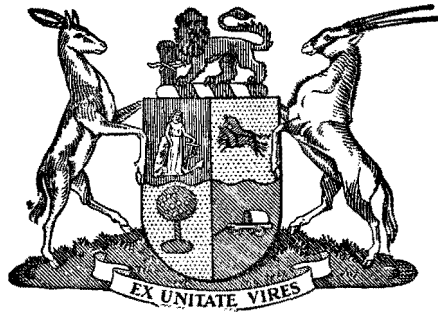


EXTRAORDINARY



BITENGEWONE

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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[No. 236.]

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 701.]

[4th May, 1962.

No. 701.]

[4 Mei 1962.

It is hereby notified that the State President has assented to the following Acts which are hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wette wat hierby ter algemene inligting gepubliseer word:—

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No. 42, 1962.]

WET

Tot samevatting van die wetsbepalings betreffende nasionale parke en daarmee in verband staande sake.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 April 1962.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woordbepaling.

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

- (i) „beampte” die natuurbewaarder of ’n blanke persoon deur die raad as veldwagter aangestel; (vi)
- (ii) „dier” enige lid van die diereryk; (i)
- (iii) „hierdie Wet” ook die regulasies; (ix)
- (iv) „jag”, met betrekking tot ’n dier, om te dood, na te skiet, te vang of te probeer vang, of om te agtervolg, na te soek of voor te lê met die opset om te dood, te skiet of te vang, of om opsetlik te steur; (iv)
- (v) „Minister” die Minister van Lande; (v)
- (vi) „park” of „die parke” ’n nasionale park of die nasionale parke by of kragtens artikel twee ingestel; (vii)
- (vii) „raad” die ingevolge sub-artikel (1) van artikel vyf ingestelde Raad van Kuratore vir Nasionale Parke; (ii)
- (viii) „regulasie” ’n regulasie wat kragtens hierdie Wet uitgevaardig of andersins van krag is; (viii)
- (ix) „val” enige toestel waarmee ’n dier gevang kan word; (x)
- (x) „wapen” ’n vuurwapen of ammunisie vir ’n vuurwapen of ’n ander werktuig waarmee ’n projektiel so voortgedryf kan word of wat so voortgedryf of gebruik kan word dat ’n dier daardeur doodgemaak of beseer kan word; (xi)
- (xi) „werknemer” ’n ander werknemer van die raad as ’n beampte. (iii)

Instelling en gebiede van parke.

2. (1) Elke gebied in die Eerste Bylae omskryf, is ’n nasionale park met die naam in daardie Bylae daaraan toegeskryf.

(2) Die Staatspresident kan by proklamasie in die *Staatskoerant*—

- (a) enige ander gebied tot ’n nasionale park verklaar onder ’n naam wat in daardie proklamasie daaraan toegeskryf moet word en die genoemde Bylae wysig deur die naam en ’n gebiedsomskrywing van ’n aldus ingestelde park by te voeg;
- (b) enige grond tot deel van ’n park verklaar of, behoudens die bepalinge van sub-artikel (3), grond uit ’n park wegneem en die genoemde Bylae dienooreenkomstig wysig.

(3) Behalwe op gesag van ’n besluit van die Senaat en van die Volksraad, word grond wat deel van ’n park uitmaak nie verveem of daaruit weggeneem of daarvan afgesonder nie.

Verkryging van private grond in ’n park.

3. (1) Die Staatspresident kan deur koop of op ’n ander wyse, met inbegrip van die in ruil gee van Staatsgrond buite ’n park geleë, of, as met die eienaar nie ooreengekom word nie, deur onteiening grond wat deel van ’n park uitmaak of ’n mineraalreg oor sulke grond vir die doeleindes van daardie park verkry.

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

(b) By die toepassing van paragraaf (a)—

- (i) word ’n onteiening kragtens sub-artikel (1) geag ’n onteiening vir openbare doeleindes soos in genoemde Proklamasie bedoel, te wees; en
- (ii) word ’n verwysing in genoemde Proklamasie na ’n landmeter of na ’n afslaer as ’n verwysing na ’n beëdigde waardeerder uitgelê.

No. 42, 1962.]

ACT

To consolidate the laws relating to national parks and matters incidental thereto.

(English text signed by the State President.)
(Assented to 27th April, 1962.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. In this Act, unless the context otherwise indicates—
 - (i) "animal" means any member of the animal kingdom; (ii)
 - (ii) "board" means the National Parks Board of Trustees established in terms of sub-section (1) of section *five*; (vii)
 - (iii) "employee" means an employee of the board other than an officer; (xi)
 - (iv) "hunt", with reference to an animal, means to kill, shoot at, capture or attempt to capture, or to follow or search for or lie in wait for with intent to kill, shoot or capture, or wilfully to disturb; (iv)
 - (v) "Minister" means the Minister of Lands; (v)
 - (vi) "officer" means the nature conservator or any European appointed by the board as ranger; (i)
 - (vii) "park" or "the parks" means a national park or the national parks established by or under section *two*; (vi)
 - (viii) "regulation" means a regulation made or otherwise in force under this Act; (viii)
 - (ix) "this Act" includes the regulations; (iii)
 - (x) "trap" means any device by means of which an animal can be captured; (ix)
 - (xi) "weapon" means any fire-arm or ammunition for a fire-arm or any other instrument by means of which a projectile can be propelled, or which can be propelled or used in such a manner that any animal can be killed or injured thereby. (x)

2. (1) Each area defined in the First Schedule shall be a national park under the name assigned to it in that Schedule.
 - (2) The State President may by proclamation in the *Gazette*—
 - (a) declare any other area to be a national park under a name to be assigned to it in that proclamation and amend the said Schedule by the addition of the name and a definition of the area of any park so established;
 - (b) include any land in or, subject to the provisions of sub-section (3), exclude any land from any park and amend the said Schedule accordingly.
 - (3) Except under the authority of a resolution of the Senate and of the House of Assembly, no land included in a park shall be alienated or excluded or detached from the park.

3. (1) The State President may, by purchase or otherwise, including exchange for State land situate outside a park, or, failing agreement with the owner, by expropriation acquire any land included in a park or any mineral right in such land for the purposes of that park.
 - (2) (a) The Expropriation of Lands and Arbitration Clauses Proclamation, 1902 (Proclamation No. 5 of 1902), of the Transvaal shall, *mutatis mutandis*, apply in respect of any expropriation under sub-section (1).
 - (b) For the purposes of paragraph (a)—
 - (i) an expropriation under sub-section (1) shall be deemed to be an expropriation for public purposes within the meaning of the said Proclamation; and
 - (ii) any reference in that Proclamation to a surveyor or to an auctioneer shall be construed as a reference to a sworn appraiser.

(3) Die koopprys of vergoeding wat betaalbaar is ten opsigte van 'n verkryging kragtens sub-artikel (1), bedra nie meer nie as die markwaarde van die grond of die mineraalreg wat verkry word op die datum waarop daardie grond of die grond waarop daardie mineraalreg bestaan, deel van die park geword het.

Oogmerk van 'n park.

4. Die oogmerk met die instelling van 'n park is die bewaring en bestudering daarin van die wilde dierelewe en plantelewe en van voorwerpe van geologiese, argeologiese, historiese, etnologiese en ander wetenskaplike belang, en die voordeel en genot van besoekers aan die park.

Instelling en samestelling van die Raad van Kuratore vir Nasionale Parke.

5. (1) Die Staatspresident stel by kennisgewing in die *Staatskoerant* 'n raad in, met die naam die Raad van Kuratore vir Nasionale Parke, vir die beheer, bestuur en instandhouding van die parke.

(2) Die raad is 'n regs persoon wat in regte as eiser en verweerder kan optree en, behoudens die bepalings van hierdie Wet en vir sover dit nodig is ten einde sy werksaamhede en pligte beter te kan uitvoer, die handelinge kan verrig wat regspersone regtens kan verrig: Met dien verstande dat 'n lening nie sonder die magtiging van die Staatspresident deur die raad aangegaan word nie.

(3) (a) Die raad bestaan uit twaalf lede deur die Staatspresident aangestel te word, van wie—

(i) een ten opsigte van elke provinsie genomineer word deur die Administrateur van daardie provinsie of, waar 'n Administrateur in gebreke bly om 'n nominasie te doen, deur die Minister;

(ii) een genomineer word deur die Genootskap tot Beskerming van Wilde Dierelewe van Suid-Afrika of, ingeval daardie Genootskap ophou om te bestaan, 'n deur die Minister aangewese genootskap wat die beskerming van wilde dierelewe ten doel het of, waar daardie Genootskap of so 'n genootskap in gebreke bly om 'n nominasie te doen, deur die Minister; en

(iii) die oorblywende lede deur die Minister genomineer word.

(b) 'n Administrateur kan 'n lid van die betrokke provinsiale raad of uitvoerende komitee of (as daardie uitvoerende komitee so aanbeveel) homself vir aanstelling as 'n lid van die raad nomineer, maar nomineer nie aldus 'n beampete of werknemer van daardie provinsiale raad nie.

(c) Een van die lede van die raad word deur die Staatspresident as voorsitter van die raad aangewys.

Ampstermyn van lid van die raad.

6. (1) Behoudens die bepalings van hierdie Wet, beklee 'n lid van die raad sy amp vir 'n tydperk van vyf jaar vanaf die datum van sy aanstelling behalwe in die geval van 'n lid wat aangestel is om 'n vakature in die raad aan te vul wat op 'n ander wyse as deur tydsverloop ontstaan het, wat sy amp beklee vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger aangestel was.

(2) 'n Lid wie se ampstermyn verstryk het, kan weer aangestel word.

Ontruiming van amp deur lid van die raad.

7. 'n Lid van die raad ontruim sy amp—

(a) as hy insolvent word of sy boedel ten behoeve van sy skuldeisers afstaan;

(b) as hy kranksinig word of aan 'n misdryf skuldig bevind en tot gevangenisstraf sonder die keuse van 'n boete gevonnissen word;

(c) as hy sonder verlof van die raad (welke verlof nie verleen kan word vir 'n tydperk wat ses agtereenvolgende maande oorskry nie) van vier agtereenvolgende gewone vergaderings van die raad afwesig was;

(d) as sy aanstelling ingevolge sub-artikel (2) van artikel *agt* ingetrek word;

(e) as hy kragtens sub-artikel (3) van artikel *nege* van sy amp onthef word; of

(f) as hy as lid bedank.

Intrekking van aanstelling van lid.

8. (1) Die naam van elke persoon wat as lid van die raad aangestel is, word binne veertien dae na die aanstelling, as die Parlement dan in sitting is, of, as die Parlement dan nie in sitting is nie, binne veertien dae na die aanvang van sy eersvolgende sitting, in die Senaat en in die Volksraad ter Tafel gelê.

(3) The purchase price or compensation payable in respect of an acquisition under sub-section (1), shall not exceed the market value of the land or the mineral right being acquired, as at the date of the inclusion in the park concerned of that land or the land in which that mineral right exists.

4. The object of the constitution of a park is the preservation and study therein of wild animal and plant life and of objects of geological, archaeological, historical, ethnological and other scientific interest and the benefit and enjoyment of visitors to the park. Object of a park.

5. (1) The State President shall by notice in the *Gazette* establish a board to be known as the National Parks Board of Trustees, for the control, management and maintenance of the parks. Establishment and constitution of the National Parks Board of Trustees.

(2) The board shall be a corporate body capable of suing and being sued and subject to the provisions of this Act and in so far as may be necessary for the better performance of its functions and duties, of performing all such acts as bodies corporate may by law perform: Provided that no loan shall be raised by the board without the authority of the State President.

(3) (a) The board shall consist of twelve members to be appointed by the State President, of whom—

- (i) one shall be nominated in respect of each province by the Administrator of that province or, where an Administrator fails to make a nomination, by the Minister;
- (ii) one shall be nominated by the Wild Life Protection Society of South Africa or, in the event of that Society ceasing to exist, any society designated by the Minister which aims at the protection of wild animal life or, where that Society or such a society fails to make a nomination, by the Minister; and
- (iii) the remaining members shall be nominated by the Minister.

(b) An Administrator may nominate any member of the provincial council or executive committee concerned or (if such executive committee so recommends) himself for appointment as a member of the board but shall not so nominate any officer or employee of such provincial council.

(c) One of the members of the board shall be designated by the State President as the chairman of the board.

6. (1) Subject to the provisions of this Act, a member of the board shall hold office for a period of five years as from the date of his appointment, except in the case of a member appointed to fill a vacancy on the board occasioned otherwise than by effluxion of time, who shall hold office for the unexpired portion of the period for which his predecessor was appointed. Period of office of member of the board.

(2) A member whose period of office has expired, shall be eligible for re-appointment.

7. A member of the board shall cease to hold his office— Vacation of office by member of the board.

- (a) if he becomes insolvent or assigns his estate for the benefit of his creditors;
- (b) if he becomes of unsound mind or is convicted of an offence and sentenced to imprisonment without the option of a fine;
- (c) if, without the leave of the board (which leave shall not be granted for any period exceeding six consecutive months), he has been absent from four consecutive ordinary meetings of the board;
- (d) if his appointment is cancelled in terms of sub-section (2) of section *eight*;
- (e) if he is removed from his office under sub-section (3) of section *nine*; or
- (f) if he resigns as a member.

8. (1) The name of every person appointed as a member of the board shall be laid on the Tables of the Senate and the House of Assembly within fourteen days after the appointment 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. Cancellation of appointment of member.

- (2) Indien die Senaat en die Volksraad binne dertig dae nadat die naam van iemand ingevolge sub-artikel (1) ter Tafel gelê is, besluite neem waarby die aanstelling van daardie persoon as lid van die raad afgekeur word, word sy aanstelling ingetrek.
- (3) Die intrekking kragtens sub-artikel (2) van 'n aanstelling doen geen afbreuk aan die geldigheid van enigiets wat die raad gedoen het terwyl die persoon wie se aanstelling aldus ingetrek word, 'n lid van die raad was nie en ook nie aan die bevoegdheid van die Staatspresident om die vakature wat deur die intrekking ontstaan het, aan te vul nie.
- Skorsing van 'n lid in en ontheffing van 'n lid van sy amp.**
9. (1) Die Staatspresident kan 'n lid van die raad weens onbekwaamheid of wangedrag in sy amp skors.
- (2) Waar 'n lid kragtens sub-artikel (1) geskors word, word 'n volledige verslag van die oorsaak van die skorsing binne veertien dae na die skorsing, as die Parlement dan in sitting is, of, as die Parlement dan nie in sitting is nie, binne veertien dae na die aanvang van sy eersvolgende sitting, in die Senaat en in die Volksraad ter Tafel gelê.
- (3) Indien 'n adres waarin versoek word dat die betrokke lid in sy amp behou word, nie binne dertig dae nadat 'n verklaring ingevolge sub-artikel (2) ter Tafel gelê is, deur die Senaat en die Volksraad aan die Staatspresident gerig word nie, kan die Staatspresident die lid van sy amp onthef.
- 'n Lid ontvang sekere toelaes maar geen besoldiging nie.**
10. 'n Lid van die raad ontvang geen besoldiging nie, maar sy redelike reis- en verblyf-koste terwyl hy die sake van die raad verrig, kan teen 'n by regulasie voorgeskrewe tarief aan hom betaal word.
- Raadsbesluite.**
11. (1) 'n Kworum vir 'n vergadering van die raad is vier lede van die raad.
- (2) Die besluit van die meerderheid van die lede wat op 'n vergadering van die raad aanwesig is, is die besluit van die raad: Met dien verstande dat by 'n staking van stemme die voorsitter benewens sy beraadslagende stem ook 'n beslissende stem het.
- Werkzaamhede en bevoegdhede van die raad.**
12. (1) Die raad beheer en bestuur die parke en hou hulle in stand vir die oogmerke in artikel vier beskrywe en bestee sy inkomste vir daardie doel.
- (2) Die raad kan in 'n park—
- die paaie, brugge, geboue, damme en heinings aanlê en oprig en sulke ander werke uitvoer as wat hy vir die beheer, bestuur of instandhouding van die park nodig ag;
 - die stappe doen wat die veiligheid van die diere- en plantelewe in die park en die bewaring van die park en die diere en plantegroei daarin in 'n natuurlike staat sal verseker;
 - gebiede uithou as aantelplekke vir diere of kwekerie vir bome, struike, plante en blomme;
 - herberg vir besoekers aan die park en geriewe in verband daarmee verskaf;
 - maaltye en verversings vir besoekers aan die park verskaf;
 - besigheid of handel dryf (met inbegrip van die verkoop van drank ooreenkomstig artikel dertien) vir die gerief van besoekers aan die park;
 - enige ander diens vir die gerief van besoekers aan die park lewer;
 - 'n gebou, struktuur, depot of perseel wat benodig word in verband met 'n in paragraaf (d), (e), (f) of (g) bedoelde aangeleentheid, instel, oprig, uitrus en in stand hou of 'n perseel wat vir so 'n doel benodig word, verhuur;
 - die gelde in verband met so 'n aangeleentheid hef wat hy bepaal;
 - enigiemand magtig om, onderworpe aan die voorwaardes en betaling van die gelde wat die raad goedvind, enige bedrywigheid, behalwe die verkoop van drank, voort te sit wat ingevolge paragraaf (e), (f) of (g) deur die raad voortgesit kan word;
 - in opdrag van 'n Staatsdepartement sulke werkzaamhede verrig as wat gewoonlik deur daardie departement verrig word.
- (3) Die raad kan eksemplare van die diere en plante van 'n park verkoop, verruil of skenk en 'n dier of plant wat die raad wenslik ag om in 'n park in te voer, deur koop, ruil of op 'n ander wyse verkry: Met dien verstande dat die raad geen dier of plant van 'n soort in 'n park invoer wat nie in daardie park inheems is nie.

(2) If, within thirty days after the name of any person has been laid on the Tables under the provisions of sub-section (1), the Senate and the House of Assembly pass resolutions disapproving of the appointment of that person as a member of the board, his appointment shall be cancelled.

(3) The cancellation under the provisions of sub-section (2) of any appointment shall not affect the validity of anything done by the board while the person whose appointment is so cancelled, was a member of the board nor the power of the State President to fill the vacancy occasioned by the cancellation.

9. (1) The State President may suspend any member of the board from his office for incapacity or misbehaviour. **Suspension and removal of member from office.**

(2) Where a member is suspended under the provisions of sub-section (1), a full statement of the cause of the suspension shall be laid on the Tables of the Senate and the House of Assembly within fourteen days after the suspension 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.

(3) If, within thirty days after a statement has been laid on the Tables under the provisions of sub-section (2), an address is not presented to the State President by the Senate and the House of Assembly requesting the retention of the member concerned in his office, the State President may remove the member from his office.

10. A member of the board shall not receive any remuneration but may be paid, at a tariff which may be prescribed by regulation, his reasonable expenses for travelling and subsistence while engaged on the business of the board. **A member to receive certain allowances but no remuneration.**

11. (1) A quorum for a meeting of the board shall be four members of the board. **Decisions of the board.**

(2) The decision of the majority of the members present at any meeting of the board shall be the decision of the board: Provided that, in the event of an equality of votes, the chairman shall have a casting vote in addition to his deliberative vote.

12. (1) The board shall control, manage and maintain the parks for the objects described in section *four* and shall utilize its revenue for that purpose. **Functions and powers of the board.**

(2) The board may within a park—

- (a) construct such roads, bridges, buildings, dams and fences and carry out such other works as it may consider necessary for the control, management or maintenance of the park;
- (b) take such steps as will ensure the security of the animal and plant life in the park and the preservation of the park and the animals and vegetation therein in a natural state;
- (c) reserve areas as breeding places for animals or as nurseries for trees, shrubs, plants and flowers;
- (d) provide accommodation for visitors to the park and facilities in connection therewith;
- (e) provide meals and refreshments for visitors to the park;
- (f) carry on any business or trade (including the sale of liquor in accordance with section *thirteen*) for the convenience of visitors to the park;
- (g) supply any other service for the convenience of visitors to the park;
- (h) establish, erect, equip and maintain any building, structure, depot or premises required in connection with any matter referred to in paragraph (d), (e), (f) or (g), or let any site required for such a purpose;
- (i) make such charges in connection with any such matter as it may determine;
- (j) authorize any person to carry on, subject to such conditions and the payment of such charges as it may think fit, any activity other than the sale of liquor, which may in terms of paragraph (e), (f) or (g) be carried on by the board;
- (k) on the instruction of a department of State, perform such functions as are usually performed by that department.

(3) The board may sell, exchange or donate specimens of the animals and plants of a park and may by purchase, exchange or otherwise acquire any animal or plant which the board may consider desirable to introduce into a park: Provided that the board shall not introduce into a park any animal or plant which is not of a species indigenous to that park.

Verkoop van drank in 'n park deur die raad.

13. (1) Die raad kan in enige kamp binne 'n park die bedrywighede voortsit wat nodig is om besoekers aan die park te voorsien van enigiets wat verkoop kan word kragtens 'n bottel-dranklisensie in paragraaf (a) en 'n hotel-dranklisensie in paragraaf (b) van sub-artikel (1) van artikel *agt* van die Drankwet, 1928 (Wet No. 30 van 1928), vermeld.

(2) By die toepassing van sub-artikel (1), is die bepalings van die genoemde Drankwet, 1928, betreffende die aansoek om of hou van enige in daardie sub-artikel bedoelde lisensie, nie met betrekking tot die raad van toepassing nie: Met dien verstande dat die raad ten opsigte van elke kamp binne 'n park waar die in sub-artikel (1) beoogde bedrywighede voortgesit sal word, 'n persoon in diens van die raad by daardie kamp moet aanwys om bedoelde bedrywighede by daardie kamp voort te sit en die persoon aldus aangewys by die toepassing van die genoemde Drankwet, 1928, ten opsigte van daardie kamp geag word die houër te wees van enige dranklisensie wat by ontstentenis van die bepalings van hierdie sub-artikel ten opsigte van die voortsetting van bedoelde bedrywighede vereis sou gewees het.

(3) Die perseel waarop die in sub-artikel (1) bedoelde bedrywighede voortgesit kan word, is beperk tot die gebou in 'n kamp waarin maaltye en verversings kragtens paragraaf (e) van sub-artikel (2) van artikel *twaalf* vir besoekers aan die park waarin die kamp geleë is, verskaf kan word en die perseel aldus beperk, word by die toepassing van die genoemde Drankwet, 1928, geag die gelisensieerde perseel te wees.

Aanstelling van beamptes en werknemers.

14. (1) Die raad kan van tyd tot tyd as beamptes en werknemers die persone aanstel wat nodig mag wees om die oogmerke van hierdie Wet te verwesenlik en kan na goedgevonden 'n beampte of werknemer uit sy diens ontslaan.

(2) 'n Beampte of werknemer ontvang die besoldiging en toelaes en by aftreding die pensioen of gratifikasie (as dit toegeken word) en aan hom word die woon-, weidings- en landbougeriewe in 'n park toegeken wat die raad redelik en gepas ag.

Inkomste van die raad, hou van rekenings en ouditering.

15. (1) Die inkomste van die raad bestaan uit—

(a) vrywillige bydraes, skenkings en bemakings deur hom van die publiek ontvang;

(b) gelde of ander bedrae deur hom kragtens die bepalings van hierdie Wet ontvang of byeengebring;

(c) boetes wat ten opsigte van misdrywe ingevolge hierdie Wet ontvang of verhaal word;

(d) enige bydrae wat hy van 'n provinsiale raad mag ontvang, tot verstrekking waarvan enige provinsiale raad hierby gemagtig word;

(e) jaarlikse hulptoelaes, uit gelde deur die Parlement vir die doel beskikbaar gestel, wat die Minister aan die raad kan uitbetaal in bedrae en vir doeleindes en op voorwaardes wat hy bepaal; en

(f) enige ander gelde wat uit enige ander bron ook al hom toeval of tot sy beskikking gestel word.

(2) Die raad hou 'n volledige en juiste rekening van alle gelde deur hom ontvang en uitgegee.

(3) (a) Die rekenings van die raad word deur die Kontroleur en Ouditeur-generaal geouditeer.

(b) Die raad betaal ten opsigte van elke ouditering van sy rekenings kragtens paragraaf (a), aan die Gekonsolideerde Inkomstefonds 'n bedrag wat die Tesourie na oorlegpleging met die Kontroleur en Ouditeur-generaal bepaal.

Jaarlikse verslag van die raad.

16. (1) So gou doenlik na die een-en-dertigste dag van Oktober in elke jaar lê die raad 'n verslag van sy werksaamhede tesame met 'n staat van sy inkomste en uitgawe aan die Minister voor.

(2) Die in sub-artikel (1) bedoelde verslag en staat word in die Senaat en in die Volksraad ter Tafel gelê.

Vrystelling van belastings, regte en gelde en verpligting om sekere lisensies te verkry.

17. (1) Geen belasting van enige aard word op grond of 'n gebou wat in 'n park geleë is en by die Staat berus en deur die raad of 'n beampte of werknemer geokkupeer word, gehef nie.

(2) Die inkomste van die raad is vrygestel van enige belasting op inkomste.

(3) Die raad is vrygestel van die verpligting om 'n lisensie te verkry ten opsigte van die voortsetting deur die raad van 'n bedrywigheid beoog in Deel I van die Tweede Bylae van die Wet op Lisensies, 1962, en van die betaling van enige lisensiereg of -geld ten opsigte van die voortsetting deur hom van so 'n bedrywigheid of 'n bedrywigheid beoog in sub-artikel (1) van artikel *dertien*.

13. (1) The board may in any camp within a park carry on such activities as may be necessary to provide visitors to the park with anything that may be sold under a bottle liquor licence referred to in paragraph (a) and a hotel liquor licence referred to in paragraph (b) of sub-section (1) of section *eight* of the Liquor Act, 1928 (Act No. 30 of 1928).

Sale of liquor in a park by the board.

(2) For the purposes of sub-section (1), the provisions of the said Liquor Act, 1928, relating to the application for or the holding of any licence referred to in that sub-section, shall not apply with reference to the board: Provided that the board shall in respect of every camp within a park at which the activities contemplated in sub-section (1) are to be carried on, designate a person in the service of the board at that camp to carry on the said activities at that camp, and the person so designated shall for the purposes of the said Liquor Act, 1928, in respect of that camp be deemed to be the holder of any liquor licence which, but for the provisions of this sub-section, would have been required in respect of the carrying on of the said activities.

(3) The premises on which the activities referred to in sub-section (1) may be carried on, shall be restricted to the building in a camp in which meals and refreshments may be provided under paragraph (e) of sub-section (2) of section *twelve* for visitors to the park in which the camp is situate, and the premises so restricted shall for the purposes of the said Liquor Act, 1928, be deemed to be the licensed premises.

14. (1) The board may from time to time appoint as officers or employees such persons as may be required for the carrying out of the objects of this Act and may in its discretion dismiss any officer or employee from its service.

Appointment of officers and employees.

(2) An officer or employee shall receive such remuneration and allowances and such retiring pension or gratuity (if any) and be granted such residential, pastoral and agricultural facilities in a park as the board may deem reasonable and proper.

15. (1) The revenue of the board shall consist of—

- (a) voluntary subscriptions, donations and bequests received by it from the public;
- (b) fees or other moneys received or raised by it under the provisions of this Act;
- (c) fines received or recovered in respect of offences under this Act;
- (d) any contribution which it may receive from a provincial council and which any provincial council is hereby empowered to make;
- (e) annual grants-in-aid out of moneys appropriated by Parliament for the purpose, which the Minister may pay out to the board in such sums and for such purposes and on such conditions as he may determine; and
- (f) any other moneys which may accrue to it or which may be placed at its disposal from any other source whatever.

Revenue of the board, accounting and auditing.

(2) The board shall keep a full and correct account of all moneys received and expended by it.

(3) (a) The accounts of the board shall be audited by the Controller and Auditor-General.

(b) In respect of every audit of its accounts under paragraph (a), the board shall pay to the Consolidated Revenue Fund an amount which shall be determined by the Treasury after consultation with the Controller and Auditor-General.

16. (1) As soon as may be after the thirty-first day of October in each year the board shall submit to the Minister a report of its operations accompanied by a statement of its revenue and expenditure.

Annual report by board.

(2) The report and statement referred to in sub-section (1), shall be laid on the Tables of the Senate and the House of Assembly.

17. (1) No rates or taxes of any kind shall be levied on any land or building situate within a park, which is vested in the State and occupied by the board or by an officer or employee.

Exemption from taxes, duties and fees and duty to obtain certain licences.

(2) The revenue of the board shall be exempt from any tax on income.

(3) The board shall be exempt from the duty to obtain any licence in respect of the carrying on by it of any activity contemplated in Part I of the Second Schedule to the Licences Act, 1962, and from the payment of any licence duty or fee in respect of the carrying on by it of any such activity or any activity contemplated in sub-section (1) of section *thirteen*.

(4) 'n Beamppte of werknemer kan, sonder dat hy of die raad 'n lisensie of permit besit wat kragtens die wetsbepalings betreffende vuurwapens en ammunisie uitgereik is, in besit of bewaring wees van 'n vuurwapen of ammunisie wat hy vir die uitvoering van sy pligte nodig het.

Sekere bevoegdhede van provinsiale rade geld nie in 'n park nie.

18. Die bevoegdhede aan 'n provinsiale raad verleen by paragraaf (j) van sub-artikel (1) van artikel vier-en-tagtig van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), of ten opsigte van 'n aangeleentheid genoem in item 2 of 5 van die Eerste Bylae by die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (Wet No. 38 van 1945), of item 1, 2, 4, 5 of 13 van die Tweede Bylae by die genoemde Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945, en 'n ordonnansie, proklamasie of regulasie kragtens daardie bevoegdhede aangeneem, uitgereik of uitgevaardig, het in 'n gebied wat deel van 'n park uitmaak geen regsrag nie.

Prospekteer en mynbou in 'n park verbied.

19. Geen prospekterdery of mynbou van enige aard word op grond wat deel van 'n park uitmaak, onderneem nie.

Beperking van reg om park te betree of daarin te woon en verbod om sekere handelinge daarin te verrig.

20. (1) Behoudens die bepalings van sub-artikels (2) en (3) en artikels een-en-twintig en twee-en-twintig, kan niemand behalwe 'n beamppte of werknemer wat op gesag van die raad handel—

- (a) sonder verlof van die raad of 'n beamppte wat gemagtig is om sodanige verlof te verleen, 'n park betree of daarin woon nie;
- (b) enige wapen, ontplofbare stof, val of gif in 'n park inneem of daarin in besit daarvan wees nie;
- (c) in 'n park 'n dier jag of op 'n ander wyse opsetlik of nalatiglik dood of beseer nie of 'n eier of nes van 'n voël neem, beskadig of vernietig nie;
- (d) opsetlik of nalatiglik 'n veldbrand of skade aan 'n voorwerp van geologiese, argeologiese, historiese, etnologiese of ander wetenskaplike belang in 'n park veroorsaak nie;
- (e) 'n dier in 'n park inbring of toelaat dat 'n huisdier in 'n park in afdwaal of dit binnegaan nie;
- (f) 'n dier (behalwe 'n dier wat wettiglik in daardie park ingebring is), hetsy lewendig of dood, of 'n deel van 'n dier uit 'n park verwyder nie;
- (g) 'n boom of ander plant in 'n park vel of afsny, beskadig, verwyder of vernietig nie of saad van so 'n boom of plant verwyder nie;
- (h) 'n dier in 'n park voer nie; of
- (i) sonder 'n geldige bestuurderslisensie 'n motorvoertuig in 'n park bestuur nie.

(2) Die bepalings van sub-artikel (1) maak dit vir niemand onwettig nie—

- (a) om sonder verlof van die raad of 'n beamppte per spoor-trein deur 'n park te reis of om gedurende die verloop van so 'n reis op die spoorlyn of die terrein van 'n stasie te wees;
- (b) om enige dier of 'n artikel vermeld in paragraaf (b) van sub-artikel (1) per spoortrein deur 'n park te vervoer sonder om so 'n dier of so 'n artikel van die trein te verwyder;
- (c) om, onderworpe aan die voorwaardes wat by regulasie voorgeskryf mag wees, 'n artikel vermeld in paragraaf (b) van sub-artikel (1) langs 'n voorgeskrewe roete deur 'n park te vervoer;
- (d) wat wettiglik 'n park betree of daarin vertoef en wat in besit is van 'n permit uitgereik ooreenkomstig regulasies deur die raad uitgevaardig, om 'n in sulke regulasies gespesifiseerde wapen onder die voorwaardes en binne die beperkings wat by sulke regulasies voorgeskryf mag wees, in daardie park in te neem of daarin in besit daarvan te wees; of
- (e) om, met verlof van die raad of 'n beamppte wat gemagtig is om sodanige verlof te verleen, 'n dier wat benodig word in verband met wettige reis of vervoer in of deur of wettige verblyf of vertoef in 'n park, in daardie park in te bring of daardeur te neem.

(3) Die bepalings van paragrafe (a) en (b) van sub-artikel (1) is nie op 'n polisie-, doeane- of aksynsbeamppte wat in die uitvoering van sy ampsplig 'n park betree, van toepassing nie.

Regte van sekere eienaars en okkupeerders van oewergrond aan openbare strome wat deel van 'n park uitmaak.

21. (1) Waar 'n deel van die grens van 'n park 'n lyn volg wat op die oewer loop van 'n openbare stroom waarvan die bedding of 'n deel van die bedding langs daardie lyn deel van die park uitmaak en daardie lyn 'n stuk grond kruis waarvan 'n gedeelte in die bedding van die bedoelde stroom val en deel van die park

(4) Any officer or employee may, without holding or without the board holding any licence or permit issued under the laws relating to fire-arms and ammunition, be in possession or custody of any fire-arm or ammunition which he requires for the performance of his duties.

18. The powers conferred on any provincial council by paragraph (j) of sub-section (1) of section *eighty-four* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or in respect of any matter specified in item 2 or 5 of the First Schedule to the Financial Relations Consolidation and Amendment Act, 1945 (Act No. 38 of 1945), or item 1, 2, 4, 5 or 13 of the Second Schedule to the said Financial Relations Consolidation and Amendment Act, 1945, and any ordinance, proclamation or regulation passed, issued or made under those powers, shall have no force or effect within any area included in a park.

Certain powers of provincial councils cease in a park.

19. No prospecting or mining of any nature shall be undertaken on any land included in a park.

Prospecting and mining in park prohibited.

20. (1) Subject to the provisions of sub-sections (2) and (3) and sections *twenty-one* and *twenty-two*, no person other than an officer or employee acting under the authority of the board, shall—

Restriction on entry into or residence in a park and prohibition of certain acts therein.

- (a) enter or reside in a park without the permission of the board or any officer authorized to grant such permission;
- (b) convey into a park or within a park be in possession of any weapon, explosive, trap or poison;
- (c) within a park hunt or otherwise wilfully or negligently kill or injure any animal or take, damage or destroy any egg or nest of any bird;
- (d) wilfully or negligently cause a veld fire or any damage to any object of geological, archaeological, historical, ethnological or other scientific interest within a park;
- (e) introduce any animal or permit any domestic animal to stray into or enter a park;
- (f) remove from a park any animal (other than an animal lawfully introduced into that park), whether alive or dead, or any part of an animal;
- (g) cut, damage, remove or destroy any tree or other plant in a park or remove seed from any such tree or plant;
- (h) feed any animal in a park; or
- (i) without a valid driver's licence, drive a motor vehicle in a park.

(2) The provisions of sub-section (1) shall not render it unlawful for any person—

- (a) without the permission of the board or any officer, to travel through a park by railway train or during the course of such travel to be on the railway line or within the precincts of any station;
- (b) to convey through a park by railway train any animal or any article mentioned in paragraph (b) of sub-section (1) without removing such animal or article from such train;
- (c) to convey, subject to such conditions as may be prescribed by regulation, any article mentioned in paragraph (b) of sub-section (1) over any prescribed route through a park;
- (d) lawfully entering or sojourning in a park, who is in possession of a permit issued in accordance with regulations made by the board, to convey into that park or in that park to be in possession of any weapon specified in such regulations on such conditions and within such limitations as may be prescribed by such regulations; or
- (e) with the permission of the board or any officer authorized to grant such permission, to introduce into or convey through a park any animal required in connection with lawful travel or transport in or through or lawful residence or sojourn in that park.

(3) The provisions of paragraphs (a) and (b) of sub-section (1) shall not apply to any police, customs or excise officer entering a park in the execution of his official duty.

21. (1) Where any part of the boundary of a park follows a line drawn along the bank of a public stream the bed or any part of the bed of which along that line is included in the park, and that line intersects a piece of land, a portion of which falls within the bed of the said stream and is included in the park

Rights of certain owners and occupiers of land riparian to public streams included in a park.

uitmaak, maar nie ingevolge artikel *drie* deur die Staatspresident verkry is nie, kan die eienaar of, met toestemming van die eienaar, die okkupeerder van daardie grond, ondanks die bepaling van sub-artikel (1) van artikel *twintig*—

- (a) vee op die bedoelde gedeelte van sy grond wat deel van die park uitmaak, inbring en vee daarop laat wei en suip;
- (b) plantegroei op daardie gedeelte afsny en daarvan daan verwyder: Met dien verstande dat hy nie sonder die toestemming van die raad of 'n beampste 'n boom daarop vel of vernietig nie;
- (c) klippe, sand of grond op daardie gedeelte uitgrawe en daarvandaan verwyder; en
- (d) enige stuk van daardie gedeelte bewerk of 'n heining daarop oprig.

(2) Die eienaar van oewergrond met betrekking tot 'n openbare stroom waarvan die bedding of 'n deel van die bedding deel van 'n park uitmaak, het alle regte of kan alle regte verkry om water van daardie stroom te gebruik en om vir die doeleindes van sodanige gebruik enige werk aan te lê, te gebruik en in stand te hou, wat hy sou gehad het of sou kon verkry het as hierdie Wet nie aangeneem was nie: Met dien verstande dat, as hy uit hoofde van 'n serwituut verkry ingevolge Hoofstuk VIII van die Waterwet, 1956 (Wet No. 54 van 1956), so 'n werk op grond in 'n park aanlê, artikel *honderd twee-en-veertig* van die genoemde Waterwet, 1956, nie in verband met daardie serwituut van toepassing is nie: Met dien verstande voorts dat, as hy so 'n werk aanlê wat dit vir mense of diere (behalwe waterdiere of amfibiese diere) maklik sou kan maak om die park in of uit te gaan, hy stappe moet doen om sodanige in- of uitgang blywend te verhinder en dat, as hy in gebreke bly om dit te doen, die raad sulke stappe kan doen en die koste daarvan op hom kan verhaal.

(3) Die uitdrukking „openbare stroom” in hierdie artikel en die uitdrukking „eienaar” en „oewergrond” in sub-artikel (2) het die onderskeie betekenisse daaraan toegeskryf in artikel *een* van die genoemde Waterwet, 1956.

Doeleindes waarvoor verloop om 'n park te betree of daarin te woon, verleen kan word.

22. Die in paragraaf (a) van sub-artikel (1) van artikel *twintig* bedoelde verloop om 'n park te betree of daarin te woon, kan verleen word onderhewig aan die voorwaardes wat nodig geag word en word slegs verleen—

- (a) vir gesondheidsdoeleindes, studie of ontspanning of daarmee in verband staande sake;
- (b) vir reis of vervoer langs die roetes wat by regulasie bepaal word;
- (c) vir wettige sakeverrigting met of aangaande iemand in daardie park: of
- (d) ten einde iemand in diens van die Regering of van 'n provinsiale administrasie in staat te stel om 'n ampsplig te verrig.

Strafbepalings.

23. (1) Iemand wat die bepaling van paragraaf (c) van sub-artikel (1) van artikel *twintig* oortree met betrekking tot 'n olifant, renoster, seekoei, kameelperd, eland, injala, buffel, bastergemsbok, swartwitpens, basterhartbees, gemsbok, bergkwagga, bontbok, Natal-rooидуiker, oorbietjie, swartwildebees, steenbok, blouduiker, rietbok, leeu, luiperd, jagluiperd, sekretarisvoël, gompou of troupan is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van minstens vierhonderd rand en hoogstens agthonderd rand of by wanbetaling van sodanige boete met gevangenisstraf vir 'n tydperk van minstens een jaar en hoogstens twee jaar of, as so iemand voorheen ingevolge hierdie sub-artikel of sub-artikel (2) veroordeel is, kan hy tot sodanige gevangenisstraf sonder die keuse van 'n boete gevonniss word, en as die hof wat so iemand veroordeel, bevind dat die oortreding opsetlik was, kan die hof by 'n eerste of latere skuldigbevinding, benewens enige boete of gevangenisstraf waartoe so iemand gevonniss kan word, so iemand tot lyfstraf van hoogstens tien houes vonnis.

(2) Iemand wat die bepaling van paragraaf (c) van sub-artikel (1) van artikel *twintig* met betrekking tot 'n dier wat nie in sub-artikel (1) genoem is nie, of paragraaf (d) van eersgenoemde sub-artikel met betrekking tot 'n veldbrand oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van minstens honderd rand en hoogstens vyfhonderd rand of by wanbetaling van sodanige boete met gevangenisstraf vir 'n tydperk van minstens drie maande en hoogstens agtien maande of, as so iemand voorheen ingevolge hierdie sub-artikel of sub-artikel (1) veroordeel is, kan hy tot sodanige gevangenisstraf sonder die keuse van 'n boete gevonniss word, en as die hof wat so iemand veroordeel, bevind dat die oortreding opsetlik was,

but has not been acquired by the State President in terms of section *three*, the owner or, with the owner's consent, the occupier of that land may, notwithstanding the provisions of sub-section (1) of section *twenty*—

- (a) introduce livestock into the said portion of his land which is included in the park and graze and water livestock thereon;
- (b) cut any vegetation on that portion and remove it therefrom: Provided that he shall not cut or destroy any tree thereon without the consent of the board or an officer;
- (c) dig and remove stones, sand or soil from that portion; and
- (d) cultivate any part of that portion or erect a fence thereon.

(2) The owner of any riparian land in relation to a public stream the bed or any part of the bed of which is included in a park shall have or may acquire all rights to use water from that stream and for the purpose of such use to construct, use and maintain any work, which he would have had or could have acquired if this Act had not been passed: Provided that, if he constructs any such work by virtue of a servitude acquired in terms of Chapter VIII of the Water Act, 1956 (Act No. 54 of 1956), on land in a park, section *one hundred and forty-two* of the said Water Act, 1956, shall not apply in connection with that servitude: Provided further that, if he constructs any such work which might facilitate the entry into or the exit from the park of persons or animals (other than aquatic or amphibious animals), he shall take steps to prevent permanently such entry or exit, and that, if he fails to do so, the board may take such steps and recover the cost thereof from him.

(3) The expression "public stream" in this section and the expressions "owner" and "riparian land" in sub-section (2) have the respective meanings assigned thereto in section *one* of the said Water Act, 1956.

22. The permission referred to in paragraph (a) of sub-section (1) of section *twenty*, to enter or reside in a park, may be granted subject to such conditions as may be deemed necessary and shall be granted only for the purposes of—

Purposes for which permission to enter or reside in a park may be granted.

- (a) health, study or recreation or matters incidental thereto;
- (b) travel or transport over such routes as may be defined by regulation;
- (c) transacting any lawful business with or concerning any person within that park; or
- (d) enabling any person in the employ of the Government or of any provincial administration to carry out any official duty.

23. (1) Any person who contravenes the provisions of paragraph (c) of sub-section (1) of section *twenty* with reference to any elephant, rhinoceros, hippopotamus, giraffe, eland, inyala, buffalo, roan antelope, sable, tsessebe, gemsbok, mountain zebra, bontbok, Natal red duiker, oribi, black wildebeest, steenbok, blue duiker, reedbuck, lion, leopard, cheetah, secretary bird, Kori bustard or roller, shall be guilty of an offence and liable on conviction to a fine of not less than four hundred rand and not more than eight hundred rand or in default of payment of such fine to imprisonment for a period of not less than one year and not more than two years or, if such person has been previously convicted under this sub-section or under sub-section (2), he may be sentenced to such imprisonment without the option of a fine, and, if the court so convicting such person finds that the contravention was wilful, it may on a first or subsequent conviction in addition to any fine or imprisonment to which such person may be sentenced, sentence such person to corporal punishment not exceeding ten strokes.

Penalties.

(2) Any person who contravenes the provisions of paragraph (c) of sub-section (1) of section *twenty* with reference to any animal not specified in sub-section (1), or paragraph (d) of the former sub-section with reference to a veld fire, shall be guilty of an offence and liable on conviction to a fine of not less than one hundred rand and not more than five hundred rand or in default of payment of such fine to imprisonment for a period of not less than three months and not more than eighteen months or, if such person has been previously convicted under this sub-section or under sub-section (1), to such imprisonment without the option of a fine and, if the court so convicting such person finds that the contravention was wilful, it may on a first

kan die hof by 'n eerste of latere skuldigbevinding, benewens enige boete of gevangenisstraf waartoe so iemand gevonniss kan word, so iemand tot lyfstraf van hoogstens tien houe vonnis.

(3) Sub-artikels (1) en (2) is nie ten opsigte van 'n veroordeelde persoon onder die ouderdom van agtien jaar van toepassing nie vir sover daardie sub-artikels 'n minimum straf bepaal.

(4) Behoudens die bepalings van sub-artikels (1) en (2) is iemand wat 'n bepaling van hierdie Wet oortree of wat 'n lid van die raad of 'n beampste of bediende in die uitvoering van sy werksaamhede of pligte belemmer, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of by wanbetaling van sodanige boete met gevangenisstraf van hoogstens drie maande of, ten opsigte van 'n tweede of latere skuldigbevinding, met 'n boete van hoogstens tweehonderd rand of by wanbetaling van sodanige boete met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(5) (a) Enige wapen, ontplofbare stof, val of gif wat by 'n oortreding van die bepalings van hierdie Wet gebruik is of wat 'n bestanddeel by so 'n oortreding uitmaak en enige dier (behalwe 'n huisdier) of artikel ten opsigte waarvan die bepalings van paragraaf (c) of (f) van sub-artikel (1) van artikel *twintig* oortree is, word, benewens enige ander strawwe wat kragtens hierdie Wet opgelê kan word, aan die Staat verbeurd verklaar.

(b) 'n Voertuig wat gebruik is in verband met 'n oortreding van die bepalings van paragraaf (c) van sub-artikel (1) van artikel *twintig* kan, as die oortreding opsetlik was, aan die Staat verbeurd verklaar word tensy bewys word dat die veroordeelde persoon nie die eienaar van sodanige voertuig is nie en dat die eienaar daarvan nie die gebruik daarvan deur die veroordeelde persoon kon verhoed het nie.

(6) 'n Boete betaal of ingevorder ten opsigte van 'n misdryf ingevolge hierdie Wet wat in 'n park gepleeg is, en enige wapen ontplofbare stof, val, gif, dier, artikel of voertuig wat ingevolge sub-artikel (5) verbeurd verklaar is, word aan die raad oorbetaal of oorhandig.

(7) Enige hond (behalwe 'n hond wat in die wettige besit o bewaring van 'n beampste of werknemer is) wat in 'n park aangetrof word, kan doodgemaak word.

**Regsbevoegdheid
betreffende
strawwe.**

24. 'n Landdroshof en 'n in artikel *nege* van die Naturelle-administrasiewet, 1927 (Wet No. 38 van 1927), vermeldde naturellekommissarishof het regsbevoegdheid om 'n straf wat in artikel *drie-en-twintig* bepaal word, op te lê.

**Bewyslas en bewys
van sekere feite.**

25. (1) Die bewyslas ten opsigte van 'n feit wat 'n verweer sou uitmaak op 'n aanklag kragtens hierdie Wet, rus op die aangeklaagde persoon.

(2) Wanneer dit by 'n vervolging kragtens hierdie Wet in die aanklag beweer word dat 'n misdryf gepleeg is in verband met of ten opsigte van 'n dier of plant van die soort in die aanklag genoem, word dit geag dat sodanige dier of plant van daardie soort was, tensy die teendeel bewys word.

(3) As dit by 'n vervolging in die aanklag beweer word dat 'n daad wat 'n misdryf ingevolge hierdie Wet uitmaak, binne die grense van 'n park gepleeg is, word daardie daad geag binne die grense van daardie park gepleeg te gewees het, tensy die teendeel bewys word.

(4) By 'n vervolging kragtens hierdie Wet is enige aantekening, boek of dokument deur 'n beampste in die loop van sy pligte gehou, by die voorlegging daarvan deur enige beampste *prima facie* bewys van die feite daarin opgeteken: Met dien verstande dat die hof waarin so 'n aantekening, boek of dokument as getuienis voorgelê word, na goeddunke die persoon wat die inskrywings daarin gedoen het, kan laat dagvaar om mondelinge getuienis in die betrokke saak af te lê.

**Bevoegdheid van
'n beampste of
werknemer om in
hegtenis te neem,
te visenteer en in
beslag te neem.**

26. (1) 'n Beampste of werknemer deur die raad aangewys, het, ten opsigte van 'n misdryf wat in 'n park gepleeg is, die bevoegdheid om in hegtenis te neem en aan te hou wat by Hoofstuk IV van die Strafproseswet, 1955 (Wet No. 56 van 1955), aan 'n vredesbeampste verleen word en kan voorts iemand wat op redelike gronde daarvan verdink word dat hy 'n misdryf ingevolge hierdie Wet gepleeg het, in 'n park of op enige plek binne een myl van die grens van 'n park, sonder 'n lasbrief in hegtenis neem: Met dien verstande dat die bevoegdheid van hierdie sub-artikel aan so 'n werknemer wat 'n nie-blanke is, verleen word, slegs ten opsigte van 'n nie-blanke uitgeoefen kan word.

or subsequent conviction in addition to any fine or imprisonment to which such person may be sentenced, sentence such person to corporal punishment not exceeding ten strokes.

(3) Sub-sections (1) and (2) shall not apply in respect of a convicted person under the age of eighteen years, in so far as those sub-sections provide for a minimum punishment.

(4) Subject to the provisions of sub-sections (1) and (2), any person who contravenes any provision of this Act or who obstructs any member of the board or any officer or employee in the execution of his functions or duties, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or in default of payment of such fine, to imprisonment for a period not exceeding three months, or, in respect of a second or subsequent conviction, to a fine not exceeding two hundred rand or in default of payment of such fine, to imprisonment for a period not exceeding six months.

(5) (a) Any weapon, explosive, trap or poison used in contravening any provision of this Act or which forms an element in any such contravention and any animal (other than a domestic animal) or article in respect of which the provisions of paragraph (c) or (f) of sub-section (1) of section *twenty* has been contravened shall in addition to any other punishments which may be imposed under this Act, be declared forfeited to the State.

(b) Any vehicle used in connection with a contravention of the provisions of paragraph (c) of sub-section (1) of section *twenty* may, if the contravention was wilful, be declared forfeited to the State unless it is proved that the person convicted is not the owner of such vehicle and that the owner thereof could not have prevented its use by the person convicted.

(6) Any fine paid or recovered in respect of an offence under this Act, committed within a park, and any weapon, explosive, trap, poison, animal, article or vehicle forfeited in terms of sub-section (5), shall be paid over or delivered to the board.

(7) Any dog (except a dog in the lawful possession or custody of an officer or employee) found within a park may be destroyed.

24. A magistrate's court and a native commissioner's court referred to in section *nine* of the Native Administration Act, 1927 (Act No. 38 of 1927), shall have jurisdiction to impose any punishment provided for in section *twenty-three*. **Jurisdiction as to punishments.**

25. (1) The burden of proving any fact which would be a defence to a charge under this Act, shall be upon the person charged. **Burden of proof and proof of certain facts.**

(2) Whenever in any prosecution under this Act it is alleged in the charge that an offence has been committed in connection with or in respect of any animal or plant of the species stated in the charge, it shall be presumed that such animal or plant was of that species, unless the contrary is proved.

(3) If in any prosecution it is alleged in the charge that an act which constitutes an offence under this Act has been committed within the boundaries of a park, that act shall be presumed to have been committed within the boundaries of that park, unless the contrary is proved.

(4) In any prosecution under this Act any record, book or document kept by an officer in the course of his duties shall on its production by any officer be *prima facie* proof of the facts recorded therein: Provided that the court in which any such record, book or document is adduced in evidence, may in its discretion cause the person who made the entries therein, to be summoned to give oral evidence in the proceedings in question.

26. (1) Any officer or employee designated by the board, shall, in respect of any offence committed within a park, have the powers of arrest and detention conferred on a peace officer by Chapter IV of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), and may further, within a park or at any place within one mile from the boundary of a park, arrest without a warrant any person who is on reasonable grounds suspected of having committed an offence under this Act: Provided that the powers conferred by this sub-section on such an employee who is a non-European, may be exercised only in respect of a non-European. **Powers of officer or employee to arrest, search and seize.**

(2) 'n Beamppte deur die raad aangewys, kan enige perseel, plek, voertuig, tent of houer van watter aard ook al in 'n park of op enige plek binne een myl van die grens van 'n park sonder 'n lasbrief visenteer as dit op redelike gronde vermoed word dat daar op of in bedoelde perseel, plek, voertuig, tent of houer 'n dier of artikel is wat tot bewys van die pleeg van 'n misdryf ingevolge hierdie Wet kan strek en kan so 'n dier of artikel in beslag neem waar dit ook al gevind word.

Beperking van aanspreeklikheid en gedinge.

27. (1) Geen geding kan teen die raad ingestel word nie vir die verhaal van enige skade aan enige persoon veroorsaak deur enige dier in 'n park.

(2) Geen geding kan teen die raad of 'n beamppte of werknemer ingestel word nie ten opsigte van enigiets kragtens hierdie Wet gedoen tensy skriftelike kennis wat die eisorsaak vermeld aan die raad bestel word binne dertig dae nadat die eisorsaak ontstaan, en tensy die geding ingestel word binne ses maande nadat die eisorsaak ontstaan.

Regulasies.

28. (1) Die raad kan, met die goedkeuring van die Minister, regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie, betreffende enigeen van of al die volgende aangeleenthede, naamlik—

(a) die bevoegdhe en pligte van beamptes en werknemers ten aansien van—

(i) die uitsluiting van lede van die publiek van sekere gebiede in 'n park;

(ii) die doodmaak, vang of skut van diere in 'n park en wat met diere wat doodgemaak, gevang of geskut is, gedoen moet word;

(iii) die brand van gras, die vel van bome en die sny van riet of gras in 'n park;

(iv) die van die hand sit van enige dierlike, plant-aardige, minerale of ander produk van 'n park;

(b) die voorwaardes onderhewig waaraan verlof om 'n park te betree of daarin te woon kragtens artikel *twee-en-twintig* verleen kan word en die tydperke waartydens of tye wanneer 'n park of enige gedeelte van 'n park vir die publiek toeganklik is;

(c) die voorwaardes onderhewig waaraan 'n dier of 'n artikel vermeld in paragraaf (b) van sub-artikel (1) van artikel *twintig* langs 'n voorgeskrewe roete deur 'n park vervoer kan word;

(d) die voorwaardes onderhewig waaraan iemand wat 'n park betree, daarin vertoef of daardeur reis, die dienste of aanwesigheid van 'n beamppte of werknemer kan verkry en die gelde wat vir sodanige dienste of aanwesigheid betaal moet word;

(e) die gelde (as dit geëis word) wat betaal moet word ten opsigte van verlof kragtens artikel *twee-en-twintig* om 'n park te betree of daarin te woon, die toelating van motorkarre of ander voertuie en die neem van foto's in 'n park of enige ander aangeleentheid wat met die gebruik en genot van 'n park in verband staan;

(f) die byvoeging van 'n diersoort by die soorte wat in sub-artikel (1) van artikel *drie-en-twintig* uiteengesit is;

(g) die uitsluiting uit die omskrywing van „dier” in artikel *een* van enige diersoort;

(h) die instandhouding, beskerming en bewaring van 'n park en die diere, plantelewe en eiendom daarin;

(i) die reëling van verkeer en passasiersvervoer in 'n park, die plekke waar mense 'n park kan betree of verlaat en die roetes waarlangs hulle deur 'n park kan gaan;

(j) die beskerming van enige boom, brug, rots, heining, sitplek of ander voorwerp teen ontsiering deur geskrif of op 'n ander wyse;

(k) die verrigting van die sake van die raad;

(l) die tarief waarteen reis- en verblyf koste aan 'n lid van die raad betaal moet word;

(m) die pligte, besoldiging, verlof en ander diensvoorwaardes van beamptes en werknemers en die getal en soort huisdiere wat 'n beamppte of werknemer in 'n park kan aanhou en die grootte van die grond wat hy daarin kan bewerk;

(n) enige ander aangeleentheid wat ingevolge hierdie Wet by regulasie gereël kan word; en

in die algemeen vir die doeltreffende beheer en bestuur van 'n park.

(2) Die raad kan verskillende regulasies ten opsigte van verskillende parke uitvaardig.

(2) Any officer designated by the board may, within a park or at any place within one mile from the boundary of a park, search without a warrant any premises, place, vehicle, tent or receptacle of whatever nature if it is on reasonable grounds suspected that there is at or in such premises, place, vehicle, tent or receptacle any animal or article which may afford evidence of the commission of an offence under this Act and may seize any such animal or article wherever found.

27. (1) No action shall lie against the board for the recovery of any damage caused to any person by any animal in a park. **Limitation of liability and actions.**

(2) No action shall lie against the board or any officer or employee in respect of anything done under this Act unless written notice stating the cause of action is served on the board within thirty days after the cause of action arises, and unless the action is commenced within six months after the cause of action arises.

28. (1) The board may, with the approval of the Minister, make regulations not inconsistent with this Act as to any or all of the following matters, namely— **Regulations.**

- (a) the powers and duties of officers and employees in regard to—
 - (i) the exclusion of members of the public from certain areas within a park;
 - (ii) the killing, capturing or impounding of any animals within a park and the disposal of animals killed, captured or impounded;
 - (iii) the burning of grass and the cutting of trees, reeds and grass within a park;
 - (iv) the disposal of any animal, vegetable, mineral or other product of a park;
 - (b) the conditions subject to which permission to enter or reside in a park may be granted under section *twenty-two* and the periods during which or times when a park or any portion of a park shall be open to the public;
 - (c) the conditions subject to which any animal or any article mentioned in paragraph (b) of sub-section (1) of section *twenty* may be conveyed through a park over a prescribed route;
 - (d) the conditions subject to which any person entering, sojourning in or passing through a park, may obtain the services or attendance of any officer or employee and the fees to be paid in respect of such services or attendance;
 - (e) the fees (if any) to be paid in respect of permission under section *twenty-two* to enter or reside in a park, the admission of motor cars or other vehicles to and the taking of photographs within a park or any other matter connected with the use and enjoyment of a park;
 - (f) the addition of any species of animal to the species set forth in sub-section (1) of section *twenty-three*;
 - (g) the exclusion from the definition of "animal" in section *one* of any species of animal;
 - (h) the maintenance, protection and preservation of a park and the animals, plant life and property therein;
 - (i) the regulation of traffic and carriage of passengers in a park, the places at which persons may enter or leave and the routes by which they may pass through a park;
 - (j) the protection from defacement by writing or otherwise of any tree, bridge, rock, fence, seat or other object in a park;
 - (k) the conduct of the business of the board;
 - (l) the tariff at which travelling and subsistence expenses are to be paid to a member of the board;
 - (m) the duties, remuneration, leave and other conditions of service of officers and employees and the number and species of domestic animals which any officer or employee may keep and the extent of land which he may cultivate in a park;
 - (n) any other matter which may, in terms of this Act, be dealt with by regulation; and
- generally for the efficient control and management of a park.
- (2) The board may make different regulations in respect of different parks.

Herroeping van wette en voorbehoude.

29. (1) Behoudens die bepalings van sub-artikel (2), word die wette genoem in die Tweede Bylae hierby herroep vir sover in die derde kolom van daardie Bylae uiteengesit.

(2) 'n Kennisgewing, regulasie, aanstelling of verlof uitgereik, uitgevaardig, gemaak of verleen of enige ander stappe of enigiets gedoen ingevolge 'n by sub-artikel (1) herroepde wetsbepaling, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet uitgereik, uitgevaardig, gemaak, verleen of gedoen te gewees het.

Kort titel.

30. Hierdie Wet heet die Wet op Nasionale Parke, 1962.

Eerste Bylae.

NASIONALE KRUGER-WILDTUIN.

Gebiedsomskriving.

Vanaf die punt van samevloeiing van die Luvuvhurivier (Pafuririvier) en die Limpoporivier; daarvandaan suidwaarts langs die internasionale grenslyn tussen die Transvaal en Mosambiek tot waar dit die regteroewer van die Komatirivier kruis; daarvandaan weswaarts langs die regteroewer van die Komatirivier tot by sy samevloeiing met die Krokodilrivier, en verder weswaarts langs die regteroewer van die Krokodilrivier tot by die suidoostelike hoek van Lot No. 347 in die Kaap Blok Seksie E; daarvandaan noordooswaarts langs die grense van, maar uitsluitende die volgende Lotte in genoemde Kaap Blok Seksie E: Lotte Nos. 347, 372, 370, 366 en 367, tot by die suidoostelike hoek van laasgenoemde Lot, op die regteroewer van die Nsikazirivier; daarvandaan noordwaarts langs genoemde regteroewer van die Nsikazirivier tot by die suidoostelike hoek van die plaas Daannel No. 33-JU; daarvandaan noordwaarts en weswaarts langs die grense van, maar uitsluitende laasgenoemde plaas tot by sy noordwestelike baken; daarvandaan noordweswaarts en noordooswaarts langs die grense van en insluitende die plaas Numbi No. 32-JU, tot by sy mees noordelike baken; daarvandaan noordwaarts langs die oostelike grens van Lot No. 201 in die Kaap Blok Seksie F, tot by die mees suidelike baken van die plaas Rooiduiker No. 19-JU; daarvandaan noordweswaarts en noordwaarts langs die grense van en insluitende laasgenoemde plaas, tot by sy mees noordelike baken, en verder noordwaarts langs die oostelike grense van Lotte Nos. 147 en 146 in die Kaap Blok Seksie F, tot by die noordoostelike hoek van laasgenoemde Lot; daarvandaan ooswaarts langs die linkeroewer van die Sabierivier tot by die suidoostelike hoek van die plaas Kingstown No. 380-KU; daarvandaan noordwaarts, ooswaarts en noordwaarts langs die grense van, maar uitsluitende die volgende plase: Kingstown No. 380-KU, Toulon No. 383-KU, Charlestown No. 378-KU, Flockfield No. 361-KU, Malamala No. 359-KU, Eyrefield No. 343-KU, Gowrie No. 342-KU, Buffelshoek No. 340-KU, Sarabank No. 323-KU, Jeukpeulhoek No. 222-KU, Hermitage No. 205-KU, Albatross No. 201-KU, Kempiana No. 90-KU, Vlakgezicht No. 75-KU, Addger No. 69-KU, Ceylon No. 53-KU, Sumatra No. 47-KU, Brazillie No. 48-KU, Peru No. 128-KU, Op Goedehoop No. 25-KU, Buffelsbed No. 26-KU, Roodekrantz No. 27-KU, Rietvley No. 28-KU, Durham No. 30-KU, Dundee No. 32-KU, Zeekoegat No. 12-KU, Sheila No. 10-KU, Loole No. 31-LU, Laaste No. 24-LU, Silongue No. 23-LU, Genoeg No. 15-LU, Ophou No. 14-LU en Letaba Ranch No. 8-LU, tot by die noordoostelike hoek van laasgenoemde plaas; daarvandaan ooswaarts langs die linkeroewer van die Groot Letabarivier tot by sy samevloeiing met die Klein Letabarivier; daarvandaan noordwaarts langs die regteroewer van die Klein Letabarivier tot by die mees noordelike baken van die plaas Draai No. 2-LU; daarvandaan noordweswaarts in 'n reguit lyn vanaf laasgenoemde baken tot by die suidoostelike baken van die plaas Alten No. 222-LT, en verder noordweswaarts langs die grense van, maar uitsluitende die volgende plase: Alten No. 222-LT, Plange No. 221-LT, Lombaard No. 220-LT, Kelder No. 218-LT, Schutte No. 217-LT, Kluster No. 293-MT, Pagelee No. 274-MT, en Johnston No. 272-MT, tot by die noordoostelike hoek van laasgenoemde plaas; daarvandaan ooswaarts langs die linkeroewer van die Klein Shingwidzirivier tot by die mees suidelike baken van die plaas Tshikundus Lokasie Uitbreiding No. 260-MT; daarvandaan noordooswaarts en weswaarts langs die grense van, maar uitsluitende die plase Tshikundus Lokasie Uitbreiding No. 260-MT, Mhingas Lokasie Uitbreiding No. 259-MT en Mhingas Lokasie No. 258-MT, tot by die noordwestelike hoek van laasgenoemde plaas; daarvandaan noordooswaarts langs die linkeroewer van die Luvuvhurivier (Pafuririvier) tot by sy samevloeiing met die Limpoporivier, die beginpunt.

NASIONALE KALAHARI-GEMSBOKPARK.

Gebiedsomskriving.

Vanaf die punt waar die verlenging van die westelike grens van die plaas Unions End in die afdeling Gordonia (kaart 2676/1921) die middel van die Nossobrivier kruis; daarvandaan in 'n suidelike rigting langs die middel van genoemde rivier, tot by die punt waar die verlenging van die suidelike grens van die plaas Twee Rivieren (kaart B.498/1897) die middel van die Nossobrivier kruis; daarvandaan in 'n westelike rigting langs genoemde verlenging en die grense van die volgende plase sodat hulle by hierdie gebied ingesluit is: die genoemde plaas Twee Rivieren, Houmoed (kaart 6865/1917), Monro (kaart 6864/1917), Aachterlonie (kaart 454/1918), Batu Lama (kaart 455/1918), Kamqua (kaart 456/1918), Klein Skrij Pan (kaart 457/1918), Groot Skrij Pan (kaart 458/1918), Cal Decote (kaart 459/1918), Kafirs Pan (kaart 460/1918) en Sitzzas (kaart 223/1919) tot waar die suidwestelike grens van laasgenoemde plaas die grenslyn tussen die Republiek van Suid-Afrika en Suidwes-Afrika ontmoet; daarvandaan in 'n noordelike rigting langs genoemde grens tot by die beginpunt.

29. (1) The laws specified in the Second Schedule are, subject to the provisions of sub-section (2), hereby repealed to the extent set out in the third column of that Schedule. Repeal of laws and savings.

(2) Any notice, regulation, appointment or permission issued, made, or granted or any other action taken or anything done under any provision of a law repealed by sub-section (1), shall be deemed to have been issued, made, granted, taken or done under the corresponding provision of this Act.

30. This Act shall be called the National Parks Act, 1962. Short title

First Schedule.

KRUGER NATIONAL PARK.

Definition of Area.

From the point of the confluence of the Luvuvhu River (Pafuri River) and the Limpopo River; from there southwards along the international border line between the Transvaal and Mocambique to where it intersects the right bank of the Komati River; from there westwards along the right bank of the Komati River to its confluence with the Crocodile River, and continuing westwards along the right bank of the Crocodile River to the south-eastern corner of Lot No. 347 in the Kaap Block Section E; from there north-eastwards along the boundaries of but excluding the following Lots in the said Kaap Block Section E: Lots Nos. 347, 372, 370, 366 and 367, to the south-eastern corner of the lastmentioned Lot, on the right bank of the Nsikazi River; from there northwards along the said right bank of the Nsikazi River to the south-eastern corner of the farm Daannel No. 33-JU; from there northwards and westwards along the boundaries of but excluding the lastmentioned farm to its north-western beacon; from there north-westwards and north-eastwards along the boundaries of and including the farm Numbi No. 32-JU, to its most northern beacon; from there northwards along the eastern boundary of Lot No. 201 in the Kaap Block Section F, up to the most southern beacon of the farm Rooiduiker No. 19-JU; from there north-westwards and northwards along the boundaries of and including the lastmentioned farm, to its most northern beacon, and continuing northwards along the eastern boundaries of Lots Nos. 147 and 146 in the Kaap Block Section F, to the north-eastern corner of the lastmentioned Lot; from there eastwards along the left bank of the Sabie River to the south-eastern corner of the farm Kingstown No. 380-KU; from there northwards, eastwards and northwards along the boundaries of but excluding the following farms: Kingstown No. 380-KU, Toulon No. 383-KU, Charlestown No. 378-KU, Flockfield No. 361-KU, Malamala No. 359-KU, Eyrefield No. 343-KU, Gowrie No. 342-KU, Buffelshoek No. 340-KU, Sarabank No. 323-KU, Jeukpeulhoek No. 222-KU, Hermitage No. 205-KU, Albatross No. 201-KU, Kempiana No. 90-KU, Vlakgezicht No. 75-KU, Addger No. 69-KU, Ceylon No. 53-KU, Sumatra No. 47-KU, Brazilie No. 48-KU, Peru No. 128-KU, Op Goedehoop No. 25-KU, Buffelsbed No. 26-KU, Roodekrantz No. 27-KU, Rietvley No. 28-KU, Durham No. 30-KU, Dundee No. 32-KU, Zeekoegat No. 12-KU, Sheila No. 10-KU, Loole No. 31-LU, Laaste No. 24-LU, Silongue No. 23-LU, Genoeg No. 15-LU, Ophou No. 14-LU and Letaba Ranch No. 8-LU, to the north-eastern corner of the lastmentioned farm; from there eastwards along the left bank of the Great Letaba River to its confluence with the Klein Letaba River; from there northwards along the right bank of the Klein Letaba River to the most northern beacon of the farm Draai No. 2-LU; from there north-westwards in a straight line from the lastmentioned beacon to the south-eastern beacon of the farm Alten No. 222-LT, and continuing north-westwards along the boundaries of but excluding the following farms: Alten No. 222-LT, Plange No. 221-LT, Lombard No. 220-LT, Kelder No. 218-LT, Schutte No. 217-LT, Kluster No. 293-MT, Pagelee No. 274-MT, and Johnston No. 272-MT, to the north-eastern corner of the lastmentioned farm; from there eastwards along the left bank of the Klein Shingwidzi River to the most southern beacon of the farm Tshikundus Location Extension No. 260-MT; from there north-eastwards and westwards along the boundaries of but excluding the farms Tshikundus Location Extension No. 260-MT, Mhingas Location Extension No. 259-MT and Mhingas Location No. 258-MT to the north-western corner of the lastmentioned farm; from there north-eastwards along the left bank of the Luvuvhu River (Pafuri River) to its confluence with the Limpopo River, the place of beginning.

KALAHARI GEMSBOK NATIONAL PARK.

Definition of Area.

From the point where the extension of the western boundary of the farm Unions End in the division of Gordonia (map 2676/1921) intersects the middle of the Nossob River; from there in a southerly direction along the middle of the said river to the point where the extension of the southern boundary of the farm Twee Rivieren (map B. 498/1897) crosses the middle of the Nossob River; from there in a westerly direction along the said extension and the boundaries of the following farms so that they are included in this area; the said farm Twee Rivieren, Houmoed (map 6865/1917), Monro (map 6864/1917), Auchtlerlonie (map 454/1918), Batu Lama (map 455/1918), Kamqua (map 456/1918), Klein Skrij Pan (map 457/1918), Groot Skrij Pan (map 458/1918), Cal Decote (map 459/1918), Kafirs Pan (map 460/1918) and Sitszas (map 223/1919) to where the south-western boundary of the lastmentioned farm meets the border line between the Republic of South Africa and South-West Africa; from there in a northerly direction along the said border to the place of beginning.

NASIONALE BONTEBOKPARK.

Gebiedsoms krywing.

Vanaf die baken gemerk „A” op die kaart van Erf 1699 Swellendam; daarvandaan in ’n oostelike rigting langs die grense van en insluitende bedoelde Erf 1699 tot by die punt waar die verlenging, in ’n suidwestelike rigting, van die suidoostelike grens van Erf 1699 die middel van die Breërivier ontmoet; daarvandaan in ’n noordoostelike rigting langs die middel van genoemde rivier tot by die punt waar dit die suidwestelike grens van Gedeelte 3 van die plaas Sw.Q. 11A-33 (kaart 1537/60) ontmoet; daarvandaan in ’n noordoostelike rigting langs die grense van en insluitende genoemde Gedeelte 3 en Gedeelte 8 van die plaas Weegschaal (kaart 1538/60) tot by baken gemerk „J” op laasgenoemde kaart; daarvandaan in ’n noordwestelike rigting in ’n reguit lyn tot by baken gemerk „H” op die kaart van Erf 1699; daarvandaan in ’n noordelike rigting langs die westelike grense van genoemde Erf 1699 tot by die beginbaken.

NASIONALE ADDO-OLIFANTPARK.

Gebiedsoms krywing.

Vanaf die mees noordelike baken van die plaas Addo Park Extension (kaart 4980/1934) gemerk „H”, in die afdeling Alexandria in ’n suid-oostelike rigting langs die grense van die volgende eiendomme sodat hulle by hierdie gebied ingesluit word: genoemde plaas Addo Park Extension, Strathmore (kaart B.547/1886), Hathi (kaart A.4904/1925), Addo Reserve Annex (kaart 5275/1935) tot by die mees suidelike baken van laasgenoemde plaas; daarvandaan in ’n suidwestelike rigting en langs die grense van die volgende plase sodat hulle van hierdie gebied uitgesluit word: Gedeelte 1 van die plaas Marion Barea (kaart 4044/1956), Milverton (kaart 553/1886), Perseel 2 Blok G³ Commando Kraal Estate (kaart 4288/1935) tot by die mees oostelike baken van Gedeelte 295 (’n gedeelte van Perseel 2 Blok G³) van die plaas Commando Kraal Estate (kaart 9790/1960) en langs die grense van laasgenoemde eiendom sodat dit by hierdie gebied ingesluit word, tot by die mees noordelike baken daarvan; daarvandaan noordweswaarts langs die grense van die volgende eiendomme sodat hulle van hierdie gebied uitgesluit word: Caesar’s Dam (kaart 4283/1935), Gedeelte 275 van Commando Kraal Estate (kaart 334/1951), Gedeelte 276 van Commando Kraal Estate (kaart 335/1951), Liwandi A (kaart 1558/1935), en genoemde Gedeelte 276 tot waar die verlenging van die noordoostelike grens van laasgenoemde eiendom die oostelike grens van die spoorweggrond (kaart 2884/1897) kruis; daarvandaan in ’n noordwestelike rigting langs die grense van die volgende eiendomme sodat hulle van hierdie gebied uitgesluit word: genoemde spoorweggrond, Lendhlovu East (kaart 3623/1919), en genoemde spoorweggrond, tot by die baken gemerk „C” op kaart 48/1914 van die plaas Krompoot; daarvandaan noordooswaarts langs die grense van die volgende eiendomme sodat hulle by hierdie gebied ingesluit word: genoemde Krompoot, Indlovu (kaart 2661/1913), Indlovu North (kaart B/467/1927), Addo Park (kaart 1083/1933), Addo Park (kaart 1084/1933) en Addo Park Extension (kaart 4980/1934) tot by die beginpunt.

Perseel No. 4 Blok A³ genoem Cockpen (kaart 3048/1920) word by hierdie gebied ingesluit.

NASIONALE BERGWAGGA-PARK.

Gebiedsoms krywing.

Vanaf die noordwestelike baken van die grond bekend as die „Gedeelte van die plaas Babylons Toren” in die afdeling Cradock (kaart 1556/1897), in ’n oostelike rigting langs die grense van die volgende eiendomme sodat hulle by hierdie gebied ingesluit is: genoemde Gedeelte van Babylons Toren en Perseel 3G (kaart 1029/1894) tot by die mees oostelike baken daarvan; daarvandaan in ’n reguit lyn tot by die baken gemerk „F” op kaart No. 148/1892; daarvandaan in ’n suidelike rigting langs die grens van die grond beskryf op kaart No. 148/1892 sodat dit by hierdie gebied ingesluit is, tot by die mees suidelike baken van die grond bekend as die Gedeelte van die plaas Waterval (kaart 625/1887); daarvandaan in ’n noordelike rigting langs die grense van die volgende eiendomme sodat hulle van hierdie gebied uitgesluit is: genoemde Gedeelte van die plaas Waterval, die grond beskryf op kaart 289/1890, Ronde Kop (kaart 1521/1911), Pretorius Kraal (kaart 448/1836), en Het Kamp (kaart 1604/1911), tot by die beginpunt.

BONTEBOK NATIONAL PARK.*Definition of Area.*

From the beacon marked "A" on the map of Erf 1699 Swellendam; from there in an easterly direction along the boundary of and including the said Erf 1699 to the point where the extension, in a south-westerly direction, of the south-eastern boundary of Erf 1699 meets the middle of the Breë River; from there in a north-easterly direction along the middle of the said river to the point where it meets the south-western boundary of Portion 3 of the farm Sw.Q.11A-33 (map 1537/60), from there in a north-easterly direction along the boundaries of and including the said Portion 3 and Portion 8 of the farm Weegschaal (map 1538/60) to the beacon marked "J" on the lastmentioned map; from there in a north-westerly direction in a direct line to the beacon marked "H" on the map of Erf 1699; from there in a northerly direction along the western boundaries of the said Erf 1699 to the beacon of beginning.

ADDO ELEPHANT NATIONAL PARK.*Definition of Area.*

From the most northern beacon of the farm Addo Park Extension (map 4980/1934) marked "H" in the division of Alexandria, in a south-eastern direction along the boundaries of the following properties so that they are included in this area; the said farm Addo Park Extension, Strathmore (map B. 547/1886), Hathi (map A. 4904/1925), Addo Reserve Annex (map 5275/1935) to the most southern beacon of the lastmentioned farm; from there in a south-westerly direction and along the boundaries of the following farms so that they are excluded from this area: Portion 1 of the farm Marion Baree (map 4044/1956), Milverton (map 553/1886); Lot 2 Block G³ Commando Kraal Estate (map 4288/1935) to the most eastern beacon of Portion 295 (a portion of Lot 2 Block G³) of the farm Commando Kraal Estate (map 9790/1960) and along the boundaries of the lastmentioned property so that it is included in this area, to the most northern beacon thereof; from there north-westerly along the boundaries of the following properties so that they are excluded from this area: Caesar's Dam (map 4283/1935), Portion 275 of Commando Kraal Estate (map 334/1951), Portion 276 of Commando Kraal Estate (map 335/1951), Liwandi A (map 1558/1935), and the said Portion 276 to where the extension of the north-eastern boundary of the lastmentioned property intersects the eastern boundary of the railway land (map 2884/1897); from there in a north-westerly direction along the boundaries of the following properties so that they are excluded from this area: the said railway land, Lendhlovu East (map 3623/1919), and the said railway land to the beacon marked "C" on map 48/1914 of the farm Krompoot; from there north-eastwards along the boundaries of the following properties so that they are included in this area: the said Krompoot; Indlovu (map 2661/1913), Indlovu North (map B/467/1927), Addo Park (map 1083/1933), Addo Park (map 1084/1933) and Addo Park Extension (map 4980/1934) to the point of beginning.

Lot No. 4 Block A⁸ called Cockpen (map 3048/1920) is included in this area.

MOUNTAIN ZEBRA NATIONAL PARK.*Definition of Area.*

From the north-western beacon of the land known as the "Portion of the farm Babylons Toren" in the division of Cradock (map 1556/1897), in an easterly direction along the boundaries of the following properties so that they are included in this area: the said Portion of Babylons Toren and Lot 3G (map 1029/1894) up to the most eastern beacon thereof; from there in a straight line up to the beacon marked "F" on map No. 148/1892; from there in a southerly direction along the boundary of the land described on map No. 148/1892 so that it is included in this area, up to the most southern beacon of the land known as the Portion of the farm Waterval (map 625/1887); from there in a northerly direction along the boundaries of the following properties so that they are excluded from this area: the said Portion of the farm Waterval, the land described on map 289/1890, Ronde Kop (map 1521/1911), Pretorius Kraal (map 448/1836) and Het Kamp (map 1604/1911), to the point of beginning.

Tweede Bylae.

WETTE HERROEP.

No. en jaar.	Kort titel.	In hoeverre herroep.
Wet No. 56 van 1926.	Wet op Nasionale Parke, 1926	Die geheel.
Wet No. 20 van 1935.	Wysigingswet op Nasionale Parke, 1935	Die geheel.
Wet No. 9 van 1936.	Wysigingswet op Nasionale Parke, 1936	Die geheel.
Wet No. 50 van 1952.	Finansiewet, 1952	Artikel <i>tien</i> .
Wet No. 8 van 1955.	Wysigingswet op Nasionale Parke, 1955	Die geheel.
Wet No. 67 van 1955.	Finansiewet, 1955	Artikel <i>sestien</i> .
Wet No. 22 van 1957.	Wysigingswet op Nasionale Parke en Naturelletrustgrond, 1957	Die geheel.
Wet No. 42 van 1958.	Wysigingswet op Nasionale Parke, 1958	Die geheel.
Wet No. 80 van 1959.	Finansiewet, 1959	Artikel <i>vier</i> .
Wet No. 52 van 1961.	Wysigingswet op Nasionale Parke, 1961	Die geheel.
Wet No. 24 van 1962.	Wysigingswet op Nasionale Parke, 1962	Die geheel.

Second Schedule.

LAWS REPEALED.

No. and year.	Short title.	Extent of Repeal.
Act No. 56 of 1926.	National Parks Act, 1926 ..	The whole.
Act No. 20 of 1935.	National Parks Amendment Act, 1935	The whole.
Act No. 9 of 1936.	National Parks Amendment Act, 1936	The whole.
Act No. 50 of 1952.	Finance Act, 1952	Section <i>ten</i> .
Act No. 8 of 1955.	National Parks Amendment Act, 1955	The whole.
Act No. 67 of 1955.	Finance Act, 1955	Section <i>sixteen</i> .
Act No. 22 of 1957.	National Parks and Native Trust Lands Amendment Act, 1957	The whole.
Act No. 42 of 1958.	National Parks Amendment Act, 1958	The whole.
Act No. 80 of 1959.	Finance Act, 1959	Section <i>four</i> .
Act No. 52 of 1961.	National Parks Amendment Act, 1961	The whole.
Act No. 24 of 1962.	National Parks Amendment Act, 1962	The whole.

No. 43, 1962.]

WET**Tot wysiging van die Registrasie van Aktes Wet, 1937.***(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 30 April 1962.)***DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 2 van Wet 47 van 1937, soos gewysig deur artikel 1 van Wet 43 van 1957.

1. Artikel twee van die Registrasie van Aktes Wet, 1937 (hieronder die Hoofwet genoem), word hierby gewysig—*(a)* deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Daar word, met inagneming van die wetsbepalings op die staatsdiens, aangestel—

(a) 'n hoofregistrator van aktes, wat as sodanig die voorsitter en uitvoerende beampte is van die registrasieregulasieraad vermeld in artikel *nege*, wat met inagneming van die Minister se voorskrifte, sodanige toesig uitoefen oor alle registrasiekantore as wat nodig mag wees om eenvormigheid in hul praktyk en prosedure teweeg te bring, en wat ook die amp beklee van een van die registrator van aktes vermeld in paragraaf *(b)*;*(b)* ten opsigte van elke registrasiekantoor, 'n registrator van aktes of 'n registrator van Rand-dorpe, na gelang van die geval, wat aan die hoof staan van die registrasiekantoor waarvoor hy aangestel is;*(c)* vir elke registrasiekantoor, een of meer assistent-registrator van aktes of assistent-registrator van Rand-dorpe, na gelang van die geval, wat onderskeidelik bevoeg is om, met inagneming van die regulasies, enige handeling of ding te doen wat kragtens hierdie Wet of enige ander wetsbepaling wettig verrig kan word deur 'n registrator van aktes of deur die registrator van Rand-dorpe, na gelang van die geval.”; en*(b)* deur sub-artikel (2) te skrap.

Wysiging van artikel 3 van Wet 47 van 1937, soos gewysig deur artikel 14 van Wet 50 van 1956, en artikel 2 van Wet 43 van 1957.

2. Artikel drie van die Hoofwet word hierby gewysig—*(a)* deur paragraaf *(h)* deur die volgende paragraaf te vervang:„*(h)* afstand van voorrang ten opsigte van geregistreerde verbande en notariële verbande met betrekking tot die geheel of 'n deel van die daarmee beswaarde goed, ten gunste van ander sodanige verbande, hetsy hul reeds geregistreer is of op die punt staan om geregistreer te word, registreer.”;*(b)* deur in paragraaf *(m)* na die woord „minerale” die woorde „en notariële wysigings van sodanige sessies, verpagtings of onder-verpagtings” in te voeg; en deur in gemelde paragraaf na die woord „grond” die woorde „en notariële wysigings van sodanige uithoudings,” in te voeg;*(c)* deur in paragraaf *(s)* na die woord „verband” waar dit die eerste maal voorkom die woorde „of notariële verband” in te voeg; en*(d)* deur in paragraaf *(u)* na die woord „is” waar dit die tweede maal voorkom die woorde „of wat uitgereik is met die doel om gebruik te word in 'n registrasiekantoor deur 'n Meester of registrator van die Hooggeregshof van Suid-Afrika of 'n registrator van myntitels of 'n mynkommissaris in sy hoedanigheid as 'n registrasiebeampte,” in te voeg.

Wysiging van artikel 6 van Wet 47 van 1937.

3. Artikel ses van die Hoofwet word hierby gewysig deur die volgende sub-artikel daarby te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Wanneer 'n akte wat eiendomsreg op grond of 'n ander saaklike reg op grond as 'n verband verleen of oordra, volgens voorskrif van sub-artikel (1) gerojear word, herleef die akte waarkragtens die grond of daardie saaklike reg op

No. 43, 1962.]

ACT

To amend The Deeds Registries Act, 1937.

(Afrikaans text signed by the State President.)
(Assented to 30th April, 1962.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section *two* of the Deeds Registries Act, 1937 (herein after referred to as the principal Act), is hereby amended—

Amendment of section 2 of Act 47 of 1937, as amended by section 1 of Act 43 of 1957.

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

“(1) Subject to the laws governing the public service there shall be appointed—

(a) a chief registrar of deeds, who shall as such be the chairman and executive officer of the deeds registries regulations board mentioned in section *nine*, who shall, subject to the directions of the Minister, exercise such supervision over all the deeds registries as may be necessary in order to bring about uniformity in their practice and procedure, and who shall also hold office as one of the registrars of deeds mentioned in paragraph (b);

(b) in respect of each deeds registry, a registrar of deeds or a registrar of Rand townships, as the case may be, who shall be in charge of the deeds registry in respect of which he has been appointed;

(c) for each deeds registry, one or more assistant registrars of deeds or assistant registrars of Rand townships, as the case may be, who shall respectively have the power, subject to the regulations, to do any act or thing which may lawfully be done under this Act or any other law by a registrar of deeds, or by the Rand townships registrar, as the case may be.”; and

(b) by the deletion of sub-section (2).

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

Amendment of section 3 of Act 47 of 1937, as amended by section 14 of Act 50 of 1956 and section 2 of Act 43 of 1957.

(a) by the substitution for paragraph (h) of the following paragraph:

“(h) register waivers of preference in respect of registered mortgage bonds and notarial bonds with regard to the whole or any part of the property hypothecated thereby in favour of other such bonds whether registered or about to be registered.”;

(b) by the insertion in paragraph (m) after the word “minerals” of the words “and notarial variations of such cessions, leases or sub-leases”; and by the addition at the end of the said paragraph of the words “and notarial variations of such reservations.”;

(c) by the insertion in paragraph (s) after the word “registered” where it occurs for the first time of the words “mortgage or notarial”; and

(d) by the addition at the end of paragraph (u) of the words “or which have been issued for the purpose of being acted upon in a deeds registry by a Master or registrar of the Supreme Court of South Africa or a registrar of mining titles or a mining commissioner in his capacity as a registration officer.”.

3. Section *six* of the principal Act is hereby amended by the addition thereto of the following sub-section, the existing section becoming sub-section (1):

Amendment of section 6 of Act 47 of 1937.

“(2) Upon the cancellation of any deed conferring or conveying title to land or any real right in land other than a mortgage bond as provided for in sub-section (1), the deed under which the land or such real right in land was

grond gehou was onmiddellik voor die registrasie van die akte wat gerojear word, tot die mate van sodanige rojering, en die registrateur rojeer die relevante aantekening daarop wat getuig van die registrasie van die gerojearde akte."

Herroeping van artikel 8 van Wet 47 van 1937.

4. Artikel *agt* van die Hoofwet word hierby herroep.

Wysiging van artikel 10 van Wet 47 van 1937, soos gewysig deur artikel 5 van Wet 43 van 1957.

5. Artikel *tien* van die Hoofwet word hierby gewysig—
(a) deur aan die end van paragraaf (*d*) van sub-artikel (1) die woorde „en die tydperk waarin 'n akte verly moet word;” by te voeg; en
(b) deur in paragraaf (*q*) van gemelde sub-artikel na die woord „losbladregisters” die woorde „of 'n kaarte-indeksstelsel” in te voeg.

Wysiging van artikel 12 van Wet 47 van 1937.

6. Artikel *twaalf* van die Hoofwet word hierby gewysig deur die woorde „hierdie Wet” deur die woorde „die regulasies wat die soort en vorm van die registers voorskryf wat 'n registrateur moet open en hou,” te vervang.

Wysiging van artikel 14 van Wet 47 van 1937, soos gewysig deur artikel 7 van Wet 43 van 1957.

7. Artikel *veertien* van die Hoofwet word hierby gewysig—
(a) deur in voorbehoudsbepaling (iii) by paragraaf (*b*) van sub-artikel (1) na die woord „erfgename” oral waar dit daarin voorkom die woorde „en legatarisse” in te voeg;
(b) deur voorbehoudsbepaling (vi) by gemelde paragraaf deur die volgende voorbehoudsbepaling te vervang:
„(vi) indien 'n fidusiêre belang in grond of in 'n saaklike reg eindig voordat transport van die grond of sessie van die saaklike reg ten gunste van die fiduciarius geregistreer is, dit geoorloof is om die grond of die saaklike reg direk aan die fidei-commissarius te transporteer of sedeer;” en
(c) deur by gemelde paragraaf die volgende voorbehoudsbepaling te voeg:
„(vii) indien die reg van iemand om transport van daardie grond of sessie van daardie saaklike reg van 'n ander persoon te eis op 'n derde persoon oorgegaan het ingevolge 'n uitspraak of bevel van 'n hof (met inbegrip van 'n magistratshof) of ingevolge 'n verkoping in eksekusie gehou ooreenkomstig so 'n uitspraak of bevel, transport van daardie grond of sessie van daardie saaklike reg regstreeks aan daardie persoon gepasseer kan word deur die persoon teen wie daardie reg afdwingbaar was.”

Wysiging van artikel 17 van Wet 47 van 1937, soos gewysig deur artikel 1 van Wet 15 van 1953, artikel 1 van Wet 37 van 1953 en artikel 8 van Wet 43 van 1957.

8. Artikel *sewentien* van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:
„(3) Onroerende goed, verbande of ander saaklike regte mag nie getransporteer of gesedeer word aan, of geregistreer word op naam van, 'n vrou wat in gemeenskap van goedere getroud is nie, behalwe wanneer daardie goed, verbande of saaklike regte volgens wet of volgens 'n voorwaarde van 'n bemaking of skenking van die gemeenskap uitgesluit is of wanneer daardie goed 'n hoewe is soos omskryf in artikel *een* van die Nedersettingswet, 1956 (Wet No. 21 van 1956).”

Invoeging van artikel 24*bis* in Wet 47 van 1937.

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

„Transport uit firma of vennootskap. 24*bis*. (1) Indien grond of 'n saaklike reg wat op naam van 'n firma of vennootskap geregistreer staan deur 'n lid of vennoot van daardie firma of vennootskap in sy individuele hoedanigheid verkry word, word transport of sessie daarvan gegee deur al die lede of vennote wat daardie firma of vennootskap uitmaak: Met dien verstande dat in enige ander geval oor grond of saaklike regte wat aan 'n firma of vennootskap behoort, deur daardie firma of vennootskap beskik kan word volgens voorskrif van die regulasies.

(2) Indien by ontbinding van 'n firma of vennootskap grond of 'n saaklike reg wat aan daardie firma of vennootskap behoort, aan al die lede of vennote toegewys word, moet die registrateur op skriftelike aansoek geteken deur al die lede of vennote wat daardie firma of vennootskap uitmaak, vergesél van bewys van ontbinding en sodanige ander dokumente wat verlang of voorgeskryf word, op die titelbewys

held immediately prior to the registration of the deed which is cancelled, shall be revived to the extent of such cancellation, and the registrar shall cancel the relevant endorsement thereon evidencing the registration of the cancelled deed.”.

4. Section *eight* of the principal Act is hereby repealed. Repeal of section 8 of Act 47 of 1937.
5. Section *ten* of the principal Act is hereby amended—
 (a) by the addition at the end of paragraph (d) of sub-section (1) of the words “and the time within which any deed shall be executed;”; and
 (b) by the insertion in paragraph (g) of the said sub-section after the words “loose-leaf registers” of the words “or a card index system”. Amendment of section 10 of Act 47 of 1937, as amended by section 5 of Act 43 of 1957.
6. Section *twelve* of the principal Act is hereby amended by the substitution for the words “this Act” of the words “the regulations prescribing the description and form of the registers to be opened and kept by a registrar,”. Amendment of section 12 of Act 47 of 1937.
7. Section *fourteen* of the principal Act is hereby amended—
 (a) by the insertion in proviso (iii) to paragraph (b) of sub-section (1) after the word “heirs” wherever it occurs therein of the words “and legatees”;
 (b) by the substitution for proviso (vi) to the said paragraph of the following proviso:
 “(vi) if a fiduciary interest in land or in a real right terminates before transfer of the land or cession of the real right has been registered in favour of the fiduciary, it shall be competent to transfer the land or cede the real right direct to the fideicommissary;”; and
 (c) by the addition to the said paragraph of the following proviso:
 “(vii) if the right of any person to claim transfer of such land or cession of such real right from any other person has been vested in any third person in terms of any judgment or order of any court (including a magistrate’s court), or in terms of a sale in execution held pursuant to any such judgment or order, transfer of such land or cession of such real right may be passed direct to such third person by the person against whom such right was exercisable.”. Amendment of section 14 of Act 47 of 1937, as amended by section 7 of Act 43 of 1957.
8. Section *seventeen* of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-section:
 “(3) Immovable property, bonds or other real rights shall not be transferred or ceded to, or registered in the name of, a woman married in community of property, save where such property, bonds or real rights are by law or by a condition of a bequest or donation excluded from the community or where such property is a holding as defined in section *one* of the Land Settlement Act, 1956 (Act No. 21 of 1956).”. Amendment of section 17 of Act 47 of 1937, as amended by section 1 of Act 15 of 1953, section 1 of Act 37 of 1953 and section 8 of Act 43 of 1957.
9. The following section is hereby inserted in the principal Act after section *twenty-four*:
 “Transfer from firm or partnership. **24bis.** (1) If land or a real right registered in the name of a firm or partnership is acquired by any member or partner of such firm or partnership in his individual capacity, transfer or cession thereof shall be given by all the members or partners constituting such firm or partnership: Provided that in any other case land or real rights owned by a firm or partnership may be dealt with by such firm or partnership as provided in the regulations.
 (2) If on dissolution of a firm or partnership any land or real right owned by such firm or partnership is awarded to all the members or partners, the registrar shall on written application signed by all the members or partners constituting such firm or partnership, accompanied by proof of dissolution and such other documents as may be required or prescribed, endorse on the title deed of the land Insertion of section 24bis in Act 47 of 1937.

van die grond of saaklike reg aanteken dat daardie grond of saaklike reg oorgegaan het op die individue daarin genoem, en daarop is bedoelde persone geregtig om daarvoor te beskik asof hulle formele transport of sessie op hulle name van hulle aandele in daardie grond of saaklike reg geneem het.”.

Wysiging van artikel 25 van Wet 47 van 1937. 10. Artikel *vyf-en-twintig* van die Hoofwet word hierby gewysig—

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

„(1) Indien grond of 'n saaklike reg of 'n verband aan kinders wat gebore is of nog moet gebore word uit 'n persoon of uit 'n huwelik, geskenk of nagelaat is of op 'n ander manier ten behoeve van daardie kinders verkry word, kan transport van die grond of sessie van die saaklike reg of verband ten behoeve van die kinders, in die geval van kinders wat gebore is of nog moet gebore word uit 'n persoon, aan daardie persoon, en in die geval van kinders wat gebore is of nog moet gebore word uit 'n huwelik, aan die persoon wat die voog van die kinders gedurende hulle minderjarigheid sou wees, gepasseer word in trust vir daardie kinders.”;

(b) deur in sub-artikel (2) na die woord „grond” die woorde „of 'n saaklike reg of 'n verband” in te voeg; en deur in gemelde sub-artikel na die woord „transport” oral waar dit voorkom die woorde „of sessie” in te voeg;

(c) deur in sub-artikel (3) die woord „transportakte” oral waar dit voorkom deur die woorde „titelbewys of verband” te vervang; deur in gemelde sub-artikel na die woord „transport” die woorde „of sessie” in te voeg; en deur aan die end van gemelde sub-artikel die woorde „nieteenstaande die bepaling van sub-artikel (3) van artikel *sewentien*.” by te voeg.

Wysiging van artikel 26 van Wet 47 van 1937, soos gewysig deur artikel 11 van Wet 43 van 1957. 11. Artikel *ses-en-twintig* van die Hoofwet word hierby gewysig deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis* 'n Verdelingsooreenkoms vermeld in sub-artikel (1) kan regte op minerale op die grond wat verdeel moet word, van die verdeling uitsluit: Met dien verstande dat indien die aandeel of aandele wat aan een van die partye tot 'n verdeling behoort, blykens die titelbewyse van bedoelde grond onderworpe is aan 'n uithouding of sessie of uitsluiting van regte op minerale, dan moet die verdelingsooreenkoms alle regte op minerale op die grond wat verdeel moet word van die verdeling uithou en mag die verdelingstransporte nie geattesteer word nie tensy die regte op minerale aldus uitgehou word.”.

Wysiging van artikel 28 van Wet 47 van 1937. 12. Artikel *aght-en-twintig* van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (1) na die woord „reg” waar dit die eerste maal voorkom die woorde „(uitgesonderd 'n reg op minerale)” in te voeg; en deur in gemelde sub-artikel na die woord „daarvan” die woorde „tot die verdeling en plaasaanwysing van die huurkontrak, serwituut of sodanige ander saaklike reg,” in te voeg; en

(b) deur in sub-artikel (3) na die woord „daarvan” die woorde „tot die verdeling en plaasaanwysing van die huurkontrak, serwituut of sodanige ander saaklike reg,” in te voeg.

Wysiging van artikel 31 van Wet 47 van 1937, soos gewysig deur artikel 13 van Wet 43 van 1957. 13. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (5) na die woord „akte” die woorde „deur die onteienende gesag” in te voeg;

(b) deur aan die end van paragraaf (a) van sub-artikel (6) die volgende voorbehoudsbepaling by te voeg:

„Met dien verstande dat van die voormelde onteieningsplanne afgesien moet word waar die geheel van 'n stuk grond onteien is.”; en

(c) deur in sub-artikel (7) die woorde „'n deel van” te skrap.

Wysiging van artikel 32 van Wet 47 van 1937, soos gewysig deur artikel 14 van Wet 43 van 1957. 14. Artikel *twee-en-dertig* van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (1) na die woord „serwituut” oral waar dit voorkom en na die woord „grond” waar dit vir die tweede en derde maal voorkom, die woorde „of reg op minerale” in te voeg; en

or real right that such land or real right vests in the individuals therein named, and thereupon such persons shall be entitled to deal therewith as if they had taken formal transfer or cession in their names of their shares in such land or real right."

10. Section *twenty-five* of the principal Act is hereby amended— Amendment of section 25 of Act 47 of 1937.

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

"(1) If land or a real right or a bond is donated or bequeathed to the children born or to be born of any person or of any marriage, or is otherwise acquired on behalf of such children, transfer of the land or cession of the real right or bond on behalf of such children may be passed in the case of children born or to be born of a person, to that person in trust for such children, and in the case of children born or to be born of a marriage, to the person who would be the guardian of those children during their minority, in trust for such children.";

(b) by the insertion in sub-section (2) after the word "land" of the words "or a real right or a bond"; and by the insertion in the said sub-section after the word "transfer" wherever it occurs of the words "or cession"; and

(c) by the substitution in sub-section (3) for the words "transfer deed" wherever they occur of the words "title deed or bond"; by the insertion in the said sub-section after the word "transfer" where it occurs for the third time of the words "or cession"; and by the addition at the end of the said sub-section of the words "notwithstanding the provisions of sub-section (3) of section *seventeen*."

11. Section *twenty-six* of the principal Act is hereby amended by the insertion after sub-section (1) of the following sub-section: Amendment of section 26 of Act 47 of 1937, as amended by section 11 of Act 43 of 1957.

"(1)*bis* Any agreement of partition referred to in sub-section (1) may exclude from partition any rights to minerals in the land to be partitioned: Provided that if the share or shares owned by any of the parties to a partition appear from the title deeds of the said land to be subject to a reservation or cession or exclusion of any rights to minerals, then the agreement of partition shall exclude from partition all rights to minerals in the land to be partitioned and the partition transfers shall not be attested unless the rights to minerals are so excluded."

12. Section *twenty-eight* of the principal Act is hereby amended— Amendment of section 28 of Act 47 of 1937.

(a) by the insertion in sub-section (1) after the word "right" where it occurs for the first time of the words "(excluding any rights to minerals)"; and by the insertion in the said sub-section after the word "thereof" of the words "to the partition and allocation of the lease, servitude or such other real right,"; and

(b) by the insertion in sub-section (3) after the word "thereof" of the words "to the partition and allocation of the lease, servitude or such other real right,".

13. Section *thirty-one* of the principal Act is hereby amended— Amendment of section 31 of Act 47 of 1937, as amended by section 13 of Act 43 of 1957.

(a) by the insertion in sub-section (5) after the word "deed" of the words "by the expropriating authority";

(b) by the addition at the end of paragraph (a) of sub-section (6) of the following proviso:

"Provided that the aforementioned expropriation plans shall be dispensed with where the whole of a piece of land has been expropriated."; and

(c) by the deletion in sub-section (7) of the words "a portion of".

14. Section *thirty-two* of the principal Act is hereby amended— Amendment of section 32 of Act 47 of 1937, as amended by section 14 of Act 43 of 1957.

(a) by the insertion in sub-section (1) after the word "servitude" wherever it occurs and after the word "land" where it occurs for the second and third times, of the words "or right to minerals"; and

(b) deur in sub-artikel (2) na die woord „grond” die woorde „of reg op minerale” in te voeg; en deur in gemelde sub-artikel na die woord „serwituut” die woorde „of die reg op minerale” in te voeg.

Vervanging van artikel 33 van Wet 47 van 1937.

15. Artikel *drie-en-dertig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Registrasie van titel deur 'n ander prosedure as die gewone.

33. (1) Iemand wat op 'n ander wyse as deur onteining die reg op die eiendom van onroerende goed op naam van 'n ander persoon geregistreer, verkry het, en wat nie in staat is om registrasie daarvan op sy naam op die gewone wyse en ooreenkomstig die volgorde van die agtereenvolgende regshandelings of erfopvolgings uit kragte waarvan die reg op die eiendom van daardie goed op hom oorgegaan het, te verkry nie, kan by die hof by petisie aansoek doen om 'n bevel wat die registrasie van daardie goed op sy naam magtig.

(2) Indien belastings wat behoorlik deur 'n bevoegde plaaslike owerheid ten opsigte van onbewoonde onroerende goed gehef is, nie vir 'n tydperk van vyf jaar betaal is nie, kan die plaaslike owerheid met die toestemming van die Administrateur en na publikasie en diening van die kennisgewings wat in die toepaslike Ordonnansies voorgeskryf word, by die hof by petisie aansoek doen om 'n bevel wat die beslaglegging op en verkoop van daardie goed en registrasie van transport aan die koper in die voorgeskrewe vorm magtig en wat voorskrifte gee oor hoe oor die verkoopprijs beskik moet word.

(3) Elke petisie aan die hof kragtens die bepaling van hierdie artikel moet by die registrateur van bedoelde hof ingedien word en die bewerings in daardie petisie moet gestaaf word deur beëdigde verklarings en alle beskikbare dokumentêre getuienis wat die applikant in staat mag wees om voor te lê.

(4) Elke sodanige petisie word voorgelê aan een van die regters in die kamerhof, wat die bevel daarop uitreik wat hy goetvind, en so 'n regter kan beveel dat enige aangeleentheid wat uit so 'n petisie voortspuit voor die volle hof beredeneer en deur daardie hof beslis moet word.

(5) Die hof wat 'n petisie om registrasie van titel oorweeg, kan, as die hof dit raadsaam ag om dit te doen, 'n bevel *nisi* toestaan waarin uiteengesit word 'n beskrywing van die onroerende goed in die petisie genoem en waarin op alle persone wat beweer dat hulle enige reg op of titel tot daardie goed het 'n beroep gedoen word om op 'n dag in die bevel genoem te word, te verskyn en hulle aanspraak daarop bewys, en kan voorskrifte gee aangaande die metode van bestelling of publikasie van die bevel.

(6) Op die keurdag van so 'n bevel toegestaan soos voormeld en as geen gronde daarteen aangevoer word nie, kan die hof die registrateur van aktes beveel om die in die bevel genoemde goed te registreer as die eiendom van die persoon daarin vermeld, onderworpe aan die bedinge en voorwaardes daarin vermeld.

(7) Ingeval iemand verskyn om gronde aan te voer teen 'n bevel *nisi* toegestaan soos voormeld, kan die hof, as hy dit goetvind om dit te doen, en sonder die uitreiking van 'n dagvaarding, vereis dat 'n feite-geskilpunt verhoor word op pleitstukke of kan hy 'n bevel uitreik wat die geskilpunt sal besleg.

(8) Behoudens die bepaling van 'n bevel kragtens hierdie artikel uitgereik, word 'n akte van transport wat ooreenkomstig so 'n bevel geregistreer word, geregistreer onderworpe aan elke voorwaarde, serwituut, verband of ander las waaraan die goed waarop die aansoek betrekking het, volgens die registers van die registrasiekantoor, onderworpe is, en die registrateur maak in verband met so 'n voorwaarde, serwituut, verband of ander las, die gebruiklike en gepaste inskrywings en endossemente op of ten opsigte van daardie akte van transport in sy registrasiekantoor voordat die akte aan die applikant oorhandig word.

- (b) by the insertion in sub-section (2) after the word "land" of the words "or right to minerals"; and by the insertion in the said sub-section after the word "servitude" of the words "or the right to minerals".

15. The following section is hereby substituted for section *thirty-three* of the principal Act: Substitution of section 33 of Act 47 of 1937.

'Registra-
tion of title
by other
than the
ordinary
procedure.

33. (1) Any person who has acquired in any manner, other than by expropriation, the right to the ownership of immovable property registered in the name of any other person and who is unable to procure registration thereof in his name in the usual manner and according to the sequence of the successive transactions or successions in pursuance of which the right to the ownership of such property has devolved upon him, may apply to the court by petition for an order authorizing the registration in his name of such property.

(2) If rates, duly levied by any competent local authority in respect of unoccupied immovable property, have not been paid for a period of five years, the local authority with the consent of the Administrator and after publication and service of the notices prescribed in the relevant Ordinances, may apply to the court by petition for an order authorizing the attachment and sale of such property and registration of transfer to the purchaser in the prescribed form and giving directions as to the disposal of the purchase price.

(3) Every petition to the court under the provisions of this section shall be lodged with the registrar of the said court and the allegations contained in such petition shall be supported by sworn declarations and all available documentary evidence which the applicant may be able to adduce.

(4) Every such petition shall be laid before one of the judges in chambers, who shall make such order thereon as to him shall seem fit, and any such judge may order that any matter arising upon any such petition shall be argued before and determined by the full court.

(5) The court considering any petition for registration of title, may, if such court shall deem it expedient to do so, grant a rule *nisi* setting forth the description of the immovable property mentioned in such petition, and calling upon all persons claiming to have any right or title to such property to appear and establish their claims to the same upon a day to be named in the rule, and may give directions as to the mode of service or publication of such rule.

(6) Upon the return day of any such rule granted as aforesaid, and no cause being shown to the contrary, the court may order the registrar of deeds to register the property mentioned in such order as the property of the person therein named, subject to such terms and conditions as may be therein mentioned.

(7) In case any person should appear to show cause against any rule *nisi* granted as aforesaid, the court may, if it shall see fit to do so, and without the issue of any summons, require any issue of fact to be tried upon pleadings or make such order as will determine the matter in controversy.

(8) Subject to the terms of any order made under this section any deed of transfer passed in pursuance of such order shall be passed subject to every condition, servitude, bond or other encumbrance to which, according to the records of the deeds registry, the property to which the application relates, is subject, and the registrar shall, in connection with such condition, servitude, bond or other encumbrance, make the usual and proper entries and endorsements upon or in respect of such deed of transfer in his registry, before such deed is delivered to the applicant.

(9) Die registrasie van onroerende goed op naam van iemand ooreenkomstig 'n bevel kragtens hierdie artikel uitgereik het die uitwerking dat daar op daardie persoon oorgaan 'n titel tot bedoelde goed wat onderhewig is aan vernietiging, beperking of verandering op elke grond waarop die titel van daardie persoon aan vernietiging, beperking of verandering onderhewig sou gewees het as daardie goed op die gewone wyse aan daardie persoon getranspoteer was.

(10) Indien die registrateur van aktes ooreenkomstig 'n kragtens hierdie artikel uitgereikte bevel enige goed op naam van iemand registreer, is daardie persoon aanspreeklik vir die betaling van die belasting, regte en kantoorgelde ten opsigte van die registrasie vir die betaling waarvan hy aanspreeklik sou gewees het as die goed van die laasgeregistreerde eienaar daarvan op die gewone wyse direk aan hom getranspoteer was, maar is hy nie aanspreeklik vir die betaling van enige belasting, reg, rekonie of rente daarop vir die betaling waarvan daardie eienaar of enige tussenhouer van die reg op daardie goed aanspreeklik mag geword het nie, tensy hy hom by ooreenkoms gebind het om daardie belasting, reg, rekonie of rente te betaal of tensy die vertraging by die verkryging van registrasie op sy naam te wyte was aan die nalatigheid of versuim van homself of sy agent: Met dien verstande dat iemand wat aanspreeklik geword het om enige belasting, reg, rekonie of rente ten opsigte van goed te betaal aldus aanspreeklik bly nieteenstaande dat daardie goed ooreenkomstig 'n kragtens hierdie artikel uitgereikte bevel op naam van iemand anders geregistreer is.

(11) By voorlegging aan die registrateur van aktes van 'n kragtens hierdie artikel uitgereikte bevel en van 'n sertifikaat deur die bevoegde beampte aangaande die betaling van hereregte, indien daar hereregte betaalbaar is, wat die in die bevel genoemde persoon aanspreeklik is om te betaal, en na voldoening aan enige ander vereistes waaraan kragtens hierdie Wet voldoen moet word, registreer die registrateur die goed ooreenkomstig bedoelde bevel deur die ondertekening van 'n akte van transport daarvan in die voorgeskrewe vorm ten gunste van die persoon in die bevel genoem."

(12) Die bepaling van hierdie artikel is bykomend by en nie ter vervanging nie van die bepaling van enige ander wet.

Wysiging van artikel 40 van Wet 47 van 1937, soos gewysig deur artikel 18 van Wet 43 van 1957.

16. Artikel *veertig* van die Hoofwet word hierby gewysig deur in paragraaf (e) van sub-artikel (1) na die woord „dieselfde” die woord „administratiewe” in te voeg; en deur in gemelde paragraaf die woorde „afdeling of graafskap” te skrap.

Wysiging van artikel 42 van Wet 47 van 1937.

17. Artikel *twee-en-veertig* van die Hoofwet word hierby gewysig deur in paragraaf (b) van sub-artikel (1) na die woord „dieselfde” die woord „administratiewe” in te voeg; en deur in gemelde paragraaf die woorde „afdeling of graafskap” te skrap.

Wysiging van artikel 44 van Wet 47 van 1937.

18. Artikel *vier-en-veertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „titelbewys” waar dit die tweede en derde maal voorkom deur die woorde „voormelde aktes” te vervang.

Wysiging van artikel 45 van Wet 47 van 1937, soos gewysig deur artikel 20 van Wet 43 van 1957.

19. Artikel *vyf-en-veertig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „die langsliewende eggenoot en van die eksekuteur in die boedel van die oorlede eggenoot” deur die woorde „die eksekuteur in die boedel van die oorlede eggenoot en van die langsliewende eggenoot behalwe waar die langsliewende eggenoot as eksekuteur geteken het,” te vervang;
- (b) deur na paragraaf (a) van sub-artikel (2) die volgende paragraaf in te voeg:
„(a)*bis* daardie goed of die aandeel van die oorlede eggenoot daarin van die verband vrygestel word; of”;
- (c) deur in paragraaf (b) van gemelde sub-artikel na die woord „word” die woorde „en die langsliewende volle

(9) The registration of immovable property in the name of any person in pursuance of an order made under this section shall have the effect of vesting such person with a title to such property which shall be liable to be annulled, limited or altered on every ground on which the title of such person to such property would have been liable to be annulled, limited or altered if such property had been transferred to such person in the ordinary course.

(10) If in pursuance of any order made under this section the registrar of deeds registers any property in the name of any person, such person shall be liable to pay such taxes, duties and fees of office in respect of such registration as he would have been liable to pay if such property had been transferred to him in the usual manner directly from the last registered owner thereof, but shall not be liable to pay any tax, duty, quitrent or interest thereon which such owner or any intermediate holder of the right to such property may have become liable to pay, unless he shall by agreement have bound himself to pay such tax, duty, quitrent or interest, or unless the delay in obtaining the registration in his name was due to the neglect or default of himself or his agent: Provided that any person who has become liable to pay any tax, duty, quitrent or interest in respect of any property shall continue to be so liable notwithstanding that such property has, in pursuance of an order made under this section, been registered in the name of another person.

(11) Upon production to the registrar of deeds of any order made under this section and of a certificate by the proper officer as to the payment of the transfer duty, if any, which the person named in the order is liable to pay, and on compliance with any other requirements which have under this Act to be complied with, the registrar shall register such property in accordance with the said order, by executing a deed of transfer thereof in the prescribed form in favour of the person named in the order."

(12) The provisions of this section shall be in addition to and not in substitution for the provisions of any other law.

16. Section *forty* of the principal Act is hereby amended by the insertion in paragraph (e) of sub-section (1) after the word "same" of the word "administrative"; and by the deletion in the said paragraph of the words "division or county".

Amendment of section 40 of Act 47 of 1937, as amended by section 18 of Act 43 of 1957.

17. Section *forty-two* of the principal Act is hereby amended by the insertion in paragraph (b) of sub-section (1) after the word "same" of the word "administrative"; and by the deletion in the said paragraph of the words "division or county".

Amendment of section 42 of Act 47 of 1937.

18. Section *forty-four* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "title deed" where they occur for the second and third times, of the words "aforesaid deeds".

Amendment of section 44 of Act 47 of 1937.

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

Amendment of section 45 of Act 47 of 1937, as amended by section 20 of Act 43 of 1957.

(a) by the substitution in sub-section (1) for the words "such survivor and by the executor in the estate of the deceased spouse" of the words "the executor in the estate of the deceased spouse and by such survivor save where such survivor has signed as executor";

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

"(a)*bis* the said property or the share of the deceased spouse therein is released from the bond; or";

(c) by the insertion in paragraph (b) of the said sub-section after the word "bond" of the words "and the survivor

aanspreeklikheid aanvaar vir die hele skuld van die gesamentlike boedel daaronder;" in te voeg; en
 (d) deur die volgende sub-artikel daarby te voeg:
 „(5) 'n Verwysing in hierdie artikel na 'n verband sluit 'n las ten gunste van die Land- en Landboubank van Suid-Afrika of 'n Staatsdepartement in.”.

Wysiging van artikel 45*bis* van Wet 47 van 1937, soos ingevoeg deur artikel 21 van Wet 43 van 1957.

20. Artikel *vyf-en-veertig bis* van die Hoofwet word hierby gewysig deur die volgende sub-artikel daarby te voeg:
 „(3) Die verwysing in sub-artikel (2) na 'n verband sluit 'n las ten gunste van die Land- en Landboubank van Suid-Afrika of 'n Staatsdepartement in.”.

Wysiging van artikel 47 van Wet 47 van 1937.

21. Artikel *sewe-en-veertig* van die Hoofwet word hierby gewysig deur in paragraaf (b) van die voorbehoudsbepaling na die woord „grond” die woorde „of die verhipotekering daarvan of die beskikking daarop op 'n ander manier” in te voeg.

Wysiging van artikel 52 van Wet 47 van 1937, soos gewysig deur artikel 23 van Wet 43 van 1957.

22. Artikel *twee-en-vyftig* van die Hoofwet word hierby gewysig deur na die woord „aangegee” die woorde „of die bedrag soos verminder” in te voeg.

Wysiging van artikel 55 van Wet 47 van 1937, soos gewysig deur artikel 25 van Wet 43 van 1957.

23. Artikel *vyf-en-vyftig* van die Hoofwet word hierby gewysig deur na sub-artikel (1) die volgende sub-artikel in te voeg:
 „(1)*bis* Indien 'n verband deur twee of meer verbandgewers gepasseer word kan geen afstand van voorrang deur die verbandhouer ten gunste van 'n verdere verband op die eiendom van een van die verbandgewers, sonder skriftelike toestemming van die ander verbandgewer of verbandgewers, geregistreer word nie.”.

Wysiging van artikel 57 van Wet 47 van 1937, soos gewysig deur artikel 27 van Wet 43 van 1957.

24. Artikel *sewe-en-vyftig* van die Hoofwet word hierby gewysig—
 (a) deur in sub-artikel (1) na die woord „verband” waar dit die eerste maal voorkom die woorde „wat nie 'n verband tot versekering van die verpligtings van 'n borg is nie,” in te voeg;
 (b) deur in die voorbehoudsbepaling by gemelde sub-artikel na die woord „verband” die woorde „vir die bedrag van die skuld daarin geopenbaar of vir 'n minder bedrag,” in te voeg; en
 (c) deur in paragraaf (a) van sub-artikel (2) die woorde „in die voorgeskrewe vorm” te skrap.

Wysiging van artikel 62 van Wet 47 van 1937, soos vervang deur artikel 2 van Wet 15 van 1953 en gewysig deur artikel 29 van Wet 43 van 1957.

25. Artikel *twee-en-sestig* van die Hoofwet word hierby gewysig—
 (a) deur in sub-artikel (6) die woorde „Die bepalings van sub-artikel (2) van artikel *een-en-sestig* is ten opsigte van die registrasie in die eerste registrasiekantoor van toepassing.” te skrap; en
 (b) deur by gemelde sub-artikel die volgende voorbehoudsbepaling te voeg:
 „Met dien verstande dat in die geval waar gelyktydige registrasie in meer dan een registrasiekantoor nodig is, die registrateurs ten opsigte van die ander registrasiekantore elk een duplikaat of grosse of 'n deur 'n notaris gewaarmerkte afskrif daarvan kan aanneem vir registrasie en vir bewaring as die registrasiekantoor se duplikaat, en by oorlegging van die oorspronklike verbandakte geregistreer in die eerste registrasiekantoor die feite van registrasie in daardie ander registrasiekantore daarop moet aantekene, en op dieselfde manier die feite van registrasie in ander registrasiekantore op die registrasiekantoor se duplikaat aantekene.”.

Wysiging van artikel 63 van Wet 47 van 1937.

26. Artikel *drie-en-sestig* van die Hoofwet word hierby gewysig—
 (a) deur in sub-artikel (1) na die woord „staan” die woorde „en geen voorwaarde wat nie die uitoefening van eiendomsreg in verband met onroerende goed beperk nie,” in te voeg; en
 (b) deur sub-artikel (2) te skrap.

Wysiging van artikel 65 van Wet 47 van 1937, soos gewysig deur artikel 30 van Wet 43 van 1957.

27. Artikel *vyf-en-sestig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:
 „(1) Behalwe soos in 'n ander wet bepaal word, kan 'n persoonlike serwituut gevestig word deur middel van 'n akte onderteken deur die eienaar van die grond wat daardeur beswaar word en die persoon ten gunste van wie

- assumes full liability for all the indebtedness of the joint estate thereunder;" and
- (d) by the addition thereto of the following sub-section:
 "(5) Any reference in this section to a bond shall include a charge in favour of the Land and Agricultural Bank of South Africa or any Department of State."
- 20.** Section *forty-five bis* of the principal Act is hereby amended by the addition thereto of the following sub-section: Amendment of section 45*bis* of Act 47 of 1937, as inserted by section 21 of Act 43 of 1957.
 "(3) The reference in sub-section (2) to a bond shall include a charge in favour of the Land and Agricultural Bank of South Africa or any Department of State."
- 21.** Section *forty-seven* of the principal Act is hereby amended by the insertion in paragraph (b) of the proviso after the word "transferred" of the words "or mortgaged or otherwise dealt with". Amendment of section 47 of Act 47 of 1937.
- 22.** Section *fifty-two* of the principal Act is hereby amended by the addition at the end thereof of the words "or the amount as reduced.". Amendment of section 52 of Act 47 of 1937, as substituted by section 23 of Act 43 of 1957.
- 23.** Section *fifty-five* of the principal Act is hereby amended by the insertion after sub-section (1) of the following sub-section: Amendment of section 55 of Act 47 of 1937, as amended by section 25 of Act 43 of 1957.
 "(1)*bis* If a bond is passed by two or more mortgagors, no waiver of preference by the mortgagee in favour of a further mortgage bond over the property of one of the mortgagors may be registered without the written consent of the other mortgagor or mortgagors."
- 24.** Section *fifty-seven* of the principal Act is hereby amended— Amendment of section 57 of Act 47 of 1937, as amended by section 27 of Act 43 of 1957.
 (a) by the insertion in sub-section (1) after the word "bond" where it occurs for the first time, of the words "other than a mortgage bond to secure the obligations of a surety";
 (b) by the addition at the end of the proviso to the said sub-section of the words "for the amount of the debt disclosed therein or for a lesser amount."; and
 (c) by the deletion in paragraph (a) of sub-section (2) of the words "in the prescribed form".
- 25.** Section *sixty-two* of the principal Act is hereby amended— Amendment of section 62 of Act 47 of 1937, as substituted by section 2 of Act 15 of 1953 and amended by section 29 of Act 43 of 1957.
 (a) by the deletion in sub-section (6) of the words "The provisions of sub-section (2) of section *sixty-one* shall apply in respect of the registration in the first registry."; and
 (b) by the addition to the said sub-section of the following proviso:
 "Provided that in the event of simultaneous registration in more than one deeds registry being necessary, the registrars in respect of the other registries may each accept one duplicate or grosse or a copy thereof certified by a notary, for registration and for filing as the registry duplicate and on production of the original bond registered in the first registry, shall endorse thereon the facts of registration in such other registries, and similarly record on the registry duplicate facts of registration in other registries."
- 26.** Section *sixty-three* of the principal Act is hereby amended— Amendment of section 63 of Act 47 of 1937.
 (a) by the insertion in sub-section (1) after the word "right" of the words "and no condition which does not restrict the exercise of any right of ownership"; and
 (b) by the deletion of sub-section (2).
- 27.** Section *sixty-five* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section: Amendment of section 65 of Act 47 of 1937, as amended by section 30 of Act 43 of 1957.
 "(1) Save as provided in any other law, a personal servitude may be created by means of a deed executed by the owner of the land encumbered thereby and the person in whose favour it is created, and attested by a

dit gevestig word en geattesteer deur 'n notaris: Met dien verstande dat in die geval van 'n serwituut ten gunste van die publiek of van alle of sommige eienaars of okkupeerders van erwe of persele in 'n dorp of nedersetting, die registrator bedoelde akte kan registreer sonder dat dit deur die persone ten gunste van wie die serwituut gevestig word, onderteken is, indien dit na sy mening ondoenlik is om bedoelde akte deur daardie persone te laat onderteken: Met dien verstande voorts dat waar dit verlang word om 'n pad of deurgang ten gunste van die publiek te registreer gelyktydig met die registrasie van 'n onderverdeling wat dit dien, dit op dergelyke wyse en sonder registrasie van 'n notariële akte geoorloof is om dit te registreer in die akte wat betrekking het op die onderverdeling en ook om die titelbewys van die restant dienoooreenkomstig te endosseer: Met dien verstande voorts dat voorwaardes wat die uitoefening van eiendomsreg op onroerende goed beperk, vervat mag wees in 'n transportakte van daardie onroerende goed wat ter registrasie aangebied word indien daardie voorwaardes afgedwing kan word deur iemand wat in die transportakte genoem word of, indien hy nie daarin genoem word nie, wie se identiteit uit die gegewens op die transportakte of uit ander gegewens vasgestel kan word en daardie persoon, indien bepaalbaar, sy aanname van daardie reg te kenne gegee het."

Wysiging van artikel 70 van Wet 47 van 1937, soos gewysig deur artikel 32 van Wet 43 van 1957.

28. Artikel *sewentig* van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (4) die woorde „kragtens enige bepaling van hierdie Wet” en die voorbehoudsbepaling by daardie sub-artikel te skrap; en

(b) deur die volgende sub-artikels daarby te voeg:

„(5) Ondanks andersluidende bepalings van hierdie Wet of enige ander wet, kan enige persoon te eniger tyd 'n sertifikaat van regte op minerale verkry ten opsigte van alle regte op minerale deur hom gehou onder dieselfde titel as dié waaronder hy die geregistreerde eienaar van die grond is.

(6) Die in sub-artikel (5) bedoelde sertifikaat van regte op minerale word in die voorgeskrewe vorm uitgereik deur die registrator op die skriftelike aansoek van die eienaar vergesél van die titelbewys waaronder die regte op minerale gehou word, saam met enige verband of ander akte waaraan die voornoemde regte onderworpe is, en die toestemming van die houer daarvan, en die registrator maak die aantekeninge op die toepaslike aktes wat nodig is om gevolg te gee aan die uitreiking van daardie sertifikaat."

Wysiging van artikel 71 van Wet 47 van 1937.

29. Artikel *een-en-sewentig* van die Hoofwet word hierby gewysig deur na sub-artikel (2) die volgende sub-artikel in te voeg:

„(2)*bis* (a) As iemand wat die besitter is van regte op minerale voor die inwerkingtreding van hierdie Wet voorbehou ten opsigte van grond waarop 'n dorp of nedersetting voor of na die inwerkingtreding van hierdie Wet gestig is, skriftelik daarom by die registrator aansoek doen, kan die registrator, ondanks die bepalings van paragraaf (a) van sub-artikel (2), aan so iemand 'n sertifikaat van regte op minerale in die voorgeskrewe vorm uitreik ten opsigte van bedoelde regte sonder die voorlegging van die titelbewys van elke erf, perseel of ander stuk grond in so 'n dorp of nedersetting wat aan daardie voorbehoud van regte op minerale onderworpe is.

(b) By die uitreiking van so 'n sertifikaat laat die registrator 'n paslike aantekening aanbring in die betrokke dorp- of nedersettingsregisters en daarna word elke erf, perseel of ander stuk grond wat aan die oorspronklike voorbehoud van regte op minerale onderworpe is, geag aan daardie sertifikaat onderworpe te wees."

Wysiging van artikel 72 van Wet 47 van 1937, soos gewysig deur artikel 33 van Wet 43 van 1957.

30. Artikel *twee-en-sewentig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) na die woord „Kroongrond” die woorde „of grond toegeken of getranspoteer onder voorbehoud van regte op minerale ten gunste van die Staat” in te voeg.

Wysiging van artikel 73 van Wet 47 van 1937.

31. Artikel *drie-en-sewentig* van die Hoofwet word hierby gewysig—

notary public: Provided that in the case of a servitude in favour of the public or of all or some of the owners or occupiers of erven or lots in a township or settlement, the registrar may, if in his opinion it is impracticable to require such deed to be executed by the persons in whose favour the servitude is created, register such deed notwithstanding the fact that it has not been executed by such persons: Provided further that where it is desired to register a road or thoroughfare in favour of the public at the same time as the registration of a subdivision which it serves, it shall in like manner and without the registration of a notarial deed be permissible to register it in the deed relating to the subdivision and also to endorse the deed of the remainder accordingly: Provided further that conditions which restrict the exercise of any right of ownership in immovable property may be included in any deed of transfer of such immovable property tendered for registration if such conditions are capable of being enforced by some person who is mentioned in, or, if not mentioned therein, is ascertainable from the said deed of transfer or from other evidence and such person, if determinable, has signified acceptance of such right."

28. Section *seventy* of the principal Act is hereby amended— Amendment of section 70 of Act 47 of 1937, as amended by section 32 of Act 43 of 1957.

(a) by the deletion in sub-section (4) of the words "under any provision of this Act" and of the proviso to the said sub-section; and

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

"(5) Notwithstanding anything to the contrary contained in this Act or any other law, any person may at any time obtain a certificate of rights to minerals in respect of all rights to minerals held by him under the same title as that by which he is the registered owner of the land.

(6) The certificate of rights to minerals referred to in sub-section (5) shall be issued in the prescribed form, by the registrar, upon the written application of the owner accompanied by the title deed under which the rights to minerals are held, together with any mortgage bond or other deed to which the aforesaid rights are subject, and the consent of the holder thereof, and the registrar shall make such endorsements on the relevant deeds as may be necessary to give effect to the issue of such certificate."

29. Section *seventy-one* of the principal Act is hereby amended by the insertion after sub-section (2) of the following sub-section: Amendment of section 71 of Act 47 of 1937.

"(2)*bis* (a) Notwithstanding the provisions of paragraph (a) of sub-section (2), upon the written application to the registrar of any person who is the holder of the rights to minerals reserved before the commencement of this Act in respect of any land on which a township or settlement has before or after the commencement of this Act been established, the registrar may issue to such holder a certificate of rights to minerals in the prescribed form in respect of such rights without the production of the title deed of each erf, lot or other piece of land in any such township or settlement which is subject to such reservation of rights to minerals.

(b) Upon the issue of such certificate the registrar shall cause an appropriate note to be made in the relevant township or settlement registers and thereupon each erf, lot or other piece of land which is subject to the original reservation of rights to minerals shall be deemed to be subject to such certificate."

30. Section *seventy-two* of the principal Act is hereby amended by the insertion in sub-section (2) after the word "land" where it occurs for the first time, of the words "or land granted or transferred subject to a reservation of rights to minerals in favour of the State". Amendment of section 72 of Act 47 of 1937, as amended by section 33 of Act 43 of 1957.

31. Section *seventy-three* of the principal Act is hereby amended— Amendment of section 73 of Act 47 of 1937.

- (a) deur in sub-artikel (2) die woorde „ooreenkomstig die bepalings van sub-artikel (1)“ te skrap; en deur aan die end van gemelde sub-artikel die woorde „en bedoelde verdelingsaktes moet onderworpe gemaak word aan daardie sertifikaat of sertifikate en enige ander akte waaronder 'n aandeel in die regte op minerale gehou word.“ by te voeg; en
- (b) deur die volgende sub-artikel daarby te voeg:
 „(3) Die bepalings van sub-artikel (5) van artikel *een-en-sewentig* is *mutatis mutandis* van toepassing ten opsigte van sertifikate van regte op minerale ingevolge sub-artikel (2) uitgereik.“

Invoeging van artikel 73bis in Wet 47 van 1937.

32. Die volgende artikel word hierby in die Hoofwet na artikel *drie-en-sewentig* ingevoeg:

„Verdeling van regte op minerale. 73bis. (1) Indien twee of meer persone aan wie al die regte (met inbegrip van bykomstige regte) op minerale in en op enige stuk of stukke grond behoort, ooreengekom het om daardie regte te verdeel, moet die registrateur, na oorlegging aan hom van notariële aktes van verdelingsoordrag ten opsigte van die voormelde regte, en nadat aan die verdere bepalings van hierdie artikel voldoen is, die aktes van verdelingsoordrag registreer waarmee aan die respektiewe eienaars die regte op minerale of aandele daarin wat aan hulle by verdeling toegeken is, oorgedra word.

(2) In die aktes van verdelingsoordrag vermeld in sub-artikel (1) moet beskrewe staan—

- (a) die regte op minerale wat verdeel moet word;
- (b) die aandeel of aandele wat op naam van elke mede-eenaar geregistreer staan;
- (c) die regte op minerale of aandeel daarin wat aan elkeen van die eienaars toegeken is;
- (d) die voorwaardes (as daar voorwaardes is) wat gestel mog wees aangaande die aldus toegekende regte op minerale of aandeel daarin; en
- (e) die vergoeding (as daar vergoeding is) wat gegee is om die verdeling gelykwaardig te maak.

(3) Daar moet ook aan die registrateur oorgelê word die titelbewyse van die regte op minerale wat verdeel word, en die nodige kaarte.

(4) Die bepalings van artikels *een-en-twintig*, *twee-en-twintig*, *drie-en-twintig*, *sewe-en-twintig*, *aght-en-twintig*, *vyf-en-veertig* en *vyf-en-veertig bis* is, met inagneming van die bepalings van hierdie artikel, *mutatis mutandis* van toepassing ten opsigte van aktes van verdelingsoordrag.

(5) 'n Akte van verdelingsoordrag wat ingevolge sub-artikel (1) geregistreer is, vervang met betrekking tot die daarin beskrewe regte op minerale, die akte of aktes uit kragte waarvan hulle voorheen besit was, maar die verdelingsoordrag verander of beïnvloed nie die voorwaardes wat in die algemeen op daardie regte op minerale van toepassing is nie, behalwe vir sover laasbedoelde voorwaardes verander, omskryf of beperk mog word deur die notariële aktes van verdelingsoordrag.

(6) Die bepalings van hierdie artikel is van toepassing op die verdeling van regte op minerale wat in verskillende registrasiekantore geregistreer is.“

Wysiging van artikel 76 van Wet 47 van 1937, soos gewysig deur artikel 35 van Wet 43 van 1957.

33. Artikel *ses-en-sewentig* van die Hoofwet word hierby gewysig—

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

„(1)bis Indien 'n grondserwituut vir 'n bepaalde tydperk verval het, moet die registrateur op skriftelike aansoek deur of ten behoeve van enige eenaar van die grond wat daardeur geaffekteer word en na oorlegging van die titelbewyse van die heersende en dienende eiendom en die titelbewys (as daar 'n titelbewys is) van die serwituut (watter titelbewys die houer van die serwituut en die eienaars van die heersende en dienende eiendom op aanvraag moet oorlê), moet hy op die titelbewyse van die grond en die serwituut aanteken dat die serwituut verval het.“; en

- (a) by the deletion in sub-section (2) of the words "in accordance with the provisions of sub-section (1)"; and by the addition at the end of the said sub-section of the words "and the said deeds of partition shall be made subject to such certificate or certificates and to any other deed under which a share in the rights to minerals is held."; and
- (b) by the addition thereto of the following sub-section:
 "(3) The provisions of sub-section (5) of section *seventy-one* shall apply *mutatis mutandis* in respect of certificates of rights to minerals issued in terms of sub-section (2)."

32. The following section is hereby inserted in the principal Act after section *seventy-three*: Insertion of section 73bis in Act 47 of 1937.

"Partition of rights to minerals.

73bis. (1) If two or more persons who own all the rights (including ancillary rights) to minerals in and upon any piece or pieces of land, have agreed to partition such rights, the registrar shall, on production to him of notarial deeds of partition cession in respect of the aforesaid rights, and on compliance with the further provisions of this section, register the deeds of partition cession conveying to the respective owners the rights to minerals or shares therein awarded to them on partition.

(2) In the deeds of partition cession referred to in sub-section (1) there shall be described—

- (a) the rights to minerals to be partitioned;
- (b) the share or shares registered in the name of each joint owner;
- (c) the rights to minerals or share therein awarded to each of the owners;
- (d) the conditions (if any) affecting the rights or share therein so awarded; and
- (e) the consideration (if any) given for the purpose of equalizing the partition.

(3) There shall also be produced to the registrar the title deeds of the rights to minerals to be partitioned and the necessary diagrams.

(4) Subject to the provisions of this section, the provisions of sections *twenty-one*, *twenty-two*, *twenty-three*, *twenty-seven*, *twenty-eight*, *forty-five* and *forty-five bis* shall *mutatis mutandis* apply in respect of deeds of partition cession.

(5) Any deed of partition cession registered under sub-section (1) shall in respect of the rights to minerals therein described take the place of the deed or deeds by which they were previously held, but the partition cession shall not vary or affect the conditions affecting the rights to minerals generally, save in so far as such lastmentioned conditions may be varied, defined or limited by the notarial deeds of partition cession.

(6) The provisions of this section shall apply to the partition of rights to minerals registered in different deeds registries."

33. Section *seventy-six* of the principal Act is hereby amended— Amendment of section 76 of Act 47 of 1937, as amended by section 35 of Act 43 of 1957.

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

"(1)bis If a praedial servitude for a limited period has lapsed, the registrar shall on written application by or on behalf of any owner of the land affected thereby, and on production of the title deeds of the dominant and servient properties, and the title deed, if any, of the servitude (which title deeds the holder of the servitude and the owners of the dominant and servient tenements shall on demand produce), note on the title deeds of the land and the servitude that the servitude has lapsed."; and

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

„(5) Indien by die onderverdeling van grond wat aan beperkende voorwaardes ten gunste van 'n Administrateur of van 'n statutêre liggaam onderworpe is, toestemming tot daardie onderverdeling verkry word, het sodanige toestemming die uitwerking, tensy die teendeel daarin aangedui word, dat al die betrokke beperkende voorwaardes vir elke aldus gemagtigde onderverdeling geld, en by registrasie van titel tot die onderverdeling moet die titelbewys dienooreenkomstig opgestel word.”.

Wysiging van artikel 77 van Wet 47 van 1937.

34. Artikel *sewe-en-sewentig* van die Hoofwet word hierby gewysig deur by sub-artikel (1) die volgende voorbehoudsbepaling te voeg:

„Met dien verstande dat so 'n huur vir die volle duur daarvan, met inbegrip van tydperke van vernuwing, geregistreer moet word.”.

Wysiging van artikel 82 van Wet 47 van 1937.

35. Artikel *twee-en-tagtig* van die Hoofwet word hierby gewysig deur in die Engelse teks van sub-artikel (1) na die woorde „deed of lease” die woorde „or sub-lease” in te voeg.

Wysiging van artikel 93 van Wet 47 van 1937, soos gewysig deur artikel 38 van Wet 43 van 1957.

36. Artikel *drie-en-negentig* van die Hoofwet word hierby gewysig deur in paragraaf (b) van sub-artikel (1) die woorde „hy op koste van die aansoeker 'n kennisgewing” deur die woorde „die applikant 'n kennisgewing in 'n vorm deur die registrateur goedgekeur” te vervang.

Wysiging van Tweede Bylae by Wet 47 van 1937, soos gewysig deur artikel 40 van Wet 43 van 1957.

37. Die Tweede Bylae by die Hoofwet word hierby gewysig deur in paragraaf (d) na die woord „Gordonia” die woorde „behalwe Gedeeltes 22 en 205 van die plaas Paarden Eiland en Drif Eiland,” in te voeg.

Vervanging van „Kroon” en „Kroongrond” deur „Staat” en „Staatsgrond” in Wet 47 van 1937.

38. Die Hoofwet word hierby gewysig deur die woorde „Kroon” en „Kroongrond” oral waar hulle daarin voorkom onderskeidelik deur die woorde „Staat” en „Staatsgrond” te vervang.

Herroeping van wette.

39. Die „Titles Registration and Derelict Lands Act, 1881” (Wet No. 28 van 1881), van die Kaap die Goeie Hoop, artikels *een-en-veertig*, tot en met *vyf-en-veertig* van die „Registration of Deeds and Titles Act, 1909” (Wet No. 25 van 1909), van die Transvaal, behalwe vir sover daardie artikels die Myntitelskantoor of Mynkommissaris raak of daarop betrekking het, Wet No. 16 van 1859 van Natal, wat die Hooggeregshof magtig om die oordrag van grond in sekere gevalle te beveel, en artikels *nege-en-twintig* tot en met *agt-en-dertig* van die „Deeds Registry Ordinance, 1902” (Ord. No. 33 van 1902), van die Oranje Vrystaat, word hierby herroep: Met dien verstande dat enige verrigtings wat ingevolge 'n wet wat hierby herroep word, begin is, voltooi word in alle opsigte asof hierdie artikel nie in werking getree het nie.

Kort titel en datum van inwerking-treding

40. Hierdie Wet heet die Wysigingswet op Registrasie van Aktes, 1962.

(b) by the substitution for sub-section (5) of the following sub-section:

“(5) If in the subdivision of land which is subject to restrictive conditions in favour of an Administrator or of a statutory body, a consent to such subdivision is obtained, such consent shall in the absence of anything to the contrary therein contained, involve the application of all such restrictive conditions to each subdivision so authorized, and on registration of title to the subdivision the title deed shall be drawn accordingly.”.

34. Section *seventy-seven* of the principal Act is hereby amended by the addition to sub-section (1) of the following proviso: Amendment of section 77 of Act 47 of 1937.

“Provided that any such lease shall be registered for the full term thereof, including periods of renewal.”.

35. Section *eighty-two* of the principal Act is hereby amended by the insertion in sub-section (1) after the words “deed of lease” of the words “or sub-lease”. Amendment of section 82 of Act 47 of 1937.

36. Section *ninety-three* of the principal Act is hereby amended by the substitution in paragraph (b) of sub-section (1) for the words “he has, at the expense of the applicant, published a notice”, of the words “the applicant has published a notice in a form approved of by the registrar”. Amendment of section 93 of Act 47 of 1937, as amended by section 38 of Act 43 of 1957.

37. The Second Schedule to the principal Act is hereby amended by the insertion in paragraph (d) after the word “Gordonia” of the words “excluding Portions 22 and 205 of the farm Paarden Eiland and Drif Eiland,”. Amendment of Second Schedule to Act 47 of 1937, as amended by section 40 of Act 43 of 1957.

38. The principal Act is hereby amended by the substitution for the words “Crown” and “Crown land” wherever they occur therein of the words “State” and “State land” respectively. Substitution for “Crown” and “Crown land” of “State” and “State land” in Act 47 of 1937.

39. The Titles Registration and Derelict Lands Act, 1881 (Act No. 28 of 1881), of the Cape of Good Hope, sections *fifty-one* to *fifty-five* inclusive of the Registration of Deeds and Titles Act, 1909 (Act No. 25 of 1909), of the Transvaal, except in so far as those sections affect or relate to the Mining Titles Office or to Mining Commissioners, Law No. 16 of 1859 of Natal, empowering the Supreme Court to order transfer of land in certain cases, and sections *twenty-nine* to *thirty-eight* inclusive of the Deeds Registry Ordinance, 1902 (Ordinance No. 33 of 1902), of the Orange Free State, are hereby repealed: Provided that any proceedings commenced under any law hereby repealed shall be completed in all respects as if this section had not come into operation. Repeal of laws.

40. This Act shall be called the Deeds Registries Amendment Act, 1962. Short title and date of commencement.