort of deur hom verkry staan te word, vir die doeleindes van ontwikkeling daarvan deur die raad, opgehef is vir so 'n tydperk of verval of op so 'n wyse en in so 'n mate gewysig is as wat in daardie lasgewing vermeld word.

(2) Geen aanbeveling word ingevolge sub-artikel (1) deur die Minister gedoen nie—

(a) behalwe nadat minstens een maand vooraf skriftelik kennis gegee is aan elke persoon wat volgens sy oordeel waarskynlik daardeur geraak sal word;

(b) ten opsigte van grond wat ingevolge een of ander wet op mynbou, geproklameerde grond is of geag word te wees, of waarop geprospekteer of gedelf word of mynbou plaasvind, of waarop, na op redelike gronde vermoed word, minerale in ontginbare hoeveelhede voorkom, dan alleen met instemming van die Minister van Mynwese.

(3) Die bepalings van sub-artikels (2) en (3) van artikel *vyf-en-twintig* is *mutatis mutandis* van toepassing in verband met enige kennisgewing wat ingevolge paragraaf (a) van sub-artikel (2) van hierdie artikel gegee moet word."

Invoeging van artikel 14bis in Wet 69 van 1955.

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

(a) deur in sub-artikel (1) die woorde „*drie, drie bis of drie ter*” orals waar hulle voorkom deur die woorde „*twintig, een-en-twintig of twee-en-twintig*”, en die woorde „*hierdie Wet*” waar hulle die eerste maal en waar hulle die derde maal voorkom deur die woorde „*hierdie artikel*” te vervang, en die woord „*daarvan*” te skrap; en

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

„(1)*bis* Indien geaffekteerde eiendom na die basiese datum ingevolge 'n transaksie voor daardie datum aangegaan of ingevolge 'n beskikking sonder teenwaarde aan iemand getranspoteer word of staan te word, word die transportnemer by die toepassing van hierdie Wet geag op bedoelde datum die eienaar van daardie eiendom te gewees het."

Wysiging van artikel 15 van Wet 69 van 1955.

13. Artikel *sewentien* van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:

(3) (a) Geen onroerende eiendom geleë in 'n gebied waarin die bepalings van artikels *twaalf bis* tot en met *dertien bis*, *vyftien* tot en met *drie-en-twintig* en *vier-en-dertig* van toepassing is, word aan enige persoon behalwe die raad getranspoteer nie, tensy daar by die betrokke registrateur van aktes 'n sertifikaat, wat deur 'n daartoe deur die raad gemagtigde

Wysiging van artikel 17 van Wet 69 van 1955.

effect that any appreciation contribution due to the board under this Act in respect of the disposal of such property, has been paid to the board, or that payment thereof has been guaranteed to the satisfaction of the board or that no such contribution is due.

- (b) If an officer referred to in paragraph (a) has notified the registrar of deeds concerned that all the affected properties in any area have been included in the list compiled in respect of that area in accordance with section *fifteen*, the provisions of the said paragraph shall cease to apply in so far as it relates to immovable property other than affected property in that area.”.

Amendment of section 18 of Act 69 of 1955.

14. Section *eighteen* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (1) after the words “basic date” of the words “or in course of erection on that date” and after the word “was” of the words “or is being” and the deletion in that sub-section of the words “but not otherwise”;

- (b) by the insertion in sub-section (2) after the word “extended” of the words “or which on that date is in course of being altered or extended” and after the word “was” of the words “or is being” and the deletion in that sub-section of the words “but not otherwise”; and

- (c) by the addition of the following sub-sections:

“(3) If a building referred to in sub-section (1) or (2) has been erected, altered or extended without the approval of the board, the board may in its discretion direct that the basic value thereof be determined or re-determined, as the case may be, and recorded on the list as the basic value of that building.

(4) If after the determination of the basic value of any land or building or the re-determination (including any re-determination under this sub-section) of the value of any building, the value of such land has in the opinion of the board been reduced in consequence of neglect or damage to or removal or destruction of any improvements thereon other than buildings, or the value of such building has in the opinion of the board been reduced in consequence of neglect or of being declared to be a slum in terms of the Slums Act, 1934 (Act No. 53 of 1934), or as the result of having been damaged in any manner, the board shall cause the basic value of that land or building to be re-determined or to be re-determined afresh as if the circumstances which in the opinion of the board have resulted in the reduction of the value thereof had existed at the date with reference to which that value was determined or re-determined, and the value as so re-determined shall be recorded on the list as the basic value thereof instead of the basic value then appearing on the list, and if any such building is demolished or destroyed any reference thereto shall be deleted from the list.

(5) If in the case of any land or building referred to in sub-section (1), (2), (3) or (4) a valuation is agreed upon between the board and the owner concerned the said sub-sections shall not apply, and the value so agreed upon shall be recorded on the list as the basic value of that land or building.”.

Substitution of section 19 of Act 69 of 1955.

15. (1) The following section is hereby substituted for section *nineteen* of the principal Act:

“Determination of basic value. 19. (1) Save as provided in sub-section (8), the basic value of any affected property shall as soon as possible after the inclusion of that property in the list be provisionally determined by one or more persons (hereinafter referred to as valuers) appointed for the purpose by the Minister.

- (2) (a) The valuers shall as soon as possible after the basic value of any affected property has been provisionally determined, by notice in writing advise the board and the owner and every mortgagee of such property of the basic value so determined.

- (b) Any notice under paragraph (a) shall contain an intimation that objections to the determina-

amptenaar onderteken is, ingedien word ten effekte dat enige waardevermeerderingskontribusie wat ingevolge hierdie Wet ten opsigte van die vervreemding van daardie eiendom aan die raad verskuldig is, aan die raad betaal is, of dat betaling daarvan tot bevrediging van die raad gewaarborg is, of dat so 'n kontribusie nie verskuldig is nie.

- (b) Indien 'n in paragraaf (a) bedoelde amptenaar die betrokke registrateur van aktes in kennis gestel het dat alle geaffekteerde eiendomme in enige gebied in die ooreenkomstig artikel vyftien ten opsigte van daardie gebied opgestelde lys opgeneem is, verval die bepaling van bedoelde paragraaf vir sover dit op ander onroerende eiendom in daardie gebied as geaffekteerde eiendom betrekking het."

14. Artikel agtien van die Hoofwet word hierby gewysig— Wysiging van artikel 18 van Wet 69 van 1955.

- (a) deur in sub-artikel (1) na die woorde „opgerig word” die woorde „of op genoemde datum in aanbou is” en na die woorde „opgerig is” die woorde „of word” in te voeg en die woorde „maar anders nie” te skrap;
- (b) deur in sub-artikel (2) na die woorde „ver groot word” die woorde „of waarvan op daardie datum 'n verandering of vergroting aan die gang is” en na die woorde „gedoen is” die woorde „of word” in te voeg en die woorde „maar anders nie” te skrap; en
- (c) deur die volgende sub-artikels by te voeg:

„(3) Indien 'n gebou in sub-artikel (1) of (2) bedoel sonder die goedkeuring van die raad opgerig, verander of ver groot is, kan die raad na goeddunke gelas dat die basiese waarde daarvan bepaal of, al na die geval, herbepaal word en in die lys as die basiese waarde van daardie gebou aangeteken word.

(4) Indien na die bepaling van die basiese waarde van grond of 'n gebou of die herbepaling (met inbegrip van 'n herbepaling ingevolge hierdie sub-artikel) van die waarde van 'n gebou, die waarde van daardie grond na die oordeel van die raad weens verwaarlosing of beskadiging of verwydering of vernietiging van ander verbeterings daarop as geboue verminder het, of die waarde van so 'n gebou na die oordeel van die raad weens verwaarlosing of as gevolg van verklaring daarvan tot 'n slum kragtens die Slumswet, 1934 (Wet No. 53 van 1934), of weens beskadiging op enige wyse verminder het, laat die raad die basiese waarde van daardie grond of gebou herbepaal of opnuut herbepaal asof die omstandighede wat volgens die raad se oordeel die afname in die waarde daarvan teweeggebring het, op die datum met betrekking waartoe daardie waarde bepaal of herbepaal was, bestaan het, en die waarde soos aldus herbepaal, word op die lys as die basiese waarde daarvan aangeteken in plaas van die basiese waarde wat dan op die lys voorkom, en indien so 'n gebou gesloop of vernietig word, word enige verwysing daarna in die lys geskrap.

(5) Indien in die geval van grond of 'n gebou in sub-artikel (1), (2), (3) of (4) bedoel, die raad en die betrokke eienaar omtrent die waarde daarvan ooreenkom, is daardie sub-artikels nie van toepassing nie, en word die waarde waarop aldus ooreengekom is as die basiese waarde van daardie grond of gebou op die lys aangeteken."

15. (1) Artikel negentien van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 19 van Wet 69 van 1955.

„Bepaling van basiese waarde.

19. (1) Behoudens die bepalinge van sub-artikel (8), word die basiese waarde van geaffekteerde eiendom so gou moontlik na opname van daardie eiendom in die lys, voorlopig bepaal deur een of meer persone (hieronder waardeerders genoem) wat die Minister daartoe aanstel.

(2) (a) Die waardeerders moet so gou moontlik nadat die basiese waarde van 'n geaffekteerde eiendom voorlopig bepaal is, die raad en die eienaar van en elke houër van 'n verband op bedoelde eiendom by skriftelike kennisgewing van die basiese waarde aldus bepaal in kennis stel.

(b) 'n Kennisgewing ingevolge paragraaf (a) moet aandui dat besware teen die bepaling deur die

tion made by the valuers may be lodged with the Minister in writing within twenty-one days after the service of the notice.

(3) If any objections are lodged with the Minister in pursuance of a notice under sub-section (2) the valuers shall, after considering such objections, make a final determination of the basic value of the affected property in question, and if no objections are so lodged, the basic value provisionally determined shall be deemed to be the basic value of the affected property as finally determined.

(4) (a) Whenever the basic value of any affected property has been or is deemed to have been finally determined, the valuers shall cause the board and the owner and every mortgagee of the said property to be advised in writing of that basic value, and the board or any such owner or mortgagee may, where the final determination was made after consideration of any objections lodged under sub-section (2), within twenty-one days of the date of service of the said notice lodge with the Minister an appeal against such determination.

(b) Where no appeal is lodged in respect of any determination as provided in paragraph (a) of this sub-section, that determination shall be final.

(5) An appeal lodged in terms of sub-section (4) shall be heard by a revision court consisting of a magistrate or retired magistrate and two assessors appointed by the Minister which shall determine the basic value of the affected property, and its determination shall be final.

(6) The provisions of sub-sections (2) and (3) of section *twenty-five* shall apply *mutatis mutandis* in respect of any notice referred to in this section.

(7) The provisions of sub-section (3) of section *thirty-one* shall *mutatis mutandis* apply with reference to an appeal to a revision court referred to in sub-section (5) as if the members of such court were arbitrators appointed under that section and as if a determination by such court were a determination by arbitrators so appointed.

(8) If the board and the owner of any affected property and all mortgagees thereof agree as to the basic value of such property, such agreed value shall be the basic value thereof, and the procedure set out in sub-sections (1) to (7), inclusive, of this section shall not apply in respect of the said property."

(2) The provisions of sub-section (1) shall not apply in respect of affected property for the valuation of which valuers were appointed under section *nineteen* of the principal Act prior to the commencement of this Act, and the valuation of such property shall be proceeded with as if that sub-section had not been enacted.

Substitution of section 20 of Act 69 of 1955.

16. The following section is hereby substituted for section *twenty* of the principal Act:

"Procedure where owner intends to dispose of affected property. 20. (1) Where the owner of any affected property intends to dispose of such property for value to a person other than the board, he shall notify the board in writing of his intention to do so and shall, unless he intends to dispose of such property without reserve, by public auction, state in the notice the consideration for which and the conditions under which he intends to dispose of such property, and if any such condition, other than a condition onerous to the owner, has any monetary value such monetary value shall be stated in the notice, and the consideration plus such monetary value, if any, shall be deemed to be the proposed consideration for the property.

(2) (a) On receipt of the said notice the board may elect to waive its pre-emptive right or to

waardeerders gemaak binne een-en-twintig dae na die bestelling van die kennisgewing skriftelik by die Minister ingedien kan word.

(3) Indien enige besware ingevolge 'n kennisgewing kragtens sub-artikel (2) by die Minister ingedien word, moet die waardeerders na oorweging van daardie besware 'n finale bepaling van die basiese waarde van die betrokke geaffekteerde eiendom maak, en indien geen besware aldus ingedien word nie, word die voorlopig bepaalde basiese waarde geag die basiese waarde van die geaffekteerde eiendom, soos finaal bepaal, te wees.

(4) (a) Wanneer die basiese waarde van 'n geaffekteerde eiendom finaal bepaal is of geag word te wees, laat die waardeerders die raad en die eenaar van en elke houder van 'n verband op daardie eiendom skriftelik van bedoelde basiese waarde in kennis stel, en die raad of so 'n eenaar of verbandhouer kan, waar die finale bepaling na oorweging van besware ingevolge sub-artikel (2) geskied het, binne een-en-twintig dae na die datum van bedoelde kennisgewing 'n appèl teen daardie bepaling by die Minister aanteken.

(b) Waar geen appèl volgens voorskrif van paragraaf (a) van hierdie sub-artikel ten opsigte van 'n bepaling aangeteken word nie, is daardie bepaling afdoende.

(5) 'n Appèl ingevolge sub-artikel (4) aangeteken, word verhoor deur 'n hersieningshof bestaande uit 'n landdros of afgetrede landdros en twee assessore deur die Minister aangestel, wat die basiese waarde van die geaffekteerde eiendom bepaal, en sy bepaling is afdoende.

(6) Die bepaling van sub-artikels (2) en (3) van artikel vyf-en-twintig is *mutatis mutandis* van toepassing ten opsigte van 'n kennisgewing in hierdie artikel bedoel.

(7) Die bepaling van sub-artikel (3) van artikel een-en-dertig is *mutatis mutandis* van toepassing met betrekking tot 'n appèl na 'n in sub-artikel (5) bedoelde hersieningshof asof die lede van daardie hersieningshof arbiters is wat kragtens daardie artikel aangestel is en asof 'n bepaling deur so 'n hof 'n bepaling deur aldus aangestelde arbiters is.

(8) Indien die raad en die eenaar van geaffekteerde eiendom en alle houters van verbande daarop omtrent die basiese waarde van daardie eiendom ooreenkom, is die aldus ooreengekome waarde die basiese waarde daarvan en is die prosedure in sub-artikels (1) tot en met (7) van hierdie artikel uiteengesit nie ten opsigte van daardie eiendom van toepassing nie."

(2) Die bepaling van sub-artikel (1) is nie van toepassing ten opsigte van geaffekteerde eiendom vir die waardering waarvan voor die inwerkingtreding van hierdie Wet waardeerders kragtens artikel negentien van die Hoofwet aangestel is nie, en die waardering van daardie eiendom geskied asof daardie sub-artikel nie aangeneem was nie.

16. Artikel twintig van die Hoofwet word hierby deur die volgende artikel vervang:

„Prosedure 20. (1) Waar die eenaar van geaffekteerde eiendom voornemens is om daardie eiendom aan iemand anders as die raad vir teenwaarde van die hand te sit, moet hy die raad skriftelik van sy voorneme geaffekteerde eiendom van die hand te sit, voornemens is om daardie eiendom by openbare veiling sonder reserweprys van die hand te sit, in die kennisgewing die vergoeding waarteen en die voorwaardes waaronder hy voornemens is om daardie eiendom van die hand te sit, vermeld, en indien so 'n voorwaarde, behalwe 'n voorwaarde wat vir die eenaar beswarend is, 'n geldelike waarde het, moet daardie geldelike waarde in die kennisgewing vermeld word, en die vergoeding plus bedoelde geldelike waarde, as daar is, word geag die voorgestelde vergoeding vir die eiendom te wees.

(2) (a) By ontvangs van bedoelde kennisgewing kan die raad kies om van sy voorkeepsreg

Vervanging van artikel 20 van Wet 69 van 1955.

exercise such pre-emptive right in respect of the property for a consideration equal in value to the proposed consideration.

(b) Such pre-emptive right shall, unless sooner waived or exercised, lapse on the expiry of thirty days after receipt by the board of the notice referred to in sub-section (1), but shall revive if the said property is not disposed of for an amount equal to or in excess of the proposed consideration.

(3) If the board elects to exercise its pre-emptive right in terms of sub-section (2), no condition, not having a monetary value, contained in a notice referred to in sub-section (1), shall be binding upon the board.

(4) No affected property shall be sold in execution of a judgment of any court, unless at least thirty days prior notice of the intended sale has been given to the board, and the board's pre-emptive right in respect of such property shall lapse on the expiration of the said thirty days, but shall revive if the property is not transferred in pursuance of the said sale in execution.

(5) Upon the transfer of any affected property by the person who was or is deemed to have been the owner thereof at the basic date, in pursuance of a disposition, whether to the board or to a person other than the board, under this section, there shall—

(a) if the consideration for which the property was in fact disposed of exceeds the basic value thereof, be payable by the owner to the board an appreciation contribution equal to fifty per cent. of the difference between the basic value and such consideration; or

(b) if the consideration for which the property was in fact disposed of is less than the basic value thereof, be payable by the board to the owner a depreciation contribution equal to eighty per cent. of the difference between the basic value and such consideration:

Provided that no depreciation contribution shall be payable in respect of an affected property which is sold in terms of section *thirty-seven* of the principal Act.

(6) For the purposes of this section, the consideration in respect of any affected property shall—

(a) in the case of a sale, be the selling price thereof plus the monetary value if any, of any of the conditions of sale not onerous to the owner, and also such other charges (other than costs of transfer and transfer duty) as may be imposed on the purchaser by law or arise from the conditions of sale;

(b) in the case of an exchange for other property be the market value of that property at the time of the exchange, plus the amount or the value of any additional consideration received or receivable by the owner of the affected property, and less the amount or the value of any additional consideration paid or payable by the said owner, as the case may be;

(c) in the case of any other disposition, be the value of the consideration received for the property.

(7) If the alienation of any affected property takes place after the basic date and before the basic value of that property has been determined, the certificate required by sub-section (3) of section *seventeen* may be obtained from the board upon furnishing to the board a guarantee approved by it that any appreciation contribution which may become due to the board will be paid.

(8) The market value of any property exchanged or proposed to be exchanged for affected property

ten opsigte van die eiendom afstand te doen of om dit uit te oefen teen 'n vergoeding van gelyke waarde as die waarde van die voorgestelde vergoeding.

- (b) So 'n voorkeepsreg verval na verstryking van dertig dae na die ontvangs van die in sub-artikel (1) bedoelde kennisgewing deur die raad, tensy eerder daarvan afstand gedoen of dit eerder uitgeoefen word, maar herleef indien die betrokke eiendom nie vir 'n bedrag gelyk aan of meer as die voorgestelde vergoeding van die hand gesit word nie.

(3) Indien die raad ingevolge sub-artikel (2) kies om sy voorkeepsreg uit te oefen, is geen voorwaarde in 'n in sub-artikel (1) bedoelde kennisgewing vervat, wat geen geldwaarde het nie, vir die raad bindend nie.

(4) Geen geaffekteerde eiendom word by wyse van tenuitvoerlegging van die vonnis van 'n hof verkoop nie, tensy minstens dertig dae vooraf van die voorgenome verkoop aan die raad kennis gegee is, en die raad se voorkeepsreg ten opsigte van sodanige eiendom verval by verstryking van bedoelde dertig dae, maar herleef indien die eiendom nie ingevolge bedoelde verkoop in eksekusie getranspoteer word nie.

(5) By oordrag van geaffekteerde eiendom deur die persoon wat op die basiese datum die eienaar daarvan was of geag word te gewees het, ingevolge 'n van die hand sitting volgens hierdie artikel, hetsy aan die raad of aan iemand anders as die raad, is—

- (a) indien die vergoeding waarteen die eiendom in werklikheid van die hand gesit is, die basiese waarde daarvan te bowe gaan, deur die eienaar 'n waardevermeerderingskontribusie gelyk aan vyftig persent van die verskil tussen die basiese waarde en bedoelde vergoeding aan die raad betaalbaar; of
- (b) indien die vergoeding waarteen die eiendom in werklikheid van die hand gesit is, minder as die basiese waarde daarvan bedra, deur die raad 'n waardeverminderingkontribusie gelyk aan tagtig persent van die verskil tussen die basiese waarde en bedoelde vergoeding aan die eienaar betaalbaar:

Met dien verstande dat geen waardeverminderingkontribusie betaalbaar is ten opsigte van 'n geaffekteerde eiendom wat kragtens artikel *sewendeertig* van die Hoofwet verkoop word nie.

(6) By die toepassing van hierdie artikel is die vergoeding ten opsigte van geaffekteerde eiendom—

- (a) in die geval van 'n verkoping, die verkoopprys daarvan plus die geldwaarde, as daar is, van enige van die verkoopsvoorwaardes wat nie vir die eienaar beswarend is nie, en ook die ander bedrae (behalwe transportkoste en here-reg) wat die koper by wet opgelê word of wat uit die verkoopsvoorwaardes ontstaan;
- (b) in die geval van verruiling vir ander eiendom, die markwaarde van daardie eiendom wanneer die ruiloorreenskoms gesluit word, plus die bedrag of die waarde van enige bykomstige vergoeding deur die eienaar van die geaffekteerde eiendom ontvang of ontvang te word, en min die bedrag of die waarde van enige bykomstige vergoeding deur bedoelde eienaar betaal of betaal te word, na gelang van die geval;
- (c) in die geval van vervreemding op enige ander wyse, die waarde van die vergoeding vir die eiendom ontvang.

(7) Indien die vervreemding van geaffekteerde eiendom plaasvind na die basiese datum en voordat die basiese waarde van daardie eiendom bepaal is, kan die by sub-artikel (3) van artikel *sewentien* vereiste sertifikaat van die raad verkry word by verstrekking aan die raad van 'n deur hom goedgekeurde waarborg vir die betaling van enige waardevermeerderingskontribusie wat aan die raad verskuldig mag word.

(8) Die markwaarde van eiendom wat vir geaffekteerde eiendom verruil word of voorgestel

or the value of any consideration received or payable for affected property shall, for the purpose of this section, in the absence of agreement between the owner and the board, be determined by arbitration in terms of section *thirty-one*.

(9) An owner of affected property may, in consideration of the board's waiving its pre-emptive right in respect of such property, waive his right to be paid any depreciation contribution in respect of such property, and on such waiver paragraph (b) of sub-section (5) shall cease to apply in respect of such property."

Amendment of section 21 of Act 69 of 1955.

17. Section *twenty-one* of the principal Act is hereby amended by the insertion in sub-section (1) after the word "shall", where it occurs for the second time, of the words "save where notice has been given in respect of the said property in terms of section *thirty-seven* of the principal Act, and such notice has not been withdrawn".

Substitution of section 22 of Act 69 of 1955

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

"Prohibition on disposal of affected property in certain circumstances.

22. No affected property in respect of which the board has not and is not deemed to have waived its pre-emptive right, and in respect of which such right has not lapsed, shall be disposed of for value after the basic date to a person other than the board, except with the consent of the board."

Amendment of section 23 of Act 69 of 1955.

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

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

"(b) Where any affected property in relation to which the board has notified the owner as provided in paragraph (a), is registered in the name of a company or is in terms of a testamentary disposition vested in the administrator of the estate of a deceased person, the market value thereof shall, if the board and the owner or the administrator do not agree on any valuation, be determined by arbitration as provided in section *thirty-one*, and if the market value thus agreed upon or determined is equal to or exceeds the basic value of the property in question, the owner shall forthwith pay to the board an appreciation contribution equal to fifty per cent of the difference, if any, between such market value and the basic value of that property and the board shall remove that property from the list.";

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

"(2)*bis* In estimating or determining the market value of a property for the purposes of sub-section (1) or (2) regard shall not be had to improvements (other than buildings) and developments effected by the owner after the basic date.

(2)*ter* When a notice in terms of sub-section (1) or (2) has been given in respect of any affected property, the payment of a contribution in terms of section *twenty* in respect of the transfer of a subdivision of such property shall subject to such conditions as the board may impose, be suspended pending the outcome of the said notice, and if the property is removed from the list in terms of either of those sub-sections, no contribution shall be separately payable in respect of such sub-division."; and

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

"(3) Every affected property—

(a) acquired by the board in terms of section *twelve*, *twenty* or *twenty-four*; or

(b) which has after the basic date been disposed of for value or expropriated by the State or a person other than the board,

word om daarvoor verruil te word of die waarde van enige vergoeding vir geaffekteerde eiendom ontvang of betaalbaar, word, by die toepassing van hierdie artikel, by ontstentenis van ooreenkoms tussen die eienaar en die raad, by arbitrasie volgens artikel *een-en-dertig* bepaal.

(9) 'n Eienaar van geaffekteerde eiendom kan waar die raad van sy voorkeepsreg op daardie eiendom afstand doen, as teenprestasie afstand doen van sy reg om ten opsigte van daardie eiendom 'n waardeverminderingkontribusie te eis, en by so 'n afstanddoening geld paragraaf (b) van sub-artikel (5) nie meer ten opsigte van daardie eiendom nie."

17. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woord „daar” waar dit die tweede maal voorkom die woorde „behalwe waar ingevolge artikel *sewe-en-dertig* van die Hoofwet ten opsigte van daardie eiendom kennis gegee is, en die kennisgewing nie teruggetrek is nie” in te voeg.

Wysiging van artikel 21 van Wet 69 van 1955

18. Artikel *twee-en-twintig* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 22 van Wet 69 van 1955.

„Verbod op 22. Geen geaffekteerde eiendom ten opsigte van geaffekteerde eiendom in sekere omstandighede. waarvan die raad nie van sy voorkeepsreg afstand gedoen het en nie geag word daarvan afstand te gedoen het nie, en ten opsigte waarvan bedoelde reg nie verval het nie, mag na die basiese datum aan iemand anders as die raad vir waarde van die hand gesit word nie, behalwe met toestemming van die raad.”.

19. Artikel *drie-en-twintig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 23 van Wet 69 van 1955.

(a) deur die volgende paragraaf by sub-artikel (1) te voeg, terwyl die bestaande sub-artikel paragraaf (a) word:

„(b) Waar geaffekteerde eiendom met betrekking waartoe die raad volgens voorskrif van paragraaf (a) aan die eienaar kennis gegee het, op naam van 'n maatskappy geregistreer staan of ingevolge 'n testamentêre beskikking by die administrateur van die boedel van 'n oorlede persoon berus, word die markwaarde daarvan, indien die raad en die eienaar of die administrateur nie oor 'n waardering ooreenkom nie, by arbitrasie volgens voorskrif van artikel *een-en-dertig* bepaal, en indien die markwaarde, soos aldus ooreengekom of bepaal, aan die basiese waarde van die betrokke eiendom gelyk is of dit te bowe gaan, moet die eienaar onverwyld aan die raad 'n waardevermeerderingskontribusie betaal gelyk aan vyftig persent van die verskil, as daar is, tussen bedoelde markwaarde en die basiese waarde van daardie eiendom en moet die raad daardie eiendom van die lys skrap.”;

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

„(2)*bis*. By die beraming of bepaling van die markwaarde van 'n eiendom vir die doeleindes van sub-artikel (1) of (2), word verbeterings (behalwe geboue) en ontwikkelingswerk na die basiese datum deur die eienaar aangebring nie in aanmerking geneem nie.

(2)*ter*. Wanneer kennis ingevolge sub-artikel (1) of (2) ten opsigte van 'n geaffekteerde eiendom gegee is, word die betaling van 'n kontribusie ooreenkomstig artikel *twintig* ten opsigte van die oordrag van 'n onderverdeling van daardie eiendom opgeskort, en wel op die voorwaardes wat die raad oplê, in afwagting van die uitslag van die kennisgewing, en indien die eiendom kragtens een of ander van daardie sub-artikels van die lys geskrap word, is geen afsonderlike kontribusie ten opsigte van so 'n onderverdeling betaalbaar nie.”; en

(c) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Elke geaffekteerde eiendom—

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

(b) wat na die basiese datum vir teenwaarde van die hand gesit is of deur die Staat of iemand anders as die raad onteien is,

Amendment of
section 24 of
Act 69 of 1955.

and in respect of which any appreciation or depreciation contribution which may be due in respect thereof has been paid or guaranteed or which is transferred to any person for a consideration equal to the basic value thereof shall be removed from the list.”.

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

- (a) by the substitution in sub-section (1) for the words “proper development of any group area, acquire by agreement or” of the words “attainment of any of its objects, acquire”, the deletion in that sub-section of the words “situated within that group area” and the addition to that sub-section of the following proviso: “Provided that no approval for the acquisition by expropriation of mineral rights shall be granted by the Minister except in consultation with the Minister of Mines.”;
- (b) by the addition at the end of sub-section (1) of the following paragraph, the existing sub-section becoming paragraph (a):
- “(b) If any immovable property acquired under paragraph (a) has already been surveyed, the board shall be entitled to the delivery to it by the owner of any plans, sections, diagrams, subdivisional diagrams or sketches made in respect thereof, against payment of an amount not exceeding the expenditure incurred by the owner in connection therewith.”; and
- (c) by the substitution in sub-section (2) for the words “sub-section (1)” of the words “sub-section (1) of section *twelve* or paragraph (a) of sub-section (1) of this section” and the insertion in that sub-section after the word “shall” where it occurs for the second time of the words “save where notice has been given in respect of the said property in terms of section *thirty-seven* of the principal Act, and such notice has not been withdrawn”.

Amendment of
section 25 of
Act 69 of 1955.

21. Section *twenty-five* of the principal Act is hereby amended by the substitution in sub-section (4) for the words “thirty days” of the words “six months”.

Amendment of
section 29 of
Act 69 of 1955.

22. Section *twenty-nine* of the principal Act is hereby amended by the insertion in paragraph (a) of sub-section (3) after the word “twenty-five” of the words “and paragraph (b) of sub-section (1) of section *twenty-six*”.

Amendment of
section 31 of
Act 69 of 1955.

23. Section *thirty-one* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words “the Administrator of the province concerned” of the words “the Minister”; and
- (b) by the substitution in that sub-section for all the words after “possible” to the end of the sub-section of the words “one shall be a former judge or former magistrate or an advocate or attorney of not less than ten years’ standing”.

Repeal of
section 32 of
Act 69 of 1955.

24. Section *thirty-two* of the principal Act is hereby repealed.

Amendment of
section 35 of
Act 69 of 1955.

25. Section *thirty-five* of the principal Act is hereby amended by the insertion in sub-section (1) after the word “board” where it occurs for the first time of the words “or any officer of the board authorized thereto by him”, and the substitution in that sub-section for the word “*thirty-one*” of the word “*thirty-nine*”.

Amendment of
section 36 of
Act 69 of 1955.

26. Section *thirty-six* of the principal Act is hereby amended—

- (a) by the deletion in paragraph (d) of sub-section (1) of the word “and” where it occurs for the second time and the addition at the end of that paragraph of the words “and the taxation of costs incurred thereat”; and
- (b) by the insertion after paragraph (h) of that sub-section of the following paragraph, the existing paragraph (i) becoming paragraph (j):

en ten opsigte waarvan 'n waardevermeerderings- of waardeverminderingskontribusie wat ten opsigte daarvan verskuldig mag wees, betaal of gewaarborg is, of wat teen vergoeding gelyk aan die basiese waarde daarvan aan iemand getranspoteer word, moet van die lys geskrap word."

20. Artikel vier-en-twintig van die Hoofwet word hierby gewysig— Wysiging van artikel 24 van Wet 69 van 1955.

(a) deur in sub-artikel (1) die woorde „behoorlike ontwikkeling van 'n groepsgebied, enige onroerende eiendom wat binne daardie groepsgebied geleë is, by ooreenkoms of" deur die woorde „bereiking van enige van sy oogmerke enige onroerende eiendom" te vervang, en die volgende voorbehoudsbepaling by daardie sub-artikel te voeg:

„Met dien verstande dat geen goedkeuring vir die verkryging deur onteiening van mineraalregte, deur die Minister verleen word nie, dan alleen in oorleg met die Minister van Mynwese.";

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

„(b) Indien onroerende eiendom wat ingevolge paragraaf (a) verkry is, reeds opgemeet is, is die raad geregtig op lewering aan hom deur die eienaar van enige planne, seksies, kaarte, verdelingskaarte of tekenings wat ten opsigte daarvan gemaak is, teen betaling van vergoeding hoogstens gelyk aan die uitgawes deur die eienaar daaraan bestee."; en

(c) deur in sub-artikel (2) die woorde „sub-artikel (1)" deur die woorde „sub-artikel (1) van artikel twaalf of paragraaf (a) van sub-artikel (1) van hierdie artikel" te vervang, en na die woord „daar" waar dit die tweede maal voorkom die woorde „behalwe waar kragtens artikel sewe-en-dertig van die Hoofwet ten opsigte van bedoelde eiendom kennis gegee is en die kennisgewing nie teruggetrek is nie" in te voeg.

21. Artikel vyf-en-twintig van die Hoofwet word hierby gewysig deur in sub-artikel (4) die woorde „dertig dae" deur die woorde „ses maande" te vervang. Wysiging van artikel 25 van Wet 69 van 1955.

22. Artikel nege-en-twintig van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (3) na die woord „vyf-en-twintig" die woorde „en paragraaf (b) van sub-artikel (1) van artikel ses-en-twintig" in te voeg. Wysiging van artikel 29 van Wet 69 van 1955.

23. Artikel een-en-dertig van die Hoofwet word hierby gewysig— Wysiging van artikel 31 van Wet 69 van 1955.

(a) deur in sub-artikel (1) die woorde „administrateur van die betrokke provinsie" deur die woord „Minister" te vervang; en

(b) deur in dié sub-artikel al die woorde na „doenlik" tot aan die end van die sub-artikel deur die woorde „een 'n voormalige regter of voormalige landdros of 'n advokaat of prokureur met 'n beroepstyd van nie minder as tien jaar nie, moet wees" te vervang.

24. Artikel twee-en-dertig van die Hoofwet word hierby herroep. Herroeping van artikel 32 van Wet 69 van 1955.

25. Artikel vyf-en-dertig van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woord „raad" waar dit die eerste maal voorkom die woorde „of 'n deur hom daartoe gemagtigde amptenaar van die raad" in te voeg, en die woord „een-en-dertig" deur die woord „nege-en-dertig" te vervang. Wysiging van artikel 35 van Wet 69 van 1955.

26. Artikel ses-en-dertig van die Hoofwet word hierby gewysig— Wysiging van artikel 36 van Wet 69 van 1955.

(a) deur in paragraaf (d) van sub-artikel (1) die woord „en" waar dit die tweede maal voorkom te skrap en aan die end van daardie paragraaf die woorde „en die taksering van koste daarby aangegaan" by te voeg; en

(b) deur na paragraaf (h) van daardie sub-artikel die volgende paragraaf in te voeg, terwyl die bestaande paragraaf (i) paragraaf (j) word:

“(i) the appointment and remuneration of valuers and members of a revision court referred to in section *nineteen*, and the procedure governing hearings and determinations by such court, including the taxation of costs incurred in such proceedings;”.

Amendment of section 38 of Act 69 of 1955.

27. Section *thirty-eight* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section—

“(1) The provisions of sections *twelve bis* to *thirteen bis* inclusive, *fifteen* to *twenty-three* inclusive and *thirty-four* of this Act shall apply only in an area in which the Governor-General has by proclamation in the *Gazette* applied the said provisions, and with effect from a date specified in the proclamation.”.

Short Title and date of commencement.

28. This Act shall be called the Group Areas Development Amendment Act, 1959, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

„(i) die aanstelling en besoldiging van waardeerders en lede van 'n hersieningshof in artikel *negentien* vermeld, en die prosedure aangaande verhore en bepalings deur genoemde hof, met inbegrip van die taksering van koste in verband met sodanige verrigtings aangegaan;”.

27. Artikel *agt-en-dertig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang: Wysiging van artikel 38 van Wet 69 van 1955.

„(1) Die bepalings van artikels *twaalf bis* tot en met *dertien bis*, *vyftien* tot en met *drie-en-twintig* en *vier-en-dertig* van hierdie Wet is van toepassing slegs in 'n gebied waarbinne die Goewerneur-generaal daardie bepalings by proklamasie in die *Staatskoerant* van toepassing verklaar het, en vanaf 'n datum in die proklamasie vermeld.”.

28. Hierdie Wet heet die Wysigingswet op die Ontwikkeling van Groepsgebiede, 1959, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

No. 82, 1959.]

ACT

To amend the Universities Act, 1955, the Land Survey Act, 1927, the Attorneys, Notaries and Conveyancers Admission Act, 1934, and the Patents Act, 1952.

(Afrikaans text signed by the Governor-General.)
(Assented to 4th July, 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 61 of 1955.

1. Section *one* of the Universities Act, 1955 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the deletion of the definition of "Joint Committee"; and
 - (b) by the insertion after the definition of "Minister" of the following definition:
" 'recognition board' means the appropriate board established by section *sixteen*;".

Amendment of section 13 of Act 61 of 1955.

2. Section *thirteen* of the principal Act is hereby amended by the substitution for the words "of any such person from office" of the words "from office of any such person who has been permanently appointed to any such staff".

Amendment of section 15 of Act 61 of 1955.

3. Section *fifteen* of the principal Act is hereby amended by the deletion in sub-section (4) of the words "by five".

Substitution of section 16 of Act 61 of 1955.

4. The following sections are hereby substituted for section *sixteen* of the principal Act:

16. There is hereby established—
- (a) a board to be known as the Board for the Recognition of Examinations in Law; and
 - (b) a board to be known as the Board for the Recognition of Land Surveyors' Examinations.

"Establishment of Board for the Recognition of Examinations in Law and of Board for the Recognition of Land Surveyors' Examinations.

Constitution of the recognition board.

16*bis*. (1) The board for the Recognition of Examinations in Law shall consist of the following members, namely—

- (a) a Judge of the Supreme Court to be appointed by the Minister;
- (b) in respect of each Law Society in the Union and the territory of South-West Africa, one person to be appointed by that Law Society;
- (c) one person to be appointed by the South African Institute of Patent Agents;
- (d) in respect of each university, one person to be appointed by the council of that university;
- (e) the Secretary for Justice;
- (f) the Secretary for Bantu Administration and Development; and
- (g) the Registrar of Patents appointed in terms of section *five* of the Patents Act, 1952 (Act No. 37 of 1952).

(2) The Board for the Recognition of Land Surveyors' Examinations shall consist of the following members, namely—

- (a) a Surveyor-General to be appointed by the Minister;
- (b) one person, who is not in the full-time service of the State, to be appointed by the Central Council of Land Surveyors established by section *two* of the Land Surveyors' Registration Act, 1950 (Act No. 14 of 1950);

No. 82, 1959.]

WET

Tot wysiging van die Wet op Universiteite, 1955, die Opmetingswet, 1927, die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, en die Wet op Patente, 1952.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 4 Julie 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 Wet op Universiteite, 1955 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur na die omskrywing van „Adviserende Komitee” die volgende omskrywing in te voeg:
„,erkenningsraad’ die toepaslike raad wat by artikel *sestien* ingestel is;”; en
 - (b) deur die omskrywing van „Gemeenskaplike Komitee” te skrap.

Wysiging van artikel 1 van Wet 61 van 1955.

2. Artikel *dertien* van die Hoofwet word hierby gewysig deur die woorde „van so iemand uit sy pos” deur die woorde „uit sy pos van so iemand wat vas in enige sodanige personeel aangestel is,” te vervang.

Wysiging van artikel 13 van Wet 61 van 1955.

3. Artikel *vyftien* van die Hoofwet word hierby gewysig deur in sub-artikel (4) die woorde „met vyf” te skrap.

Wysiging van artikel 15 van Wet 61 van 1955.

4. Artikel *sestien* van die Hoofwet word hierby deur die volgende artikels vervang:

Vervanging van artikel 16 van Wet 61 van 1955.

16. Daar word hierby ingestel—
 - (a) ’n raad met die naam die Raad vir die Erkenning van Regseksamens; en
 - (b) ’n raad met die naam die Raad vir die Erkenning van Landmeterseksamens.

„Instelling van Raad vir die Erkenning van Regseksamens en van Raad vir die Erkenning van Landmetersksamens.

- 16*bis*. (1) Die Raad vir die Erkenning van Regseksamens bestaan uit die volgende lede, naamlik—
 - (a) ’n Regter van die Hooggeregshof wat deur die Minister aangestel moet word;
 - (b) ten opsigte van iedere Wetsgenootskap in die Unie en die gebied Suidwes-Afrika, een persoon wat deur daardie Wetsgenootskap aangestel moet word;
 - (c) een persoon wat deur die Suid-Afrikaanse Instituut van Patent-agente aangestel moet word;
 - (d) ten opsigte van iedere universiteit, een persoon wat deur die raad van daardie universiteit aangestel moet word;
 - (e) die Sekretaris van Justisie;
 - (f) die Sekretaris van Bantoe-administrasie en -ontwikkeling; en
 - (g) die Registrateur van Patente wat ingevolge artikel *vyf* van die Wet op Patente, 1952 (Wet No. 37 van 1952), aangestel is.

(2) Die Raad vir die Erkenning van Landmeterseksamens bestaan uit die volgende lede, naamlik—

 - (a) ’n Landmeter-generaal wat deur die Minister aangestel moet word;
 - (b) een persoon wat nie in die voltydse diens van die Staat is nie en wat aangestel moet word deur die Sentrale Landmetersraad wat by artikel *twee* van die Landmetersregistrasiewet, 1950 (Wet No. 14 van 1950), ingestel is;

Samestelling van die erkenningsraad.

- (c) in respect of each university that prepares students for a degree in land surveying, one person to be appointed by the council of that university;
- (d) the Director-General of Surveys appointed in terms of section *seven* of the Land Survey Act, 1927 (Act No. 9 of 1927), or, if there is no Director-General of Surveys, a Surveyor-General to be appointed by the Minister; and
- (e) the Director of Trigonometrical Survey appointed in terms of section *four* of the Land Survey Act, 1927, or, if the Director-General of Surveys referred to in paragraph (d) is also the Director of Trigonometrical Survey, a Surveyor-General to be appointed by the Minister.

(3) (a) Any person that appoints a member of the recognition board under sub-section (1) or (2) may appoint an alternate member to such member, and any member of the recognition board referred to in paragraph (e), (f) or (g) of sub-section (1) may designate a person in the full-time service of the State to act in his stead as an alternate member of the said board.

(b) Any alternate member so appointed or designated may attend and take part in the proceedings at any meeting of the recognition board whenever the member to whom he has been appointed or designated as alternate member is absent from such meeting.

Circumstances in which member or alternate member of the recognition board vacates office.

16ter. (1) A person appointed as a member of the recognition board shall vacate his office if—

- (a) his estate is sequestrated or a notice with reference to him is published under sub-section (1) of section *ten* of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935);
- (b) he becomes of unsound mind or he is convicted of an offence and sentenced to a term of imprisonment without the option of a fine; or
- (c) he has been absent from three consecutive meetings of the recognition board without its leave, which shall not be granted for a period exceeding one year at a time.

(2) The provisions of paragraphs (a) and (b) of sub-section (1) shall also apply to a person who has been appointed an alternate member of the recognition board.

Tenure of office and re-appointment of members and alternate members of the recognition board.

16quat. Every person appointed as a member or as an alternate member of the recognition board shall, subject to the provisions of section *sixteen quin.*, hold office as such for a period determined by the person who appointed him but not exceeding five years, and any person whose period of office as a member or as an alternate member of the recognition board has expired, shall be eligible for re-appointment as a member or as an alternate member of the recognition board, as the case may be.

Filling of vacancies.

16quin. If the office of a member or of an alternate member of the recognition board becomes vacant before the expiration of the period for which he was appointed the person who appointed him shall appoint a person to fill the vacancy for the unexpired portion of the period for which such member or alternate member was appointed.

Chairman of the recognition board.

16sex. (1) The members of the recognition board shall at their first meeting and thereafter as occasion arises, elect one of their number as chairman of the recognition board, and any person so elected shall hold office as such until he ceases to be a member of the recognition board.

(2) If the chairman of the recognition board vacates his office before he ceases to be a member of the recognition board, another member of the recognition board shall, subject to the provisions of sub-section (1), be elected as chairman thereof.

- (c) ten opsigte van iedere universiteit wat studente vir 'n graad in landmeetkunde oplei, een persoon wat deur die raad van daardie universiteit aangestel moet word;
- (d) die Direkteur-generaal van Opmetings wat ingevolge artikel *sewe* van die Opmetingswet, 1927 (Wet No. 9 van 1927), aangestel is of, indien daar nie 'n Direkteur-generaal van Opmetings is nie, 'n Landmeter-generaal wat deur die Minister aangestel moet word; en
- (e) die Direkteur van die Driehoeksmeting wat ingevolge artikel *vier* van die Opmetingswet, 1927, aangestel is of, indien die Direkteur-generaal van Opmetings in paragraaf (d) vermeld ook die Direkteur van die Driehoeksmeting is, 'n Landmeter-generaal wat deur die Minister aangestel moet word.
- (3) (a) Iemand wat 'n lid van die erkenningsraad kragtens sub-artikel (1) of (2) aanstel, kan 'n plaasvervangende lid vir dié lid aanstel, en 'n lid van die erkenningsraad in paragraaf (e), (f) of (g) van sub-artikel (1) vermeld, kan iemand in die voltydse diens van die Staat aanwys om in sy plek as 'n plaasvervangende lid van genoemde raad op te tree.
- (b) 'n Plaasvervangende lid aldus aangestel of aangewys kan 'n vergadering van die erkenningsraad bywoon en aan die verrigtinge aldaar deelneem wanneer die lid vir wie hy as plaasvervangende lid aangestel of aangewys is, van dié vergadering afwesig is.

Omstandig-
hede waar-
onder lid
of plaas-
vervangende
lid van die
erkenings-
raad sy
amp
ontruim.

- 16ter.** (1) Iemand wat as lid van die erken-
ningsraad aangestel is, ontruim sy amp indien—
- (a) sy boedel gesekwestreer word of 'n kennis-
gewing wat op hom betrekking het, kragtens
sub-artikel (1) van artikel *tien* van die Boere-
Bystandswet, 1935 (Wet No. 48 van 1935),
gepubliseer word;
- (b) hy kranksinnig word of aan 'n misdryf skuldig
bevind word en tot gevangenisstraf sonder die
keuse van 'n boete gevonnissig word; of
- (c) hy van drie agtereenvolgende vergaderings van
die erkenningsraad afwesig is sonder verlof
van die erkenningsraad, wat nie vir 'n langer
tydperk as 'n jaar op 'n keer toegestaan word
nie.

(2) Die bepalings van paragraawe (a) en (b) van
sub-artikel (1) is ook van toepassing op iemand
wat as plaasvervangende lid van die erkenningsraad
aangestel is.

Ampsduur
en heraan-
stelling van
lede en
plaasver-
vangende
lede van die
erkenings-
raad.

16quat. Iedereen wat as 'n lid of plaasvervangende
lid van die erkenningsraad aangestel is, beklee,
behoudens die bepalings van artikel *sestien quin.*,
sy amp as sodanig vir die termyn, maar hoogstens
vyf jaar, wat die persoon wat hom aangestel het,
bepaal, en iemand wie se ampstermyn as lid of
plaasvervangende lid van die erkenningsraad ver-
stryk het, kan, na gelang van die geval, weer as lid
of plaasvervangende lid van die erkenningsraad
aangestel word.

Vul van
vakatures.

16quin. Indien die setel van 'n lid of plaasver-
vangende lid van die erkenningsraad vakant raak
vóór die verstryking van die termyn waarvoor hy
aangestel is, moet die persoon wat hom aangestel
het, iemand aanstel om die vakature te vul vir
die onverstreke gedeelte van die termyn waarvoor
daardie lid of plaasvervangende lid aangestel was.

Voorsitter
van die
erkenings-
raad.

16sex. (1) Die lede van die erkenningsraad moet
op hulle eerste vergadering, en daarna wanneer dit
nodig word, uit eie geledere 'n voorsitter van die
erkeningsraad kies, en 'n aldus gekose persoon
beklee sy amp as sodanig totdat hy ophou om lid
van die erkenningsraad te wees.

(2) Indien die voorsitter van die erkenningsraad
sy amp ontruim voordat hy ophou om lid van die
erkeningsraad te wees, moet, behoudens die
bepalings van sub-artikel (1), 'n ander lid van die
erkeningsraad as voorsitter daarvan gekies word.

Meetings of the recognition board. **16sept.** The meetings of the recognition board shall be held at such times and places as the chairman thereof may determine: Provided that the chairman or, if he is not available or there is no chairman, the Secretary of the Department of Education, Arts and Science, shall, upon receipt of a written request signed by not less than one third of the number of members of the recognition board, call a meeting thereof, to be held within a period of one month from the date of the receipt of such request, at such time and place as the said chairman or Secretary (as the case may be) may determine.

Quorum, majority decision, chairman's casting vote and procedure. **16oct.** (1) One half of the number of members of the recognition board shall form a quorum.

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

(3) The decision of a majority of the members of the recognition board present at any meeting thereof shall constitute a decision of the recognition board, and in the event of an equality of votes in regard to any matter, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote.

(4) The recognition board may determine the procedure at its meetings or at the meetings of any committee thereof.

Committees of the recognition board. **16nov.** (1) The recognition board may establish committees to perform any of its functions and may appoint such persons, including persons other than members of the recognition board, as it may deem fit to be members of any such committee.

(2) The recognition board may amend or set aside any decision of any such committee.

Secretarial and administrative work of the recognition board. **16dec.** The secretarial and administrative work of the recognition board shall be performed by officers of the Department of Education, Arts and Science.

Allowances payable to members of the recognition board and of committees. **16undec.** A member or an alternate member of the recognition board, or a member of a committee of the recognition board, who is not in the full-time service of the State, shall be entitled to receive in respect of any period during which he is engaged on the business of the recognition board and in respect of any journey while so engaged, such subsistence and travelling allowances as the Minister may, after consultation with the Minister of Finance, determine.

Functions and powers of the recognition board. **16duodec.** (1) The functions of the recognition board shall be to—

(a) investigate whether the syllabuses of instruction prescribed and the standard of training provided by any university for—

- (i) the Public Service Law Examination;
- (ii) the Public Service Senior Law Examination;
- (iii) the Attorneys' Admission Examination;
- (iv) the examinations for a degree in land surveying;
- (v) the Patent Agent's Examination; and
- (vi) any other examination conducted by that university in lieu of any examination mentioned in sub-paragraph (i), (ii), (iii), (iv) or (v),

comply with the requirements of the respective posts or professions for the appointment to or pursuit of which the passing of any such examination is in terms of any law a qualification; and

(b) grant recognition to any such examination conducted by any university if in its opinion the syllabus of instruction prescribed and the standard of training provided in respect of it by that university comply with such requirements.

Vergaderings van die erkenningsraad.

16sept. Die vergaderings van die erkenningsraad moet gehou word op die tye en plekke wat die voorsitter daarvan bepaal: Met dien verstande dat by ontvangs van 'n skriftelike versoek onderteken deur minstens een-derde van die aantal lede van die erkenningsraad die voorsitter of, indien hy nie beskikbaar is nie of daar nie 'n voorsitter is nie, die Sekretaris van die Departement van Onderwys, Kuns en Wetenskap, 'n vergadering van die erkenningsraad moet belê, wat gehou moet word binne 'n maand vanaf die datum van die ontvangs van sodanige versoek en op die tyd en plek wat genoemde voorsitter of Sekretaris (na gelang van die geval) bepaal.

Kworum, meerderheidsbesluit, voorsitter se beslissende stem en procedure.

16oct. (1) Die helfte van die aantal lede van die erkenningsraad maak 'n kworum uit.

(2) Die voorsitter van die erkenningsraad moet voorsit op al die vergaderings daarvan waarop hy aanwesig is, en indien hy van 'n vergadering afwesig is, moet die aanwesige lede uit eie geledere iemand kies om op daardie vergadering voor te sit.

(3) Die beslissing van die meerderheid van die lede van die erkenningsraad wat op 'n vergadering daarvan aanwesig is, maak 'n besluit van die erkenningsraad uit, en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering voorsit, benewens sy beraadslagende stem ook 'n beslissende stem.

(4) Die erkenningsraad kan die procedure by sy vergaderings of by vergaderings van 'n komitee daarvan bepaal.

Komitees van die erkenningsraad.

16nov. (1) Die erkenningsraad kan komitees instel om van sy funksies te verrig, en kan dié persone wat hy goedvind, met inbegrip van persone wat nie lede van die erkenningsraad is nie, as lede van so 'n komitee aanstel.

(2) Die erkenningsraad kan 'n besluit van so 'n komitee wysig of nietig verklaar.

Sekretariële en administratiewe werk van die erkenningsraad.

16dec. Die sekretariële en administratiewe werk van die erkenningsraad word deur amptenare van die Departement van Onderwys, Kuns en Wetenskap verrig.

Toelaes betaalbaar aan lede van die erkenningsraad en van komitees.

16undec. 'n Lid of plaasvervangende lid van die erkenningsraad, of 'n lid van 'n komitee van die erkenningsraad, wat nie in die voltydse diens van die Staat is nie, is geregtig om ten opsigte van 'n tydperk gedurende welke hy met die sake van die erkenningsraad besig is, en ten opsigte van 'n reis terwyl hy aldus besig is, die verblyf- en reistoelaes te ontvang wat die Minister ná oorleg met die Minister van Finansies bepaal.

Funksies en bevoegdhede van die erkenningsraad.

16duodec. (1) Die funksies van die erkenningsraad is om—

(a) ondersoek in te stel of die onderrigleerplanne voorgeskryf en die standaard van opleiding verskaf deur 'n universiteit, vir—

(i) die Staatsdienseksamen in die Regte;

(ii) die Senior Staatsdienseksamen in die Regte;

(iii) die Prokureurs-toelatingseksamen;

(iv) die eksamens vir 'n graad in landmeetkunde;

(v) die Patentagent-eksamen; en

(vi) 'n ander eksamen wat deur daardie universiteit afgeneem word in plaas van 'n eksamen in sub-paragraaf (i), (ii), (iii), (iv) of (v) vermeld,

voldoen aan die vereistes van die onderskeie betrekkinge of beroepe vir die aanstelling waarin of die uitoefening waarvan die slaag in so 'n eksamen 'n vereiste ingevolge 'n wet is; en

(b) erkenning te verleen aan so 'n eksamen wat deur 'n universiteit afgeneem word indien volgens sy oordeel die onderrigleerplan voorgeskryf en die standaard van opleiding verskaf ten opsigte daarvan deur daardie universiteit aan sodanige vereistes voldoen.

(2) If in the opinion of the recognition board any examination, other than an examination mentioned in sub-paragraph (i), (ii), (iii), (iv) or (v) of paragraph (a) of sub-section (1), conducted by any university is equivalent or superior to any examination so mentioned, it may certify such examination to be so equivalent or superior.

(3) The recognition board may at any time withdraw its recognition of or certificate in respect of any examination: Provided that if it contemplates the withdrawal of such recognition or certificate it shall furnish its reasons for the proposed withdrawal to the university in question and afford it a reasonable opportunity to furnish reasons as to why such recognition or certificate should not be withdrawn.

(4) Any examination referred to in sub-paragraph (i), (ii), (iii), (iv) or (v) of paragraph (a) of sub-section (1), the Public Service Lower Law Examination, the Public Service Higher Law Examination or the Examination for the Certificate of Proficiency in the Theory of Land Surveying conducted prior to the date of commencement of this section by the Joint Committee for Professional Examinations which was prior to the said date in existence and known as the Joint Committee, or a university in the Union, and any examination conducted prior to that date and certified by the said Committee to be equivalent or superior to any such examination, shall be deemed to have been recognized by the recognition board in terms of sub-section (1).

(5) If in terms of any law the passing of any examination referred to in sub-section (4) is a qualification for any purpose—

(a) any reference in such law to any such examination shall be construed as meaning the appropriate examination—

- (i) recognized by the recognition board in terms of sub-section (1);
- (ii) certified by the said board in terms of sub-section (2) to be equivalent or superior to such an examination; or
- (iii) conducted by the said board in terms of section *sixteen tredec.*; and

(b) the passing of the appropriate examination referred to in sub-paragraph (i), (ii) or (iii) of paragraph (a) shall be deemed to be the obtaining of such qualification.

Conducting of examinations by recognition board.

16tredec. If any person satisfies the recognition board that he has prior to the date of commencement of this section commenced to study for any examination mentioned in sub-paragraph (i), (ii), (iii) or (v) of paragraph (a) of sub-section (1) of section *sixteen duodec.* or for the Examination for the Certificate of Proficiency in the Theory of Land Surveying, the recognition board shall, at the request of such person, until a date to be prescribed by regulation under section *twenty-eight*, conduct such an examination in respect of such person in the same manner as the Joint Committee referred to in sub-section (4) of the said section would have conducted such an examination if the Universities Amendment Act, 1959, had not been passed.

Rules by recognition board.

16quattuordec. Subject to the approval of the Minister, the recognition board may make rules prescribing the subjects of any examination conducted by it in terms of section *sixteen tredec.*, the admission of candidates to any such examination and the standards to be attained in such subjects, and generally relating to the exercise of the functions entrusted to it.”.

Amendment of section 20 of Act 61 of 1955.

5. The following sub-section is hereby added to section *twenty* of the principal Act, the existing section becoming sub-section (1):

“(2) Notwithstanding anything to the contrary contained in any law a council may invest or lend to any person any moneys belonging to the university, or borrow moneys for the purposes of the university from any source.”

(2) Indien volgens die oordeel van die erkenningsraad 'n ander eksamen as 'n eksamen in sub-paragraaf (i), (ii), (iii), (iv) of (v) van paragraaf (a) van sub-artikel (1) vermeld, wat deur 'n universiteit afgeneem word, gelykwaardig is met of hoër is as 'n eksamen aldus vermeld, kan hy so 'n eksamen as aldus gelykwaardig of hoër sertifiseer.

(3) Die erkenningsraad kan te eniger tyd sy erkenning van of sertifikaat ten opsigte van 'n eksamen intrek: Met dien verstande dat indien hy die intrekking van so 'n erkenning of sertifikaat oorweeg, hy sy redes vir die voorgenome intrekking aan die betrokke universiteit moet verstrekk en dit 'n redelike geleentheid moet gee om redes te verstrekk waarom sodanige erkenning of sertifikaat nie ingetrek sal word nie.

(4) 'n Eksamen in sub-paragraaf (i), (ii), (iii), (iv) of (v) van paragraaf (a) van sub-artikel (1) vermeld, die Staatsdienslaerwetseksamen, die Hoër Wetseksamen van die Staatsdiens of die Eksamen vir die Sertifikaat van Bekwaamheid in die Teorie van Landmeetkunde, wat vóór die datum van die inwerkingtreding van hierdie artikel afgeneem is deur die Gemeenskaplike Komitee vir Professionele Eksamens wat vóór genoemde datum bestaan het en as die Gemeenskaplike Komitee bekend gestaan het, of 'n universiteit in die Unie, en 'n eksamen wat vóór daardie datum afgeneem is en deur genoemde Komitee gesertifiseer is as gelykwaardig met of hoër as enige sodanige eksamen, word geag deur die erkenningsraad ingevolge sub-artikel (1) erken te gewees het.

(5) Indien die slaag in 'n eksamen in sub-artikel (4) vermeld, vir enige doeleinde 'n vereiste ingevolge 'n wet is—

(a) word 'n verwysing in dié wet na so 'n eksamen uitgelê asof dit beteken die toepaslike eksamen—

(i) deur die erkenningsraad ingevolge sub-artikel (1) erken;

(ii) deur genoemde raad ingevolge sub-artikel (2) gesertifiseer as gelykwaardig met of hoër as so 'n eksamen; of

(iii) deur genoemde raad ingevolge artikel *sestien tredec.* afgeneem; en

(b) word die slaag in die toepaslike eksamen in sub-paragraaf (i), (ii) of (iii) van paragraaf (a) vermeld, geag die verwerwing van daardie vereiste te wees.

Afneem
van
eksamens
deur erken-
ningsraad.

16tredec. Indien iemand die erkenningsraad oortuig dat hy vóór die datum van die inwerkingtreding van hierdie artikel begin studeer het vir 'n eksamen vermeld in sub-paragraaf (i), (ii), (iii) of (v) van paragraaf (a) van sub-artikel (1) van artikel *sestien duodec.*, of vir die Eksamen vir die Sertifikaat van Bekwaamheid in die Teorie van Landmeetkunde, moet die erkenningsraad, op versoek van sodanige persoon, tot op 'n datum wat by regulasie kragtens artikel *agt-en-twintig* voorgeskryf moet word, sodanige eksamen ten opsigte van hom afneem op dieselfde wyse waarop die Gemeenskaplike Komitee vermeld in sub-artikel (4) van genoemde artikel, sodanige eksamen sou afgeneem het indien die Wysigingswet op Universiteite, 1959, nie aangeneem was nie.

Reëls deur
erkennings-
raad.

16quattuordec. Onderworpe aan die goedkeuring van die Minister kan die erkenningsraad reëls uitvaardig wat die vakke van 'n eksamen wat ingevolge artikel *sestien tredec.* deur hom afgeneem word, die toelating van kandidate tot so 'n eksamen en die standaarde wat in dié vakke behaal moet word, voorskryf, en wat in die algemeen betrekking het op die uitoefening van die funksies wat aan hom opgedra is.”

5. Die volgende sub-artikel word hierby by artikel *twintig* van die Hoofwet gevoeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Ondanks andersluidende wetsbepalings kan 'n raad geld wat aan die universiteit behoort, belê of aan iemand uitleen of geld vir die doeleindes van die universiteit uit enige bron leen.”

Wysiging
van artikel
20 van Wet
61 van 1955.

Insertion of sections 23bis and 23ter in Act 61 of 1955.

6. The following sections are hereby inserted in the principal Act after section *twenty-three*:

"Guarantees in respect of loans. 23bis. (1) Notwithstanding anything to the contrary in any law contained, the Minister, in consultation with the Minister of Finance, may guarantee the repayment of any loan granted by any person to a university, and the payment of the interest payable thereon.

(2) Details of any guarantee granted in terms of sub-section (1) shall be laid upon the Tables of both Houses of Parliament within fourteen days after it has been granted, if Parliament is then in session, or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.

Expropriation of land for university.

23ter. (1) Notwithstanding anything to the contrary in any law contained, the Minister of Lands may, at the request of any university, and in consultation with the Minister, expropriate land for the benefit of that university, provided such university has satisfied the Minister that such land is reasonably required for the purposes of the university and that the university is unable to acquire it on reasonable terms.

(2) The provisions of the Expropriation of Lands and Arbitration Clauses Proclamation, 1902 (Proclamation No. 5 of 1902 of the Transvaal), shall *mutatis mutandis* apply in respect of the expropriation of any land in terms of sub-section (1).

(3) If the Minister of Lands so expropriates land for the benefit of any university, the university shall become the owner thereof and the expropriation order of the Minister of Lands shall be deemed to authorize the registrar of deeds concerned to register the transfer of such land to the university.

(4) There shall be payable in respect of the expropriation of any land in terms of sub-section (1), the fees, duties and other charges which would have been payable by the university in terms of any law if it had purchased that land.

(5) For the purposes of sub-section (2) the word 'Governor' and the words 'Secretary to the Department of Lands' and 'secretary' appearing in the said Proclamation shall be construed as meaning the Minister of Lands and the Secretary for Lands, respectively.

(6) All costs lawfully incurred by the said Ministers in the execution of their duties in terms of this section, shall be refunded to them by the university concerned."

Amendment of section 25 of Act 61 of 1955.

7. (1) Section *twenty-five* of the principal Act is hereby amended by the substitution for the words "be prescribed by the Minister by regulation" of the words "in respect of each university, be determined by the Minister".

(2) Sub-section (1) shall be deemed to have come into operation on the first day of October, 1958.

Amendment of section 28 of Act 61 of 1955.

8. Section *twenty-eight* of the principal Act is hereby amended by the deletion in paragraph (a) of the words "sub-section (1) of".

Insertion of section 28bis in Act 61 of 1955.

9. The following section is hereby inserted in the principal Act after section *twenty-eight*:

"Offences. 28bis. Any person who—

- (a) establishes or conducts an institution that is not a university, under a name that includes the word 'university';
- (b) without the authority of a university, purports to confer any degree on any person or issues any certificate or diploma purporting to have been issued by a university; or
- (c) without the authority of a university, performs any act which purports to have been done by or on behalf of a university,

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

6. Die volgende artikels word hierby in die Hoofwet na artikel *drie-en-twintig* ingevoeg:

„Waarborgte 23bis. (1) Ondanks andersluidende wetsbepalings kan die Minister in oorleg met die Minister van Finansies die terugbetaling van 'n lening deur iemand aan 'n universiteit toegestaan, en die betaling van die rente betaalbaar daarop, waarborg.

(2) Besonderhede van 'n waarborg ingevolge sub-artikel (1) verleen, moet in beide Huise van die Parlement ter Tafel gelê word binne veertien dae nadat dit verleen is, indien die Parlement dan byeen is, of, indien die Parlement dan nie byeen is nie, binne veertien dae ná die aanvang van sy eersvolgende sessie.

Onteiening van grond vir universiteit. 23ter. (1) Ondanks andersluidende wetsbepalings kan die Minister van Lande op versoek van 'n universiteit en na oorleg met die Minister grond vir die voordeel van daardie universiteit onteien, mits die betrokke universiteit die Minister oortuig het dat dié grond redelikerwys vir die doeleindes van die universiteit benodig word en dat die universiteit dit nie op redelike voorwaardes kan verkry nie.

(2) Die bepaling van die „Expropriation of Lands and Arbitration Clauses Proclamation, 1902” (Proklamasie No. 5 van 1902 van Transvaal), is *mutatis mutandis* van toepassing ten opsigte van die onteiening van grond ingevolge sub-artikel (1).

(3) Indien die Minister van Lande grond aldus vir die voordeel van 'n universiteit onteien, word die universiteit eienaar daarvan en word die onteieningsbevel van die Minister van Lande geag 'n magtiging aan die betrokke registrateur van aktes te wees om oordrag van sodanige grond aan die universiteit te registreer.

(4) Ten opsigte van die onteiening van grond ingevolge sub-artikel (1), is die gelde, regte en ander koste betaalbaar wat deur die universiteit ingevolge 'n wet betaalbaar sou gewees het indien hy daardie grond gekoop het.

(5) By die toepassing van sub-artikel (2) word die woord ‚Governor’ en die woorde ‚secretary to the Department of Lands’ en ‚secretary’ wat in genoemde Proklamasie voorkom, uitgelê asof dit onderskeidelik die Minister van Lande en die Sekretaris van Lande beteken.

(6) Alle onkoste wettiglik deur voormelde Ministers aangegaan by die uitvoering van hul pligte ingevolge hierdie artikel word deur die betrokke universiteit aan hulle vergoed.”

7. (1) Artikel *vyf-en-twintig* van die Hoofwet word hierby gewysig deur die woorde „deur die Minister by regulasie voorgeskryf” deur die woorde „ten opsigte van elke universiteit deur die Minister bepaal” te vervang.

(2) Sub-artikel (1) word geag op die eerste dag van Oktober 1958 in werking te getree het.

8. Artikel *agt-en-twintig* van die Hoofwet word hierby gewysig deur in paragraaf (a) die woorde „sub-artikel (1) van” te skrap.

9. Die volgende artikel word hierby in die Hoofwet na artikel *agt-en-twintig* ingevoeg:

„Misdrywe. 28bis. Iemand wat—

(a) 'n inrigting wat nie 'n universiteit is nie, instel of bestuur onder 'n naam wat die woord ‚universiteit’ insluit;

(b) sonder die magtiging van 'n universiteit, voorgee dat hy 'n graad aan iemand toeken, of 'n sertifikaat of diploma uitreik wat oënskynlik deur 'n universiteit uitgereik is; of

(c) sonder die magtiging van 'n universiteit, 'n handeling verrig wat oënskynlik deur of namens 'n universiteit verrig is,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met daardie boete sowel as daardie gevangenisstraf.”

Invoeging van artikels 23bis en 23ter in Wet 61 van 1955.

Wysiging van artikel 25 van Wet 61 van 1955.

Wysiging van artikel 28 van Wet 61 van 1955.

Invoeging van artikel 28bis in Wet 61 van 1955.

Amendment of section 12 of Act 9 of 1927, as amended by section 3 of Act 14 of 1941 and section 20 of Act 14 of 1950.

10. Section *twelve* of the Land Survey Act, 1927, is hereby amended—

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

“(b) the passing of—

- (i) the examination, known as the Examination for the Certificate of Proficiency in the Theory of Land Surveying, conducted prior to the commencement of this paragraph by the Joint Committee referred to in sub-section (4) of section *sixteen duodec.* of the Universities Act, 1955 (Act No. 61 of 1955), or by any university established by Act of Parliament, or conducted after the said commencement by the Board for the recognition of Land Surveyors' Examinations established by section *sixteen* of the said Act;
- (ii) such examinations, conducted prior to the commencement of this paragraph, as the said Joint Committee declared to be equivalent to the examination referred to in sub-paragraph (i);
- (iii) the examinations for a degree in land surveying at a university (established by Act of Parliament) for which internal study is required; or
- (iv) the examinations for a degree, certificate or diploma in land surveying at a university or institution outside the Union, certified by the Board referred to in sub-paragraph (i) to be equivalent or superior to a degree referred to in sub-paragraph (iii), and compliance with such further requirements as the said Board may determine;”;

(b) by the substitution in paragraph (c) of the said sub-section for the words “the examinations” of the words “an examination”.

Amendment of section 10 of Act 23 of 1934, as substituted by section 3 of Act 18 of 1956.

11. Section *ten* of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended—

- (a) by the substitution in sub-paragraph (i) of paragraph (a) for all the words after the word “Committee” of the words “referred to in sub-section (4) of section *sixteen duodec.* of the University Act, 1955 (Act No. 61 of 1955), the Board for the Recognition of Examinations in Law established by section *sixteen* of the said Act, or any University in the Union; or”;
- (b) by the insertion in sub-paragraph (ii) of the said paragraph after the word “Committee” of the words “or the said Board”.

Amendment of section 30 of Act 23 of 1934, as amended by section 16 of Act 18 of 1956.

12. (1) Section *thirty* of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended by the substitution for the words “Joint Committee for Professional Examinations established under section *twenty-three* of the University of South Africa Act, 1916 (Act No. 12 of 1916),” of the words “Board for the Recognition of Examinations in Law established by section *sixteen* of the Universities Act, 1955 (Act No. 61 of 1955),”.

(2) Any regulation made by the Minister of Justice under section *thirty* of the Attorneys, Notaries and Conveyancers Admission Act, 1934, prior to the commencement of this section shall be deemed to have been made under the said section as amended by this section.

Amendment of First Schedule to Act 23 of 1934, as amended by section 18 of Act 18 of 1956.

13. The First Schedule to the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended by the insertion in paragraph 1, after the word “Union”, of the words “or has passed an examination conducted by such a university and certified by the Board for the Recognition of Examinations in Law established by section *sixteen* of the Universities Act, 1955 (Act No. 61 of 1955), to be equivalent or superior to the examination for such a degree.”.

Amendment of section 89 of Act 37 of 1952.

14. Section *eighty-nine* of the Patents Act, 1952, is hereby amended by the addition thereto of the following sub-section:

“(3) For the purposes of sub-section (1) ‘prescribed examination’ means—

10. Artikel *twaalf* van die Opmetingswet, 1927, word hierby gewysig—
- (a) deur paragraaf (b) van sub-artikel (1) deur die volgende paragraaf te vervang:
- „(b) die slaag in—
- (i) die eksamen, bekend as die Eksamen vir die Sertifikaat van Bekwaamheid in die Teorie van Landmeetkunde, vóór die inwerking-treding van hierdie paragraaf afgeneem deur die Gemeenskaplike Komitee vermeld in sub-artikel (4) van artikel *sestien duodec.* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), of deur 'n universiteit by Parlements-wet ingestel, of ná genoemde in-werking-treding afgeneem deur die Raad vir die Erkenning van Landmeterseksamens ingestel by artikel *sestien* van genoemde Wet;
- (ii) eksamens wat vóór die inwerking-treding van hierdie paragraaf afgeneem is en wat genoemde Gemeenskaplike Komitee as gelykwaardig verklaar het met die eksamen in sub-paragraaf (i) vermeld;
- (iii) die eksamens vir 'n graad in landmeetkunde aan 'n universiteit (by Parlements-wet ingestel) waarvoor interne studie vereis word; of
- (iv) die eksamens vir 'n graad, sertifikaat of diploma in landmeetkunde aan 'n universiteit of inrigting buite die Unie, wat deur die Raad vermeld in sub-paragraaf (i) gesertifiseer is as gelykwaardig met of hoër as 'n graad in sub-paragraaf (iii) vermeld, en voldoening aan die verdere vereistes wat genoemde Raad mag bepaal;” en
- (b) deur in paragraaf (c) van genoemde sub-artikel die woorde „die eksamens” deur die uitdrukking „'n eksamen” te vervang.
11. Artikel *tien* van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, word hierby gewysig—
- (a) deur in sub-paragraaf (i) van paragraaf (a) al die woorde na die woorde „toesig van” te vervang deur die woorde „die Gemeenskaplike Komitee vermeld in sub-artikel (4) van artikel *sestien duodec.* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), die Raad vir die Erkenning van Regseksamens ingestel by artikel *sestien* van genoemde Wet, of 'n Universiteit in die Unie, geslaag het; of”; en
- (b) deur in sub-paragraaf (ii) van genoemde paragraaf die woorde „Gesamentlike Komitee” deur die woorde „Gemeenskaplike Komitee of Raad” te vervang.
12. (1) Artikel *dertig* van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, word hierby gewysig deur die woorde „Gemeenskaplike Komitee vir Professionele Eksamens ingestel ingevolge artikel *drie-en-twintig* van die Universiteit van Zuid-Afrika Wet, 1916’ (Wet No. 12 van 1916),” te vervang deur die woorde „Raad vir die Erkenning van Regseksamens ingestel by artikel *sestien* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955),”.
- (2) Enige regulasie wat vóór die inwerking-treding van hierdie artikel deur die Minister van Justisie kragtens artikel *dertig* van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, opgestel is, word geag kragtens genoemde artikel, soos deur hierdie artikel gewysig, opgestel te gewees het.
13. Die Eerste Bylae by die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, word hierby gewysig deur in paragraaf 1 na die woord „het” die volgende woorde in te voeg: „of geslaag het in 'n eksamen wat deur so 'n universiteit afgeneem is en deur die Raad vir die Erkenning van Regseksamens ingestel by artikel *sestien* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), gesertifiseer is as gelyk aan of hoër as die eksamen vir so 'n graad,”.
14. Artikel *nege-en-tagtig* van die Wet op Patente, 1952, word hierby gewysig deur die volgende sub-artikel daarby te voeg:
- „(3) By die toepassing van sub-artikel (1) beteken „voorgeskrewe eksamen”—

Wysiging van artikel 12 van Wet 9 van 1927, soos gewysig by artikel 3 van Wet 14 van 1941 en artikel 20 van Wet 14 van 1950.

Wysiging van artikel 10 van Wet 23 van 1934, soos vervang by artikel 3 van Wet 18 van 1956.

Wysiging van artikel 30 van Wet 23 van 1934, soos gewysig by artikel 16 van Wet 18 van 1956.

Wysiging van Eerste Bylae by Wet 23 van 1934, soos gewysig by artikel 18 van Wet 18 van 1956.

Wysiging van artikel 89 van Wet 37 van 1952.

- (a) the Patent Agent's Examination conducted by—
- (i) the Joint Committee referred to in sub-section (4) of section *sixteen duodec.* of the Universities Act, 1955 (Act No. 61 of 1955);
 - (ii) the Board for the Recognition of Examinations in Law established by section *sixteen* of the said Act; or
 - (iii) a university established by Act of Parliament; or
- (b) any examination conducted by a university or institution outside the Union and certified by the said Board to be equivalent or superior to the examination referred to in paragraph (a)."

Amendment of section 90 of Act 37 of 1952.

15. Section *ninety* of the Patents Act, 1952, is hereby amended by the substitution for the words "the prescribed examination" of the words "an examination mentioned in sub-section (3) of section *eighty-nine*".

Short title and date of commencement.

16. This Act shall be called the Universities Amendment Act, 1959, and sections *one, four, ten, eleven, twelve, thirteen, fourteen* and *fifteen* shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

- (a) die Patentagent-eksamen afgeneem deur—
- (i) die Gemeenskaplike Komitee vermeld in sub-artikel (4) van artikel *sestien duodec.* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955);
 - (ii) die Raad vir die Erkenning van Regseksamens ingestel by artikel *sestien* van genoemde Wet; of
 - (iii) 'n universiteit by Parlements-wet ingestel; of
- (b) 'n eksamen wat afgeneem is deur 'n universiteit of inrigting buite die Unie en wat deur genoemde Raad gesertifiseer is as gelykwaardig met of hoër as die eksamen in paragraaf (a) vermeld."

15. Artikel *negentig* van die Wet op Patente, 1952, word hierby gewysig deur die woorde „die voorgeskrewe eksamen” deur die woorde „'n eksamen vermeld in sub-artikel (3) van artikel *nege-en-tagtig*” te vervang. Wysiging van artikel 90 van Wet 37 van 1952.

16. Hierdie Wet heet die Wysigingswet op Universiteite, 1959, en artikels *een, vier, tien, elf, twaalf, dertien, veertien* en *vyftien* tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal. Kort titel en datum van inwerking-treding.