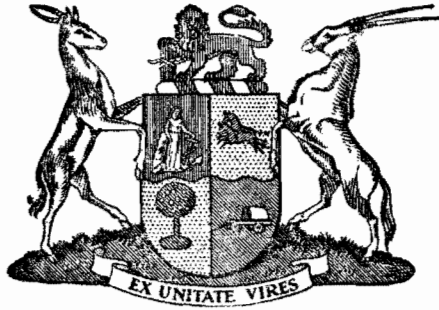


BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

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CAPE TOWN, 4TH JULY, 1962.

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1049.] [4 Julie 1962.

No. 1049.] [4th July, 1962.

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

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

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No. 87, 1962.]

WET

Tot samevatting en wysiging van die regsbepalings betreffende die brandmerk van vee, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 25 Junie 1962.)

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

Woord-
omskrywing.

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

- (i) „beeste” enige bul, os, koei, vers en kalf; (v)
- (ii) „brandmerk”, as ’n selfstandige naamwoord gebruik, ’n merk wat op vee aangebring is, vir watter doel ook al, en ook enige voorstelling van ’n merk wat bedoel is om aldus op vee aangebring te word, na gelang van omstandighede, maar nie ook nie—
 - (a) ’n merk wat op die horing of hoef aangebring is;
 - (b) ’n merk wat op vee met verf aangebring is;
 - (c) ’n oormerk;
 - (d) ’n knip, klinknael of plaatjie wat aan die oor geheg is, of ’n merk aangebring op so ’n knip, klinknael of plaatjie;
 - (e) ’n tatoeëermerk op enige ander vee as kleinvee of op die oor van kleinvee;
 - (f) enige ander merk ten opsigte waarvan die Minister by kennisgewing in die *Staatskoerant* verklaar dat dit nie ’n brandmerk vir die doeleindes van hierdie Wet is nie; (i)
- (iii) „brandmerk”, as ’n werkwoord gebruik, ’n brandmerk op vee aanbring; (ii)
- (iv) „brandyster” ’n instrument wat gebruik word of bedoel is om gebruik te word vir die brandmerk van vee, maar nie ook so ’n instrument ten opsigte waarvan die Minister by kennisgewing in die *Staatskoerant* verklaar dat dit nie ’n brandyster vir die doeleindes van hierdie Wet is nie; (iii)
- (v) „eienaar”, met betrekking tot ’n geregistreerde brandmerk, die persoon op wie se naam daardie brandmerk geregistreer is; (xiii)
- (vi) „geregistreeer”, geregistreeer ingevolge hierdie Wet, en het „registrasie” ’n ooreenstemmende betekenis; (xv)
- (vii) „groep”, met betrekking tot vee, òf grootvee òf kleinvee òf volstruise, na gelang van omstandighede; (vii)
- (viii) „grootvee” beeste en perde, en ook enige ander soort diere ten opsigte waarvan die Minister by kennisgewing in die *Staatskoerant* verklaar dat hulle grootvee vir die doeleindes van hierdie Wet is; (x)
- (ix) „hierdie Wet” ook regulasies wat ingevolge hierdie Wet uitgevaardig is; (xix)
- (x) „inspekteur” iemand wat as inspekteur van brandmerke aangewys is ingevolge artikel twee, en ook die registrateur; (ix)
- (xi) „kleinvee” skape en bokke, en ook enige ander soort diere ten opsigte waarvan die Minister by kennisgewing in die *Staatskoerant* verklaar dat hulle kleinvee vir die doeleindes van hierdie Wet is; (xvii)
- (xii) „Minister” die Minister van Landbou-tegniese Dienste; (xii)
- (xiii) „oormerk” ’n merk aangebring deur van die oor weg te sny, ’n gaatjie daarin te knip of ’n slip daarin te sny; (vi)
- (xiv) „perd” ook ’n muil of ’n donkie; (viii)
- (xv) „registrateur” die beamppte wat as registrateur van brandmerke aangewys is ingevolge artikel twee; (xvi)
- (xvi) „rojeer”, met betrekking tot ’n brandmerk op vee, rojeer op enige wyse waardeur die brandmerk onleesbaar of minder leesbaar gemaak word; (iv)
- (xvii) „tatoeëermerk” ’n merk aangebring deur Oos-Indiese ink of ’n ander kleurstof of kleursel te plaas in gaatjies wat op vee aangebring is; (xviii)

No. 87, 1962.]

ACT

To consolidate and amend the law relating to the branding of livestock and to provide for matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 25th June, 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— Definitions.
- (i) "brand", used as a noun, means any mark made or placed on any livestock for any purpose whatsoever, and includes any representation of a mark intended so to be made or placed on any livestock, as the circumstances may require, but does not include—
 - (a) any mark made or placed on the horn or hoof;
 - (b) any mark made with paint on any livestock;
 - (c) any earmark;
 - (d) any clasp, rivet or tag attached to the ear, or any mark made on such clasp, rivet or tag;
 - (e) any tattoo on any livestock other than small stock or on the ear of any small stock;
 - (f) any other mark, which the Minister may by notice in the *Gazette* declare not to be a brand for the purposes of this Act; (ii)
 - (ii) "brand", used as a verb, means make or place a brand on any livestock; (iii)
 - (iii) "branding iron", means any instrument used or intended to be used for branding livestock, but does not include any such instrument which the Minister may by notice in the *Gazette* declare not to be a branding iron for the purposes of this Act; (iv)
 - (iv) "cancel", in relation to a brand on any livestock, means cancel in any manner whereby the brand is rendered illegible or less legible; (xvi)
 - (v) "cattle" means any bull, ox, cow, heifer and calf; (i)
 - (vi) "earmark" means any mark made by cutting, cropping, punching or slitting the ear; (xiii)
 - (vii) "group", in relation to livestock, means either large stock, small stock or ostriches, as the circumstances may require; (vii)
 - (viii) "horse" includes any mule or ass; (xiv)
 - (ix) "inspector" means any person designated as inspector of brands in terms of section *two*, and includes the registrar; (x)
 - (x) "large stock" means cattle and horses, and includes any other species of animals which the Minister may by notice in the *Gazette* declare to be large stock for the purposes of this Act; (viii)
 - (xi) "livestock" means cattle, horses, sheep, goats and ostriches, and includes any other species of animals which the Minister may by notice in the *Gazette* declare to be livestock for the purposes of this Act; (xviii)
 - (xii) "Minister" means the Minister of Agricultural Technical Services; (xii)
 - (xiii) "owner", in relation to any registered brand, means the person in whose name such brand is registered; (v)
 - (xiv) "prescribed" means prescribed by regulation made in terms of this Act; (xix)
 - (xv) "registered" means registered in terms of this Act, and "registration" has a corresponding meaning; (vi)
 - (xvi) "registrar" means the officer designated as registrar of brands in terms of section *two*; (xv)
 - (xvii) "small stock" means sheep and goats, and includes any other species of animals which the Minister may by notice in the *Gazette* declare to be small stock for the purposes of this Act; (xi)

- (xviii) „vee” beeste, perde, skape, bokke en volstruise, en ook enige ander soort diere ten opsigte waarvan die Minister by kennisgewing in die *Staatskoerant* verklaar dat hulle vee vir die doeleindes van hierdie Wet is; (xi)
- (xix) „voorgeskrewe” of „voorgeskryf”, voorgeskryf by regulasie uitgevaardig ingevolge hierdie Wet. (xiv)
- Aanwysing van registrateur en inspekteurs.
2. Die Minister moet—
- (a) 'n beamppte in sy departement as registrateur van brandmerke aanwys; en
- (b) dié ander beamptes in genoemde departement en dié ander persone wat hy nodig ag, as inspekteurs van brandmerke aanwys.
- Register van brandmerke en ander aantekeninge deur registrateur gehou te word.
3. Die registrateur moet 'n register van brandmerke in die voorgeskrewe vorm hou, asook die ander aantekeninge vir die doeleindes van hierdie Wet wat die Minister gelas.
- Voorgeskrewe brandmerke.
4. Die Minister moet brandmerke ten opsigte van elke groep vee voorskryf, asook die volgorde waarin sodanige brandmerke toegeken moet word ingevolge artikel vyf, en kan die toepaslike regulasie van tyd tot tyd wysig soos hy goetvind, mits die uitwerking van so 'n wysiging nie is dat 'n brandmerk wat op iemand se naam geregistreer is, ophou om 'n aldus voorgeskrewe brandmerk te wees nie.
- Aansoek om registrasie van brandmerk.
5. (1) Behoudens die bepalings van hierdie Wet kan 'n eienaar van vee op die voorgeskrewe wyse by die registrateur aansoek doen om die registrasie op sy naam van 'n brandmerk ten opsigte van sy vee wat behoort tot die groep in die aansoek vermeld.
- (2) Indien die registrateur oortuig is dat die aansoek in orde is, moet hy, behoudens die bepalings van sub-artikel (3), die voorgeskrewe brandmerk aan die applikant toeken, dié brandmerk op sy naam registreer en 'n sertifikaat van registrasie van daardie brandmerk in die voorgeskrewe vorm aan hom uitreik.
- (3) Die registrateur mag nie aan iemand ingevolge sub-artikel (2) 'n brandmerk toeken wat deur 'n Staatsdepartement gebruik word nie.
- (4) Indien die registrateur deur 'n Staatsdepartement versoek word om dit te doen, moet hy 'n brandmerk wat deur dié departement gebruik word, op die naam daarvan registreer.
- Oordrag van registrasie van brandmerke.
6. (1) Behoudens die bepalings van hierdie Wet kan 'n eienaar van vee wat tot die gepaste groep behoort, op die voorgeskrewe wyse by die registrateur aansoek doen om die oordrag van die registrasie van 'n brandmerk van die naam van iemand anders op sy eie naam.
- (2) So 'n aansoek moet vergesel wees van die skriftelike toestemming van die eienaar van die brandmerk tot die voorgenome oordrag.
- (3) Indien die registrateur oortuig is dat die aansoek in orde is, moet hy die registrasie van die betrokke brandmerk oordra op die naam van die applikant, en aan hom 'n sertifikaat van registrasie van sodanige brandmerk in die voorgeskrewe vorm uitreik.
- Oordrag of rojering van registrasie van brandmerk ná dood van eienaar daarvan.
7. (1) Iemand wat op enige wyse vee verkry van die boedel van 'n oorlede eienaar van 'n brandmerk wat geregistreer is ten opsigte van die groep waartoe daardie vee behoort, kan op die voorgeskrewe wyse by die registrateur aansoek doen om die oordrag van die registrasie van daardie brandmerk op sy eie naam.
- (2) Die bepalings van artikel ses is *mutatis mutandis* van toepassing ten opsigte van so 'n aansoek.
- (3) Indien die registrateur oortuig is dat die eienaar van 'n geregistreerde brandmerk oorlede is, en geen aansoek ingevolge sub-artikel (1) om die oordrag van die registrasie van dié brandmerk binne die voorgeskrewe tydperk ná die dood van daardie eienaar gedoen word nie, moet hy die registrasie van daardie brandmerk rojeer.
- Rojering van registrasie van brandmerk op versoek van eienaar.
8. Die eienaar van 'n geregistreerde brandmerk kan die registrateur skriftelik versoek om die registrasie van dié brandmerk te rojeer, en by ontvangs van so 'n versoek moet die registrateur sodanige registrasie rojeer.
- Rojering van brandmerk wens onbruik.
9. (1) (a) Indien dit aan die registrateur blyk, hetsy volgens 'n verslag van 'n inspekteur of andersins, dat iemand nie gebruik maak nie van 'n brandmerk wat op sy naam geregistreer is, kan hy daardie persoon op die

- (xviii) "tattoo" means any mark made by inserting indian ink or other pigment or colouring matter into punctures made on any livestock; (xvii)
- (xix) "this Act" includes any regulations made in terms thereof. (ix)
2. The Minister shall designate—
- Designation of registrar and inspectors.
- (a) an officer of his department as registrar of brands; and
- (b) such other officers of the said department and such other persons as he may deem necessary, as inspectors of brands.
3. The registrar shall keep a register of brands in the prescribed form as well as such other records for the purposes of this Act as the Minister may direct.
- Register of brands and other records to be kept by registrar.
4. The Minister shall prescribe brands in respect of each group of livestock, and the order in which such brands shall be allocated in terms of section *five*, and may from time to time amend the relevant regulation in such manner as he may deem fit, provided such amendment does not have the effect of a brand registered in the name of any person ceasing to be a brand so prescribed.
- Prescribed brands.
5. (1) Subject to the provisions of this Act any owner of livestock may in the prescribed form apply to the registrar for the registration of a brand in his name in respect of his livestock of the group specified in the application.
- Application for registration of brand.
- (2) If the registrar is satisfied that the application is in order he shall, subject to the provisions of sub-section (3), allocate the prescribed brand to the applicant, register such brand in his name and issue to him a certificate of registration of such brand in the prescribed form.
- (3) The registrar shall not in terms of sub-section (2) allocate to any person any brand which is used by a department of State.
- (4) If the registrar is requested so to do by a department of State he shall register in the name of such department a brand used by it.
6. (1) Subject to the provisions of this Act any owner of livestock of the appropriate group may in the prescribed form apply to the registrar for the transfer of the registration of a brand from the name of any other person into his own name.
- Transfer of registration of brands.
- (2) Such application shall be accompanied by the consent in writing of the owner of the brand to the proposed transfer.
- (3) If the registrar is satisfied that the application is in order, he shall transfer the registration of the brand in question into the name of the applicant, and issue to him a certificate of registration of such brand in the prescribed form.
7. (1) Any person acquiring in any manner any livestock from the estate of a deceased owner of a brand registered in respect of the group to which such livestock belong, may in the prescribed form apply to the registrar for the transfer of the registration of such brand into his own name.
- Transfer or cancellation of registration of brand after death of owner thereof.
- (2) The provisions of section *six* shall *mutatis mutandis* apply in respect of any such application.
- (3) If the registrar is satisfied that the owner of a registered brand is deceased and no application is in terms of sub-section (1) made for the transfer of the registration of such brand within the prescribed period after the death of such owner, he shall cancel the registration of such brand.
8. The owner of a registered brand may in writing request the registrar to cancel the registration of such brand, and upon receipt of such request the registrar shall cancel such registration.
- Cancellation of registration of brand at request of owner.
9. (1) (a) If it appears to the registrar, either upon the report of an inspector or otherwise, that any person does not make any use of a brand registered in his name, he may request such person in the prescribed
- Cancellation of brand for disuse.

voorgeskrewe wyse versoek om, binne die tydperk wat in die versoek vermeld word, maar wat nie korter as drie maande mag wees nie, gronde aan te voer waarom die registrasie van dié brandmerk nie gerojêer sal word nie.

(b) Indien gronde vir die voortdoring van die registrasie van die brandmerk op die naam van genoemde persoon nie binne die tydperk aldus vermeld tot bevreëding van die registrateur aangevoer word nie, moet die registrateur sodanige registrasie rojêer.

(2) Indien iemand vir 'n tydperk van ses maande nie gebruik gemaak het nie van 'n brandmerk wat op sy naam geregistreer is, moet hy by verstryking van sodanige tydperk die registrateur skriftelik daarvan in kennis stel, en by ontvangs van sodanige kennisgewing moet die registrateur die registrasie van dié brandmerk rojêer.

(3) By die toepassing van sub-artikels (1) en (2) word iemand geag van 'n brandmerk gebruik te maak solank hy vee met daardie brandmerk wettiglik daarop besit.

Rojering van registrasie van brandmerk weens oortreding van Wet.

10. (1) Die registrateur kan na goëddunke die registrasie van 'n brandmerk rojêer indien die eienaar van dié brandmerk skuldig bevind word aan 'n oortreding van hierdie Wet.

(2) Indien die registrateur die registrasie van 'n brandmerk aldus rojêer, mag hy nie gedurende die tydperk van ses maande wat onmiddellik op die datum van sodanige rojering volg, 'n ander brandmerk op die naam van die betrokke persoon registreer nie.

Driemaandelikse opgawes met betrekking tot brandmerke.

11. (1) So spoedig doenlik ná verstryking van iedere kwartaal van elke jaar moet die registrateur in die *Staatskoerant* in die voorgeskrewe vorm 'n opgawe publiseer van alle brandmerke wat gedurende daardie kwartaal geregistreer is, en van alle oordragte en rojeringe van die registrasie van brandmerke gedurende dié kwartaal.

(2) Totdat 'n brandmerkegids ingevolge artikel *twaaalf* gepubliseer is, moet afskrifte van iedere *Staatskoerant* waarin 'n opgawe ingevolge sub-artikel (1) van hierdie artikel gepubliseer word, in die kantoor van iedere landdros, Bantoesake-kommissaris en inspekteur en by iedere polisiestasie en iedere skut gehou word en te alle redelike tye kosteloos ter insae lê deur lede van die publiek.

Brandmerkegids.

12. (1) Die registrateur moet op die tye of met die tussenpose wat die Minister gelas, 'n brandmerkegids in die voorgeskrewe vorm saamstel en publiseer, en dit moet die voorgeskrewe besonderhede bevat ten opsigte van alle brandmerke die registrasie waarvan nog van krag was op 'n datum in dié gids vermeld.

(2) Die registrateur moet 'n afskrif van iedere brandmerkegids wat aldus gepubliseer is, verskaf aan iedere landdros, Bantoesakekommissaris, inspekteur, polisiestasie en skut, en 'n afskrif van die jongste uitgawe van daardie brandmerkegids, saam met 'n afskrif van iedere *Staatskoerant* waarin 'n driemaandelikse opgawe ingevolge sub-artikel (1) van artikel *elf* gepubliseer is ná die datum in sodanige jongste uitgawe vermeld, moet gehou word en ter insae lê soos by sub-artikel (2) van genoemde artikel bepaal word ten opsigte van die driemaandelikse opgawes daarin vermeld.

Kennisgewing van adresverandering.

13. Indien die eienaar van 'n geregistreerde brandmerk van adres verander, moet hy die registrateur onverwyld en skriftelik van sy nuwe adres in kennis stel.

Gelde betaalbaar ten opsigte van registrasie van brandmerke.

14. Behalwe soos anders in hierdie Wet bepaal word, mag die registrateur geen brandmerk of die oordrag van die registrasie van 'n brandmerk registreer nie, tensy die voorgeskrewe gelde, indien daar is, betaal is: Met dien verstande dat geen sodanige gelde betaalbaar is nie ten opsigte van die registrasie van 'n brandmerk op die naam van iemand wat—

(a) binne ses maande ná die inwerkingtreding van hierdie Wet ingevolge die bepalings daarvan aansoek doen om die registrasie van 'n brandmerk op sy naam; en

(b) die registrateur oortuig dat by sodanige inwerkingtreding 'n brandmerk op sy naam geregistreer was ingevolge 'n wet by hierdie Wet herroep.

Bevoëdhede van inspekteurs en polisie.

15. (1) 'n Inspekteur of 'n lid van die Suid-Afrikaanse Polisie kan te eniger tyd enige openbare of private perseel betree en daar—

form to show cause within a period specified in such request, not being less than three months, why the registration of the brand should not be cancelled.

- (b) If within the period so specified cause is not shown to the satisfaction of the registrar for the continuation of the registration of the brand in the name of such person, he shall cancel such registration.

(2) If for a period of six months a person did not make use of a brand registered in his name, he shall on the expiry of such period notify the registrar in writing thereof, and upon receipt of such notice the registrar shall cancel the registration of such brand.

(3) For the purposes of sub-sections (1) and (2) a person shall be deemed to make use of a brand so long as he has any livestock lawfully bearing such brand.

10. (1) The registrar may in his discretion cancel the registration of any brand if the owner of such brand is convicted of a contravention of this Act.

Cancellation of registration of brand for contravention of Act.

(2) If the registrar so cancels the registration of a brand he shall not during the period of six months immediately following upon the date of such cancellation, register any other brand in the name of the person in question.

11. (1) As soon as possible after the expiration of each quarter of every year the registrar shall publish in the *Gazette* in the prescribed form a statement of all brands registered and of all transfers and cancellations of the registration of any brands during such quarter.

Quarterly statements in regard to brands.

(2) Until a brands directory is published in terms of section *twelve* copies of every *Gazette* in which a statement is published in terms of sub-section (1) of this section, shall be kept in the office of every magistrate, Bantu affairs commissioner and inspector and at every police station and every pound, and be open for inspection by members of the public at all reasonable hours free of charge.

12. (1) At such times or at such intervals as the Minister may direct, the registrar shall compile and publish a brands directory in the prescribed form containing the prescribed particulars in respect of all brands the registration of which was still in force at a date specified in such directory.

Brands directory.

(2) The registrar shall supply a copy of every brands directory so published to every magistrate, Bantu affairs commissioner, inspector, police station and pound, and a copy of the latest edition of such brands directory, together with a copy of every *Gazette* in which a quarterly statement is published in terms of sub-section (1) of section *eleven* after the date specified in such latest edition, shall be kept and be open for inspection as is provided by sub-section (2) of the said section in respect of the quarterly statements referred to therein.

13. If the owner of a registered brand changes his address, he shall forthwith and in writing notify the registrar of his new address.

Notification of change of address.

14. Save as is otherwise provided in this Act the registrar shall not register any brand or transfer the registration of any brand unless the prescribed fee, if any, has been paid: Provided that no such fee shall be payable in respect of the registration of a brand in the name of any person who—

Fees payable in respect of registration of brands.

- (a) within six months after the commencement of this Act applies in terms of the provisions thereof for the registration of a brand in his name; and
- (b) satisfies the registrar that at such commencement a brand was registered in his name in terms of a law repealed by this Act.

15. (1) Any inspector or any member of the South African Police may at any time enter upon any premises, whether public or private, and there—

Powers of inspectors and police.

- (a) na die eienaar daarvan of die persoon wat toesig daarvoor het, soek, en eis dat hy aan hom vir ondersoek toon enige vee, karkas of vel van enige vee, of brandyster of ander instrument vir die merk van vee, en enige sertifikaat of dokument wat uitgereik is of heet uitgereik te wees kragtens hierdie Wet, wat op sodanige perseel mag wees;
- (b) hare of ander uitgroei van enige sodanige vee, karkas of vel afknip of op 'n ander wyse verwyder ten einde ondersoek vir brandmerke te vergemaklik;
- (c) die ander ondersoek instel, en die ander navrae doen, wat hy nodig ag om aan hierdie Wet gevolg te gee;
- (d) beslag lê op enigiets wat hy gevind het en ten opsigte waarvan hy gronde het om te vermoed dat die bepalings van hierdie Wet oortree is, en dit vir aanhouding verwyder.

(2) Indien 'n inspekteur enigiets aanhou kragtens sub-artikel (1), moet hy onverwyld 'n ontvangsbewys daarvoor gee, alle relevante feite onder die aandag van die registrateur bring en enige wettige opdragte uitvoer wat die registrateur daaromtrent mag uitreik.

(3) 'n Inspekteur of 'n lid van die Suid-Afrikaanse Polisie kan by die uitoefening van sy bevoegdhede kragtens sub-artikel (1), die assistente, hetsy werknemers van die Staat al dan nie, en die diere, voertuie, toestelle of ander uitrusting wat hy vir sy oogmerke nodig ag, met hom saamneem.

(4) 'n Inspekteur of so 'n lid kan van die eienaar van enige vee of enigiets anders, of die persoon wat toesig daarvoor het, alle redelike bystand vorder by die doen van enigiets wat die inspekteur of lid kragtens hierdie Wet kan of moet doen met betrekking tot sodanige vee of so iets.

Beroep op
Minister teen
beslissing van
registrateur.

16. Iemand wat geraak word en homself veronreg voel deur 'n beslissing van die registrateur ingevolge hierdie Wet, kan 'n beroep op die Minister teen daardie beslissing doen.

Pligte en
bevoegdhede van
skutmeester
indien vee met
geregistreerde
brandmerk
daarop geskut
word.

17. (1) Indien enige vee met een of meer geregistreerde brandmerke daarop geskut word, moet die betrokke skutmeester, benewens enige ander kennis wat hy volgens reg moet gee, die eienaar van daardie brandmerk of van die jongste brandmerk, na gelang van die geval, onverwyld en op die voorgeskrewe wyse in kennis stel van die skut daarvan deur middel van 'n kennisgewing gestuur aan hom by sy adres wat in 'n driemaandelikse opgawe of 'n brandmerkegids vermeld in onderskeidelik artikels *elf* en *twaalf* voorkom of, indien dit nie daarin voorkom nie, sy adres soos deur die registrateur verstrekk.

(2) Sodanige skutmeester is geregtig om die voorgeskrewe gelde ten opsigte van sodanige kennisgewing te voeg by die gelde wat aan hom by die loslating of verkoop van sodanige vee betaalbaar is.

Verbode
brandmerk van
vee.

18. (1) Niemand mag—

- (a) behoudens die bepalings van sub-artikel (2), enige vee brandmerk met 'n brandmerk wat nie geregistreer is nie;
- (b) enige vee brandmerk met 'n geregistreerde brandmerk sonder die magtiging van die eienaar van dié brandmerk nie;
- (c) enige vee met 'n geregistreerde brandmerk anders as op die voorgeskrewe wyse brandmerk nie;
- (d) enige vee brandmerk met 'n brandmerk wat geregistreer is op die naam van iemand wat nie die eienaar van daardie vee is nie;
- (e) enige vee brandmerk met 'n brandmerk wat nie 'n voorgeskrewe brandmerk is ten opsigte van die groep waartoe daardie vee behoort nie; of
- (f) meer as een geregistreerde brandmerk ten opsigte van dieselfde groep vee gebruik, tensy die registrasie van al daardie brandmerke wettiglik verkry is nie.

(2) Die bepalings van paragrafe (a) en (e) van sub-artikel (1) is nie van toepassing nie ten opsigte van—

- (a) die brandmerk van vee ooreenkomstig die reëls of verordeninge van die Suid-Afrikaanse Stamboekvereniging of 'n geregistreerde genootskap of 'n selfbesturende genootskap soos omskryf in artikel *een* van die Wet op Registrasie van Stamboekvee, 1957 (Wet No. 28 van 1957), of van enige ander liggaam ingevolge 'n wet ingestel;

- (a) search for the owner or person in charge thereof, and require him to produce for inspection any live-stock, carcase or hide of any livestock or branding iron or other instrument for marking livestock, and any certificate or document issued or purporting to have been issued under this Act, which may be upon such premises;
- (b) clip or otherwise remove hair or other growth from any such livestock, carcase or hide in order to facilitate examination for brands;
- (c) make such other investigations and inquiries as may be necessary for giving effect to this Act;
- (d) seize and remove for detention any thing found by him, in respect of which he has reason to suspect that the provisions of this Act have been contravened.

(2) If an inspector detains any thing under sub-section (1) he shall forthwith give a receipt therefor, report all relevant facts to the registrar and comply with any lawful instructions which the registrar may give in connection therewith.

(3) An inspector or a member of the South African Police may, in the exercise of his powers under sub-section (1), take with him such assistants, whether State employees or not, and such animals, vehicles, appliances or other equipment as he may deem necessary for his purpose.

(4) An inspector or such member may require all reasonable assistance from the owner or person in charge of any livestock or other thing, in the doing of anything which such inspector or member is authorized or required to do under this Act in relation to such livestock or thing.

16. Any person who is affected and feels aggrieved by any decision of the registrar in terms of this Act, may appeal against such decision to the Minister. Appeal to Minister against decision of registrar.

17. (1) If any livestock bearing one or more registered brands are impounded in a pound, the pound-master in question shall, in addition to any other notice which he may be required by law to give, forthwith and in the prescribed form notify the owner of such brand or of the latest brand, as the case may be, of such impoundment by notice sent to him at his address appearing in any quarterly statement or brands directory referred to in sections *eleven* and *twelve* respectively or, where it does not appear therein, his address furnished by the registrar. Duties and powers of pound-master if livestock bearing registered brand are impounded.

(2) Such pound-master shall be entitled to include in the fees payable to him on the release or sale of such livestock the prescribed fee in respect of such notification.

18. (1) No person shall—

- (a) subject to the provisions of sub-section (2), brand any livestock with a brand which is not registered;
- (b) brand any livestock with a registered brand without the authority of the owner of such brand;
- (c) brand any livestock with a registered brand otherwise than in the manner prescribed;
- (d) brand any livestock with a brand which is registered in the name of a person who is not the owner of such livestock;
- (e) brand any livestock with a brand which is not a prescribed brand in respect of the group to which such livestock belong; or
- (f) use more than one registered brand in respect of the same group of livestock, unless the registration of all such brands was lawfully obtained.

Prohibited branding of livestock.

(2) The provisions of paragraphs (a) and (e) of sub-section (1) shall not apply in respect of—

- (a) the branding of livestock in accordance with the rules or by-laws of the South African Stud Book Association or any registered society or any autonomous society as defined in section *one* of the Registration of Pedigree Livestock Act, 1957 (Act No. 28 of 1957), or of any other body established in terms of any law;

- (b) die brandmerk, deur die teler daarvan, van rasegte vee waarvan die afstamming deur genoemde vereniging of so 'n genootskap geregistreer is; of
- (c) die brandmerk van sy vee deur iemand wat 'n lid is van 'n groep persone, en woonagtig is in 'n gebied, deur die Minister by kennisgewing in die *Staatskoerant* bepaal,

mits sodanige brandmerk op die voorgeskrewe wyse geskied met 'n brandmerk wat deur die Minister goedgekeur is.

Plig van betrokke persone in geval van rojering van registrasie van brandmerk.

19. Indien die registrasie van 'n brandmerk ingevolge hierdie Wet gerojier is, en sodanige rojering word onder die aandag gebring van iemand wat 'n brandyster vir die aanbring van sodanige brandmerk op vee, in sy besit of bewaring of onder sy beheer het, moet hy daardie brandyster onverwyld en op die voorgeskrewe wyse wegmaak.

Misdrywe.

20. (1) Iemand wat—

- (a) sonder wettige rede 'n brandyster in sy besit het wat gebruik kan word vir die aanbring, op vee, van 'n brandmerk wat hy ingevolge hierdie Wet nie op enige vee mag aanbring nie;
- (b) enige vee in sy besit het wat ná die inwerkingtreding van hierdie Wet of, indien dit na sodanige inwerkingtreding die Republiek ingebring is, nadat dit aldus ingebring is, en onder omstandighede waarvoor hy beheer het, gebrandmerk is anders as ooreenkomstig of op 'n wyse veroorloof deur die bepalings van hierdie Wet;
- (c) 'n brandmerk op vee verander, skend of rojeer;
- (d) sonder wettige rede enige vee waarop 'n brandmerk verander, geskend of gerojier is, besit of aan iemand anders verkoop of op 'n ander wyse van die hand sit, of aan iemand anders te koop of vir vervreemding op 'n ander wyse aanbied;
- (e) 'n inspekteur of 'n lid van die Suid-Afrikaanse Polisie by die verrigting van sy pligte of die uitoefening van sy bevoegdhede kragtens hierdie Wet hinder of belemmer;
- (f) versuim of weier om enige vee of iets anders wat hy in sy besit of onder sy beheer het, te toon wanneer 'n inspekteur of 'n lid van die Suid-Afrikaanse Polisie ingevolge hierdie Wet eis dat hy dit moet doen;
- (g) met die opset om die bepalings van hierdie Wet te ontduik of te verydel, 'n sertifikaat ingevolge hierdie Wet uitgereik, in enige opsig verander;
- (h) behalwe op die voorgeskrewe wyse, die registrasie van meer as een brandmerk ten opsigte van dieselfde groep vee vir homself verkry ingevolge artikel vyf;
- (i) in 'n aansoek ingevolge hierdie Wet gedoen, willens en wetens 'n verklaring wat in 'n wesenlike opsig vals is, aflê of laat aflê;
- (j) homself valslik as 'n inspekteur voordoen; of
- (k) op 'n ander wyse as in paragrawe (a) tot en met (j) vermeld, 'n bepaling van hierdie Wet oortree of versuim om daaraan te voldoen,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met dié boete sowel as dié gevangenisstraf.

(2) 'n Landdroshof besit regsbevoegdheid om 'n straf op te lê waarvoor hierdie Wet voorsiening maak.

Getuienis, vermoedens en bewyslas.

21. (1) In 'n geding—

- (a) is 'n afskrif van die brandmerkegids vermeld in artikel *twaalf* of 'n afskrif van die *Staatskoerant* waarin vervat is 'n driemaandelikse opgawe vermeld in artikel *elf*, by oorlegging daarvan in daardie geding *prima facie*-bewys van die feite uiteengesit in dié gids of opgawe, na gelang van die geval;
- (b) is 'n sertifikaat wat deur die registrateur heet uitgereik te wees betreffende die registrasie of die oordrag of rojering van die registrasie van 'n brandmerk ingevolge hierdie Wet, of die eiendomsreg op 'n geregistreerde brandmerk, by oorlegging daarvan in daardie geding, *prima facie*-bewys van die feite ten opsigte waarvan daarin gesertifiseer word.

(2) Indien in 'n geding bewys word—

- (a) dat enige vee 'n brandmerk op het, word vermoed, totdat die teendeel bewys word, dat dié vee gebrand-

- (b) the branding, by the breeder thereof, of pure-bred livestock the pedigree of which has been registered by the said Association or such a society; or
- (c) the branding of his livestock by a person who is a member of a group of persons, and resident in an area, determined by the Minister by notice in the *Gazette*,

provided such branding is effected in the prescribed manner and with a brand approved by the Minister.

19. If the registration of any brand has been cancelled in terms of this Act, and such cancellation is brought to the notice of any person having in his possession or custody or under his control any branding iron for making or placing such brand on any livestock, he shall forthwith and in the prescribed manner dispose of such branding iron.

Duty of persons concerned in case of cancellation of registration of brand.

20. (1) Any person who—

Offences.

- (a) has in his possession without lawful reason any branding iron that can be used for making or placing on livestock any brand which he is, in terms of this Act, prohibited from making or placing on any livestock;
- (b) has in his possession any livestock branded after the commencement of this Act or, if they were after such commencement introduced into the Republic, after such introduction, and in circumstances within his control, otherwise than in accordance with or in a manner allowed by the provisions of this Act;
- (c) alters, mutilates or cancels any brand on any livestock;
- (d) without lawful reason has in his possession, or sells, or otherwise disposes of, or offers for sale or disposal in any other manner, to any other person any livestock on which a brand has been altered, mutilated or cancelled;
- (e) hinders or obstructs an inspector or a member of the South African Police in the execution of his duties or the exercise of his powers, under this Act;
- (f) fails or refuses to produce, when required in terms of this Act by an inspector or a member of the South African Police to do so, any livestock or other thing in his possession or under his control;
- (g) with intent to evade or defeat the provisions of this Act, alters in any particular any certificate issued in terms of this Act;
- (h) in terms of section *five* obtains for himself, except in the manner prescribed, the registration of more than one brand in respect of the same group of livestock;
- (i) in any application made in terms of this Act, knowingly makes or causes to be made a statement which is false in a material respect;
- (j) falsely holds himself out to be an inspector; or
- (k) in any manner not specified in paragraphs (a) to (j) inclusive, contravenes or fails to comply with any provision of this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or, in default of payment, to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

(2) A magistrate's court shall have jurisdiction to impose any penalty provided for in this Act.

21. (1) In any legal proceedings—

Evidence, presumptions and onus of proof.

- (a) a copy of the brands directory referred to in section *twelve* or a copy of the *Gazette* containing a quarterly statement referred to in section *eleven*, shall upon production in such proceedings be *prima facie* proof of the facts set forth in such directory or such statement, as the case may be;
 - (b) a certificate purporting to have been issued by the registrar regarding the registration or the transfer or cancellation of the registration of a brand in terms of this Act, or the ownership of a registered brand, shall upon production in such proceedings be *prima facie* proof of the facts certified therein.
- (2) If in any legal proceedings it is proved—
- (a) that any livestock bear any brand, it shall be presumed, until the contrary is proved, that such livestock were

merk is ná die inwerkingtreding van hierdie Wet en, indien dit van elders die Republiek ingebring is, nadat dit die Republiek ingebring is, en onder omstandighede waaroor die persoon wat in besit daarvan gekry is, beheer gehad het;

- (b) dat enige vee met 'n brandmerk daarop wat verander, geskend of gerojeer is, in besit van iemand gekry is of deur iemand aan iemand anders van die hand gesit of vir vervreemding aangebied is, word vermoed totdat die teendeel bewys word, dat dié brandmerk deur eersgenoemde persoon verander, geskend of gerojeer is.

(3) Indien in 'n geding kragtens hierdie Wet die vraag ontstaan of iemand wettige rede gehad het om iets te besit of te doen, rus die las om te bewys dat dit die geval was, op die beskuldigde.

Regulasies.

22. (1) Die Minister kan regulasies uitvaardig betreffende—

- (a) enigiets wat kragtens hierdie Wet voorgeskryf moet of kan word;
- (b) die grootte, vorm, patroon en samestelling van voorgeskrewe brandmerke;
- (c) die grootte, vorm en vervaardiging van brandysters;
- (d) die persone deur wie en die voorwaardes waarop brandysters gemaak, herstel, verander en verskaf kan word;
- (e) die wyse waarop persone wat opgehou het om eienaars van geregistreerde brandmerke te wees, of hul verteenwoordigers, brandysters moet wegmaak wat op sodanige brandmerke betrekking het;
- (f) die ouderdom wat vee moet bereik het voordat dit gebrandmerk kan word;
- (g) die wyse waarop, die dele waarop en die materiaal waarmee vee gebrandmerk moet word of nie mag word nie, en die posisie waarin opeenvolgende brandmerke met betrekking tot mekaar op vee aangebring moet word;
- (h) die voorwaardes waarop 'n eenaar van vee die registrasie van meer as een brandmerk ten opsigte van dieselfde groep vee kan verkry;
- (i) die gelde wat ingevolge hierdie Wet betaalbaar is; en
- (j) oor die algemeen, enige aangeleentheid, hetsy dit in verband staan met 'n aangeleentheid vermeld in paragraaf (a) tot en met (i), of nie, wat hy nodig ag om te beheer, te reguleer, te beperk of te verbied ten einde hierdie Wet uit te voer en daaraan gevolg te gee, of ten einde ontduiking of oortreding van die bepalings daarvan te voorkom.

(2) Die Minister kan verskillende regulasies ten opsigte van verskillende soorte brandmerke, en verskillende groepe of soorte vee, en verskillende gebiede uitvaardig.

(3) Indien die Minister van voorneme is om 'n regulasie kragtens hierdie artikel uit te vaardig, moet hy die voorgenome regulasie in die *Staatskoerant* laat publiseer, saam met 'n kennisgewing waarin belanghebbendes versoek word om by 'n vermelde adres enige besware teen of verhoë met betrekking tot die voorgenome regulasie skriftelik aan hom voor te lê binne 'n vermelde tydperk wat nie korter mag wees nie as ses weke vanaf die datum van sodanige publikasie, en ná hierdie tydperk kan die Minister die regulasie na goeddunke met of sonder wysiging uitvaardig: Met dien verstande dat indien volgens die oordeel van die Minister die oogmerk van 'n regulasie deur vertraging verydél sal word, hy sodanige regulasie sonder sodanige voorafgaande publikasie kan uitvaardig.

Brandmerke
waarvoor in
ander wette
voorsiening
gemaak word.

23. (1) Behoudens die bepalings van sub-artikels (2) tot en met (7) geld die bepalings van hierdie Wet benewens en nie in plaas van die bepalings van een of ander wet wat nie deur hierdie Wet herroep word nie en wat die brandmerk van vee veroorloof of verpligtend maak.

(2) Iemand of 'n ampsbekleder wat deur die Minister aangesê word om dit te doen, moet binne die tydperk deur die Minister bepaal, aan die registrateur enige brandmerk voorlê waarmee vee aldus gebrandmerk kan of moet word.

(3) Indien die registrateur oortuig is dat sodanige brandmerk en 'n geregistreerde brandmerk nie so eenders is dat eersgenoemde maklik met laasgenoemde verwar of daarin verander kan word nie, moet hy eersgenoemde brandmerk kosteloos op die voorgeskrewe wyse registreer.

branded after the commencement of this Act and, if they were brought from elsewhere into the Republic, after the introduction thereof into the Republic, and in circumstances within the control of the person who was found in possession thereof;

- (b) that any livestock bearing a brand which was altered, mutilated or cancelled were found in possession of any person or were disposed of or offered for disposal by any person to any other person, it shall be presumed, until the contrary is proved, that such brand was altered, mutilated or cancelled by such first-mentioned person.

(3) If in any proceedings under this Act the question arises whether any person had lawful reason for possessing or doing any thing, the onus of proving that such was the case shall be on the accused.

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

- (a) anything which is required or permitted to be prescribed under this Act;
- (b) the size, shape, pattern and composition of prescribed brands;
- (c) the size, shape and construction of branding irons;
- (d) the persons by whom, and the conditions under which, branding irons may be made, repaired, altered, and supplied;
- (e) the manner in which persons who have ceased to be owners of registered brands, or their representatives, shall dispose of any branding irons relating to such brands;
- (f) the age which livestock shall have attained before they may be branded;
- (g) the manner in which, the parts on which and the material with which livestock shall or may not be branded, and the position in which successive brands shall be made or placed in relation to one another on livestock;
- (h) the conditions on which an owner of livestock may obtain the registration of more than one brand in respect of the same group of livestock;
- (i) the fees payable in terms of this Act; and
- (j) generally, any other matter, whether or not connected with any matter mentioned in paragraphs (a) to (i), inclusive, which he considers it necessary to control, regulate, restrict, or prohibit for the purpose of carrying out and giving effect to this Act, or to prevent evasion or contravention of its provisions.

(2) The Minister may make different regulations in respect of different kinds of brands, and different groups or species of livestock, and different areas.

(3) If the Minister intends to make any regulation under this section he shall cause the proposed regulation to be published in the *Gazette*, together with a notice inviting all interested persons to submit in writing to him, at a stated address, any objections to, or representations concerning, the proposed regulation, within a stated period, being not less than six weeks from the date of such publication, after which period the Minister may promulgate the regulation with or without modifications, as he may deem fit: Provided that if, in the opinion of the Minister, the purpose of any regulation would be defeated by delay, he may make such regulation without such prior publication.

23. (1) Subject to the provisions of sub-sections (2) to (7), Brands provided inclusive, the provisions of this Act shall be in addition to and for in other not in substitution for the provisions of any other law not laws. repealed by this Act, authorizing or requiring the branding of livestock.

(2) Any person or the holder of any office required by the Minister so to do, shall within the period specified by the Minister, submit to the registrar any brand with which any livestock are so authorized or required to be branded.

(3) If the registrar is satisfied that such brand is not so similar to any registered brand as to be easily confused with or convertible into such brand, he shall register it free of charge in the prescribed manner.

(4) Indien die registrateur nie aldus oortuig is nie, moet hy die aangeleentheid aan die Minister voorlê, en die Minister kan die bevel wat hy goetvind, uitreik vir die registrasie van die betrokke brandmerk of 'n ander brandmerk in die plek daarvan.

(5) By registrasie van sodanige ander brandmerk word die gebruik daarvan in plaas van die brandmerk in die plek waarvan dit geregistreer is, geag veroorloof of, na gelang van die geval, verpligtend te wees ingevolge die toepaslike wet.

(6) Indien 'n brandmerk ingevolge hierdie artikel geregistreer is, is die ander bepalings van hierdie Wet nie ten opsigte daarvan van toepassing nie, behalwe dat die registrateur dit moet insluit in die gepaste driemaandelikse opgawe en, vir so lank die gebruik daarvan ingevolge die betrokke wet veroorloof of verpligtend is, in die brandmerkegids vermeld in onderskeidelik artikels *elf* en *twaalf*.

(7) Die gebruik van so 'n brandmerk ooreenkomstig die wet wat die gebruik daarvan veroorloof of verpligtend maak, belet nie die eienaar van vee waarop dit aangebring is, om 'n ander gepaste brandmerk wat op sy naam geregistreer is, op daardie vee aan te bring of te behou nie.

Oordrag van bevoegdhede deur Minister.

24. Die Minister kan 'n bevoegdheid wat deur hierdie Wet aan hom verleen is, behalwe 'n bevoegdheid verleen deur artikel *twee-en-twintig*, aan die Sekretaris of 'n ander beampte van die Departement van Landbou-egniese Dienste oordra.

Vrystelling van sekere gebiede en vee van bepalings van Wet.

25. Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* verklaar dat die bepalings van hierdie Wet nie van toepassing is nie in 'n gebied in die kennisgewing omskryf, of ten opsigte van 'n groep of soort vee daarin vermeld, en kan so 'n kennisgewing insgelyks wysig of intrek.

Herroeping van wette.

26. Die wette in die bylae uiteengesit, word hierby herroep vir sover in die vierde kolom daarvan vermeld.

Kort titel en inwerkingtreding.

27. Hierdie Wet heet die Wet op Veebrandmerke, 1962, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* vasstel.

Bylae.

WETTE HERROEP.

Provinsie.	No. en jaar van wet.	Titel of onderwerp.	Omvang van herroeping.
Kaap die Goeie Hoop.	Wet No. 12 van 1890.	„Brands Registration Act, 1890” ..	Die geheel.
Kaap die Goeie Hoop.	Wet No. 18 van 1892.	„The Brands Registration Act, 1890, Amendment Act, 1892”.	Die geheel.
Kaap die Goeie Hoop.	Wet No. 4 van 1897.	„The Brands Registration Amendment Act, 1897”.	Die geheel.
Natal ..	Wet No. 22 van 1882.	„To declare the Law relating to the Fraudulent Marking or Branding of Ostriches and Cattle, and the Fraudulent Obliteration or Alteration of Brands or Marks on Ostriches and Cattle”.	Die geheel.
Natal ..	Wet No. 13 van 1889.	„To prevent the practice of cutting the ears of certain animals for the purpose of making or obliterating distinguishing earmarks”.	Die geheel.
Natal ..	Wet No. 40 van 1901.	„For the protection of property in Ostriches and Ostrich Feathers”.	Artikels <i>drie</i> tot en met <i>ses</i> .
Oranje-Vrystaat.	Ordonnansie No. 15 van 1903.	„The Brands Registration Ordinance, 1903”.	Die geheel.
Transvaal ..	Ordonnansie No. 15 van 1904.	„Great Stock Brands Ordinance, 1904” ..	Die geheel.

(4) If the registrar is not so satisfied he shall submit the matter to the Minister, who may make such order as he may deem fit for the registration of the brand in question or of another brand in its stead.

(5) Upon registration of such other brand the use thereof shall be deemed to have been authorized or required, as the case may be, in terms of the relevant law instead of the brand in whose place it was so registered.

(6) If a brand is registered in terms of this section the other provisions of this Act shall not apply in respect thereof, except that the registrar shall include it in the appropriate quarterly statement and, so long as the use thereof is authorized or required in terms of the law in question, in the brands directory referred to in sections *eleven* and *twelve* respectively.

(7) The use of any such brand in accordance with the law authorizing or requiring its use, shall not preclude the owner of the livestock on which it is made or placed from making or placing or retaining on such livestock another appropriate brand registered in his name.

24. The Minister may delegate to the Secretary or any other officer of the Department of Agricultural Technical Services any of the powers conferred upon him by this Act, other than the powers conferred by section *twenty-two*. Delegation of powers by Minister.

25. The Minister may from time to time by notice in the *Gazette* declare that the provisions of this Act shall not apply in any area defined in such notice, or in respect of any group or kind of livestock specified therein, and may in like manner amend or repeal any such notice. Exemption of certain areas and livestock from provisions of Act.

26. The laws set forth in the Schedule are hereby repealed to the extent specified in the fourth column thereof. Repeal of laws.

27. This Act shall be called the Livestock Brands Act, 1962, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

Schedule.

LAWS REPEALED.

Province.	No. and year of law.	Title or subject.	Extent of repeal.
Cape of Good Hope.	Act No. 12 of 1890.	"Brands Registration Act, 1890"	The whole.
Cape of Good Hope.	Act No. 18 of 1892.	"The Brands Registration Act, 1890, Amendment Act, 1892".	The whole.
Cape of Good Hope.	Act No. 4 of 1897.	"The Brands Registration Amendment Act, 1897".	The whole.
Natal . .	Law No. 22 of 1882.	To declare the Law relating to the Fraudulent Marking or Branding of Ostriches and Cattle, and the Fraudulent Obliteration or Alteration of Brands or Marks on Ostriches and Cattle.	The whole.
Natal . .	Law No. 13 of 1889.	To prevent the practice of cutting the ears of certain animals for the purpose of making or obliterating distinguishing earmarks.	The whole.
Natal . .	Act No. 40 of 1901.	"For the protection of property in Ostriches and Ostrich Feathers".	Sections <i>three</i> to <i>six</i> inclusive.
Orange Free State.	Ordinance No. 15 of 1903.	"The Brands Registration Ordinance, 1903".	The whole.
Transvaal . .	Ordinance No. 15 of 1904.	Great Stock Brands Ordinance, 1904 . .	The whole.

No. 88, 1962.]

WET**Tot wysiging van die Uitvoerkrediet-herversekeringswet, 1957.***(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 25 Junie 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 78 van 1957, soos gewysig deur artikel 2 van Wet 66 van 1961.

1. Artikel twee van die Uitvoerkrediet-herversekeringswet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur na die woord „Unie” waar dit die tweede maal voorkom die woorde „of uit of in verband met ’n lening of soortgelyke fasiliteit wat met so ’n handeling of transaksie in verband staan en deur ’n persoon wat in die Republiek sake doen aan ’n persoon wat buite die Republiek sake doen of ander bedrywighede voortsit, toegestaan word,” in te voeg;
- (b) deur in paragraaf (a) die woorde „onder omstandighede buite die beheer van die versekerde en van die koper” te skrap;
- (c) deur in paragraaf (b) die woorde „tussen die land van die koper en die Unie of enige ander land” te skrap;
- (d) deur in paragraaf (c) die woord „oorlog,” te skrap; en
- (e) deur in daardie paragraaf die woorde „in die land van die koper” deur die woorde „buite die Republiek” te vervang.

Wysiging van artikel 3 van Wet 78 van 1957.

2. Artikel drie van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling aan die end daarvan by te voeg:

„Met dien verstande dat die Minister in oorlog met die Minister van Finansies ’n hoër persentasie in enige besondere geval kan goedkeur”.

Wysiging van artikel 5 van Wet 78 van 1957.

3. Artikel vyf van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg:

- „(4) (a) Behoudens die bepalings van sub-artikel (3), word die gelde van die Fonds in ’n rekening by die Suid-Afrikaanse Reserwebank gehou.
- (b) Die Minister kan van tyd tot tyd voorskotte by gemelde Bank verkry ten einde tydelike tekorte in die Fonds te bestry.
- (c) Die totale bedrag van sulke voorskotte wat nog nie terugbetaal is nie, oorskry op geen tydstip ’n bedrag wat vermeld moet word in ’n garansie wat die Minister van Finansies aan gemelde Bank moet verstrek nie.
- (d) Enige verlies deur gemelde Bank gely ten gevolge van sodanige voorskotte, word bestry uit gelde deur die Parlement vir die doel bewillig.”

Wysiging van artikel 11 van Wet 78 van 1957.

4. Artikel elf van die Hoofwet word hierby gewysig deur die woord „Goewerneur-generaal” deur die woord „Staatspresident” te vervang.

Wysiging van artikel 12 van Wet 78 van 1957.

5. Artikel twaalf van die Hoofwet word hierby gewysig deur na die woord „Wet” die woorde „en enige wysiging daarvan, wanneer ook al verorden,” in te voeg.

Verganging van „Unie” deur „Republiek” in Wet 78 van 1957.

6. Die Hoofwet word hierby gewysig deur die woord „Unie” oral waar dit voorkom deur die woord „Republiek” te vervang.

Wysiging van lang titel van Wet 78 van 1957.

7. Die lang titel van die Hoofwet word hierby gewysig—

- (a) deur die woord „Unieregering” deur die woorde „Regering van die Republiek” te vervang; en
- (b) deur aan die end daarvan die woorde „en lenings of soortgelyke fasiliteite wat met sodanige transaksies in verband staan” by te voeg.

Kort titel.

8. Hierdie Wet heet die Wysigingswet op Uitvoerkrediet-herversekering, 1962.

No. 88, 1962.]

ACT

To amend the Export Credit Re-insurance Act, 1957.

(English text signed by the State President.)
(Assented to 25th June, 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 Export Credit Re-insurance Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the insertion after the word "Union" where it occurs for the second time of the words "or out of or in connection with any loan or similar facility connected with any such act or transaction and granted by a person carrying on business in the Republic to a person carrying on business or other activities outside the Republic,";
 - (b) by the deletion in paragraph (a) of the words "in circumstances beyond the control of the insured and of the buyer";
 - (c) by the deletion in paragraph (b) of the words "between the buyer's country and the Union or any other country";
 - (d) by the deletion in paragraph (c) of the word "war,"; and
 - (e) by the substitution in that paragraph for the words "in the buyer's country" of the words "outside the Republic".

Amendment of section 2 of Act 78 of 1957, as amended by section 2 of Act 66 of 1961.
2. Section *three* of the principal Act is hereby amended by the addition at the end thereof of the following proviso:

"Provided that the Minister in consultation with the Minister of Finance may in any particular case approve of a higher percentage".

Amendment of section 3 of Act 78 of 1957.
3. Section *five* of the principal Act is hereby amended by the addition of the following sub-section:
 - (4) (a) Subject to the provisions of sub-section (3), the moneys of the Fund shall be kept in an account with the South African Reserve Bank.
 - (b) The Minister may from time to time obtain advances from the said Bank in order to meet temporary deficits in the Fund.
 - (c) The total amount of any such advances which have not yet been repaid shall at no time exceed an amount to be specified in a guarantee to be given to the said Bank by the Minister of Finance.
 - (d) Any loss incurred by the said Bank as a result of such advances shall be met out of moneys appropriated by Parliament for the purpose."

Amendment of section 5 of Act 78 of 1957.
4. Section *eleven* of the principal Act is hereby amended by the substitution for the word "Governor-General" of the words "State President".

Amendment of section 11 of Act 78 of 1957.
5. Section *twelve* of the principal Act is hereby amended by the insertion after the word "Act" of the words "and any amendment thereof, whensoever enacted,".

Amendment of section 12 of Act 78 of 1957.
6. The principal Act is hereby amended by the substitution for the word "Union" wherever it occurs of the word "Republic".

Substitution in Act 78 of 1957 for "Union" of "Republic".
7. The long title of the principal Act is hereby amended—
 - (a) by the substitution in the Afrikaans version for the word "Unieregering" of the words "Regering van die Republiek"; and
 - (b) by the addition at the end thereof of the words "and loans or similar facilities connected with such transactions".

Amendment of long title of Act 78 of 1957.
8. This Act shall be called the Export Credit Re-insurance Amendment Act, 1962.

Short title.

No. 89, 1962.]

WET**Tot wysiging van die Drankwet, 1928.***(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Junie 1962.)***DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 6 van Wet 30 van 1928, soos gewysig deur artikel 3 van Wet 41 van 1934, artikel 1 van Wet 39 van 1937 en artikel 2 van Wet 72 van 1961.

1. Artikel ses van die Drankwet, 1928 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur aan die end van paragraaf (h) van sub-artikel (1) die woord „of” te skrap;
- (b) deur aan die end van paragraaf (i) van genoemde sub-artikel die woord „of” by te voeg; en
- (c) deur by genoemde sub-artikel die volgende paragraaf by te voeg:
 - „(j) die benoemde van ’n assosiasie wat handel kragtens ’n magtiging wat ingevolge artikel *honderd ses* verleen of vernuwe is.”

Wysiging van artikel 100*bis* van Wet 30 van 1928, soos ingevoeg deur artikel 8 van Wet 72 van 1961.**2. Artikel *honderd bis*** van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (6) die woord „vereniging” deur die woord „assosiasie” te vervang;
- (b) deur in sub-artikel (12) na die woord „drank” die woorde „spuit- en mineraalwaters, en Bantoebier soos in die Wet op Bantoebier, 1962, omskryf,” in te voeg; en
- (c) deur na sub-artikel (13) die volgende sub-artikel by te voeg:
 - „(14) Vir die doeleindes van hierdie artikel sluit die uitdrukking „stedelike plaaslike bestuur” met betrekking tot ’n gebied ten opsigte waarvan dit aldus aangewys is, ’n liggaam wat ingevolge artikel *nege-enderdertig* van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), as ’n stedelike plaaslike bestuur aangewys is, in.”

Wysiging van artikel 100*quat* van Wet 30 van 1928, soos ingevoeg deur artikel 8 van Wet 72 van 1961.**3. Artikel *honderd quat*** van die Hoofwet word hierby gewysig deur aan die end daarvan die volgende voorbehoudsbepaling by te voeg:

„Met die verstande dat by die toepassing van hierdie artikel ’n naturel, Asiaat of kleurling wat so ’n perseel as ’n werknemer van die eenaar of wettige bewoner van die grond waarop daardie perseel geleë is, bewoon, nie geag word die wettige bewoner van daardie perseel te wees nie.”

Wysiging van artikel 100*quin* van Wet 30 van 1928, soos ingevoeg deur artikel 8 van Wet 72 van 1961.**4. Artikel *honderd quin*** van die Hoofwet word hierby gewysig deur na die woord „drank” die woorde „of geen drank van ’n vermelde soort of geen drank behalwe drank van ’n vermelde soort” in te voeg.Invoeging van artikel 100*sex* in Wet 30 van 1928.**5. Die volgende artikel** word hierby in die Hoofwet na artikel *honderd quin* ingevoeg:

„Spesiale magtiging vir die verkoop van drank deur assosiasies van kleurlinge of Asiëte.

100*sex*. (1) Die Minister of iemand wat op sy gesag handel, mag onderworpe aan watter voorwaardes of beperkings ook wat hy mag wenslik ag om op te lê, skriftelike magtiging verleen aan die benoemde van ’n assosiasie van kleurlinge of Asiëte wat minstens tien aandeelhouders of lede het, om drank of sodanige soorte van drank as wat hy mag bepaal, te verkoop vir gebruik binne of buite die gebou wat in daardie magtiging beskryf word: Met die verstande dat geen magtiging vir die verkoop van drank vir gebruik buite die gebou verleen word nie tensy die benoemde ook die houer is van ’n magtiging om drank te verkoop vir gebruik binne dieselfde gebou.

(2) ’n Kragtens sub-artikel (1) verleende magtiging bly van krag vir ’n tydperk wat nie twaalf maande te bowe gaan nie, deur die Minister bepaal, en kan van tyd tot tyd op aanvraag vernuwe word deur die Minister of iemand wat op sy gesag handel vir ’n dergelike tydperk en onderworpe aan die voorwaardes of beperkings wat dan opgelê word.

No. 89, 1962.]

ACT

To amend the Liquor Act, 1928.

(Afrikaans text signed by the State President.)
(Assented to 27th June, 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 *six* of the Liquor Act, 1928 (hereinafter referred to as the principal Act), is hereby amended by—
 - (a) the deletion at the end of paragraph (h) of sub-section (1) of the word “or”;
 - (b) by the addition at the end of paragraph (i) of the said sub-section of the word “or”; and
 - (c) by the addition to the said sub-section of the following paragraph:
 - “(j) the nominee of any association acting under an authority granted or renewed under section *one hundred sex*.”.

Amendment of section 6 of Act 30 of 1928, as amended by section 3 of Act 41 of 1934, section 1 of Act 39 of 1937 and section 2 of Act 72 of 1961.

2. Section *one hundred bis* of the principal Act is hereby amended—
 - (a) by the substitution in the Afrikaans text of sub-section (6) for the word “vereniging” of the word “assosiasie”;
 - (b) by the insertion in sub-section (12) after the word “liquor” of the words “aerated and mineral waters, and Bantu beer as defined in the Bantu Beer Act, 1962,”; and
 - (c) by the addition after sub-section (13) of the following sub-section:
 - “(14) For the purposes of this section the expression ‘urban local authority’ includes in relation to any area in respect of which it has been so designated, any body designated as an urban local authority under section *thirty-nine* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945).”.

Amendment of section 100*bis* of Act 30 of 1928, as inserted by section 8 of Act 72 of 1961.

3. Section *one hundred quat.* of the principal Act is hereby amended by the addition at the end thereof of the following proviso:
 - “Provided that for the purposes of this section a native, Asiatic or coloured person occupying any such premises as an employee of the owner or lawful occupier of the land upon which such premises are situated, shall not be deemed to be the lawful occupier of such premises.”.

Amendment of section 100*quat* of Act 30 of 1928, as inserted by section 8 of Act 72 of 1961.

4. Section *one hundred quin* of the principal Act is hereby amended by the insertion after the word “liquor” of the words “or no liquor of a specified kind or no liquor other than liquor of a specified kind”.

Amendment of section 100*quin* of Act 30 of 1928, as inserted by section 8 of Act 72 of 1961.

5. The following section is hereby inserted in the principal Act after section *one hundred quin*:
 - 100*sex*. (1) The Minister or any person acting under his directions may, subject to such conditions or restrictions whatsoever as he may deem fit to impose, grant written authority to the nominee of any association of coloured or Asiatic persons having not less than ten shareholders or members, to sell liquor, or such kinds of liquor as he may determine, for consumption on or off such premises as may be described in such authority: Provided that no authority for the sale of liquor for consumption off the premises shall be granted unless such nominee is also the holder of an authority to sell liquor for consumption on the same premises.
 - (2) Any authority granted under sub-section (1) shall remain in force for a period, not exceeding twelve months, determined by the Minister, and may from time to time on application be renewed by the Minister or any person acting under his directions for a like period and subject to such conditions or restrictions as may then be imposed.

Insertion of section 100*sex* in Act 30 of 1928.

“Special authority for sale of liquor by associations of coloured or Asiatic persons.

(3) Die Minister kan te eniger tyd 'n magtiging kragtens sub-artikel (1) verleen of kragtens sub-artikel (2) vernuwe, intrek, en sy besluit is final.

(4) Die Minister of iemand wat op sy gesag handel, mag, benewens enige voorwaardes of beperkings wat hy kragtens hierdie artikel mag oplê, in die skriftelike magtiging vermeld dat die bepaling van hierdie Wet wat in daardie magtiging uiteengesit word, *mutatis mutandis* van toepassing is op die houer van die magtiging en op of met betrekking tot die gebou in verband waarmee dit verleen of vernuwe is.

(5) Enige voorwaardes of beperkings wat kragtens hierdie artikel opgelê is, mag te eniger tyd gewysig of teruggetrek word deur die Minister of iemand wat op sy gesag handel.

(6) Geen magtiging mag kragtens sub-artikel (1) met betrekking tot 'n gebou geleë in 'n gebied onder die beheer van 'n stedelike plaaslike bestuur uitgereik word nie, tensy die Minister of die persoon wat op sy gesag handel eers daardie stedelike plaaslike bestuur geraadpleeg het.

(7) Iemand aan wie skriftelik magtiging verleen is of wie se magtiging vernuwe is kragtens hierdie artikel, wat versuim of nalaat om te voldoen aan 'n voorwaarde of beperking opgelê, of aan 'n bepaling van hierdie Wet wat deur die Minister of die persoon wat op sy gesag handel, op hom of op of met betrekking tot die betrokke gebou van toepassing gemaak is, is aan 'n misdryf skuldig.

(8) Die persoon aan wie 'n magtiging verleen word of op wie se naam dit vernuwe word kragtens hierdie artikel, moet aan die ontvanger van staatsinkomste ten voordele van die Gekonsolideerde Inkomstefonds die fooi, wat nie vyf-en-sewentig pond te bowe gaan nie, betaal wat die Minister, na oorlegpleging met die Minister van Finansies, in iedere geval vasstel.

(9) 'n Magtiging word alleenlik kragtens hierdie artikel verleen of vernuwe—

(a) indien die betrokke gebou geleë is in 'n gebied wat kragtens die bepaling van die Groepsgebiedewet, 1957 (Wet No. 77 van 1957), opsygesit is vir okkupasie deur kleurlinge of Asiate of in 'n gebied wat hoofsaaklik deur sulke persone geokkupeer word; en

(b) indien geen enkele aandeelhouer in of lid van die betrokke maatskappy of ander assosiasie—

(i) meer as veertig persent van die uitgereikte aandele in daardie maatskappy hou of meer as veertig persent van die kapitaal in daardie ander assosiasie bygedra het nie;

(ii) enige geldelike belang hoegenaamd in 'n ander magtiging wat kragtens hierdie artikel verleen of vernuwe is, of wat geag word 'n magtiging te wees wat aldus verleen of vernuwe is, om drank te verkoop vir gebruik binne die gebou waar dit verkoop word, het nie.

(10) Die bevoegdhede deur hierdie artikel aan die Minister verleen, word deur hom of die persoon wat op sy gesag handel, uitgeoefen na oorlegpleging, in die geval van 'n assosiasie van kleurlinge, met die Minister van Kleurlingsake, of, in die geval van 'n assosiasie van Asiate, met die Minister wat vir die belange van die betrokke Asiate verantwoordelik is of met iemand wat op gesag van die verantwoordelike Minister handel: Met die verstande dat geen magtiging kragtens sub-artikel (1) verleen word nie, behalwe op aanbeveling van die Nasionale Drankraad ingevolge artikel *honderd-en-agtien bis* ingestel, gemaak na oorweging van alle relevante dokumente, inligting, besware, poliesierapporte en verhoë aan die Minister kragtens die regulasies voorgelê.

(11) Binne twee weke na die aanvang van 'n gewone sessie van die Parlement lê die Minister in die Senaat en in die Volksraad 'n verslag ter Tafel van alle magtigings ingevolge sub-artikel (1) of (2) gedurende die voorafgaande kalenderjaar verleen of vernuwe.

(3) The Minister may at any time revoke any authority granted under sub-section (1) or renewed under sub-section (2) and his decision shall be final.

(4) The Minister or any person acting under his directions may, in addition to any conditions or restrictions which he may impose under this section, specify in the written authority that such provisions of this Act as are set forth in such authority, shall *mutatis mutandis* be applicable to the holder of the authority and to or in respect of the premises in respect of which it has been granted or renewed.

(5) Any conditions or restrictions imposed under this section may at any time be amended or withdrawn by the Minister or any person acting under his directions.

(6) No authority shall be issued under sub-section (1) in respect of premises situate in an area under the control of an urban local authority unless the Minister or the person acting under his directions, has first consulted such urban local authority.

(7) Any person to whom written authority has been granted or whose authority has been renewed under this section who fails or neglects to comply with any condition or restriction imposed or with any provision of this Act which has been made applicable to him or to or in respect of the premises concerned, by the Minister or the person acting under his directions, shall be guilty of an offence.

(8) The person to whom an authority is granted or in whose name it is renewed under this section shall pay to the receiver of revenue for the benefit of the Consolidated Revenue Fund, such fee, not exceeding seventy-five pounds, as the Minister after consultation with the Minister of Finance, may in each case determine.

(9) An authority under this section shall only be granted or renewed—

- (a) if the premises concerned are situated in an area set aside under the provisions of the Group Areas Act, 1957 (Act No. 77 of 1957), for the occupation of coloured or Asiatic persons or in an area predominantly occupied by such persons; and
- (b) if no single shareholder in or member of the company or other association concerned—
 - (i) holds more than forty per cent. of the issued shares in such company or contributed more than forty per cent. of the capital of such other association;
 - (ii) has any financial interest whatsoever in any other authority granted or renewed or deemed to be an authority granted or renewed under this section, to sell liquor for consumption on the premises where it is sold.

(10) The powers conferred on the Minister by this section shall be exercised by him or the person acting under his directions after consultation, in the case of an association of coloured persons, with the Minister of Coloured Affairs or, in the case of an association of Asiatics, with the Minister responsible for the interests of the Asiatics concerned or with any person acting under the directions of the responsible Minister: Provided that no authority shall be granted under sub-section (1) except upon the recommendation of the National Liquor Board established under section *one hundred and eighteen bis* made after consideration of all relevant documents, information, objections, police reports and representations submitted to the Minister under the regulations.

(11) Within two weeks after the commencement of an ordinary session of Parliament the Minister shall lay upon the Table in the Senate and in the House of Assembly a report of all authorities granted or renewed under sub-section (1) or (2) during the preceding calendar year.

(12) Iedere botteldranklisensie verleen, oorgedra of vernuwe voor die inwerkingtreding van hierdie artikel, in die naam van die benoemde van 'n maatskappy of ander assosiasie waarvan al die aandeelhouders of lede kleurlinge of Asiate is, word, na die eerste dag van April, 1963, geag 'n magtiging te wees wat wettiglik kragtens hierdie artikel verleen of vernuwe is en so 'n magtiging kan van tyd tot tyd op aanvraag kragtens sub-artikel (2) vernuwe word sonder dat die benoemde ook die houer is van 'n magtiging om drank te verkoop vir gebruik binne dieselfde gebou waar hy drank vir gebruik buite die gebou verkoop."

Wysiging van artikel 114bis van Wet 30 van 1928, soos ingevoeg deur artikel 35 van Wet 61 van 1956 en gewysig deur artikel 6 van Wet 58 van 1957.

6. Artikel *honderd-en-veertien bis* van die Hoofwet word hierby gewysig—

(a) deur sub-artikels (1) en (2) deur die volgende sub-artikels te vervang:

„(1) Die houer van 'n bottel-, restourant-, hotel- of wyn- en bier-lisensie of 'n kantien-lisensie moet te alle tye voldoen aan die redelike vereistes van die publiek wat betref die verskaffing van wyn, brandewyn en bier.

(2) Die houer van 'n in sub-artikel (1) bedoelde lisensie word nie geag aan die redelike vereistes van die publiek wat betref die verskaffing van wyn, brandewyn en bier te voldoen nie tensy hy, behalwe vir sover hy deur omstandighede buite sy beheer verhinder word om dit te doen—

(a) indien wyn in die gelisensieerde gebou verkoop of vir verkoop aangehou word, wyn, waarvoor daar 'n redelike aanvraag deur die publiek is, van minstens agt verskillende produsente of vervaardigers van wyn van wie elkeen met betrekking tot elkeen van die ander en tot die houer van die lisensie, 'n onafhanklike produsent of vervaardiger moet wees;

(b) indien brandewyn in die gelisensieerde gebou verkoop of vir verkoop aangehou word, brandewyn, waarvoor daar 'n redelike aanvraag deur die publiek is, van minstens ses verskillende produsente of vervaardigers van brandewyn van wie elkeen met betrekking tot elkeen van die ander en tot die houer van die lisensie, 'n onafhanklike produsent of vervaardiger moet wees; en

(c) indien bier in die gelisensieerde gebou verkoop of vir verkoop aangehou word, bier, waarvoor daar 'n redelike aanvraag deur die publiek is, van minstens drie verskillende bierbrouers in die Republiek van wie elkeen met betrekking tot elkeen van die ander en tot die houer van die lisensie, 'n onafhanklike brouer moet wees,

in redelike hoeveelhede en teen redelike pryse te alle tye in die gelisensieerde gebou vir verkoop beskikbaar en uitgestal hou of, in die geval van tafelwyn, by wyse van 'n wynlys of andersins adverteer.”;

(b) deur in sub-artikel (3) na die woord „vervaardiger” oral waar dit voorkom die woorde „of bierbrouer” in te voeg; en

(c) deur in sub-artikel (4) na die woord „vervaardiger” oral waar dit voorkom die woorde „of bierbrouer” in te voeg; en deur in genoemde sub-artikel na die woord „brandewyn” die woorde „of bier” in te voeg.

Wysiging van artikel 135 van Wet 30 van 1928, soos gewysig deur artikel 9 van Wet 35 van 1956 en artikel 14 van Wet 72 van 1961.

7. Artikel *honderd vyf-en-dertig* van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (3) na die woorde „*honderd bis*” die woorde „of *honderd sex*” in te voeg.

Wysiging van artikel 136 van Wet 30 van 1928, soos gewysig deur artikel 10 van Wet 35 van 1956 en artikel 39 van Wet 61 van 1956.

8. Artikel *honderd ses-en-dertig* van die Hoofwet word hierby gewysig deur paragraaf (g) van sub-artikel (1) te skrap.

(12) Every bottle liquor licence granted, transferred or renewed before the coming into operation of this section, in the name of the nominee of a company or other association of which all the shareholders or members are coloured or Asiatic persons, shall after the first day of April, 1963, be deemed to be an authority lawfully granted or renewed under this section and such an authority may from time to time on application be renewed under sub-section (2) without such nominee being also the holder of an authority to sell liquor for consumption on the same premises where he sells liquor for consumption off the premises.”.

6. Section *one hundred and fourteen bis* of the principal Act is hereby amended—

Amendment of section 114bis of Act 30 of 1928, as inserted by section 35 of Act 61 of 1956 and amended by section 6 of Act 58 of 1957.

(a) by the substitution for sub-sections (1) and (2) of the following sub-sections:

“(1) The holder of a bottle, restaurant, hotel or wine and malt liquor licence or a bar licence shall at all times satisfy the reasonable requirements of the public in regard to the supply of wine, brandy and malt liquor.

(2) The holder of a licence referred to in sub-section (1) shall not be deemed to satisfy the reasonable requirements of the public in regard to the supply of wine, brandy and malt liquor unless he has, except in so far as he is prevented from doing so by circumstances beyond his control, at all times available and exposed or, in the case of table wine, advertised by means of a wine list or otherwise, for sale in the licensed premises, in reasonable quantities and at reasonable prices—

(a) if any wine is sold or kept for sale on the licensed premises, wine, for which there is a reasonable demand by the public, of at least eight different producers or manufacturers of wine each one of whom shall in relation to every one of the others and to the holder of the licence, be an independent producer or manufacturer;

(b) if any brandy is sold or kept for sale on the licensed premises, brandy, for which there is a reasonable demand by the public, of at least six different producers or manufacturers of brandy each one of whom shall in relation to every one of the others and to the holder of the licence, be an independent producer or manufacturer; and

(c) if any malt liquor is sold or kept for sale on the licensed premises, malt liquor, for which there is a reasonable demand by the public, of at least three different brewers of malt liquor in the Republic each one of whom shall in relation to every one of the others and to the holder of the licence, be an independent brewer.”;

(b) by the insertion in sub-section (3) after the word “manufacturer” wherever it occurs, of the words “or brewer of malt liquor”; and

(c) by the substitution in sub-section (4) for the words “manufacturer or producer” of the words “producer or manufacturer or brewer of malt liquor”; by the insertion in the said sub-section after the word “brandy” of the words “or malt liquor”; and by the insertion in the said sub-section after the word “manufacturer” where it occurs for the second, third, fourth, fifth and sixth times, of the words “or a brewer of malt liquor”.

7. Section *one hundred and thirty-five* of the principal Act is hereby amended by the insertion in paragraph (a) of sub-section (3) after the words “*one hundred bis*” of the words “or *one hundred sex*”.

Amendment of section 135 of Act 30 of 1928, as amended by section 9 of Act 35 of 1956 and section 14 of Act 72 of 1961.

8. Section *one hundred and thirty-six* of the principal Act is hereby amended by the deletion of paragraph (g) of sub-section (1).

Amendment of section 136 of Act 30 of 1928, as amended by section 10 of Act 35 of 1956 and section 39 of Act 61 of 1956.

Wysiging van artikel 161 van Wet 30 van 1928.

9. Artikel *honderd een-en-sestig* van die Hoofwet word hierby gewysig deur na paragraaf (r) die volgende paragraaf in te voeg:

„(r)*bis* terwyl hy 'n houer van 'n in sub-artikel (1) van artikel *honderd-en-veertien bis* bedoelde lisensie is, versuim om te alle tye aan die redelike behoeftes van die publiek wat betref die verskaffing van wyn, brandewyn en bier soos deur daardie artikel vereis, te voldoen;”.

Wysiging van artikel 166 van Wet 30 van 1928, soos gewysig deur artikel 33 van Wet 41 van 1934, artikel 42 van Wet 61 van 1956, artikel 10 van Wet 58 van 1957 en artikel 17 van Wet 72 van 1961.

10. Artikel *honderd ses-en-sestig* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (h) na die woorde „*honderd bis*” oral waar hulle voorkom die woorde „of *honderd sex*” in te voeg; en
- (b) deur in paragraaf (i) na die woorde „*honderd bis*” die woorde „of *honderd sex*” in te voeg.

Wysiging van artikel 167 van Wet 30 van 1928, soos gewysig deur artikel 11 van Wet 35 van 1956.

11. Artikel *honderd sewe-en-sestig* van die Hoofwet word hierby gewysig deur in paragraaf (c) van sub-artikel (1) die uitdrukking „of (n)” deur die uitdrukking „(n) of (r)*bis*” te vervang.

Wysiging van artikel 168 van Wet 30 van 1928, soos gewysig deur artikel 34 van Wet 41 van 1934, artikel 12 van Wet 35 van 1956, artikel 43 van Wet 61 van 1956 en artikel 18 van Wet 72 van 1961.

12. Artikel *honderd agt-en-sestig* van die Hoofwet word hierby gewysig deur in paragraaf (b) van sub-artikel (1) na die woorde „*honderd bis*” die woorde „of sub-artikel (7) van artikel *honderd sex*” in te voeg.

Wysiging van artikel 173 van Wet 30 van 1928, soos gewysig deur artikel 44 van Wet 61 van 1956 en artikel 19 van Wet 72 van 1961.

13. Artikel *honderd drie-en-sewentig* van die Hoofwet word hierby gewysig deur in paragraaf (b)*bis* die woorde „artikel *honderd bis*” deur die woorde „artikels *honderd bis* en *honderd sex*” te vervang.

Kort titel en inwerkingtreding.

14. Hierdie Wet heet die Drankwysigingswet, 1962, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal te word: Met dien verstande dat verskillende datums ten opsigte van die onderskeie bepalings van hierdie Wet aldus bepaal kan word.

9. Section *one hundred and sixty-one* of the principal Act is hereby amended by the insertion after paragraph (r) of the following paragraph:
- “(r)*bis* being the holder of a licence referred to in sub-section (1) of section *one hundred and fourteen bis* fails to satisfy at all times the reasonable requirements of the public in regard to the supply of wine, brandy and malt liquor as required by that section;”.
10. Section *one hundred and sixty-six* of the principal Act is hereby amended—
- (a) by the insertion in paragraph (h) after the words “*one hundred bis*” wherever they occur of the words “or *one hundred sex*”; and
- (b) by the insertion in paragraph (i) after the words “*one hundred bis*” of the words “or *one hundred sex*”.
11. Section *one hundred and sixty-seven* of the principal Act is hereby amended by the substitution in paragraph (c) of sub-section (1) for the expression “or (n)” of the expression “(n) or (r)*bis*”.
12. Section *one hundred and sixty-eight* of the principal Act is hereby amended by the insertion in paragraph (b) of sub-section (1) after the words “*one hundred bis*” of the words “or sub-section (7) of section *one hundred sex*.”
13. Section *one hundred and seventy-three* of the principal Act is hereby amended by the substitution in paragraph (b)*bis* for the words “section *one hundred bis*” of the words “sections *one hundred bis* and *one hundred sex*”.
14. This Act shall be called the Liquor Amendment Act, 1962, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*: Provided that different dates may be so fixed in respect of the several provisions of this Act.

Amendment of section 161 of Act 30 of 1928.

Amendment of section 166 of Act 30 of 1928, as amended by section 33 of Act 41 of 1934, section 42 of Act 61 of 1956, section 10 of Act 58 of 1957 and section 17 of Act 72 of 1961.

Amendment of section 167 of Act 30 of 1928, as amended by section 11 of Act 35 of 1956.

Amendment of section 168 of Act 30 of 1928, as amended by section 34 of Act 41 of 1934, section 12 of Act 35 of 1956, section 43 of Act 61 of 1956 and section 18 of Act 72 of 1961.

Amendment of section 173 of Act 30 of 1928, as amended by section 44 of Act 61 of 1956 and section 19 of Act 72 of 1961.

Short title and commencement.

No. 90, 1962.]

WET

Om die skale van normale belasting vas te stel vir die jaar van aanslag wat op die dertigste dag van Junie 1962 eindig, om voorsiening te maak vir die betaling aan provinsiale inkomstefondse van 'n gedeelte van die normale belasting deur sekere maatskappye betaalbaar, om die wetsbepalings betreffende inkomstebelasting te wysig en om voorsiening te maak vir die verskaffing van inligting deur werkgewers en andere.

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

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

Skale van normale belasting.

1. Die skale van normale belasting wat ooreenkomstig sub-artikel (2) van artikel vyf van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), hieronder die Hoofwet genoem, ten opsigte van die jaar van aanslag wat op die dertigste dag van Junie 1962 eindig, gehef word, is soos uiteengesit in die Bylae by hierdie Wet.

Gedeeltes van normale belasting betaalbaar deur sekere maatskappye word in provinsiale inkomstefondse inbetaal.

2. (1) (a) Ondanks die bepalinge van sub-artikel (1) van artikel vyf van die Hoofwet, val 'n gedeelte (hieronder die provinsiale gedeelte van die normale belasting genoem), gelyk aan een-sesde van enige bedrag van die belasting bereken ooreenkomstig sub-item (i) van item (a) van sub-paragraaf (1) van paragraaf I van die Bylae by hierdie Wet toe ten bate van die onderskeie provinsiale inkomstefondse in die verhoudings uiteengesit in Proklamasie No. 310 van 1957, maar onderworpe aan die wysigings wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal, en word dit in bedoelde verhoudings in daardie provinsiale inkomstefondse ooreenkomstig die wette betreffende die invordering, bank en bewaring van provinsiale inkomstes inbetaal, asof dit 'n belasting was wat deur die provinsiale rade van daardie provinsies op die inkomstes van maatskappye gehef was.

(b) Die provinsiale gedeelte van die normale belasting is nie deur 'n maatskappy wie se enigste of vernaamste besigheid in die Republiek die myn van goud is of was, ten opsigte van soveel van sy belasbare inkomste as wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by sy bruto inkomste van 'n in paragraaf (j) van die omskrywing van „bruto inkomste” in artikel een van die Hoofwet bedoelde bedrag betaalbaar nie.

(2) Die bepalinge van hierdie artikel tree in werking op die eerste dag van Julie 1962.

Wysiging van artikel I van Wet 58 van 1962.

3. Artikel een van die Hoofwet word hierby gewysig—

(a) deur die omskrywing van „aandeelhouer” deur die volgende omskrywing te vervang:
„aandeelhouer”—

(a) met betrekking tot 'n maatskappy bedoel in paragraaf (a), (b), (c) of (d) van die omskrywing van „maatskappy” in hierdie artikel, die geregistreerde aandeelhouer ten opsigte van 'n aandeel, behalwe dat wanneer 'n ander persoon as die geregistreerde aandeelhouer geregtig is, hetsy uit hoofde van 'n bepaling van die akte van oprigting of statute van die maatskappy of ingevolge die voorwaardes van 'n ooreenkoms of kontrak of andersins, op die voordeel of 'n deel van die voordeel van die regte om in die winste of inkomste verbonde aan die aldus geregistreerde aandeel te deel, daardie ander persoon vir sover hy op bedoelde voordeel geregtig is ook geag word 'n aandeelhouer te wees; of

(b) met betrekking tot 'n maatskappy bedoel in paragraaf (e) van genoemde omskrywing, die geregistreerde besitter van 'n onderaandeel—

No. 90, 1962.]

ACT

To fix the rates of normal tax in respect of the year of assessment ending the thirtieth day of June, 1962, to provide for the payment of a portion of the normal tax payable by certain companies into provincial revenue funds, to amend the law relating to income tax, and to provide for the furnishing of information by employers and others.

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

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

1. The rates of normal tax to be levied in terms of sub-section (2) of section five of the Income Tax Act, 1962 (Act No. 58 of 1962), hereinafter referred to as the principal Act, in respect of the year of assessment ending the thirtieth day of June, 1962, shall be as set forth in the Schedule to this Act. Rates of normal tax.
2. (1) (a) Notwithstanding the provisions of sub-section (1) of section five of the principal Act, a portion (hereinafter referred to as the provincial portion of the normal tax) equal to one-sixth of any amount of tax determined in accordance with sub-item (i) of item (a) of subparagraph (1) of paragraph 1 of the Schedule to this Act shall accrue for the benefit of the respective provincial revenue funds in the proportions set forth in Proclamation No. 310 of 1957, but subject to such modifications as may be determined by the State President by proclamation in the *Gazette*, and shall in the said proportions be paid into the said provincial revenue funds in accordance with the laws relating to the collection, banking and custody of provincial revenues as though it were a tax imposed by the provincial councils of the said provinces on the incomes of companies. Portions of normal tax payable by certain companies to be paid into provincial revenue funds.

(b) The provincial portion of the normal tax shall not be payable by any company, the sole or principal business of which in the Republic is or has been mining for gold, in respect of so much of its taxable income as the Commissioner determines to be attributable to the inclusion in its gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section one of the principal Act.
- (2) The provisions of this section shall come into operation on the first day of July, 1962.
3. Section one of the principal Act is hereby amended— Amendment of section 1 of Act 58 of 1962.
 - (a) by the addition with effect from the first day of July, 1962, at the end of the definition of "assessment" of the words "and any decision of the Commissioner which is in terms of this Act subject to objection and appeal";
 - (b) by the addition at the end of paragraph (d) of the definition of "company" of the word "or", and the addition to that definition of the following paragraph:

"(e) any unit portfolio comprised in any unit trust scheme in securities other than property shares managed or carried on by any company registered as a management company under section four of the Unit Trusts Control Act, 1947 (Act No. 18 of 1947), if—

 - (i) such portfolio was created on or after the date of commencement of the Unit Trusts Control Amendment Act, 1962 (Act No. 11 of 1962); or
 - (ii) such portfolio was created before that date and the relevant trust deed has after that date been amended in order to create further units in that portfolio;"

sertifikaat uitgereik ten opsigte van 'n onderaandeel ingesluit by die betrokke effektegroep, behalwe dat waar 'n ander persoon as die geregistreerde besitter van 'n onderaandeel geregtig is, hetsy uit hoofde van 'n bepaling in die trustakte aangegaan vir die doeleindes van die betrokke effekte-trustskema of ingevolge die voorwaardes van 'n ooreenkoms of kontrak of andersins, op die voordeel of 'n deel van die voordeel van die regte om in die winste of inkomste verbonde aan die onderaandeel-sertifikaat te deel, daardie ander persoon vir sover hy op bedoelde voordeel geregtig is ook geag word 'n aandeelhouer te wees;"

- (b) deur met ingang van die eerste dag van Julie 1962 aan die end van die omskrywing van „aanslag” die woorde „en enige beslissing van die Kommissaris wat kragtens hierdie Wet aan beswaar en appèl onderhewig is” by te voeg;
- (c) deur in paragraaf (c) van die omskrywing van „bruto-inkomste” die woorde na die woord „word” waar dit die eerste maal voorkom deur die volgende voorbehoudsbepaling te vervang:
- „Met dien verstande dat—
- (i) 'n bedrag wat by wyse van bonus, gratifikasie of vergoeding deur 'n werknemer of ampsbekleër ontvang word of aan hom toeval by en omrede die beëindiging van sy dienste (min soveel daarvan as wat ingevolge paragraaf (x) van sub-artikel (1) van artikel *tien* van belasting vrygestel is), geag word in drie agtereenvolgende gelyke jaarlikse paaielemente ontvang te word of toe te val, waarvan die eerste paaielement geag word op die datum van ontvangs of toevalling van bedoelde bedrag ontvang te gewees of toe te geval het en elk van die daaropvolgende paaielemente op die toepaslike verjaardag van daardie datum, indien—
- (aa) die beëindiging van bedoelde werknemer of ampsbekleër se diens aan afdanking weens ouderdom, swak gesondheid of ander gebrek te wyte is; of
- (bb) die Kommissaris oortuig is dat die omstandighede van die geval hierdie toegewing regverdig;
- (ii) 'n bedrag (behalwe 'n bonus of 'n bedrag in paragraaf (i) van hierdie voorbehoudsbepaling bedoel) wat deur 'n werknemer of ampsbekleër ontvang is of aan hom toegeval het ingevolge 'n permanente toekenning van salaris of loon met terugwerkende krag toegestaan ten opsigte van dienste deur dié werknemer of ampsbekleër gelewer, by die toepassing van hierdie Wet of 'n vorige Inkomstebelastingwet geag word ontvang te gewees het of toe te geval het—
- (aa) indien sodanige toekenning betrekking het op 'n jaar of tydperk van aanslag beginnende nie meer nie as twee jaar voor die aanvang van die jaar of tydperk van aanslag waarin die toekenning van krag word, gedurende die jaar of tydperk van aanslag waarop die toekenning betrekking het;
- (bb) indien sodanige toekenning betrekking het op 'n jaar of tydperk van aanslag beginnende meer as twee jaar voor die aanvang van die jaar of tydperk van aanslag waarin die toekenning van krag word, in drie gelyke paaielemente, in die geval van die eerste en tweede paaielemente onderskeidelik twee jaar en een jaar voor die datum waarop die toekenning van krag word, en in die geval van die derde paaielement op daardie datum;
- (iii) 'n bedrag wat by ontstentenis van die herroeping van die Inkomstebelastingwet, 1941 (Wet No. 31 van 1941), ingevolge die voorbehoudsbepaling by paragraaf (b) van die omskrywing van „bruto-inkomste” in artikel *sewe* van daardie Wet geag sou gewees het op enige datum ontvang te gewees of toe te geval het, by die toepassing van hierdie paragraaf geag word op bedoelde datum ontvang te gewees of toe te geval het;"

- (c) by the insertion in the definition of "dividend" after the word "shareholders" where it occurs for the first time of the words "or any amount distributed out of the assests pertaining to any unit portfolio referred to in paragraph (e) of the definition of 'company' in this section to shareholders in relation to such unit portfolio," and the substitution with effect from the first day of July, 1962, for paragraph (g) of that definition of the following paragraphs:
- "(g) so much of the nominal value of any bonus shares awarded to shareholders as part of the equity share capital of a company by a company which is recognized as a public company in terms of section *thirty-eight* and which during the period of ten years ending the day before the date of such award has made any partial reduction of its paid-up share capital involving a distribution to shareholders of cash or other assets, as exceeds the sum of the amounts which in the opinion of the Commissioner were available for distribution to shareholders on each and every date on which the company made a partial reduction of its paid-up share capital during the said period, less the sum of so much of the nominal values of all bonus shares awarded by such company during that period (excluding any portion of that period occurring prior to the first day of July, 1957) as constituted dividends for the purposes of this definition or the definition of 'dividend' in section *one* of the Income Tax Act, 1941: Provided that for the purposes of this paragraph the amount available for distribution on any date on which the company made a partial reduction of its paid-up share capital shall, if that amount exceeds the nominal amount of such reduction, be deemed to be an amount equal to such nominal amount; or
- (h) the nominal value of any bonus shares awarded to shareholders as part of the equity share capital of a company by a company which is recognized as a public company in terms of section *thirty-eight* and which during the period of ten years ending the day before the date of such award has not made any partial reduction of its paid-up share capital involving a distribution to shareholders of cash or other assets;";
- (d) by the substitution in paragraph (c) of the definition of "gross income" for the words following the word "rendered" where it occurs for the second time of the following proviso:
- "Provided that—
- (i) any amount received by or accrued to an employee or the holder of any office by way of bonus, gratuity or compensation upon and because of the termination of his services (less so much thereof as is exempt from tax under paragraph (x) of sub-section (1) of section *ten*) shall be deemed to be received or to accrue in three successive equal annual instalments of which the first instalment shall be deemed to have been received or to have accrued on the date of receipt or accrual of such amount and each of the subsequent instalments on the appropriate anniversary of that date, if—
- (aa) the termination of the services of such employee or office holder is due to superannuation, ill health or other infirmity; or
- (bb) the Commissioner is satisfied that the circumstances of the case warrant this concession;
- (ii) any amount (other than any bonus or any amount referred to in paragraph (i) of this proviso) which has been received by or has accrued to an employee or holder of any office under a permanent award of salary or wages granted with retrospective effect in respect of services rendered by such employee or office holder, shall for the purposes of this Act or any previous Income Tax Act be deemed to have been received or to have accrued—

- (d) deur in die voorbehoudsbepaling by paragraaf (e) van genoemde omskrywing na die uitdrukking „paragraaf (g)” die uitdrukking „van sub-artikel (1)” in te voeg;
- (e) deur na sub-paragraaf (ii) van paragraaf (g) van genoemde omskrywing die volgende sub-paragraaf in te voeg:
„(ii)bis vir die reg van gebruik van ’n rolprentfilm of ’n klankopname of advertensiestukke wat met sodanige film in verband staan; of”;
- (f) deur in sub-paragraaf (iv) van genoemde paragraaf die woorde „so ’n” deur die woorde „sodanige film, klankopname, advertensiestukke,” te vervang;
- (g) deur in die omskrywing van „dividend” na die woord „uitgekeer” waar dit die eerste maal voorkom die woorde „of ’n bedrag uit die bates met betrekking tot ’n effektegroep bedoel in paragraaf (e) van die omskrywing van „maatskappy” in hierdie artikel, aan aandeelhouders met betrekking tot sodanige effektegroep uitgekeer” in te voeg, en deur paragraaf (g) van daardie omskrywing met ingang van die eerste dag van Julie 1962 deur die volgende paragrawe te vervang:
- „(g) soveel van die nominale waarde van bonusaandeel aan aandeelhouders toegeken as deel van die kapitaal aan gewone aandele van ’n maatskappy, deur ’n maatskappy wat ingevolge artikel *agt-en-dertig* as ’n publieke maatskappy erken word, en wat gedurende die tydperk van tien jaar wat die dag voor die datum van bedoelde toekenning eindig ’n gedeeltelike vermindering van sy opbetaalde aandeelkapitaal gemaak het wat ’n uitkering aan aandeelhouders van kontant of ander bates meegebring het, as wat die som van die bedrae wat volgens die Kommissaris se oordeel beskikbaar was vir uitkering aan aandeelhouders op elke en iedere datum waarop die maatskappy ’n gedeeltelike vermindering van sy opbetaalde aandeelkapitaal gedurende bedoelde tydperk gemaak het, min die som van soveel van die nominale waardes van al die bonusaandeel deur bedoelde maatskappy gedurende daardie tydperk (uitgesonderd enige gedeelte van bedoelde tydperk wat voor die eerste dag van Julie 1957 val) toegeken as wat dividende by die toepassing van hierdie omskrywing of die omskrywing van „dividend” in artikel *een* van die Inkomstebelastingwet, 1941, uitgemaak het, te bowe gaan: Met dien verstande dat by die toepassing van hierdie paragraaf die bedrag beskikbaar vir uitkering op ’n datum waarop die maatskappy ’n gedeeltelike vermindering van sy opbetaalde aandeelkapitaal gemaak het, indien daardie bedrag die nominale bedrag van sodanige vermindering te bowe gaan, geag word ’n bedrag gelyk aan sodanige nominale bedrag te wees; of
- (h) die nominale waarde van bonusaandeel aan aandeelhouders toegeken as deel van die kapitaal aan gewone aandele van ’n maatskappy, deur ’n maatskappy wat ingevolge artikel *agt-en-dertig* as ’n publieke maatskappy erken word en wat gedurende die tydperk van tien jaar wat die dag voor die datum van bedoelde toekenning eindig, nie ’n gedeeltelike vermindering van sy opbetaalde aandeelkapitaal wat ’n uitkering aan aandeelhouders van kontant of ander bates meegebring het, gemaak het nie;”;
- (h) deur die omskrywing van „getroude persoon” deur die volgende omskrywing te vervang:
„getroude persoon’ iemand wat—
- (a) gedurende enige gedeelte van die tydperk ten opsigte waarvan ’n aanslag gemaak word getroud was of ’n wewenaar of weduwee was of van tafel en bed geskei was ingevolge ’n skriftelike skeidingsooreenkoms aangegaan na die een-en-twintigste dag van Maart 1962; of
- (b) gedurende daardie hele tydperk—
- (i) uit die eg geskei was of ingevolge ’n geregtelike bevel van tafel en bed geskei was, indien die geregtelike stappe vir sodanige egskeiding of geregtelike skeiding nie later as genoemde datum ingestel is nie; of

- (aa) if such award relates to a year or period of assessment commencing not more than two years before the commencement of the year or period of assessment during which the award becomes effective, during the year or period of assessment to which the award relates;
- (bb) if such award relates to a year or period of assessment commencing more than two years before the commencement of the year or period of assessment during which the award becomes effective, in three equal instalments, in the case of the first and second instalments two years and one year respectively before the date on which the award becomes effective, and, in the case of the third instalment, on that date;
- (iii) any amount which but for the repeal of the Income Tax Act, 1941 (Act No. 31 of 1941), would have been deemed to have been received or to have accrued on any date in terms of the proviso to paragraph (b) of the definition of 'gross income' in section seven of that Act, shall for the purposes of this paragraph be deemed to have been received or to have accrued on the said date;"
- (e) by the insertion in the proviso to paragraph (e) of the said definition after the expression "paragraph (g)" of the expression "of sub-section (1)";
- (f) by the insertion after sub-paragraph (ii) of paragraph (g) of the said definition of the following sub-paragraph:
 - "(ii)bis for the right of use of any motion picture film or any sound recording or advertising matter connected with such film; or";
- (g) by the insertion in sub-paragraph (iv) of the said paragraph after the word "such" of the words "film, sound recording, advertising matter,";
- (h) by the substitution for the definition of "married person" of the following definition:
 - "'married person' means any person who—
 - (a) during any portion of the period in respect of which any assessment is made was married or was a widower or widow or was separated under a written agreement of separation entered into after the twenty-first day of March, 1962; or
 - (b) during the whole of such period—
 - (i) was divorced or was separated under an order of judicial separation, if the proceedings for such divorce or judicial separation were instituted not later than the said date; or
 - (ii) was separated under a written agreement of separation entered into not later than that date,
 and who is entitled to any deduction in respect of a child under paragraph (c) of sub-section (1) of section six;"
- (i) by the insertion in the definition of "pension fund" after the word "law" where it occurs for the first time of the words "or for the benefit of employees of any local authority" and the substitution in that definition for the words "established by law" where they occur for the second time of the words "so established"; and
- (j) by the substitution for the definition of "shareholder" of the following definition:
 - "'shareholder'—
 - (a) in relation to any company referred to in paragraph (a), (b), (c) or (d) of the definition of 'company' in this section, means the registered shareholder in respect of any share, except that where some person other than

- (ii) ingevolge 'n skriftelike skeidingsooreenkoms nie later as daardie datum aangegaan nie, van tafel en bed geskei was, en wat ingevolge paragraaf (c) van sub-artikel (1) van artikel *ses* op 'n korting ten opsigte van 'n kind geregtig is;"; en
- (i) deur aan die end van paragraaf (d) van die omskrywing van „maatskappy” die woord „of” by te voeg, en die volgende paragraaf by daardie omskrywing by te voeg:
 - „(e) 'n effektegroepe bevat in 'n effekte-trustskema in ander effekte as eiendomsaandeel bestuur of voortgesit deur 'n maatskappy geregistreer as 'n bestuursmaatskappy ingevolge artikel vier van die Wet op Beheer van Effekte-trustskemas, 1947 (Wet No. 18 van 1947), indien—
 - (i) sodanige effektegroepe op of na die datum van inwerkingtreding van die Wysigingswet op die Beheer van Effekte-trustskemas, 1962 (Wet No. 11 van 1962), geskep is; of
 - (ii) sodanige effektegroepe voor daardie datum geskep is en die betrokke trustakte na daardie datum gewysig is ten einde meer onderaandeel in daardie effektegroepe te skep;"; en
- (j) deur in die omskrywing van „pensioenfonds” na die woord „wet” waar dit die eerste maal voorkom die woorde „of ten voordele van werknemers van 'n plaaslike bestuur” in te voeg, en die woorde „by wet” waar hulle die tweede maal voorkom deur die woord „aldus” te vervang.

Wysiging van artikel 6 van Wet 58 van 1962.

4. Artikel *ses* van die Hoofwet word hierby gewysig deur die voorbehoudsbepalings by paragraaf (c) van sub-artikel (1) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat—

- (aa) waar die belastingpligte ingevolge hierdie paragraaf op 'n korting ten opsigte van meer as twee kinders geregtig is, daar vir elke kind bo en behalwe twee 'n korting van nege-en-dertig rand toegelaat word;
- (bb) aan 'n ouer wat ingevolge 'n egskedingsbevel of skedingsbevel toegestaan as gevolg van geregtelike stappe wat nie later as die een-en-twintigste dag van Maart 1962 ingestel is nie, uit die eg of van tafel en bed geskei is, of ingevolge 'n skriftelike skedingsooreenkoms, nie later as daardie datum aangegaan nie, van tafel en bed geskei is, die korting nie toegestaan word ten opsigte van 'n kind gebore uit die huwelik wat deur die egskedingsbevel ontbind is of waarop die skedingsbevel of skedingsooreenkoms betrekking het nie, tensy hy die kind gedurende bedoelde tydperk onderhou het en die koste van sodanige onderhoud nie ooreenkomstig artikel *een-en-twintig* van sy belasbare inkomste afgetrek is nie;
- (cc) waar die belastingpligtige nie 'n getroude persoon is nie en ingevolge hierdie paragraaf geregtig is op 'n korting ten opsigte van een of meer kinders aan hom gebore wat volgens tot oortuiging van die Kommissaris bewys word, geheel en al of hoofsaaklik van die belastingpligtige vir hul onderhoud afhanklik was uit middele van die belastingpligtige op 'n ander wyse verkry as by wyse van onderhoud of toelae deur die belastingpligtige van die ander ouer van sodanige kind ontvang, en wat nie kinders is ten opsigte van die onderhoud waarvan die belastingpligtige se belasbare inkomste ingevolge artikel *een-en-twintig* verminder is nie, daar 'n verdere korting van sestien rand afgetrek word ongeag die aantal sodanige kinders;”.

Wysiging van artikel 7 van Wet 58 van 1962.

5. Artikel *sewe* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „geregtelike bevel of skriftelike ooreenkoms van” deur die woorde „skriftelike skedingsooreenkoms, op of voor die een-en-twintigste dag van Maart 1962 aangegaan, of 'n geregtelike bevel tot” te vervang.

Wysiging van artikel 8 van Wet 58 van 1962.

6. (1) Artikel *agt* van die Hoofwet word hierby gewysig—
- (a) deur in sub-artikel (2) na die uitdrukking „(g)” die uitdrukking „of (h)” in te voeg, en na die woord „nie” waar dit die eerste maal voorkom die woorde „geheel en al” in te voeg;

the registered shareholder is entitled, whether by virtue of any provision in the memorandum or articles of association of the company or under the terms of any agreement or contract, or otherwise, to all or part of the benefit of the rights of participation in the profits or income attaching to the share so registered, such other person shall, to the extent that he is entitled to such benefit, also be deemed to be a shareholder; or

- (b) in relation to any company referred to in paragraph (e) of the said definition, the registered holder of any unit certificate issued in respect of a unit included in the relevant unit portfolio, except that where some person other than the registered holder of any unit is entitled, whether by virtue of any provision in the trust deed entered into for the purposes of the relevant unit trust scheme or under the terms of any agreement or contract, or otherwise, to all or part of the benefit of the rights of participation in the profits or income attaching to the unit certificate, such other person shall, to the extent that he is entitled to such benefit, also be deemed to be a shareholder;”.

4. Section *six* of the principal Act is hereby amended by the substitution for the provisos to paragraph (c) of sub-section (1) of the following proviso: Amendment of section 6 of Act 58 of 1962.

“Provided that—

- (aa) where the taxpayer is in terms of this paragraph entitled to a deduction in respect of more than two children, the deduction to be allowed in respect of each child in excess of two shall be thirty-nine rand;
- (bb) a parent who has been divorced or separated under an order of divorce or judicial separation granted in consequence of proceedings instituted not later than the twenty-first day of March, 1962, or separated under a written agreement of separation entered into not later than that date, shall not be allowed the deduction in respect of any child born of the marriage which has been dissolved by the order of divorce or to which the order or agreement of separation relates, unless he has maintained such child during such period and the cost of such maintenance has not in terms of section *twenty-one* been deducted from his taxable income;
- (cc) where the taxpayer is not a married person, and is entitled to a deduction in terms of this paragraph in respect of any one or more children born to him who are proved to the satisfaction of the Commissioner to have been wholly or mainly dependent for their maintenance upon the taxpayer from resources of the taxpayer derived otherwise than by way of any alimony or allowance or maintenance received by the taxpayer from the other parent of any such child, and who are not children in respect of whose maintenance the taxpayer's taxable income has been reduced in terms of section *twenty-one*, there shall further be deducted the sum of sixteen rand irrespective of the number of such children;”.

5. Section *seven* of the principal Act is hereby amended by the substitution in sub-section (2) for the words “judicial order or written agreement” of the words “written agreement of separation entered into on or before the twenty-first day of March, 1962, or under any judicial order”. Amendment of section 7 of Act 58 of 1962.

6. (1) Section *eight* of the principal Act is hereby amended— Amendment of section 8 of Act 58 of 1962.

- (a) by the insertion in sub-section (2) after the expression “(g)” of the expression “or (h)”, and after the word “not” where it occurs for the first time of the word “wholly”;

- (b) deur in paragraaf (a) van daardie sub-artikel die woorde na die woord „hoogstens” deur die woorde „soveel van die nominale waarde van bedoelde bonusaandeel (uitgesonderd enige sodanige aandeel uit aandeelpremierekening toegeken) as wat nie soos voormeld ’n dividend uitgemaak het nie; en” te vervang;
 - (c) deur in paragraaf (b) van daardie sub-artikel na die woord „nie” waar dit die derde maal voorkom die woorde „soveel van” in te voeg, en na die woord „toegeken” waar dit die derde maal voorkom die woorde „as wat nie aldus ’n dividend uitgemaak het nie” in te voeg; en
 - (d) deur in paragraaf (b) van sub-artikel (3) na die uitdrukking „(g)” die uitdrukking „of (h)” in te voeg; en
 - (e) deur in paragraaf (b) van sub-artikel (4) na die uitdrukking „in paragraaf (c)” die uitdrukking „van sub-artikel (1)” in te voeg.
- (2) Die wysigings deur paragrawe (a), (b), (c) en (d) van sub-artikel (1) aangebring, tree vir die eerste maal in werking ten opsigte van aanslae vir die jaar van aanslag wat eindig op die dertigste dag van Junie 1963.

Wysiging van artikel 9 van Wet 58 van 1962.

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

(a) deur paragraaf (b) deur die volgende paragraaf te vervang:

„(b) die gebruik in die Republiek of die verlening van toestemming vir die gebruik in die Republiek, of die medeling van kennis of onderneming om kennis mee te deel wat regstreeks of onregstreeks in verband staan met die gebruik in die Republiek van—

(i) ’n patent soos in die Wet op Patente, 1952 (Wet No. 37 van 1952), omskryf, of ’n model, handelsmerk of outeursreg soos in die „Wet op Modellen, Handelsmerken en Autersrecht, 1916” (Wet No. 9 van 1916), omskryf, of enige ander goed wat volgens die Kommissaris se oordeel van dergelike aard is; of

(ii) ’n rolprentfilm of ’n klankopname of advertensiestukke gebruik of bedoel om gebruik te word in verband met sodanige film,

ongeag waar daardie patent, model, handelsmerk, outeursreg, goed, film, klankopname of advertensiestukke voortgebring of gemaak of daardie toestemming verleen of daardie kennis meegedeel of daardie onderneming gegee is of betaling vir bedoelde gebruik, verlening van toestemming, medeling van kennis of onderneming geskied het of moet geskied, en ongeag of sodanige betaling geskied het of moet geskied deur ’n persoon wat in of buite die Republiek woonagtig is: Met dien verstande dat die bepalinge van hierdie paragraaf nie van toepassing is nie met betrekking tot ’n bedrag wat op of na die eerste dag van Julie 1962 ontvang is deur of toegeval het aan ’n persoon (behalwe ’n maatskappy) wat nie gewoonlik in die Republiek woonagtig is nie of ’n maatskappy wat nie in die Republiek geregistreer is of bestuur of beheer word nie, ten opsigte van die gebruik (andersins as vir reklamedoeleindes in verband met ’n rolprentfilm) in ’n gedrukte publikasie van enige kopiereg soos voormeld;”;

(b) deur na paragraaf (d) die volgende paragraaf in te voeg:
„(d)bis ’n diens deur so iemand buite die Republiek bewys of werk of arbeid deur hom buite die Republiek verrig gedurende sy tydelike afwesigheid uit die Republiek, indien so iemand gewoonlik in die Republiek woonagtig is en sodanige diens bewys word of sodanige werk of arbeid verrig word vir of namens ’n werkgewer by wie sodanige persoon in die Republiek in diens is, hetsy betaling vir sodanige diens of werk of arbeid geskied of moet geskied deur ’n persoon wat in of buite die Republiek woonagtig is, en ongeag waar betaling vir sodanige diens of werk of arbeid geskied of moet geskied;”;

(c) deur die volgende paragraaf by te voeg:

„(h) ’n geregtelike bevel of skriftelike ooreenkoms van skeiding van tafel en bed of ’n egskedingsbevel, indien die belasbare inkomste van so iemand se eggenoot of voormalige eggenoot ingevolge artikel *een-en-twintig* met sodanige bedrag verminder is,

- (b) by the substitution in paragraph (a) of that sub-section for the words following the word "exceeding" of the words "so much of the nominal value of such bonus shares (excluding any such shares awarded out of share premium account) as did not rank as a dividend as aforesaid; and";
 - (c) by the insertion in paragraph (b) of that sub-section after the word "exceed" of the words "so much of" and after the word "account" where it occurs for the first time of the words "as did not rank as a dividend as aforesaid";
 - (d) by the insertion in paragraph (b) of sub-section (3) after the expression "(g)" of the expression "or (h)"; and
 - (e) by the insertion in paragraph (b) of sub-section (4) after the expression "in paragraph (c)" of the expression "of sub-section (1)".
- (2) The amendments effected by paragraphs (a), (b), (c) and (d) of sub-section (1) shall first take effect in respect of assessments for the year of assessment ending the thirtieth day of June, 1963.

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

- (a) by the substitution for paragraph (b) of the following paragraph: Amendment of
section 9 of
Act 58 of 1962.

"(b) the use in the Republic of or the grant of permission to use in the Republic, or the imparting of or the undertaking to impart any knowledge directly or indirectly connected with the use in the Republic of—

- (i) any patent as defined in the Patents Act, 1952 (Act No. 37 of 1952), or any design, trade mark or copyright as defined in the Designs, Trade Marks and Copyright Act, 1916 (Act No. 9 of 1916), or any other property which in the opinion of the Commissioner is of a similar nature; or
- (ii) any motion picture film or any sound recording or advertising matter used or intended to be used in connection with such film,

wheresoever such patent, design, trade mark, copyright, property, film, sound recording or advertising matter has been produced or made or such permission has been granted or such knowledge has been imparted or such undertaking has been given or payment for such use, grant of permission, imparting of knowledge or undertaking has been made or is to be made, and whether such payment has been made or is to be made by a person resident in or out of the Republic: Provided that the provisions of this paragraph shall not apply in respect of any amount which on or after the first day of July, 1962, is received by or accrues to any person (other than a company) who is not ordinarily resident in the Republic or any company which is not registered, managed or controlled in the Republic, in respect of the use (otherwise than for advertising purposes in connection with any motion picture film) in any printed publication of any copyright as aforesaid;"

- (b) by the insertion after paragraph (d) of the following paragraph:

"(d)*bis* any service rendered or work or labour done by such person outside the Republic, during any temporary absence of such person from the Republic, if such person is ordinarily resident in the Republic and such service is rendered or such work or labour is done for or on behalf of any employer by whom such person is employed in the Republic, whether the payment for such service or work or labour is or is to be made by a person resident in or out of the Republic and wheresoever payment for such service or work or labour is or is to be made;"

- (c) by the addition of the following paragraph:

"(h) a judicial order or written agreement of separation or an order of divorce, if the taxable income of such person's spouse or former spouse has been reduced by such amount in terms of section

ongeag waar bedoelde geregtelike bevel of egskedingsbevel toegestaan is of bedoelde ooreenkoms aangegaan is of sodanige bedrag betaal word of betaal moet word, en ongeag of so iemand se eggenoot of voormalige eggenoot in of buite die Republiek woonagtig is;"; en

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

„(2) Rente wat deur iemand ontvang is of wat aan hom toegeval het ten opsigte van 'n lening aan of deposito in 'n bouvereniging geregistreer ingevolge die Bouverenigingswet, 1934 (Wet No. 62 van 1934), of 'n dividend of deel van winste deur so 'n vereniging uitgekeer wat deur iemand ontvang is of aan hom toegeval het, word geag uit 'n bron in die Republiek verkry te gewees het, ongeag waar so 'n lening of deposito gemaak of gehou word of vir 'n aandeel waarop bedoelde dividend of deel van winste betrekking het, ingeskryf word of sodanige aandeel gehou word of bedoelde rente, dividend of deel van winste betaalbaar is.

(3) Rente wat ten opsigte van 'n lening aan of deposito in 'n bankinstelling geregistreer ingevolge die Bankwet, 1942 (Wet No. 38 van 1942), of 'n dergelike instelling, ongeag of dit in die Republiek geregistreer is of aldaar bestuur of beheer word al dan nie, ontvang is deur of toegeval het aan 'n persoon (behalwe 'n maatskappy) wat gewoonlik in die Republiek woonagtig is of ontvang is deur of toegeval het aan 'n maatskappy wat in die Republiek geregistreer is of bestuur of beheer word, word geag uit 'n bron in die Republiek verkry te gewees het, ongeag waar so 'n lening of deposito gemaak of gehou word of bedoelde rente betaalbaar is.”.

Wysiging van
artikel 10 van
Wet 58 van 1962.

8. Artikel tien van die Hoofwet word hierby gewysig—

- (a) deur aan die end van sub-paragraaf (i) van paragraaf (c) van sub-artikel (1) die woord „en” te skrap, aan die end van sub-paragraaf (ii) van daardie paragraaf die woord „en” by te voeg, en die volgende sub-paragraaf by daardie paragraaf by te voeg:

„(iii) 'n huisbediende of private bediende van 'n persoon bedoel in sub-paragraaf (ii) ten opsigte van huishoudelike of private dienste wat deur so 'n bediende aan so 'n persoon gelewer is of moet word indien so 'n bediende nie 'n Suid-Afrikaanse burger is nie en nie gewoonlik in die Republiek woonagtig is nie;"; en

- (b) deur die volgende paragrawe by genoemde sub-artikel by te voeg:

„(u) 'n bedrag ontvang deur of toegeval aan iemand van so iemand se eggenoot of voormalige eggenoot by wyse van toelae of onderhoud van so iemand of enige kinders ingevolge 'n geregtelike bevel tot skeiding van tafel en bed of 'n egskedingsbevel toegestaan as gevolg van geregtelike stappe na die een-en-twintigste dag van Maart 1962 ingestel, of ingevolge 'n ooreenkoms van skeiding van tafel en bed na daardie datum aangegaan;

(v) rente ontvang deur of toegeval aan 'n persoon (behalwe 'n maatskappy) wat gewoonlik in die gebied Suidwes-Afrika (insluitende die Oostelike Caprivi Zipfel bedoel in artikel drie van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951)) woonagtig is of 'n maatskappy wat in daardie gebied bestuur en beheer word, ten opsigte van 'n lening aan of deposito in 'n bouvereniging geregistreer ingevolge die Bouverenigingswet, 1934 (Wet No. 62 van 1934), wat gemaak is deur 'n tak of agentskap van dié vereniging in daardie gebied, of 'n dividend of deel van winste deur so 'n vereniging aan so 'n persoon of maatskappy uitgekeer ten opsigte van 'n aandeel in bedoelde vereniging waarvoor bedoelde persoon of maatskappy deur so 'n tak of agentskap aansoek gedoen of ingeskryf het;

(w) rente ontvang deur of toegeval aan 'n persoon (behalwe 'n maatskappy) wat gewoonlik in die Republiek woonagtig is of 'n maatskappy wat in die Republiek geregistreer is of aldaar bestuur of beheer word, ten opsigte van 'n lening aan of deposito in 'n bankinstelling geregistreer ingevolge die Bankwet, 1942 (Wet No. 38 van 1942), of

- twenty-one*, wheresoever such judicial order or order of divorce was granted or such agreement was made or such amount is paid or payable and whether such person's spouse or former spouse is resident in or out of the Republic;"; and
- (d) by the addition of the following sub-sections, the existing section becoming sub-section (1):

"(2) Any interest which has been received by or has accrued to any person in respect of any loan to or deposit in any building society registered under the Building Societies Act, 1934 (Act No. 62 of 1934), or any dividend or share of profits distributed by any such society which has been received by or has accrued to any person, shall be deemed to have been derived from a source within the Republic, wheresoever such loan or deposit is made or held or any share to which such dividend or share of profits relates is subscribed for or held or such interest, dividend or share of profits is payable.

(3) Any interest which has been received by or has accrued to any person (other than a company) who is ordinarily resident in the Republic or has been received by or has accrued to any company which is registered, managed or controlled in the Republic, in respect of any loan to or deposit in any banking institution registered under the Banking Act, 1942 (Act No. 38 of 1942), or any similar institution, whether or not registered, managed or controlled in the Republic, shall be deemed to have been derived from a source within the Republic, wheresoever such loan or deposit is made or held or such interest is payable."

8. Section *ten* of the principal Act is hereby amended— Amendment of
section 10 of
Act 58 of 1962.
- (a) by the deletion at the end of sub-paragraph (i) of paragraph (c) of sub-section (1) of the word "and", the addition at the end of sub-paragraph (ii) of that paragraph of the word "and", and the addition to that paragraph of the following sub-paragraph:
- "(iii) any domestic or private servant of any person referred to in sub-paragraph (ii) in respect of domestic or private services rendered or to be rendered by such servant to such person if such servant is not a South African citizen and is not ordinarily resident in the Republic;"; and
- (b) by the addition to the said sub-section of the following paragraphs:
- "(u) any amount received by or accrued to any person from such person's spouse or former spouse by way of alimony or allowance or maintenance of such person or any children under an order of judicial separation or divorce granted in consequence of proceedings instituted after the twenty-first day of March, 1962, or under any agreement of separation entered into after that date;
- (v) interest received by or accrued to any person (other than a company) who is ordinarily resident in the territory of South-West Africa (including the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)) or any company which is managed and controlled in that territory, in respect of any loan to or deposit in any building society registered under the Building Societies Act, 1934 (Act No. 62 of 1934), made through any branch or agency of such society in that territory, or any dividend or share of profits distributed by any such society to any such person or company in respect of any share in such society applied or subscribed for by such person or company through any such branch or agency;
- (w) interest received by or accrued to any person (other than a company) who is ordinarily resident in the Republic or any company which is registered, managed or controlled in the Republic, in respect of any loan to or deposit in any banking institution registered under the Banking Act, 1942 (Act No. 38 of 1942), or any similar

'n dergelike instelling, ongeag of dit in die Republiek geregistreer is of aldaar bestuur of beheer word al dan nie, indien daar tot oortuiging van die Kommissaris bewys word—

- (i) dat sodanige lening of deposito deur 'n tak van bedoelde instelling buite die Republiek gemaak is en by daardie tak gehou is; en
 - (ii) dat sodanige lening of deposito gemaak is vir die doeleindes van 'n besigheid deur bedoelde persoon of maatskappy buite die Republiek gedryf; en
 - (iii) dat sodanige rente onderhewig is aan betaling deur bedoelde persoon of maatskappy van inkomstebelasting ingevolge die wette van die land waarin sodanige lening of deposito gehou word;
- (x) soveel van enige bedrag bedoel in paragraaf (i) of (iii) van die voorbehoudsbepaling by paragraaf (c) van die omskrywing van „bruto inkomste” in artikel *een* of in paragraaf (*d*) van genoemde omskrywing as wat vierduisend rand, min die som van enige ander bedrae wat ingevolge die vrystelling by hierdie paragraaf verleen van die belastingpligtige se inkomste uitgesluit is, hetsy in die lopende of 'n vorige jaar van aanslag, nie te bowe gaan nie.”.

Wysiging van artikel 11 van Wet 58 van 1962.

9. Artikel *elf* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (*e*) die woorde „(na enige aftrekking ingevolge sub-artikel (1) van artikel *twaalf* of ingevolge daardie sub-artikel soos deur sub-artikel (3) van bedoelde artikel toegepas of ingevolge die ooreenstemmende bepaling van 'n vorige Inkomstebelastingwet)” te skrap, en die volgende paragraaf by die voorbehoudsbepaling by genoemde paragraaf by te voeg:

„(vi) die waarde van masjinerie, gereedskap, werktuie of artikels wat deur die belastingpligtige vir die doeleindes van sy bedryf gebruik word, verminder word met die bedrag van enige aftrekking gemaak ingevolge sub-artikel (1) van artikel *twaalf* of ingevolge daardie sub-artikel soos deur sub-artikel (3) van bedoelde artikel toegepas of ingevolge die ooreenstemmende bepaling van 'n vorige Inkomstebelastingwet;”;

- (b) deur na sub-paragraaf (ii) van paragraaf (*f*) die volgende sub-paragraaf in te voeg:

„(ii)*bis* die reg van gebruik van 'n rolprentfilm of 'n klankopname of advertensiestukke wat met sodanige film in verband staan, indien bedoelde film, klankopname of advertensiestukke vir die voortbrenging van inkomste gebruik word of inkomste daarvan verkry word; of”;

- (c) deur in sub-paragraaf (iv) van genoemde paragraaf die woorde „so 'n” deur die woorde „sodanige film, klankopname, advertensiestukke,” te vervang;

- (d) deur in paragraaf (*aa*) van die voorbehoudsbepaling by genoemde paragraaf na die uitdrukking „(ii)” die uitdrukking „(ii)*bis*” in te voeg;

- (e) deur in paragraaf (*cc*) van genoemde voorbehoudsbepaling na die woord „bedoelde” die woorde „film, klankopname, advertensiestukke,” in te voeg;

- (f) deur aan die end van paragraaf (ii) van die voorbehoudsbepaling by paragraaf (*g*) die woord „en” te skrap, en die volgende paragraaf by genoemde voorbehoudsbepaling by te voeg:

„(iv) die som van die vermindering ingevolge hierdie paragraaf ten opsigte van 'n gebou of verbeterings bedoel in sub-artikel (1) of (4) van artikel *dertien* nie die koste (na aftrekking van enige bedrag wat ingevolge sub-artikel (3) van daardie artikel teen die koste van sodanige gebou of verbeterings in vermindering gebring is) vir die belastingpligtige van sodanige gebou of verbeterings, min die som van die vermindering ten opsigte van sodanige gebou of verbeterings wat ingevolge die een of die ander van genoemde sub-artikels of die ooreenstemmende bepaling van 'n vorige Inkomstebelastingwet aan die belastingpligtige toegestaan is, te bowe gaan nie.”; en

- (g) deur in paragraaf (*r*) die woorde „'n skenking” deur die woorde „die som van enige skenkings” te vervang, en die uitdrukking „1962” deur die uitdrukking „1963” te vervang.

institution, whether or not registered, managed or controlled in the Republic, if it is proved to the satisfaction of the Commissioner—

- (i) that such loan or deposit has been made through and retained in a branch of such institution outside the Republic; and
- (ii) that such loan or deposit has been made for the purposes of any business carried on by such person or company outside the Republic; and
- (iii) that the said interest is subject to the payment of income tax by such person or company under the laws of the country within which such loan or deposit is retained;
- (x) so much of any amount referred to in paragraph (i) or (iii) of the proviso to paragraph (c) of the definition of "gross income" in section *one* or in paragraph (d) of the said definition as does not exceed four thousand rand less the sum of any other amounts which have been excluded from the taxpayer's income by virtue of the exemption conferred by this paragraph, whether in the current or any previous year of assessment."

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

Amendment of section 11 of Act 58 of 1962.

- (a) by the deletion in paragraph (e) of the words "(less any deduction under sub-section (1) of section *twelve* or under that sub-section as applied by sub-section (3) of the said section, or under the corresponding provisions of any previous Income Tax Act)", and the addition to the proviso to the said paragraph of the following paragraph:
 - "(vi) the value of any machinery, implements, utensils or articles used by the taxpayer for the purposes of his trade shall be reduced by the amount of any deduction made under sub-section (1) of section *twelve* or under that sub-section as applied by sub-section (3) of the said section, or under the corresponding provisions of any previous Income Tax Act;"
- (b) by the insertion after sub-paragraph (ii) of paragraph (f) of the following sub-paragraph:
 - (ii)*bis* the right of use of any motion picture film or any sound recording or advertising matter connected with such film, if such film, sound recording or advertising matter is used for the production of income or income is derived therefrom; or";
- (c) by the insertion in sub-paragraph (iv) of the said paragraph after the word "such" of the words "film, sound recording, advertising matter,";
- (d) by the insertion in paragraph (aa) of the proviso to the said paragraph after the expression "(ii)" of the expression "(ii)*bis*";
- (e) by the insertion in paragraph (cc) of the said proviso after the word "such" where it occurs for the second time of the words "film, sound recording, advertising matter,";
- (f) by the deletion at the end of paragraph (ii) of the proviso to paragraph (g) of the word "and", and the addition to the said proviso of the following paragraph:
 - "(iv) the aggregate of the allowances under this paragraph in respect of any building or improvements referred to in sub-section (1) or (4) of section *thirteen* shall not exceed the cost (after the deduction of any amount which has been set off against the cost of such building or improvements under sub-section (3) of that section) to the taxpayer of such building or improvements less the aggregate of the allowances in respect of such building or improvements made to the taxpayer under either of the said sub-sections or the corresponding provisions of any previous Income Tax Act."; and
- (g) by the substitution in paragraph (r) for the words "any donation" of the words "the sum of any donations", and the substitution in that paragraph for the expression "1962" of the expression "1963".

Invoeging van
artikel 11 *bis*
in Wet 58 van
1962.

10. (1) Die volgende artikel word hierby na artikel *elf* in die Hoofwet ingevoeg:

„Uitvoer-
derstoelae.

11*bis*. (1) By die toepassing van hierdie artikel beteken—

- (i) ‚basiese uitvoeromset’, met betrekking tot ’n jaar van aanslag, die uitvoeromset van die belastingpligtige vir die onmiddellik voorafgaande jaar van aanslag: Met dien verstande dat indien die uitvoertydperk wat in enige jaar van aanslag val langer of korter is as die uitvoertydperk wat in die onmiddellik voorafgaande jaar van aanslag val, die belastingpligtige se basiese uitvoeromset met betrekking tot die betrokke jaar van aanslag geag word ’n bedrag te wees wat in dieselfde verhouding tot sy uitvoeromset vir laasgenoemde uitvoertydperk staan as dié waarin eersgenoemde uitvoertydperk tot laasgenoemde uitvoertydperk staan; (ii)
- (ii) ‚goedere’ enigiets (behalwe spesie, staafgoud, staafsilwer en ongeslypte diamante, uitgesonderd vervaardigde diamante, maar insluitende veeboerdery-, landbou- en ander boerderyprodukte) wat in die Republiek geproduseer is of wat in die Republiek ’n vervaardigingsproses of enige ander proses wat volgens die Kommissaris se oordeel van ’n dergelike aard is, ondergaan het; (viii)
- (iii) ‚lopende uitvoeromset’, met betrekking tot ’n jaar van aanslag, die uitvoeromset van die belastingpligtige vir daardie jaar; (iii)
- (iv) ‚uitgevoer’ verkoop en versend aan ’n koper by ’n adres in enige land behalwe die Republiek, die gebied Suidwes-Afrika (insluitende die Oostelike Caprivi Zipfel bedoel in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951)), die Betsjoeanaland-protectoraat, Basoetoland of Swaziland, of afgelewer aan die eienaar of bevrachter van ’n skip of vliegtuig vir gebruik in sodanige skip of vliegtuig buite die Republiek, bedoelde gebied, bedoelde protectoraat, Basoetoland en Swaziland; (iv)
- (v) ‚uitvoerderstoelae’ die toelae ingevolge hierdie artikel; (v)
- (vi) ‚uitvoeromset’ die som van—
 - (a) die inkomste deur die belastingpligtige verkry uit die van die hand sit van goedere wat deur hom uitgevoer is in die loop van ’n bedryf deur hom in die Republiek beoefen, min soveel van sodanige inkomste as wat volgens die Kommissaris se oortuiging ingevolge ’n ooreenkoms, skema of reëling aan ’n ander persoon in enige vorm oorgedra is op so ’n wyse dat die belastingpligtige geen wesentlike voordeel uit die bedrag aldus oorgedra, verkry het of sal verkry nie; en
 - (b) die bedrae waarvoor die belastingpligtige in die loop van ’n bedryf deur hom in die Republiek beoefen goedere ten behoeve van ander persone van die hand gesit het wat deur sodanige persone of deur die belastingpligtige ten behoeve van hulle uitgevoer is, min enige gedeelte van so ’n bedrag ten opsigte waarvan geen inkomste in die vorm van kommissie of ander vergoeding teen die heersende skaal vir die betrokke goedere deur die belastingpligtige ontvang is of aan hom toegeval het nie, of ten opsigte waarvan sodanige inkomste aldus deur die belastingpligtige ontvang is of aan hom toegeval het maar in enige vorm aan ’n ander persoon oorgedra is op so ’n wyse dat die belastingpligtige geen wesentlike voordeel uit die bedrag aldus oorgedra, verkry het of sal verkry nie; (vii)
- (vii) ‚uitvoertydperk’ ’n tydperk waarin ’n belastingpligtige ’n bedryf beoefen in die loop waarvan goedere uitgevoer word of bestellings daadwerklik gewerf word in ’n land bedoel in die omskrywing van ‚uitgevoer’ in hierdie sub-artikel; (vi)

10. (1) The following section is hereby inserted in the principal Act after section *eleven*:

Insertion of section 11*bis* in Act 58 of 1962.

“Exporters’ allowance. 11*bis*. (1) For the purposes of this section—

- (i) ‘associated companies’ means companies which in the opinion of the Commissioner are managed or controlled directly or indirectly by substantially the same persons; (viii)
- (ii) ‘basic export turnover’, in relation to any year of assessment, means the export turnover of the taxpayer for the immediately preceding year of assessment: Provided that if the export period falling within any year of assessment is longer or shorter than the export period falling within the immediately preceding year of assessment, the taxpayer’s basic export turnover in relation to the year of assessment in question shall be deemed to be an amount which bears to his export turnover for the last-mentioned export period the same ratio as the first-mentioned export period bears to the last-mentioned export period; (i)
- (iii) ‘current export turnover’, in relation to any year of assessment, means the export turnover of the taxpayer for that year; (iii)
- (iv) ‘exported’ means sold and consigned to any purchaser at any address in any country other than the Republic, the territory of South-West Africa (including the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)), the Bechuanaland Protectorate, Basutoland or Swaziland, or delivered to the owner or charterer of any ship or aircraft for use in such ship or aircraft outside the Republic, the said territory, the said Protectorate, Basutoland and Swaziland; (iv)
- (v) ‘exporters’ allowance’ means the allowance under this section; (v)
- (vi) ‘export period’ means any period during which any taxpayer carries on any trade in the course of which goods are exported or during which orders are actively solicited in any country referred to in the definition of ‘exported’ in this sub-section; (vii)
- (vii) ‘export turnover’ means the sum of—
 - (a) the income derived by the taxpayer from the disposal of goods which have been exported by him in the course of any trade carried on by him in the Republic, less so much of such income as the Commissioner is satisfied has under any agreement, scheme or arrangement been passed on in any form to any other person in such manner that the taxpayer has not derived or will not derive any substantial benefit from the amount so passed on; and
 - (b) the amounts for which the taxpayer has on behalf of other persons in the course of any trade carried on by him in the Republic disposed of goods which have been exported by such persons or by the taxpayer on their behalf, less any portion of any such amount in respect of which no income has been received by or has accrued to the taxpayer in the form of commission or other remuneration at the prevailing rate for the goods in question, or, in respect of which such income has been so received by or has so accrued to the taxpayer but has been passed on in any form to any other person in such manner that the taxpayer has not derived or will not derive any substantial benefit from the amount so passed on; (vi)

(viii) ,verwante maatskappye' maatskappye wat volgens die Kommissaris se oordeel regstreeks of onregstreeks hoofsaaklik deur dieselfde persone bestuur of beheer word. (i)

(2) Indien met betrekking tot 'n jaar van aanslag die belastingpligtige se lopende uitvoeromset sy basiese uitvoeromset te bowe gaan en die belastingpligtige gedurende bedoelde jaar markontwikkelingskoste, soos volgens voorskrif van sub-artikel (4) vasgestel, aangegaan het, word vir daardie jaar die aftrekking van sy inkomste toegelaat van 'n uitvoerderstoelae waarvan die bedrag volgens voorskrif van sub-artikel (3) vasgestel word: Met dien verstande dat by die toepassing van hierdie sub-artikel en sub-artikel (3) 'n verwante maatskappy se lopende uitvoeromset geag word sy basiese uitvoeromset nie te bowe te gegaan het nie indien die som van die lopende uitvoeromsette van al die verwante maatskappye waarvan daardie maatskappy een is die som van hul onderskeie basiese uitvoeromsette nie te bowe gegaan het nie.

(3) Waar met betrekking tot 'n jaar van aanslag die belastingpligtige—

(a) 'n lopende uitvoeromset maar nie 'n basiese uitvoeromset het nie, of indien hy sowel 'n lopende uitvoeromset as 'n basiese uitvoeromset het, en eersgenoemde die laasgenoemde nie met meer as tien persent van dié basiese uitvoeromset te bowe gaan nie, is die uitvoerderstoelae 'n bedrag gelyk aan vyf-en-twintig persent van die markontwikkelingskoste deur die belastingpligtige gedurende die jaar van aanslag aangegaan, soos volgens voorskrif van sub-artikel (4) vasgestel; of

(b) 'n lopende uitvoeromset en 'n basiese uitvoeromset het en eersgenoemde die laasgenoemde met meer as tien persent maar nie met meer as vyf-en-twintig persent van dié basiese uitvoeromset te bowe gaan nie, is die uitvoerderstoelae 'n bedrag gelyk aan sewe-en-dertig en 'n half persent van bedoelde markontwikkelingskoste; of

(c) 'n lopende uitvoeromset en 'n basiese uitvoeromset het en eersgenoemde die laasgenoemde met meer as vyf-en-twintig persent van dié basiese uitvoeromset te bowe gaan, is die uitvoerderstoelae 'n bedrag gelyk aan vyftig persent van bedoelde markontwikkelingskoste:

Met dien verstande dat by die toepassing van hierdie sub-artikel die lopende uitvoeromset van 'n verwante maatskappy met betrekking tot 'n jaar van aanslag geag word die som te wees van die lopende uitvoeromsette met betrekking tot daardie jaar van al die verwante maatskappye waarvan daardie maatskappy een is, en die basiese uitvoeromset van daardie maatskappy met betrekking tot daardie jaar geag word die som te wees van die basiese uitvoeromsette van al die bedoelde verwante maatskappye met betrekking tot daardie jaar.

(4) By die toepassing van sub-artikel (3) is die markontwikkelingskoste waarop die uitvoerderstoelae bereken moet word die som van soveel van die onkoste deur die belastingpligtige aangegaan wat in gevolge artikels *elf* en *sewentien* toegelaat is om van sy inkomste afgetrek te word as wat na tot bevrediging van die Kommissaris bewys word regstreeks aangegaan is—

(a) in verband met navorsing of die verkryging van inligting (insluitende vergoeding van konsultante, agente of verteenwoordigers) met betrekking tot die bemerking van goedere in enige land behalwe die Republiek, die gebied Suidwes-Afrika (insluitende die Oostelike Caprivi Zipfel bedoel in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951)), die Betsjoeanaland-protectoraat, Basoetoland of Swaziland;

(viii) 'goods' means anything (excluding specie, gold and silver bullion and uncut diamonds, not being manufactured diamonds, but including pastoral, agricultural and other farming produce) which has been produced in the Republic or which has undergone in the Republic any process of manufacture or any other process which in the opinion of the Commissioner is of a similar nature. (ii)

(2) If in relation to any year of assessment the taxpayer's current export turnover exceeds his basic export turnover and the taxpayer has during such year incurred market development expenditure, determined as provided in sub-section (4), there shall be allowed to be deducted from his income for that year an exporters' allowance the amount of which shall be determined as provided in sub-section (3): Provided that for the purposes of this sub-section and sub-section (3) an associated company's current export turnover shall be deemed not to have exceeded its basic export turnover if the sum of the current export turnovers of all the associated companies of which that company is one did not exceed the sum of their respective basic export turnovers.

(3) Where in relation to any year of assessment the taxpayer—

- (a) has a current export turnover but no basic export turnover, or, if he has both a current export turnover and a basic export turnover and the former exceeds the latter by not more than ten per cent of that basic export turnover, the exporters' allowance shall be an amount equal to twenty-five per cent of the market development expenditure incurred by the taxpayer during the year of assessment, determined as provided in sub-section (4); or
- (b) has a current export turnover and a basic export turnover, the former exceeding the latter by more than ten per cent but not more than twenty-five per cent of that basic export turnover, the exporters' allowance shall be an amount equal to thirty-seven and a half per cent of the said market development expenditure; or
- (c) has a current export turnover and a basic export turnover the former exceeding the latter by more than twenty-five per cent of that basic export turnover, the exporters' allowance shall be an amount equal to fifty per cent of the said market development expenditure:

Provided that for the purposes of this sub-section the current export turnover of an associated company in relation to any year of assessment shall be deemed to be the sum of the current export turnovers in relation to that year of all the associated companies of which that company is one, and the basic export turnover of that company in relation to that year shall be deemed to be the sum of the basic export turnovers of all the said associated companies in relation to that year.

(4) For the purposes of sub-section (3) the market development expenditure on which the exporters' allowance is to be calculated shall be the sum of so much of the expenditure incurred by the taxpayer and allowed to be deducted from his income under sections *eleven* and *seventeen* as is proved to the satisfaction of the Commissioner to have been incurred directly—

- (a) in research into or obtaining information (including the remuneration of consultants, agents or representatives) in regard to the marketing of goods in any country other than the Republic, the territory of South-West Africa (including the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)), the Bechuanaland Protectorate, Basutoland or Swaziland;

- (b) in verband met reklame of die verkryging op ander wyse van publiseit in so 'n land of die werf van bestellings daarin of deelname aan oorsese handelstoonstellings;
- (c) in verband met die gratis verskaffing van monsters of tegniese inligting aan moontlike klante in so 'n land;
- (d) ten einde moontlike kopers van so 'n land na die Republiek te bring;
- (e) in verband met die voorbereiding of verstrekking van tenders of kwotasies ten opsigte van goedere vir uitvoer na so 'n land bestem; en
- (f) ten opsigte van kommissie of ander vergoeding ten opsigte van die verkoop van goedere uitgevoer na so 'n land, en die aanstelling van agente in so 'n land.

(5) 'n Beslissing van die Kommissaris by die uitoefening van sy diskresie ingevolge die bepalings van hierdie artikel is onderhewig aan beswaar en appèl."

(2) Die wysiging deur sub-artikel (1) aangebring, tree vir die eerste maal in werking ten opsigte van aanslae vir die jaar van aanslag wat eindig op die dertigste dag van Junie 1963.

Wysiging van artikel 12 van Wet 58 van 1962.

11. Artikel *twaaif* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die uitdrukking „1963” deur die uitdrukking „1965” te vervang.

Wysiging van artikel 13 van Wet 58 van 1962.

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

(a) deur die volgende voorbehoudsbepaling by sub-artikel (1) by te voeg:

„Met dien verstande dat geen vermindering ingevolge hierdie sub-artikel gemaak word nie ten opsigte van enige gedeelte van die koste van 'n gebou waarvan die oprigting op of na die eerste dag van Julie 1961 begin het, of enige verbeterings daaraan aangebring, wat by die berekening van 'n vermindering aan die belastingpligtige ingevolge paragraaf (g) van artikel *elf* in aanmerking geneem is, hetsy in die lopende of 'n vorige jaar van aanslag.”;

(b) deur in sub-artikel (2) na die woord „aangebring” die woorde „min die som van enige verminderings aan die belastingpligtige ten opsigte van bedoelde gebou of verbeterings toegestaan ingevolge paragraaf (g) van artikel *elf* of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet” in te voeg;

(c) deur in sub-artikel (3) na die woord „word” waar dit die tweede maal voorkom die woorde „so 'n gedeelte van” in te voeg, na die woord „vergoed” waar dit die tweede maal voorkom die woorde „as wat in vermindering gebring word teen die koste van 'n verdere gebou soos hierna bepaal” in te voeg, en na die woord „teen” die woorde „soveel van” in te voeg;

(d) deur by genoemde sub-artikel die woorde „as wat oorbly na aftrekking van enige gedeelte van bedoelde koste ten opsigte waarvan 'n vermindering ingevolge paragraaf (g) van artikel *elf* aan die belastingpligtige toegestaan is hetsy in die lopende of 'n vorige jaar van aanslag” te voeg;

(e) deur in sub-artikel (5) die uitdrukking „wat aan hom behoort en” en „wat aan die belastingpligtige behoort en” waar hulle ook al voorkom, te skrap, en die volgende voorbehoudsbepaling by daardie sub-artikel te voeg:

„Met dien verstande dat geen vermindering ingevolge hierdie sub-artikel gemaak word nie ten opsigte van 'n gebou of verbeterings op 'n perseel wat nie aan die belastingpligtige behoort nie tensy die belastingpligtige op die datum waarop die oprigting van sodanige gebou of die aanbring van sodanige verbeterings 'n aanvang geneem het op die okkupasie van sodanige perseel vir 'n tydperk eindigende nie minder as tien jaar na bedoelde datum geregtig is nie.”;

(f) deur in paragraaf (b) van genoemde sub-artikel die uitdrukking „1962” waar dit ook al voorkom deur die uitdrukking „1965” te vervang; en

(g) deur in sub-artikel (6) die uitdrukking „1964” deur die uitdrukking „1966” te vervang.

Wysiging van artikel 14 van Wet 58 van 1962.

13. Artikel *veertien* van die Hoofwet word hierby gewysig deur na die uitdrukking „paragraaf (c)” waar dit ook al voorkom die uitdrukking „van sub-artikel (1)” in te voeg.

- (b) in advertising or otherwise securing publicity in such country, soliciting orders therein or participating in overseas trade fairs;
- (c) in providing without charge samples or technical information to prospective customers in any such country;
- (d) in bringing prospective buyers from any such country to the Republic;
- (e) in connection with the preparation or submission of tenders or quotations in respect of goods to be exported to any such country; and
- (f) in respect of commission or other remuneration in respect of the sale of goods exported to any such country and the appointment of agents in any such country.

(5) Any decision of the Commissioner in the exercise of his discretion under the provisions of this section shall be subject to objection and appeal.”.

(2) The amendment effected by sub-section (1) shall first take effect in respect of assessments for the year of assessment ending the thirtieth day of June, 1963.

11. Section *twelve* of the principal Act is hereby amended by the substitution in sub-section (2) for the expression “1963” of the expression “1965”. Amendment of section 12 of Act 58 of 1962.

12. Section *thirteen* of the principal Act is hereby amended— Amendment of section 13 of Act 58 of 1962.

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

“Provided that no allowance shall be made under this sub-section in respect of such portion of the cost of any building the erection of which was commenced on or after the first day of July, 1961, or any improvements effected thereto, as has been taken into account in the calculation of any allowance to the taxpayer under paragraph (g) of section *eleven*, whether in the current or any previous year of assessment.”;

- (b) by the addition to sub-section (2) of the words “less the aggregate of any allowances made to the taxpayer in respect of such building or improvements under paragraph (g) of section *eleven*, or the corresponding provisions of any previous Income Tax Act”;
- (c) by the insertion in sub-section (3) after the word “building,” where it occurs for the first time of the words “such portion of”, after the word “recouped” where it occurs for the second time of the words “as is set off against the cost of a further building as hereinafter provided,” and after the word “against” of the words “so much of”;
- (d) by the addition to the said sub-section of the words “as remains after the deduction of any portion of such cost in respect of which an allowance has been granted to the taxpayer under paragraph (g) of section *eleven* whether in the current or any previous year of assessment”;
- (e) by the deletion in sub-section (5) of the expressions “owned by him” and “owned by the taxpayer” wherever they occur and the addition to that sub-section of the following proviso:

“Provided that no allowance shall be made under this sub-section in respect of any building or improvements on any premises not owned by the taxpayer unless the taxpayer at the date on which the erection of such building or the introduction of such improvements is commenced is entitled to the occupation of such premises for a period ending not less than ten years after such date.”;
- (f) by the substitution in paragraph (b) of the said sub-section for the expression “1962” wherever it occurs of the expression “1965”; and
- (g) by the substitution in sub-section (6) for the expression “1964” of the expression “1966”.

13. Section *fourteen* of the principal Act is hereby amended by the insertion after the expression “paragraph (c)” wherever it occurs of the expression “of sub-section (1)”. Amendment of section 14 of Act 58 of 1962.

- Vervanging van artikel 17 van Wet 58 van 1962. **14. Artikel *sewentien*** van die Hoofwet word hierby deur die volgende artikel vervang:
„Aftrekking van onkoste aangegaan by aanstelling van agente vir verkoop van goedere in die Republiek vervaardig. **17.** In die geval van 'n belastingpligtige wat in die loop van 'n bedryf (behalwe mynbou of boerdery) deur hom in die Republiek beoefen, goedere vervaardig, of wat deur 'n ander persoon gemagtig is om goedere aldus deur daardie ander persoon vervaardig, te verkoop of bestellings vir die aankoop daarvan te verkry, word as aftrekking van sy inkomste enige onkoste toegelaat wat werklik deur hom gedurende die jaar van aanslag aangegaan is in verband met die aanstelling van 'n agent buite die Republiek vir die verkoop van bedoelde goedere aan persone buite die Republiek of vir die verkryging van bestellings van sodanige persone vir die aankoop van bedoelde goedere.”
- Wysiging van artikel 19 van Wet 58 van 1962. **15. Artikel *negentien*** van die Hoofwet word hierby gewysig deur in die opskrif van die tabel by sub-artikel (3) die uitdrukking „en sub-artikel (2)” deur die uitdrukking „sub-artikel (2) en artikel *twintig*” te vervang.
- Vervanging van artikel 21 van Wet 58 van 1962. **16. Artikel *een-en-twintig*** van die Hoofwet word hierby deur die volgende artikel vervang:
„Aftrekking van bedrae by wyse van toelae of onderhoud betaal. **21.** Die belastingpligtige se belasbare inkomste word verminder met soveel van 'n bedrag deur hom aan of ten behoeve van sy eggenote of voormalige eggenote betaalbaar ingevolge 'n egskeidingsbevel of bevel van skeiding van tafel en bed toegestaan as gevolg van geregtelike stappe nie later as die een-en-twintigste dag van Maart 1962 ingestel nie, of ingevolge 'n skriftelike ooreenkoms van skeiding van tafel en bed nie later as daardie datum aangegaan nie, by wyse van onderhoud van of toelae aan sy eggenote of voormalige eggenote en enige kinders, as wat volgens die oortuiging van die Kommissaris ten opsigte van die betrokke jaar of tydperk van aanslag uit die belasbare inkomste van die belastingpligtige betaal is of betaal sal word: Met dien verstande dat by die toepassing van hierdie artikel 'n egskeidingsbevel of bevel tot skeiding van tafel en bed wat bedoelde bevel tot of skriftelike ooreenkoms van skeiding van tafel en bed vervang en nie die bedrag van onderhoud of toelae wat daarkragtens betaalbaar is, verander nie, nie die regte wat iemand ingevolge hierdie artikel mag hê, aantans nie, en in die geval van so iemand en die eggenote of voormalige eggenote van so iemand word die bepalinge van hierdie Wet toegepas asof die wysigings deur paragraaf (h) van artikel *drie* van die Wysigingswet op Inkomstebelasting, 1962, en deur artikels *vier*, *vyf* en *ses-en-twintig* van daardie Wet nie aangebring was nie, en asof die bepalinge van paragraaf (u) van sub-artikel (1) van artikel *tien* nie verorden was nie.”
- Wysiging van artikel 28 van Wet 58 van 1962. **17. Artikel *agt-en-twintig*** van die Hoofwet word hierby gewysig deur die tweede voorbehoudsbepaling by paragraaf (e) van sub-artikel (2) te skrap.
- Wysiging van artikel 29 van Wet 58 van 1962. **18. Artikel *nege-en-twintig*** van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling daarby te voeg:
„Met dien verstande dat by die toepassing van hierdie artikel die bekleër van 'n winsbetrekking onder die Republiek geag word in die Staatsdiens van die Republiek in diens te wees.”
- Herroeping van van artikel 34 van Wet 58 van 1962. **19. Artikel *vier-en-dertig*** van die Hoofwet word hierby herroep.
- Wysiging van artikel 35 van Wet 58 van 1962. **20. Artikel *vyf-en-dertig*** van die Hoofwet word hierby gewysig—
(a) deur in sub-artikel (1) na die uitdrukking „paragraaf (b)” die uitdrukking „van sub-artikel (1)” in te voeg; en
(b) deur in paragraaf (a) van sub-artikel (2) na die uitdrukking „paragraaf (b)” die uitdrukking „van sub-artikel (1)” in te voeg, en die volgende paragraaf by die voorbehoudsbepaling by genoemde paragraaf by te voeg:
„(iii) hierdie paragraaf nie uitgelê word as sou dit 'n persoon verplig om 'n belastingbetaling ingevolge hierdie paragraaf te maak ten opsigte van 'n verpligting om enige bedrag te betaal ten opsigte van die gebruik in die Republiek of die verlening van

14. The following section is hereby substituted for section *seventeen* of the principal Act: Substitution of section 17 of Act 58 of 1962.
- “Deduction of expenses incurred in appointing agents to sell goods manufactured in the Republic. 17. There shall be allowed to be deducted from the income of any taxpayer who in the course of any trade (other than mining or farming) carried on by him in the Republic manufactures goods or who is authorized by any other person to sell or to obtain orders for the purchase of any goods so manufactured by such other person, any expenditure actually incurred by him during the year of assessment in connection with the appointment of any agent outside the Republic for the sale of such goods to persons outside the Republic or for the obtaining from such persons of orders for the purchase of such goods.”.
15. Section *nineteen* of the principal Act is hereby amended by the substitution in the heading to the table in sub-section (3) for the expression “and sub-section (2)” of the expression “sub-section (2) and section *twenty*”. Amendment of section 19 of Act 58 of 1962.
16. The following section is hereby substituted for section *twenty-one* of the principal Act: Substitution of section 21 of Act 58 of 1962.
- “Deduction of alimony, allowance or maintenance. 21. The taxpayer shall have his taxable income reduced by so much of any amount payable by him to or on behalf of his spouse or former spouse under any order of divorce or judicial separation granted in consequence of proceedings instituted not later than the twenty-first day of March, 1962, or under any written agreement of separation entered into not later than that date, by way of alimony or allowance or maintenance of his spouse or former spouse and any children, as the Commissioner is satisfied has been or will in respect of the year or period of assessment in question be paid out of the taxable income of the taxpayer: Provided that for the purposes of this section any order of divorce or judicial separation which supersedes such order of judicial separation or written agreement of separation and does not vary the amount of alimony, allowance or maintenance payable thereunder, shall not affect the rights which any person may have under this section, and in the case of any such person and the spouse or former spouse of such person the provisions of this Act shall apply as if the amendments introduced by paragraph (h) of section *three* of the Income Tax Amendment Act, 1962, and by sections *four*, *five* and *twenty-six* of that Act had not been effected, and as if the provisions of paragraph (u) of sub-section (1) of section *ten* had not been enacted.”.
17. Section *twenty-eight* of the principal Act is hereby amended by the deletion of the second proviso to paragraph (e) of sub-section (2). Amendment of section 28 of Act 58 of 1962.
18. Section *twenty-nine* of the principal Act is hereby amended by the addition of the following proviso: Amendment of section 29 of Act 58 of 1962.
- “Provided that for the purposes of this section the holder of any office of profit under the Republic shall be deemed to be employed in the public service of the Republic.”.
19. Section *thirty-four* of the principal Act is hereby repealed. Repeal of section 34 of Act 58 of 1962.
20. Section *thirty-five* of the principal Act is hereby amended— Amendment of section 35 of Act 58 of 1962.
- (a) by the insertion in sub-section (1) after the expression “paragraph (b)” of the expression “of sub-section (1)”; and
- (b) by the insertion in paragraph (a) of sub-section (2) after the expression “paragraph (b)” of the expression “of sub-section (1)”, and the addition to the proviso to that paragraph of the following paragraph:
- “(iii) this paragraph shall not be construed as requiring any person to make a tax payment in terms of this paragraph in respect of any liability to pay any amount in respect of the use in the Republic of or the grant of permission to use in the Republic

toestemming vir die gebruik in die Republiek, of die meedeling van kennis of onderneming om kennis mee te deel wat regstreeks of onregstreeks in verband staan met die gebruik in die Republiek van 'n rolprentfilm of 'n klankopname of advertensiestukke gebruik of bedoel om gebruik te word in verband met sodanige film, indien bedoelde verpligting voor die inwerkingtreeding van die Wysigingswet op Inkomstebelasting, 1962, aangegaan en nagekom is."

Wysiging van artikel 38 van Wet 58 van 1962.

21. Artikel *agt-en-dertig* van die Hoofwet word hierby gewysig deur aan die end van paragraaf (g) van sub-artikel (2) die woord „en” te skrap, aan die end van paragraaf (h) van genoemde sub-artikel die woord „en” by te voeg, en die volgende paragraaf by genoemde sub-artikel by te voeg:

„(i) 'n effektegroep bedoel in paragraaf (e) van die omskrywing van ‚maatskappy’ in artikel *een*.”.

Wysiging van artikel 49 van Wet 58 van 1962.

22. Artikel *nege-en-veertig* van die Hoofwet word hierby gewysig deur in die omskrywing van „opbetaalde kapitaal” na die uitdrukking „(g)” die uitdrukking „of (h)” in te voeg.

Wysiging van artikel 50 van Wet 58 van 1962.

23. Artikel *vyftig* van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (b) die uitdrukking „*vier-en-dertig*” deur die uitdrukking „*vyf-en-dertig*” te vervang;

(b) deur in paragraaf (f) na die uitdrukking „(g)” die uitdrukking „of (h)” in te voeg; en

(c) deur paragraaf (i) deur die volgende paragraaf te vervang:

„(i) 'n maatskappy waarvan al die gewone aandele gedurende die hele bepaalde tydperk deur die Regering of deur een of meer van die volgende kategorieë van aandeelhouders besit is, naamlik—

(i) publieke maatskappye;

(ii) maatskappye wat self ingevolge hierdie artikel met uitsondering van paragrafe (f) en (g) van hierdie belasting vrygestel is;

(iii) bystandsfondse, pensioenfondse, voorsorgsfondse of uitredingannuïteitsfondse,

of 'n maatskappy waarvan al die gewone aandele gedurende die hele bepaalde tydperk gedeeltelik deur een of meer van bedoelde kategorieë van aandeelhouders en gedeeltelik deur aandeelhouders wat nie onder enige van bedoelde kategorieë val nie, besit is, indien die Kommissaris oortuig is dat dié maatskappy as 'n publieke maatskappy vir die betrokke jaar van aanslag erken sou geword het indien die gewone aandele besit deur aandeelhouders wat nie onder enige van bedoelde kategorieë val nie, dié maatskappy se totale aandeelkapitaal verteenwoordig het.”.

Wysiging van artikel 52 van Wet 58 van 1962.

24. Artikel *twee-en-vyftig* van die Hoofwet word hierby gewysig deur in paragraaf (b) van sub-artikel (1) na die uitdrukking „(g)” die uitdrukking „of (h)” in te voeg.

Wysiging van artikel 61 van Wet 58 van 1962.

25. Artikel *een-en-sestig* van die Hoofwet word hierby gewysig deur die volgende paragrafe by te voeg:

„(f) word die verwysing in sub-artikel (1)*bis* van artikel *vyf-en-negentig* na die inkomste ontvang deur of toegeval aan 'n oorlede persoon gedurende sy leeftyd geag 'n verwysing in te sluit na eiendom waaroor deur die oorlede persoon gedurende sy leeftyd ingevolge 'n skenking beskik is, en word die verwysing in bedoelde sub-artikel na inkomste wat vir sy eie voordeel deur 'n verteenwoordigende belastingpligtige ontvang is of aan of ten gunste van hom toegeval het, geag 'n verwysing in te sluit na eiendom waaroor die verteenwoordigende belastingpligtige uit eie reg ingevolge 'n skenking beskik het;

(g) word die verwysing in sub-artikel (2) van artikel *ses-en-negentig* na die belasbare inkomste van 'n oorlede persoon, geag 'n verwysing in te sluit na die kumulatiewe belasbare waarde van alle eiendom waaroor deur so 'n persoon ingevolge skenkings beskik is.”.

Wysiging van artikel 68 van Wet 58 van 1962.

26. Artikel *agt-en-sestig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Die inkomste ontvang deur of toegeval aan of ten gunste van 'n vrou wat in of buite gemeenskap van goedere getroud is, en nie ingevolge 'n skriftelike skeidingsooreenkoms op of voor die een-en-twintigste dag van Maart 1962 aangegaan of ingevolge 'n geregtelike bevel van tafel en bed van haar man geskei is nie, word deur hom ingesluit

lic, or the imparting of or the undertaking to impart any knowledge directly or indirectly connected with the use in the Republic of any motion picture film or any sound recording or advertising matter used or intended to be used in connection with such film, if such liability was incurred and discharged before the commencement of the Income Tax Amendment Act, 1962.”.

21. Section *thirty-eight* of the principal Act is hereby amended by the deletion at the end of paragraph (g) of sub-section (2) of the word “and”, the addition at the end of paragraph (h) of the said sub-section of the word “and”, and the addition to the said sub-section of the following paragraph:

Amendment of section 38 of Act 58 of 1962.

“(i) any unit portfolio referred to in paragraph (e) of the definition of ‘company’ in section *one*.”.

22. Section *forty-nine* of the principal Act is hereby amended by the insertion in the definition of “paid up capital” after the expression “(g)” of the expression “or (h)”.

Amendment of section 49 of Act 58 of 1962.

23. Section *fifty* of the principal Act is hereby amended—

Amendment of section 50 of Act 58 of 1962.

(a) by the substitution in paragraph (b) for the expression “*thirty-four*” of the expression “*thirty-five*”;

(b) by the insertion in paragraph (f) after the expression “(g)” of the expression “or (h)”;

(c) by the substitution for paragraph (i) of the following paragraph:

“(i) any company all of whose equity shares were throughout the specified period held by the Government or by one or more of the following classes of shareholders, namely—

(i) public companies;

(ii) companies which are themselves exempt from this tax in terms of this section excluding paragraphs (f) and (g);

(iii) benefit funds, pension funds, provident funds or retirement annuity funds,

or any company all of whose equity shares were throughout the specified period held partly by one or more of the said classes of shareholders and partly by shareholders not falling within any of the said classes if the Commissioner is satisfied that such company would have been recognized as a public company for the year of assessment in question if the equity shares held by shareholders not falling within any of the said classes had represented such company’s total share capital.”.

24. Section *fifty-two* of the principal Act is hereby amended by the insertion in paragraph (b) of sub-section (1) after the expression “(g)” of the expression “or (h)”.

Amendment of section 52 of Act 58 of 1962.

25. Section *sixty-one* of the principal Act is hereby amended by the addition of the following paragraphs:

Amendment of section 61 of Act 58 of 1962.

“(f) the reference in sub-section (1) *bis* of section *ninety-five* to the income received by or accrued to any deceased person during his lifetime shall be deemed to include a reference to any property disposed of by the deceased person under any donation during his lifetime, and the reference in the said sub-section to income received by or accrued to or in favour of a representative taxpayer beneficially shall be deemed to include a reference to property disposed of by the representative taxpayer in his own right under a donation;

(g) the reference in sub-section (2) of section *ninety-six* to the taxable income of any deceased person shall be deemed to include a reference to the cumulative taxable value of all property disposed of by such person under donations.”.

26. Section *sixty-eight* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

Amendment of section 68 of Act 58 of 1962.

“(1) The income received by or accrued to or in favour of a woman married with or without community of property and not separated from her husband under a written agreement of separation entered into on or before the twenty-first day of March, 1962, or under any judicial order, shall be included by him in returns of income

in die opgawes van inkomste wat ingevolge hierdie Wet deur hom verstrekk moet word: Met dien verstande dat—

- (i) in die geval van eggenote wat van tafel en bed geskei is ingevolge 'n skriftelike skeidingsooreenkoms na daardie datum aangegaan; of
 - (ii) indien enige van die eggenote skriftelik by die Kommissaris daarom aansoek doen en die Kommissaris dit wenslik ag; of
 - (iii) indien in enige ander geval die Kommissaris dit wenslik ag,
- opgawes van inkomste deur albei die eggenote afsonderlik verstrekk moet word.”.

Wysiging van artikel 95 van Wet 58 van 1962.

27. Artikel *vyf-en-negentig* van die Hoofwet word hierby gewysig deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis* Elke verteenwoordigende belastingpligtige bedoel in paragraaf (e) van die omskrywing van ‚vertteenwoordigende belastingpligtige’ in artikel *een* is, met betrekking tot die inkomste wat ontvang is deur of toegeval het aan enige oorlede persoon gedurende sy leeftyd, in alle opsigte onderhewig aan dieselfde pligte, verantwoordelikhede en verpligtings asof die inkomste vir sy eie voordeel deur hom ontvang was of aan of ten gunste van hom toegeval het, en is in sy eie naam ten opsigte van daardie inkomste aan aanslag onderhewig, maar so ’n aanslag word geag slegs in sy verteenwoordigende hoedanigheid op hom gedoen te word.”.

Wysiging van artikel 96 van Wet 58 van 1962.

28. Artikel *ses-en-negentig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Elke verteenwoordigende belastingpligtige bedoel in paragraaf (e) van die omskrywing van ‚vertteenwoordigende belastingpligtige’ in artikel *een* wat in dié hoedanigheid ’n belasting ten opsigte van die belasbare inkomste van enige oorlede persoon betaal, is geregtig om die aldus betaalde bedrag op die boedel van sodanige oorlede persoon te verhaal of om ’n bedrag gelyk aan die aldus betaalde bedrag terug te hou uit gelde in die boedel van die oorledene wat in sy hoedanigheid as eksekuteur van sodanige boedel in sy besit mag wees of hom ter hand mag kom.”.

Wysiging van artikel 101 van Wet 58 van 1962.

29. Artikel *honderd-en-een* van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (1) na die woord „het” die woorde „en elke effektegroepe wat ingevolge paragraaf (e) van die omskrywing van ‚maatskappy’ in artikel *een* ’n maatskappy is” in te voeg;

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

„Met dien verstande voorts dat in die geval van ’n effektegroepe bedoel in sub-artikel (1) die openbare amptenaar van die betrokke bestuursmaatskappy die openbare amptenaar is behalwe in geval van likwidasie van die bestuursmaatskappy, in welke geval die trustee ingevolge die betrokke effekte-trustskema die openbare amptenaar is.”;

(c) deur by sub-artikel (5) die volgende voorbehoudsbepalings by te voeg:

„Met dien verstande dat in die geval van ’n effektegroepe bedoel in sub-artikel (1) die plek waar so ’n kennisgewing of ander stuk bestel of afgelewer kan word of waarheen so ’n kennisgewing of stuk gestuur kan word, die plek is wat die betrokke bestuursmaatskappy met betrekking tot ’n kennisgewing of ander stuk aangaande die maatskappy self aangedui het, of, ingeval die trustee ingevolge die betrokke effekte-trustskema die openbare amptenaar word, die plek in die Republiek deur die trustee aangedui en deur die Kommissaris goedgekeur: Met dien verstande voorts dat bedoelde trustee so ’n plek binne een maand nadat hy die openbare amptenaar word, moet aandui”; en

(d) deur by sub-artikel (7) die woorde „en elke trustee bedoel in sub-artikel (5) hou te alle tye ’n plek aan vir die bestelling of aflewering van bedoelde kennisgewings en moet binne veertien dae nadat ’n verandering van so ’n plek in werking tree, die Kommissaris daarvan in kennis stel.” by te voeg.

required to be rendered by him under this Act: Provided that—

- (i) in the case of spouses who have been separated under a written agreement of separation entered into after the said date; or
- (ii) if either spouse makes written application therefor to the Commissioner, and the Commissioner considers it desirable; or
- (iii) if in any other case the Commissioner considers it desirable,

returns of income shall be required to be rendered by both spouses separately.”.

27. Section *ninety-five* of the principal Act is hereby amended by the insertion after sub-section (1) of the following sub-section: Amendment of section 95 of Act 58 of 1962.

“(1)*bis* Every representative taxpayer referred to in paragraph (e) of the definition of ‘representative taxpayer’ in section *one* shall as regards the income received by or accrued to any deceased person during his lifetime be subject in all respects to the same duties, responsibilities and liabilities as if the income were income received by or accrued to or in favour of him beneficially and shall be liable to assessment in his own name in respect of that income, but any such assessment shall be deemed to be made upon him in his representative capacity only.”.

28. Section *ninety-six* of the principal Act is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1): Amendment of section 96 of Act 58 of 1962.

“(2) Every representative taxpayer referred to in paragraph (e) of the definition of “representative taxpayer” in section *one* who as such pays any tax in respect of the taxable income of any deceased person shall be entitled to recover the amount so paid from the estate of such deceased person or to retain out of any moneys of the estate of such deceased person that may be in his possession or that may come to him as executor of such estate, an amount equal to the amount so paid.”.

29. Section *one hundred and one* of the principal Act is hereby amended— Amendment of section 101 of Act 58 of 1962.

(a) by the insertion in sub-section (1) after the word “Republic” of the words “and every unit portfolio constituting a company in terms of paragraph (e) of the definition of ‘company’ in section *one*,”;

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

“Provided further that in the case of any unit portfolio referred to in sub-section (1) the public officer of the relevant management company shall be the public officer except in the event of the winding up of the management company, in which event the trustee under the relevant unit trust scheme shall be the public officer.”;

(c) by the addition to sub-section (5) of the following provisos:

“Provided that in the case of any unit portfolio referred to in sub-section (1) the place at which any such notice or other document may be served or delivered or to which any such notice or document may be sent shall be the place appointed by the relevant management company in regard to any notice or other document affecting itself, or, in the event of the trustee under the relevant unit trust scheme becoming the public officer, the place within the Republic appointed by the trustee and approved by the Commissioner: Provided further that such trustee shall appoint such place within one month after becoming the public officer.”; and

(d) by the addition to sub-section (7) of the words “and every trustee referred to in sub-section (5) shall at all times maintain a place for the service or delivery of such notices and shall within fourteen days of any change of such place taking effect notify the Commissioner thereof.”.

Wysiging van artikel 106 van Wet 58 van 1962.

30. Artikel *honderd-en-ses* van die Hoofwet word hierby gewysig deur in sub-paragraaf (ii) van paragraaf (d) van sub-artikel (2) na die woord „maatskappy”, waar dit die eerste maal voorkom, die woorde „of, in die geval van ’n effektegroep bedoel in paragraaf (e) van die omskrywing van „maatskappy” in artikel *een*, waarvan die openbare amptenaar die trustee bedoel in genoemde sub-artikel (5) is, deur bedoelde trustee,” in te voeg, en na die woord „maatskappy”, waar dit die tweede maal voorkom en waar dit die derde maal voorkom, die woorde „of trustee, na gelang van die geval,” in te voeg.

Wysiging van 2de Bylae by Wet 58 van 1962.

31. Die Tweede Bylae by die Hoofwet word hierby gewysig—

- (a) deur in die omskrywing van „formule B” in paragraaf 1 die uitdrukking „ $Z = C - D$ ” deur die uitdrukking „ $Z = C + E - D$ ” te vervang, aan die end van paragraaf (b) van daardie omskrywing die woord „en” te skrap, aan die end van paragraaf (c) van daardie omskrywing die woord „en” by te voeg, en by daardie omskrywing die volgende paragraaf by te voeg:
- „(d) ,E’ die totaal voorstel van die belastingpligtige se eie bydraes aan voorsorgfondse waarvan hy ’n lid is of was en waaruit enkelbedragvoordele verkry is of mag word as gevolg van of na sy uit-treding of dood op of na die vyftiende dag van Maart 1961 met inbegrip van soveel van die bedrae in bedoelde fondse vir sy voordeel deur ander voorsorgfondse betaal as wat sy eie bydraes aan bedoelde ander fondse voorgestel het;”
- (b) deur in die omskrywing van „pensioenfondse” in paragraaf 1 die woorde „by wet ingestelde” te skrap, en na die woord „wesefondse” die woorde „by wet of ten voordele van werknemers van ’n plaaslike bestuur ingestel” in te voeg;
- (c) deur by item (b) van sub-paragraaf (2) van paragraaf 5 die woorde „of, indien bedoelde voordele uit voordele uit ’n voorsorgfondse bestaan of dit insluit, die grootste van onderstaande bedrae, te wete, tiendu-send rand of ’n bedrag gelyk aan twee maal soveel van die salaris werklik gedurende die tydperk van twaalf maande wat by sy dood eindig deur die belastingpligtige verdien by die werkgewer by wie hy gedurende sy lidmaatskap van bedoelde fonds in diens was, as wat tiendu-send rand nie te bowe gaan nie;” by te voeg;
- (d) deur item (c) van bedoelde sub-paragraaf te skrap; en
- (e) deur by sub-paragraaf (3) van paragraaf 5 die woorde „en met betrekking tot ’n voorsorgfondse, dat hy sal aanhou om tot sodanige fondse by te dra teen die skaal waarteen hy op laasgenoemde datum bygedra het” by te voeg.

Uitleg van paragraaf (b)ter van omskrywing van „bruto-inkomste” in artikel 7 van Wet 31 van 1941, vir doeleindes van aanslae vir jaar geëindig 30 Junie 1961.

32. (1) Vir die doeleindes van enige aanslag ingevolge die Inkomstebelastingwet, 1941 (Wet No. 31 van 1941), ten opsigte van die jaar van aanslag wat op die dertigste dag van Junie 1961 geëindig het, is die bepalings van paragraaf (b) ter van die omskrywing van „bruto-inkomste” in artikel *sewe* van daardie Wet, soos vervang deur paragraaf (b) van artikel *vyf* van die Inkomstebelastingwet, 1961 (Wet No. 80 van 1961), nie van toepassing ten opsigte van enige bedrag wat voor die vyftiende dag van Maart 1961 deur iemand ontvang is of aan hom toegeval het of geag word deur hom ontvang te gewees het of aan hom toe te geval het nie, en word die bepalings van genoemde paragraaf (b) ter soos van krag voor die wysiging deur genoemde paragraaf (b) aangebring, geag ten opsigte van sodanige bedrag van toepassing te wees.

(2) Die bepalings van sub-artikel (1) word geag in werking te getree het ten opsigte van alle aanslae ten opsigte van die jaar van aanslag geëindig op die dertigste dag van Junie 1961.

Rente op lenings aan of deposito’s en dividende op aandele in bouverenigings in die Republiek geregistreer, wat aan sekere persone in Suidwes-Afrika toeval, word vir doeleindes van aanslae ingevolge Wet 31 van 1941 geag nie uit ’n bron in die Republiek verkry te gewees het nie.

33. Vir die doeleindes van enige aanslag ingevolge die Inkomstebelastingwet, 1941 (Wet No. 31 van 1941), word enige bedrag aan rente wat deur ’n persoon (behalwe ’n maatskappy) wat gewoonlik in die Republiek of die gebied Suidwes-Afrika (insluitende die Oostelike Caprivi Zipfel, bedoel in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951)), woonagtig is of ’n maatskappy wat in die Republiek of bedoelde gebied geregistreer is of bestuur of beheer word, ontvang is of aan hom toegeval het ten opsigte van ’n lening aan of deposito in ’n bouvereniging geregistreer ingevolge die Bouverenigingswet, 1934 (Wet No. 62 van 1934), of die bedrag van ’n dividend of deel van winste deur so ’n vereniging uitgekeer wat deur so ’n persoon of maatskappy ontvang is of aan hom toegeval het, indien bedoelde

30. Section *one hundred and six* of the principal Act is hereby amended by the insertion in sub-paragraph (ii) of paragraph (d) of sub-section (2) after the word "one" where it occurs for the second time of the words "or, in the case of any unit portfolio referred to in paragraph (e) of the definition of 'company' in section *one*, the public officer of which is the trustee referred to in the said sub-section (5), by such trustee," and after the word "company" where it occurs for the second time and where it occurs for the third time of the words "or trustee, as the case may be,".

Amendment of section 106 of Act 58 of 1962.

31. The Second Schedule to the principal Act is hereby amended—

Amendment of 2nd Schedule to Act 58 of 1962.

(a) by the substitution in the definition of "formula B" in paragraph 1 for the expression " $Z = C - D$ " of the expression " $Z = C + E - D$ ", the deletion at the end of paragraph (b) of that definition of the word "and", the addition at the end of paragraph (c) of that definition of the word "and", and the addition to that definition of the following paragraph:

"(d) 'E' represents the sum of the taxpayer's own contributions to any provident funds of which he is or was a member and from which any lump sum benefits were or may be derived in consequence of or following upon his retirement or death on or after the fifteenth day of March, 1961, including so much of the amounts paid into such funds for his benefit by other provident funds as represented his own contributions to such other funds;"

(b) by the insertion in the definition of "pension fund" in paragraph 1 after the word "law" of the words "or for the benefit of employees of any local authority";

(c) by the addition to item (b) of sub-paragraph (2) of paragraph 5 of the words "or, if such benefits consist of or include benefits from any provident fund, the greater of the following amounts, namely ten thousand rand or an amount equal to twice so much of the salary actually earned by the taxpayer during the period of twelve months ending at his death from the employer by whom he was employed during his membership of such fund, as does not exceed ten thousand rand;"

(d) by the deletion of item (c) of the said sub-paragraph; and

(e) by the substitution in sub-paragraph (3) of paragraph 5 for the words following the word "question" of the words "and that until that date he will continue to be employed on the scale of salary at which he is employed at the date on which the determination is made, and, in regard to any provident fund, will continue to contribute to such fund at the rate at which he is contributing at the last-mentioned date.".

32. (1) For the purposes of any assessment under the Income Tax Act, 1941 (Act No. 31 of 1941), in respect of the year of assessment ended the thirtieth day of June, 1961, the provisions of paragraph (b) *ter* of the definition of "gross income" in section *seven* of that Act, as substituted by paragraph (b) of section *five* of the Income Tax Act, 1961 (Act No. 80 of 1961), shall not apply in respect of any amount which is received by or accrues to or is deemed to have been received by or to have accrued to any person prior to the fifteenth day of March, 1961, and the provisions of the said paragraph (b) *ter* as they were in force prior to the amendment effected by the said paragraph (b) shall be deemed to apply in respect of any such amount.

Construction of paragraph (b) *ter* of definition of "gross income" in section 7 of Act 31 of 1941, for purposes of assessments for year ended 30th June, 1961.

(2) The provisions of sub-section (1) shall be deemed to have taken effect in respect of all assessments in respect of the year of assessment ended the thirtieth day of June, 1961.

33. For the purposes of any assessment under the Income Tax Act, 1941 (Act No. 31 of 1941), any amount of interest which has been received by or has accrued to any person (other than a company) who is ordinarily resident in the Republic or the territory of South-West Africa (including the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)) or any company which is registered, managed or controlled in the Republic or the said territory, in respect of any loan to or deposit in any building society registered under the Building Societies Act, 1934 (Act No. 62 of 1934), or the amount of any dividend or share of profits distributed by any such society which has been received by or has accrued to any such person

Interest on loans to or deposits and dividends on shares in building societies registered in the Republic, accruing to certain persons in South-West Africa, deemed for purposes of assessments under Act 31 of 1941 not to have been derived from any source in the Republic.

lening of deposito deur 'n tak of agentskap van daardie vereniging in bedoelde gebied gemaak is of indien die aandele waarop bedoelde dividend of deel van winste betrekking het deur 'n bedoelde tak of agentskap verkry is, geag nie uit 'n bron in die Republiek verkry te gewees het nie: Met dien verstande dat indien so 'n bedrag vir belasting aangeslaan is en die aanslag ten opsigte van daardie bedrag kragtens sub-artikel (7) van artikel *sewe-en-sewentig* van bedoelde Wet finaal en afdoende geword het, die Kommissaris nie verplig is om sodanige aanslag kwyt te skel of te wysig of om 'n bedrag aan belasting wat betaal is ten opsigte van die bedrag wat aldus vir belasting aangeslaan is, terug te betaal nie.

Uitleg van paragraaf (v) van sub-artikel (2) van artikel 18 van Wet 31 van 1941, vir doeleindes van aanslae ingevolge daardie Wet.

34. (1) Vir die doeleindes van enige aanslag ingevolge die Inkomstebelastingwet, 1941 (Wet No. 31 van 1941), ten opsigte van die belasbare inkomste deur iemand verkry uit die dryf in die Republiek van korttermyn-versekeringsbesigheid soos in artikel *agtien* van daardie Wet omskryf—

(a) word die bepalings van paragraaf (v) van sub-artikel (2) van genoemde artikel toegepas asof die tweede voorbehoudsbepaling by daardie paragraaf nie verorden is nie; en

(b) kan die Kommissaris, indien die belastingpligtige ten opsigte van 'n jaar van aanslag voor dié wat op die dertigste dag van Junie 1961 geëindig het, as 'n aftrekking by die vasstelling van die aldus deur hom verkreeë belasbare inkomste 'n bedrag geëis het ten opsigte van eise aan hom te kenne gegee maar nog nie deur hom betaal nie, en die Kommissaris by enige aanslag van daardie belasbare inkomste die bedrag aldus geëis as 'n aftrekking toegelaat het, geen verdere aanslag ten opsigte van daardie bedrag ingevolge artikel *ses-en-sestig* van daardie Wet doen nie: Met dien verstande dat so 'n bedrag by die inkomste van die belastingpligtige vir die daaropvolgende jaar van aanslag ingevolge genoemde Wet ingesluit moet word.

(2) Die bepalings van paragraaf (a) van sub-artikel (1) word geag in werking te getree het ten opsigte van alle aanslae ten opsigte van die jaar van aanslag geëindig op die dertigste dag van Junie 1961, en die bepalings van paragraaf (b) van genoemde sub-artikel word geag op die eerste dag van Julie 1960 in werking te getree het.

Vierde Bylae by Wet 31 van 1941 word vir doeleindes van aanslae ingevolge daardie Wet geag gewysig te gewees het.

35. Vir die doeleindes van enige aanslag ingevolge die Inkomstebelastingwet, 1941 (Wet No. 31 van 1941), ten opsigte van 'n bedrag ontvang deur of toegeval aan iemand of geag deur hom ontvang te gewees of toe te geval het, word die wysigings aan die Tweede Bylae by die Hoofwet deur artikel *een-en-dertig* aangebring, geag ook aan die ooreenstemmende bepalings van die Vierde Bylae by eersgenoemde Wet aangebring te gewees het.

Verklarings wat deur werkgewers en verteenwoordigende werkgewers gemaak moet word en straf by versuim.

36. (1) Elke persoon wat op die een-en-dertigste dag van Augustus 1962 'n werkgewer of verteenwoordigende werkgewer is, moet nie later as die dertigste dag van September 1962 nie, en elke persoon wat na eersgenoemde datum 'n werkgewer of verteenwoordigende werkgewer word, moet binne veertien dae nadat hy 'n werkgewer of verteenwoordigende werkgewer word, of in die een of die ander geval binne die verdere tydperk wat die Kommissaris van Binnelandse Inkomste (hieronder „die Kommissaris” genoem) goedkeur, aan die Kommissaris 'n verklaring verstrek in 'n vorm deur die Kommissaris voorgeskryf wat die inligting bevat wat die Kommissaris vir enige doel mag vereis met betrekking tot die besigheids- of ander ondernemings van die werkgewer of die verteenwoordigende werkgewer in sy verteenwoordigende hoedanigheid, die persone aan wie die werkgewer of die verteenwoordigende werkgewer in sy verteenwoordigende hoedanigheid vergoeding betaal of moet betaal, en die aard, plek en wyse van betaling van sodanige vergoeding.

(2) Elke werkgewer of verteenwoordigende werkgewer wat ingevolge sub-artikel (1) 'n verklaring verstrek het, moet binne veertien dae nadat hy van adres verander of ophou om 'n werkgewer of verteenwoordigende werkgewer te wees, na gelang van die geval, die Kommissaris in kennis stel van sy nuwe adres of van die feit dat hy opgehou het om 'n werkgewer of verteenwoordigende werkgewer te wees, na gelang van die geval.

(3) Die Kommissaris kan by skriftelike kennisgewing enige-mand aansê om die inligting te verstrek wat hy mag vereis met betrekking tot die aangeleenthede in sub-artikel (1) bedoel, ongeag of so iemand 'n werkgewer of verteenwoordigende werkgewer is al dan nie.

or company, shall, if such loan or deposit was made through any branch or agency of that society in the said territory or if the shareholding to which such dividend or share of profits relates was acquired through any such branch or agency, be deemed not to have been derived from any source within the Republic: Provided that if any such amount has been subjected to tax and the assessment in respect of that amount has in terms of sub-section (7) of section *seventy-seven* of the said Act become final and conclusive, the Commissioner shall not be required to discharge or amend such assessment nor to refund any amount of tax which has been paid in respect of the amount so subjected to tax.

34. (1) For the purposes of any assessment under the Income Tax Act, 1941 (Act No. 31 of 1941), in respect of the taxable income derived by any person from the carrying on in the Republic of short-term insurance business as defined in section *eighteen* of that Act—

Construction of paragraph (v) of sub-section (2) of section 18 of Act 31 of 1941 for purposes of assessments under that Act.

- (a) the provisions of paragraph (v) of sub-section (2) of the said section shall be applied as though the second proviso to that paragraph had not been enacted; and
- (b) if the taxpayer has in respect of any year of assessment prior to the year of assessment ended the thirtieth day of June, 1961, claimed as a deduction in the determination of the taxable income so derived by him any amount in respect of claims intimated to him but not yet paid by him and the Commissioner has in any assessment of that taxable income allowed the amount so claimed as a deduction, the Commissioner shall not in respect of that amount raise any further assessment under section *sixty-six* of that Act: Provided that any such amount shall be included in the income of the taxpayer for the next succeeding year of assessment under the said Act.

(2) The provisions of paragraph (a) of sub-section (1) shall be deemed to have taken effect in respect of all assessments in respect of the year of assessment ended the thirtieth day of June, 1961, and the provisions of paragraph (b) of the said sub-section shall be deemed to have taken effect on the first day of July, 1960.

35. For the purposes of any assessment under the Income Tax Act, 1941 (Act No. 31 of 1941), in respect of any amount received by or accrued to or deemed to have been received by or to have accrued to any person, the amendments effected by section *thirty-one* to the Second Schedule to the principal Act shall be deemed also to have been effected to the corresponding provisions of the Fourth Schedule to the first-mentioned Act.

Fourth Schedule to Act 31 of 1941 deemed for purposes of assessments under that Act to have been amended.

36. (1) Every person who on the thirty-first day of August, 1962, is an employer or representative employer shall not later than the thirtieth day of September, 1962, and every person who after the first-mentioned date becomes an employer or representative employer shall within fourteen days after becoming an employer or representative employer, or in any such case within such further period as the Commissioner for Inland Revenue (hereinafter referred to as "the Commissioner") may approve, furnish to the Commissioner a declaration in such form as the Commissioner may prescribe which shall contain such information as the Commissioner may for any purpose require in regard to the business or other undertakings of the employer or the representative employer in his representative capacity, the persons to whom the employer or the representative employer in his representative capacity pays or is liable to pay remuneration, and the nature, place and manner of payment of such remuneration.

Declarations to be made by employers and representative employers, and penalty on default.

(2) Every employer or representative employer who has furnished a declaration in terms of sub-section (1) shall within fourteen days after changing his address or of his ceasing to be an employer or representative employer, as the case may be, notify the Commissioner of his new address or of the fact of his having ceased to be an employer or representative employer, as the case may be.

(3) The Commissioner may by notice in writing require any person to furnish such information as he may require in regard to the matters referred to in sub-section (1), whether or not such person is an employer or a representative employer.

(4) Iemand wat versuim of nalaat om aan die Kommissaris 'n verklaring te verstrek soos en wanneer deur sub-artikel (1) vereis, of om die Kommissaris van 'n adresverandering of van die feit dat hy opgehou het om 'n werkgewer of verteenwoordigende werkgewer te wees, in kennis te stel soos en wanneer deur sub-artikel (2) vereis, of wat sonder om goeie redes aan te toon, weier of nalaat om enige inligting of antwoord te verstrek soos en wanneer deur die Kommissaris ingevolge sub-artikel (3) vereis, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met sowel sodanige boete as sodanige gevangenisstraf.

(5) By die toepassing van hierdie artikel beteken—

- (i) „besoldiging” enige salaris, toelae, loon, besoldiging vir oortydwerk, bonus, gratifikasie, kommissie, gelde, vergoeding, pensioen, toelae by bereiking van pensioenleeftyd, aftreetoelae of stipendium, hetsy in kontant of andersins, en ongeag of dit ten opsigte van bewese dienste is al dan nie, met inbegrip van—
- (a) enige bedrag in paragraaf (a), (c), (d), (e) of (f) van die omskrywing van „bruto inkomste” in artikel *een* van die Hoofwet bedoel;
- (b) enige voordeel of bate in paragraaf (i) van daardie omskrywing bedoel, maar nie ook—
- (c) 'n bedrag betaal of betaalbaar aan iemand ten opsigte van dienste deur so iemand bewys of wat nog deur hom bewys moet word as 'n huis- of private bediende of plaasarbeider, indien bedoelde bedrag bereken word teen 'n skaal wat vierhonderd-en-tagtig rand per jaar nie te bowe gaan nie;
- (d) 'n bedrag betaal of betaalbaar ten opsigte van bewese dienste of dienste wat nog bewys moet word deur iemand (behalwe iemand wat nie gewoonlik in die Republiek woonagtig is nie) in die loop van 'n professie, handelsaak of besigheid wat deur hom onafhanklik van die persoon deur wie bedoelde bedrag betaal word of betaalbaar is, beoefen word;
- (e) 'n bedrag betaal of betaalbaar aan 'n Bantoepersoon ten opsigte van dienste deur sodanige Bantoepersoon bewys of wat nog deur hom bewys moet word indien bedoelde bedrag bereken word teen 'n skaal wat seshonderd rand per jaar nie te bowe gaan nie;
- (f) 'n bedrag betaal of betaalbaar aan 'n werknemer geheel en al ter bestryding van onkoste werklik deur sodanige werknemer in die loop van sy diens aangegaan; (ii)
- (ii) „verteenwoordigende werkgewer”—
- (a) in die geval van 'n „maatskappy” soos in artikel *een* van die Hoofwet omskryf, die openbare amp-tenaar daarvan ingevolge artikel *honderd-en-een* van daardie Wet aangestel, of, ingeval bedoelde maatskappy gelikwieder word of onder geregtelike bestuur geplaas word, die likwidateur of geregtelike bestuurder, na gelang van die geval; of
- (b) in die geval van 'n afdelingsraad, munisipale raad, dorpsbestuur of dergelike gesag, of enige liggaam van persone (behalwe 'n soos voormeld omskrewende maatskappy of 'n vennootskap), hetsy met regspersoonlikheid bekleed al dan nie, 'n bestuurder, sekretaris, ampsbeksleër, of ander persoon verantwoordelik vir betaling van besoldiging namens bedoelde raad, bestuur, gesag of liggaam; of
- (c) in die geval van 'n regsonbevoegde persoon, 'n voog, kurator, administrateur of ander persoon wat die sake van die regsonbevoegde persoon bestuur of beheer; of
- (d) in die geval van 'n werkgewer wat nie gewoonlik in die Republiek woonagtig is nie, enige agent van bedoelde werkgewer wat gemagtig is om besoldiging te betaal; (iii)
- (iii) „werkgewer” enige persoon (met inbegrip van 'n persoon wat in 'n fidusiële hoedanigheid of in sy hoedanigheid as trustee van 'n insolvente boedel, 'n eksekuteur van 'n afgestorwe boedel, 'n administra-

(4) Any person who fails or neglects to furnish a declaration to the Commissioner as and when required by sub-section (1), or to notify the Commissioner of any change of address or of the fact of his having ceased to be an employer or representative employer as and when required by sub-section (2), or without just cause shown by him refuses or neglects to furnish any information or reply as and when required by the Commissioner under sub-section (3), shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

(5) For the purposes of this section—

- (i) "employer" means any person (including any person acting in a fiduciary capacity or in his capacity as a trustee in an insolvent estate, an executor in a deceased estate, an administrator of a benefit fund, pension fund, provident fund, retirement annuity fund or any other fund, but not including any person acting as an employee of another person) who pays or is liable to pay to any person (other than a "company" as defined in section *one* of the principal Act) any amount by way of remuneration, and every company defined as aforesaid; (iii)
- (ii) "remuneration" means any salary, allowance, wage, overtime pay, bonus, gratuity, commission, fee, emolument, pension, superannuation allowance, retiring allowance or stipend, whether in cash or otherwise, and whether or not in respect of services rendered, including—
- (a) any amount referred to in paragraph (a), (c), (d), (e) or (f) of the definition of "gross income" in section *one* of the principal Act;
- (b) any benefit or advantage referred to in paragraph (i) of that definition, but not including—
- (c) any amount paid or payable to any person in respect of services rendered or to be rendered by such person as a domestic or private servant or farm labourer if such amount is calculated at a rate not exceeding four hundred and eighty rand per annum;
- (d) any amount paid or payable in respect of services rendered or to be rendered by any person (other than a person who is not ordinarily resident in the Republic) in the course of any profession, trade or business carried on by him independently of the person by whom such amount is paid or payable;
- (e) any amount paid or payable to any Bantu person in respect of services rendered or to be rendered by such Bantu person if such amount is calculated at a rate not exceeding six hundred rand per annum;
- (f) any amount paid or payable to any employee wholly in reimbursement of expenditure actually incurred by such employee in the course of his employment; (i)
- (iii) "representative employer" means—
- (a) in the case of any "company" as defined in section *one* of the principal Act, the public officer thereof appointed under section *one hundred and one* of that Act, or, in the event of such company being placed in liquidation or under judicial management, the liquidator or judicial manager, as the case may be; or
- (b) in the case of any divisional council, municipal council, village management board or like authority, or any body corporate or unincorporate (other than a company defined as aforesaid or a partnership), any manager, secretary, officer or other person responsible for paying remuneration on behalf of such council, board, authority or body; or
- (c) in the case of a person under legal disability, any guardian, curator, administrator or other

teur van 'n bystandsfonds, pensioenfonds, voorsorgsfonds, uittredingannuïteitsfonds of enige ander fonds optree, maar uitgesonderd 'n persoon wat as werknemer van 'n ander persoon optree) wat aan 'n ander persoon (behalwe 'n „maatskappy” soos in artikel een van die Hoofwet omskryf) 'n bedrag by wyse van vergoeding betaal of verskuldig is, en elke maatskappy soos voormeld omskryf. (i)

(6) Die Kommissaris kan voor die een-en-dertigste dag van Augustus 1962 en daarna op die tye wat hy bepaal, 'n openbare kennisgewing uitreik waarby die aandag op die bepaling van hierdie artikel gevestig word.

Inwerkingtreding van sekere wysigings.

37. Behalwe waar anders bepaal word, tree die wysigings deur hierdie Wet aan die Hoofwet aangebring vir die eerste maal in werking ten opsigte van aanslae vir die jaar van aanslag wat op die dertigste dag van Junie 1962 eindig.

Kort titel.

38. Hierdie Wet heet die Wysigingswet op Inkomstebelasting, 1962.

Bylae.

SKALE VAN NORMALE BELASTING VIR DIE JAAR WAT OP DIE DERTIGSTE DAG VAN JUNIE 1962 EINDIG.

(Artikel een van hierdie Wet).

1. (1) Die skale van normale belasting bedoel in artikel een van hierdie Wet is soos volg:—

(a) Ten opsigte van die belasbare inkomste (met uitsondering van soveel as wat uit mynwerksaamhede wat in die Republiek deur 'n maatskappy voortgesit word, verkry is, maar met inbegrip van soveel as wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by bruto inkomste verkry uit die myn van goud in die Republiek, van 'n in paragraaf (j) van die omskrywing van „bruto inkomste” in artikel een van die Hoofwet bedoelde bedrag)—

- (i) in die geval van alle maatskappye, behalwe soos in paragraaf (b) van sub-artikel (1) van artikel twee van hierdie Wet bepaal, dertig sent op elke rand van die belasbare inkomste;
- (ii) in die geval van ander persone as maatskappye, soos in die tabelle hieronder voorgeskryf:

TABELLE.

Belasbare Inkomste.	Skale van belasting ten opsigte van getroude persone.
Waar die belasbare inkomste— R600 nie te bowe gaan nie	6 persent van elke R1 van belasbare inkomste;
R600 te bowe gaan, maar nie R1,000 nie	R36 plus 7 persent van die bedrag waarmee die belasbare inkomste R600 oorskry;
R1,000 „ „ R1,200 „	R64 plus 8 persent van die bedrag waarmee die belasbare inkomste R1,000 oorskry;
R1,200 „ „ R2,400 „	R80 plus 8 persent van die bedrag waarmee die belasbare inkomste R1,200 oorskry;
R2,400 „ „ R3,000 „	R176 plus 8 persent van die bedrag waarmee die belasbare inkomste R2,400 oorskry;
R3,000 „ „ R4,600 „	R224 plus 9 persent van die bedrag waarmee die belasbare inkomste R3,000 oorskry;
R4,600 „ „ R5,000 „	R368 plus 16 persent van die bedrag waarmee die belasbare inkomste R4,600 oorskry;
R5,000 „ „ R6,000 „	R432 plus 25 persent van die bedrag waarmee die belasbare inkomste R5,000 oorskry;
R6,000 „ „ R8,000 „	R682 plus 29 persent van die bedrag waarmee die belasbare inkomste R6,000 oorskry;
R8,000 „ „ R10,000 „	R1,262 plus 35 persent van die bedrag waarmee die belasbare inkomste R8,000 oorskry;

person having the management or control of the affairs of the person under legal disability; or

(d) in the case of any employer who is not ordinarily resident in the Republic, any agent of such employer having authority to pay remuneration.
(ii)

(6) The Commissioner may before the thirty-first day of August, 1962, and thereafter at such times as he may decide issue a public notice drawing attention to the provisions of this section.

37. Except where otherwise provided the amendments effected by this Act to the principal Act shall first take effect in respect of assessments for the year of assessment ending the thirtieth day of June, 1962. Commencement of certain amendments.

38. This Act shall be called the Income Tax Amendment Act, 1962. Short title.

Schedule.

RATES OF NORMAL TAX FOR THE YEAR ENDING THE THIRTIETH DAY OF JUNE 1962.

(Section one of this Act.)

1. (1) The rates of normal tax referred to in section one of this Act are as follows:—

(a) In respect of the taxable income (excluding so much as is derived from mining operations carried on in the Republic by any company, but including so much as the Commissioner determines to be attributable to the inclusion in the gross income derived from mining in the Republic for gold, of any amount referred to in paragraph (j) of the definition of "gross income" in section one of the principal Act)—

- (i) in the case of all companies, except as provided in paragraph (b) of sub-section (1) of section two of this Act, for each rand of the taxable income, thirty cents;
- (ii) in the case of persons other than companies, as prescribed in the tables below:

TABLES.

Taxable Income.	Rates of Tax in Respect of Married Persons.
Where the taxable income— does not exceed R600	6 per cent of each R1 of taxable income;
exceeds R600, but does not exceed R1,000	R36 plus 7 per cent of the amount by which the taxable income exceeds R600;
„ R1,000, „ „ R1,200	R64 plus 8 per cent of the amount by which the taxable income exceeds R1,000;
„ R1,200, „ „ R2,400	R80 plus 8 per cent of the amount by which the taxable income exceeds R1,200;
„ R2,400, „ „ R3,000	R176 plus 8 per cent of the amount by which the taxable income exceeds R2,400;
„ R3,000, „ „ R4,600	R224 plus 9 per cent of the amount by which the taxable income exceeds R3,000;
„ R4,600, „ „ R5,000	R368 plus 16 per cent of the amount by which the taxable income exceeds R4,600;
„ R5,000, „ „ R6,000	R432 plus 25 per cent of the amount by which the taxable income exceeds R5,000;
„ R6,000, „ „ R8,000	R682 plus 29 per cent of the amount by which the taxable income exceeds R6,000;
„ R8,000, „ „ R10,000	R1,262 plus 35 per cent of the amount by which the taxable income exceeds R8,000;

Belasbare inkomste.	Skale van belasting ten opsigte van getroude persone.
Waar die belasbare inkomste— R10,000 te bowe gaan, maar nie R12,000 nie	R1,962 plus 39 persent van die bedrag waarmee die belasbare inkomste R10,000 oorskry;
R12,000 „ „ R14,000 „	R2,742 plus 40 persent van die bedrag waarmee die belasbare inkomste R12,000 oorskry;
R14,000 „ „ R16,000 „	R3,542 plus 44 persent van die bedrag waarmee die belasbare inkomste R14,000 oorskry;
R16,000 „ „ R18,000 „	R4,422 plus 47 persent van die bedrag waarmee die belasbare inkomste R16,000 oorskry;
R18,000 te bowe gaan	R5,362 plus 50 persent van die bedrag waarmee die belasbare inkomste R18,000 oorskry.

Belasbare inkomste.	Skale van belasting ten opsigte van persone wat nie getroud is nie.
Waar die belasbare inkomste— R600 nie te bowe gaan nie	7½ persent van elke R1 van belasbare inkomste;
R600 te bowe gaan, maar nie R1,000 nie	R45 plus 9 persent van die bedrag waarmee die belasbare inkomste R600 oorskry;
R1,000 „ „ R1,200 „	R81 plus 9 persent van die bedrag waarmee die belasbare inkomste R1,000 oorskry;
R1,200 „ „ R2,400 „	R99 plus 9 persent van die bedrag waarmee die belasbare inkomste R1,200 oorskry;
R2,400 „ „ R3,000 „	R207 plus 10 persent van die bedrag waarmee die belasbare inkomste R2,400 oorskry;
R3,000 „ „ R4,600 „	R267 plus 11 persent van die bedrag waarmee die belasbare inkomste R3,000 oorskry;
R4,600 „ „ R5,000 „	R443 plus 18 persent van die bedrag waarmee die belasbare inkomste R4,600 oorskry;
R5,000 „ „ R6,000 „	R515 plus 26 persent van die bedrag waarmee die belasbare inkomste R5,000 oorskry;
R6,000 „ „ R8,000 „	R775 plus 30 persent van die bedrag waarmee die belasbare inkomste R6,000 oorskry;
R8,000 „ „ R10,000 „	R1,375 plus 36 persent van die bedrag waarmee die belasbare inkomste R8,000 oorskry;
R10,000 „ „ R12,000 „	R2,095 plus 41 persent van die bedrag waarmee die belasbare inkomste R10,000 oorskry;
R12,000 „ „ R14,000 „	R2,915 plus 42 persent van die bedrag waarmee die belasbare inkomste R12,000 oorskry;
R14,000 „ „ R16,000 „	R3,755 plus 45 persent van die bedrag waarmee die belasbare inkomste R14,000 oorskry;
R16,000 „ „ R18,000 „	R4,655 plus 48 persent van die bedrag waarmee die belasbare inkomste R16,000 oorskry;
R18,000 te bowe gaan	R5,615 plus 50 persent van die bedrag waarmee die belasbare inkomste R18,000 oorskry.

Taxable Income.	Rates of Tax in Respect of Married Persons.
Where the taxable income— exceeds R10,000, but does not exceed R12,000	R1,962 plus 39 per cent of the amount by which the taxable income exceeds R10,000;
„ R12,000, „ „ R14,000	R2,742 plus 40 per cent of the amount by which the taxable income exceeds R12,000;
„ R14,000, „ „ R16,000	R3,542 plus 44 per cent of the amount by which the taxable income exceeds R14,000;
„ R16,000, „ „ R18,000	R4,422 plus 47 per cent of the amount by which the taxable income exceeds R16,000;
„ R18,000	R5,362 plus 50 per cent of the amount by which the taxable income exceeds R18,000.

Taxable Income.	Rates of Tax in Respect of Persons who are not Married.
Where the taxable income— does not exceed R600	7½ per cent of each R1 of taxable income;
exceeds R600, but does not exceed R1,000	R45 plus 9 per cent of the amount by which the taxable income exceeds R600;
„ R1,000, „ „ R1,200	R81 plus 9 per cent of the amount by which the taxable income exceeds R1,000;
„ R1,200, „ „ R2,400	R99 plus 9 per cent of the amount by which the taxable income exceeds R1,200;
„ R2,400, „ „ R3,000	R207 plus 10 per cent of the amount by which the taxable income exceeds R2,400;
„ R3,000, „ „ R4,600	R267 plus 11 per cent of the amount by which the taxable income exceeds R3,000;
„ R4,600, „ „ R5,000	R443 plus 18 per cent of the amount by which the taxable income exceeds R4,600;
„ R5,000, „ „ R6,000	R515 plus 26 per cent of the amount by which the taxable income exceeds R5,000;
„ R6,000, „ „ R8,000	R775 plus 30 per cent of the amount by which the taxable income exceeds R6,000;
„ R8,000, „ „ R10,000	R1,375 plus 36 per cent of the amount by which the taxable income exceeds R8,000;
„ R10,000, „ „ R12,000	R2,095 plus 41 per cent of the amount by which the taxable income exceeds R10,000;
„ R12,000, „ „ R14,000	R2,915 plus 42 per cent of the amount by which the taxable income exceeds R12,000;
„ R14,000, „ „ R16,000	R3,755 plus 45 per cent of the amount by which the taxable income exceeds R14,000;
„ R16,000, „ „ R18,000	R4,655 plus 48 per cent of the amount by which the taxable income exceeds R16,000;
„ R18,000	R5,615 plus 50 per cent of the amount by which the taxable income exceeds R18,000.

- (b) ten opsigte van soveel van die belasbare inkomste as wat deur 'n maatskappy uit die myn van goud in die Republiek verkry is (maar met uitsluiting van soveel van die belasbare inkomste as wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by bruto inkomste van 'n in paragraaf (j) van die omskrywing van „bruto inkomste” in artikel een van die Hoofwet bedoelde bedrag), op elke rand van die belasbare inkomste 'n persentasie vasgestel ooreenkomstig die formule:

$$y = 60 - \frac{360}{x}$$

in welke formule (asook in die formules in die voorbehoudsbepaling hierby uiteengesit) y die bedoelde persentasie voorstel en x die verhouding, as 'n persentasie uitgedruk, waarin die aldus verkreë belasbare inkomste (met genoemde uitsluiting) staan tot die aldus verkreë inkomste (met genoemde uitsluiting): Met dien verstande dat indien die aldus verkreë belasbare inkomste (met genoemde uitsluiting) nie meer as veertigduisend rand bedra nie, die belastingskaal nie hoër is nie as 'n persentasie vasgestel ooreenkomstig die formule:

$$y = 20 \left(1 - \frac{6}{x}\right)$$

en indien bedoelde belasbare inkomste meer as veertigduisend rand bedra, die belastingskaal nie hoër is nie as 'n persentasie vasgestel ooreenkomstig 'n formule wat verkry word deur die

getal 20 in die formule $y = 20 \left(1 - \frac{6}{x}\right)$ te verhoog met een vir

elke volle bedrag van tweeduisend vyfhonderd rand wat genoemde belasbare inkomste meer as veertigduisend rand bedra;

- (c) ten opsigte van soveel van die belasbare inkomste as wat deur 'n maatskappy uit die myn van diamante in die Republiek verkry is, vyf-en-veertig sent op elke rand van die belasbare inkomste;
- (d) ten opsigte van soveel van die belasbare inkomste as wat deur 'n maatskappy verkry is uit ander mynwerksaamhede as die myn van goud of diamante wat deur sodanige maatskappy in die Republiek voortgesit word, dertig sent op elke rand van die belasbare inkomste;
- (e) ten opsigte van soveel van die belasbare inkomste van 'n maatskappy, wie se enigste of vernaamste besigheid in die Republiek die myn van goud is of was en die vasstelling van die belasbare inkomste waarvan vir die tydperk van aanslag nie op 'n vasgestelde verlies uitloop nie, as wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by sy bruto inkomste van 'n in paragraaf (j) van die omskrywing van „bruto inkomste” in artikel een van die Hoofwet bedoelde bedrag, op elke rand wat volgens dié vasstelling toe te skryf is aan die inrekening van so 'n bedrag, die bedrag waarmee die gemiddelde skaal van normale belasting vasgestel ooreenkomstig item (b) van sub-paragraaf (2) vyf-en-twintig sent oorskry;
- (2) (a) Vir die doeleindes van sub-paragraaf (1) sluit inkomste uit die myn van goud in die Republiek verkry ook inkomste in wat verkry is van silwer, osmiridium, uraan, piriet of ander minerale wat in die loop van die myn van goud gewin mag word, en enige inkomste wat volgens die oordeel van die Kommissaris regstreeks uit die myn van goud voortvloei.
- (b) Vir die doeleindes van item (e) van sub-paragraaf (1) word die gemiddelde skaal van normale belasting vasgestel deur die totale normale belasting (met uitsluiting van die belasting ooreenkomstig genoemde paragraaf vir die tydperk van aanslag vasgestel) wat deur die betrokke maatskappy betaal is ten opsigte van sy totale belasbare inkomste uit die myn van goud vir die tydperk vanaf die eerste dag van Julie 1916 tot die end van die tydperk waarvoor aangeslaan word, te deel deur die getal rand wat genoemde totale belasbare inkomste bevat.
- (c) Die belasting ooreenkomstig enigeen van die items (a) tot (e) van sub-paragraaf (1) vasgestel, is betaalbaar benewens die belasting ooreenkomstig enige ander van genoemde paragrawe vasgestel.

- (b) in respect of so much of the taxable income as has been derived by any company from mining in the Republic for gold (but with the exclusion of so much of the taxable income as the Commissioner determines to be attributable to the inclusion in the gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section one of the principal Act), on each rand of the taxable income, a percentage determined in accordance with the formula:

$$y = 60 - \frac{360}{x}$$

in which formula (and in the formulae set out in the proviso hereto) y represents such percentage and x the ratio expressed as a percentage which the taxable income so derived (with the said exclusion) bears to the income so derived (with the said exclusion): Provided that if the taxable income so derived (with the said exclusion) does not exceed forty thousand rand, the rate of tax shall not exceed a percentage determined in accordance with the formula:

$$y = 20 \left(1 - \frac{6}{x} \right)$$

and if such taxable income exceeds forty thousand rand, the rate of tax shall not exceed a percentage determined in accordance with a formula arrived at by increasing the number 20

in the formula $y = 20 \left(1 - \frac{6}{x} \right)$ by one for each completed amount

of two thousand five hundred rand by which the said taxable income exceeds forty thousand rand;

- (c) in respect of so much of the taxable income as has been derived by any company from mining in the Republic for diamonds, for each rand of the taxable income, forty-five cents;
- (d) in respect of so much of the taxable income as has been derived by any company from mining operations (other than mining for gold or diamonds) carried on by such company in the Republic, for each rand of the taxable income, thirty cents;
- (e) in respect of so much of the taxable income of any company, the sole or principal business of which in the Republic is or has been mining for gold and the determination of the taxable income of which for the period assessed does not result in an assessed loss, as the Commissioner determines to be attributable to the inclusion in its gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section one of the principal Act, for each rand so determined to be attributable to the inclusion of any such amount, the amount by which the average rate of normal tax as determined under item (b) of sub-paragraph (2) exceeds twenty-five cents;
- (2) (a) For the purposes of sub-paragraph (1) income derived from mining in the Republic for gold shall include any income derived from silver, osmiridium, uranium, pyrites or other minerals which may be won in the course of the mining for gold, and any income which, in the opinion of the Commissioner, results directly from mining for gold.
- (b) For the purposes of item (e) of sub-paragraph (1), the average rate of normal tax shall be determined by dividing the total normal tax (excluding the tax determined in accordance with the said paragraph for the period assessed) paid by the company concerned in respect of its aggregate taxable income from gold mining for the period from the first day of July, 1916, to the end of the period assessed, by the number of rand contained in the said aggregate taxable income.
- (c) The tax determined in accordance with any one of the items (a) to (e) of sub-paragraph (1), shall be payable in addition to the tax determined in accordance with any other of the said paragraphs.

No. 92, 1962.]

WET

Tot wysiging van die Oorlogspensioenwet, 1942, die Wysigingswet op die Pensioenwette, 1943, die Finansiewet, 1948, die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1951, die Regeringsdiens-pensioenwet, 1955, die Wysigingswet op die Pensioenwette, 1957, die Kinderwet, 1960, die Wet op Spesiale Oorlogspensioene, 1962, die Ouderdomspensioenwet, 1962, die Wet op Blindes, 1962, en die Wet op Ongeskiktheidstoelaes, 1962; om voorsiening te maak vir pensioenvoordele vir sekere persone in diens by die Afrika-Instituut; om voorsiening te maak vir die erkenning vir pensioendoeleindes van die diens van sekere voormalige werknemers van die Groepsgebiede-ontwikkelingsraad en vir die bepaling vir dié doeleindes van sekere verdienstes van sodanige persone; om voorsiening te maak vir die voortsetting onder sekere omstandighede van die betaling in die geheel of ten dele van sekere pensioene, toelaes, bykomende pensioene of toelaes en bonusse; om die omstandighede voor te skryf waaronder sekere bepalings met betrekking tot die betaling van pensioene of toelaes buite rekening gelaat kan word; om voorsiening te maak dat betalings uit die Gekonsolideerde Inkomstefonds ingevolge sekere pensioenwette vir dié doel bewillig moet word; om voorsiening te maak vir die staking of vermindering van die pensioene van sekere persone onder sekere omstandighede; en om vir ander bykomstige aangeleenthede voorsiening te maak.

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

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

Wysiging van artikel 19 van Wet 44 van 1942, soos vervang deur artikel 18 van Wet 58 van 1946.

1. Artikel *negentien* van die Oorlogspensioenwet, 1942, word hierby gewysig deur paragraawe (a), (b) en (c) van sub-artikel (1) deur die volgende paragraawe te vervang:
- „(a) tweehonderd vier-en-sestig rand in die geval van 'n blanke;
 - (b) honderd twee-en-dertig rand in die geval van 'n ander nie-blanke as 'n Bantoepersoon; en
 - (c) vyftig rand in die geval van 'n Bantoepersoon.”.

Vervanging van Bylaes 2 tot 7 by Wet 44 van 1942.

2. Die Tweede, Derde, Vierde, Vyfde, Sesde en Sewende Bylaes by die Oorlogspensioenwet, 1942, word hierby deur onderskeidelik die Eerste, Tweede, Derde, Vierde, Vyfde en Sesde Bylaes by hierdie Wet vervang.

Wysiging van artikel 47 van Wet 33 van 1943, soos gewysig deur artikel 13 van Wet 41 van 1948, artikel 2 van Wet 62 van 1957 en artikel 9 van Wet 67 van 1959.

3. (1) Artikel *sewe-en-veertig* van die Wysigingswet op die Pensioenwette, 1943, word hierby gewysig—
- (a) deur in paragraaf (a) van sub-artikel (1) die woord „Unie” deur die woord „Republiek” te vervang;
 - (b) deur in paragraaf (b) van daardie sub-artikel die woorde „die vervulling van sy ampspligte” deur die woorde „sy diens” te vervang; en
 - (c) deur sub-artikels (3), (4) en (5) deur die volgende sub-artikels te vervang:
 - „(3) Ondanks andersluidende bepalings in sub-artikel (1) of (2) vervat, maar behoudens die voorwaardes wat die Minister van Volkswelsyn en Pensioene van tyd tot tyd in oorleg met die Minister van Finansies bepaal, kan aan so 'n persoon—
 - (a) aan wie by sy uitdienstreding of ontslag of te eniger tyd daarna 'n in sub-artikel (1) bedoelde pensioen betaalbaar geword het of word ten opsigte van sy vorige diens of ten opsigte van liggaamlike besering of slegte gesondheid wat uit en in die loop van sy diens ontstaan het; of
 - (b) aan wie bedoelde pensioen betaalbaar geword het of word ten opsigte van die vorige diens of die dood van 'n ander persoon wat voor sy uitdienstreding of ontslag te sterwe gekom het of te sterwe kom,
- 'n bonus betaal word van hoogstens—
- (i) twintig persent van daardie pensioen indien die pensioen met ingang van 'n datum voor die eerste dag van Oktober 1953 betaalbaar geword het;

No. 92, 1962.]

ACT

To amend the War Pensions Act, 1942, the Pension Laws Amendment Act, 1943, the Finance Act, 1948, the Parliamentary Service and Administrators' Pensions Act, 1951, the Government Service Pensions Act, 1955, the Pension Laws Amendment Act, 1957, the Children's Act, 1960, the War Special Pensions Act, 1962, the Old Age Pensions Act, 1962, the Blind Persons Act, 1962, and the Disability Grants Act, 1962; to provide for pension benefits for certain persons employed by the Africa Institute; to provide for the recognition for pension purposes of the service of certain former employees of the Group Areas Development Board and for the determination for such purposes of certain emoluments of such persons; to provide for the continuation in certain circumstances of the payment in whole or in part of certain pensions, grants, additional pensions or grants and bonuses; to prescribe the circumstances in which certain provisions relating to the payment of pensions or grants may be disregarded; to provide for payments from the Consolidated Revenue Fund under certain laws relating to pensions to be appropriated for the purpose; to provide for the discontinuance or reduction in certain circumstances of the pensions of certain persons; and to provide for other incidental matters.

(English text signed by the State President.)
(Assented to 27th June, 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 *nineteen* of the War Pensions Act, 1942, is hereby amended by the substitution for paragraphs (a), (b) and (c) of sub-section (1) of the following paragraphs:

<ul style="list-style-type: none"> “(a) two hundred and sixty-four rand in the case of a European; (b) one hundred and thirty-two rand in the case of a non-European other than a Bantu person; and (c) fifty rand in the case of a Bantu person.”. 	<p>Amendment of section 19 of Act 44 of 1942, as substituted by section 18 of Act 58 of 1946.</p>
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2. The First, Second, Third, Fourth, Fifth and Sixth Schedules to this Act are hereby substituted for the Second, Third, Fourth, Fifth, Sixth and Seventh Schedules respectively of the War Pensions Act, 1942.

<p>Substitution of Schedules 2 to 7 to Act 44 of 1942.</p>
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3. (1) Section *forty-seven* of the Pension Laws Amendment Act, 1943, is hereby amended—

<ul style="list-style-type: none"> (a) by the substitution in paragraph (a) of sub-section (1) for the word “Union” of the word “Republic”; (b) by the substitution in paragraph (b) of that sub-section for the words “the discharge of his official duties” of the words “his employment”; and (c) by the substitution for sub-sections (3), (4) and (5) of the following sub-sections: <ul style="list-style-type: none"> “(3) Notwithstanding anything to the contrary contained in sub-section (1) or (2), but subject to such conditions as the Minister of Social Welfare and Pensions may from time to time determine in consultation with the Minister of Finance, any such person— (a) to whom on his retirement or discharge or at any time thereafter a pension referred to in sub-section (1) became or becomes payable in respect of his former service or in respect of bodily injury or ill-health arising out of and in the course of his employment; or (b) to whom such pension became or becomes payable in respect of the former service or the death of any other person who died or dies prior to retirement or discharge, may be paid a bonus not exceeding— <ul style="list-style-type: none"> (i) twenty per cent of that pension if the pension became payable with effect from a date prior to the first day of October, 1953; 	<p>Amendment of section 47 of Act 33 of 1943, as amended by section 13 of Act 41 of 1948, section 2 of Act 62 of 1957 and section 9 of Act 67 of 1959.</p>
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- (ii) vyftien persent van daardie pensioen indien die pensioen met ingang van 'n datum na die dertigste dag van September 1953 maar voor die eerste dag van Oktober 1958 betaalbaar geword het;
- (iii) tien persent van daardie pensioen indien die pensioen met ingang van 'n datum na die dertigste dag van September 1958 maar voor die eerste dag van Oktober 1962 betaalbaar geword het of word;
- (iv) sewe en 'n halfpersent van daardie pensioen indien die pensioen met ingang van 'n datum na die dertigste dag van September 1962 maar voor die eerste dag van Oktober 1965 betaalbaar word; of
- (v) vyf persent van daardie pensioen indien die pensioen met ingang van 'n datum na die dertigste dag van September 1965 betaalbaar word.

(4) Die bepalings van sub-artikel (3) is *mutatis mutandis* van toepassing met betrekking tot iemand wat 'n in sub-artikel (1) bedoelde pensioen ontvang van daarop geregtig word ten opsigte van die vorige diens of die dood van 'n ander persoon wat na sy uitdiens-treding of ontslag te sterwe gekom het of te sterwe kom, behalwe dat 'n verwysing in daardie sub-artikel na die datum met ingang van wanneer 'n daarin bedoelde pensioen 'n aanvang geneem het of neem, uitgelê word as 'n verwysing na die datum van uitdiens-treding of ontslag van die persoon ten opsigte van wie se vorige diens of dood die betrokke pensioen betaalbaar is.

(5) Waar die pensioen of 'n deel van die pensioen van iemand aan wie 'n bonus ingevolge sub-artikel (3) of (4) betaalbaar word—

- (a) uit 'n pensioenfonds betaalbaar is, word soveel van daardie bonus as wat nie vyf persent van die bedrag van dié pensioen of deel daarvan, na gelang van die geval, te bowe gaan nie, teen die betrokke pensioenfonds en die balans van daardie bonus (as daar is) teen inkomste in rekening gebring;
- (b) uit meer as een inkomstefonds betaalbaar is, word daar teen elke sodanige inkomstefonds soveel van die bedrag van daardie bonus wat nie teen 'n pensioenfonds in rekening gebring word nie, in rekening gebring as wat die Tesourie bepaal.

(6) By die toepassing van sub-artikel (5)—

- (a) het die uitdrukkings 'Tesourie' en 'inkomste' die betekenis wat in artikel *honderd-en-nege* van die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955), daaraan toegeskryf word;
- (b) beteken 'inkomstefonds' 'n inkomstefonds in die omskrywing van 'inkomste' in genoemde artikel *honderd-en-nege* bedoel;
- (c) beteken 'pensioenfonds'—
 - (i) 'n fonds in artikel *twee* van genoemde Wet bedoel;
 - (ii) die in artikel *een-en-sewentig* van genoemde Wet bedoelde Unieweduweespensioenfonds;
 - (iii) die in artikel *sewe-en-negentig* van genoemde Wet bedoelde gesamentlike voor-Unie-fonds;
 - (iv) die in sub-artikel (1) van artikel *sewe-en-vyftig* van genoemde Wet bedoelde bykomstige voordelerekening; of
 - (v) die in artikel *agt-en-vyftig* van die 'Civil Service and Pensions Funds Act, 1895' (Wet No. 32 van 1895), van die Kaap die Goeie Hoop, bedoelde Weduweespensioenfonds."

(2) Die bepalings van paragrawe (b) en (c) van sub-artikel (1) word geag op die eerste dag van April 1962 in werking te getree het, en kan met ingang van daardie datum toegepas word ten opsigte van iemand wat op daardie datum in lewe was en wat op of na daardie datum 'n pensioen in sub-artikel (1) van artikel *sewe-en-veertig* van die Wysigingswet op die Pensioenwette, 1943, bedoel, ontvang het of daarop geregtig was.

Herroeping van artikel 2 van Wet 28 van 1948.

4. Artikel *twee* van die Finansiewet, 1948, word hierby herroep, behalwe vir sover dit betrekking het op persone wat onmiddellik voor die inwerkingtreding van hierdie artikel ingevolge die bepalings daarvan pensioene of ongeskiktheidstoelae ontvang het.

- (ii) fifteen per cent of that pension if the pension became payable with effect from a date after the thirtieth day of September, 1953, but prior to the first day of October, 1958;
- (iii) ten per cent of that pension if the pension became or becomes payable with effect from a date after the thirtieth day of September, 1958, but prior to the first day of October, 1962;
- (iv) seven and one-half per cent of that pension if the pension becomes payable with effect from a date after the thirtieth of September, 1962, but prior to the first day of October, 1965; or
- (v) five per cent of that pension if the pension becomes payable with effect from a date after the thirtieth day of September, 1965.

(4) The provisions of sub-section (3) shall *mutatis mutandis* apply with reference to any person who is in receipt of or becomes entitled to a pension referred to in sub-section (1) in respect of the former service or the death of any other person who died or dies after retirement or discharge, except that any reference in the said sub-section to the date with effect from which any pension referred to therein took or takes effect shall be construed as a reference to the date of retirement or discharge of the person in respect of whose former service or death the pension in question is payable.

(5) Where the pension or any portion of the pension of a person to whom a bonus becomes payable under sub-section (3) or (4)—

- (a) is payable from a pension fund, so much of that bonus as does not exceed five per cent of the amount of such pension or portion thereof, as the case may be, shall be charged to the pension fund in question, and the balance, if any, of that bonus shall be charged to revenue;
- (b) is payable from more than one revenue fund, there shall be charged to each such revenue fund so much of the amount of that bonus which is not charged to a pension fund as the Treasury may determine.

(6) For the purposes of sub-section (5)—

- (a) the expressions 'Treasury' and 'revenue' have the meanings assigned thereto in section *one hundred and nine* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955);
- (b) 'revenue' fund means a revenue fund referred to in the definition of 'revenue' in the said section *one hundred and nine*;
- (c) 'pension fund' means—
 - (i) a fund referred to in section *two* of the said Act;
 - (ii) the Union Widows' Pension Fund referred to in section *seventy-one* of the said Act;
 - (iii) the joint pre-Union fund referred to in section *ninety-seven* of the said Act;
 - (iv) the additional benefits account referred to in sub-section (1) of section *fifty-seven* of the said Act; or
 - (v) the Widows' Pension Fund referred to in section *fifty-eight* of the Civil Service and Pensions Funds Act, 1895 (Act No. 32 of 1895), of the Cape of Good Hope."

(2) The provisions of paragraphs (b) and (c) of sub-section (1) shall be deemed to have come into operation on the first day of April, 1962, and may be applied with effect from that date in respect of any person who was alive on that date and who on or after that date was in receipt of or entitled to a pension referred to in sub-section (1) of section *forty-seven* of the Pension Laws Amendment Act, 1943.

4. Section *two* of the Finance Act, 1948, is hereby repealed, except in so far as it relates to persons who immediately before the commencement of this section were in receipt of pensions or disability grants by virtue of the provisions thereof. Repeal of section 2 of Act 28 of 1948.

Wysiging van artikel 11 van Wet 70 van 1951, soos vervang deur artikel 9 van Wet 68 van 1956 en gewysig deur artikel 7 van Wet 46 van 1958, artikel 4 van Wet 48 van 1960 en artikel 4 van Wet 70 van 1961.

5. (1) Artikel *elf* van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1951, word hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (1) na die woord „Senaat” die woorde „as ’n Administrateur” in te voeg; en
(b) deur in paragraaf (b) van daardie sub-artikel die woorde „as Administrateur” te skrap.

(2) Die wysigings aangebring deur sub-artikel (1) is nie van toepassing met betrekking tot iemand wat by die inwerking-treding van hierdie artikel ’n pensioen ingevolge die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1951, ontvang nie, tensy hy weer ’n lid binne die bedoeling van daardie Wet word.

Herroeping van artikel 13 van Wet 70 van 1951.

6. Artikel *dertien* van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1951, word hierby herroep.

Wysiging van artikel 7 van Wet 58 van 1955, soos gewysig deur artikel 39 van Wet 78 van 1961.

7. Artikel *sewe* van die Regeringsdiens-pensioenwet, 1955 (hieronder die Hoofwet genoem), word hierby gewysig deur in paragraaf (b) die woorde „negentig pond” deur die woorde „honderd-en-tagtig rand” te vervang.

Wysiging van artikel 8 van Wet 58 van 1955, soos gewysig deur artikel 10 van Wet 56 van 1956, artikel 5 van Wet 62 van 1957 en artikel 13 van Wet 67 van 1959.

8. (1) Artikel *agt* van die Hoofwet word hierby gewysig—

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

„(3) ’n Lid wat een of meer vorige dienstydsperke gehad het ten opsigte waarvan hy tot ’n fonds ingestel kragtens artikel *negentien* van die „Staatsdiens en Pensioen Wet, 1912” (Wet No. 29 van 1912), of artikel *vyf-en-twintig* van die Staatsdienswet of tot die ou fonds of ’n nuwe fonds bygedra het, kan op aansoek toegelaat word om of—

- (a) soveel van—

- (i) een of meer van bedoelde dienstydsperke; en
(ii) ’n tydperk wat val tussen enige twee sodanige tydperke of tussen so ’n tydperk en die datum waarop sy pensioengewende diens begin het; òf

- (b) soveel van die tydperk tussen die datum waarop hy die ouderdom van vyf-en-twintig jaar bereik het en die datum waarop sy pensioengewende diens begin het,

as wat die Kommissaris ooreenkomstig die bedinge en voorwaardes deur die Tesourie op aanbeveling van die Kommissie voorgeskryf, mag bepaal, by sy pensioengewende diens in te reken.”;

- (b) deur sub-artikel (4) deur die volgende sub-artikel te vervang:

„(4) ’n Lid (wat nie ’n lid is op wie die bepalings van sub-artikel (3) van toepassing is nie) kan op aansoek toegelaat word om soveel van die tydperk tussen die datum waarop hy die ouderdom van vyf-en-twintig jaar bereik het en die datum waarop sy pensioengewende diens begin het by sy pensioengewende diens in te reken as wat die Kommissaris ooreenkomstig die bedinge en voorwaardes deur die Tesourie op aanbeveling van die Kommissie voorgeskryf, mag bepaal.”;

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

„(4)*bis* ’n Lid kan op aansoek toegelaat word om soveel van een of meer van die volgende tydperke by sy pensioengewende diens in te reken as wat die Kommissaris ooreenkomstig die bedinge en voorwaardes deur die Tesourie op aanbeveling van die Kommissie voorgeskryf, mag bepaal, te wete—

- (a) ’n tydperk wat tussen enige twee agtereenvolgende tydperke van sy pensioengewende diens val, en wat ingevolge ’n wetsbepaling geag word ’n tydperk van spesiale afwesigheidsverlof sonder betaling te wees wat nie as diens geld nie;

- (b) in die geval van iemand wat ooreenkomstig sub-artikel (5) van artikel *vier* van die Wet op Staatsamptenare (Militêre Diens), 1944 (Wet No. 27 van 1944), gekies het om die termyn of termyne van sy militêre diens by sy pensioengewende diens in te reken, enige tydperk wat tussen die datum van sy finale ontslag uit militêre diens en

5. (1) Section *eleven* of the Parliamentary Service and Administrators' Pensions Act, 1951, is hereby amended—
- (a) by the insertion in paragraph (a) of sub-section (1) after the word "Senate" of the words "as an Administrator"; and
- (b) by the deletion in paragraph (b) of that sub-section of the words "as an Administrator".
- (2) The amendments effected by sub-section (1) shall not apply with reference to any person who at the commencement of this section is in receipt of a pension under the Parliamentary Service and Administrators' Pensions Act, 1951, unless he again becomes a member within the meaning of that Act.
6. Section *thirteen* of the Parliamentary Service and Administrators' Pensions Act, 1951, is hereby repealed.
7. Section *seven* of the Government Service Pensions Act, 1955 (hereinafter referred to as the principal Act), is hereby amended by the substitution in paragraph (b) for the words "ninety pounds" of the words "one hundred and eighty rand".
8. (1) Section *eight* of the principal Act is hereby amended—
- (a) by the substitution for sub-section (3) of the following sub-section:
- "(3) A member who has had one or more previous periods of employment in respect of which he contributed to a fund established under section *nineteen* of the Public Service and Pensions Act, 1912 (Act No. 29 of 1912), or section *twenty-five* of the Public Service Act, or to the old fund or a new fund, may on application be permitted to include in his pensionable service either—
- (a) so much of—
- (i) any one or more of such periods of employment; and
- (ii) any period intervening between any two such periods or between such a period and the date on which such pensionable service commenced; or
- (b) so much of the period between the date on which he attained the age of twenty-five years and the date on which such pensionable service commenced,
- as the Commissioner may determine in accordance with such terms and conditions as may be prescribed by the Treasury on the recommendation of the Commission.";
- (b) by the substitution for sub-section (4) of the following sub-section:
- "(4) A member (not being a member to whom the provisions of sub-section (3) apply) may on application be permitted to include in his pensionable service so much of the period between the date on which he attained the age of twenty-five years and the date on which his pensionable service commenced, as the Commissioner may determine in accordance with such terms and conditions as may be prescribed by the Treasury on the recommendation of the Commission.";
- (c) by the insertion after sub-section (4) of the following sub-section:
- "(4)*bis* A member may on application be permitted to include in his pensionable service so much of any one or more of the following periods as the Commissioner may determine in accordance with such terms and conditions as may be prescribed by the Treasury on the recommendation of the Commission, namely—
- (a) any period which intervenes between any two consecutive periods of his pensionable service and which in terms of any law is deemed to have been a period of special leave of absence without pay not counting as service;
- (b) in the case of a person who elected in terms of sub-section (5) of section *four* of the Public Servants (Military Service) Act, 1944 (Act No. 27 of 1944), to have the period or periods of his military service included in his pensionable service, any period which falls between the date of his final discharge from military service and

Amendment of section 11 of Act 70 of 1951, as substituted by section 9 of Act 68 of 1956, and amended by section 7 of Act 46 of 1958, section 4 of Act 48 of 1960 and section 4 of Act 70 of 1961.

Repeal of section 13 of Act 70 of 1951.

Amendment of section 7 of Act 58 of 1955, as amended by section 39 of Act 78 of 1961.

Amendment of section 8 of Act 58 of 1955, as amended by section 10 of Act 56 of 1956, section 5 of Act 62 of 1957 and section 13 of Act 67 of 1959.

- die datum van sy daaropvolgende aanstelling by die Regering val of wat tussen enige twee agtereenvolgende termynne van sy militêre diens val.”;
- (d) deur in daardie deel van sub-artikel (5) wat paragraaf (a) voorafgaan die uitdrukking „(3) en (4)” deur die uitdrukking „(3), (4) en (4)*bis*” te vervang;
- (e) deur in paragraaf (a) van daardie sub-artikel die woord „kies” deur die woorde „aansoek doen” te vervang;
- (f) deur in paragraaf (b) van daardie sub-artikel na die uitdrukking „(4)” die uitdrukking „of (4)*bis*” in te voeg;
- (g) deur die volgende paragraaf by daardie sub-artikel te voeg:
- „(e) vir die wyse waarop ’n aansoek ingevolge sub-artikel (3), (4) of (4)*bis* gedoen en die beampte aan wie dit gerig moet word, die kennisgewing wat aan die betrokke lid gegee moet word van die bedinge en voorwaardes wat vir sy geval geld en die tydperk waarin hy moet kies om bedoelde bedinge en voorwaardes te aanvaar of te verwerp.”; en
- (h) deur sub-artikel (7) deur die volgende sub-artikel te vervang:
- „(7) ’n Aansoek deur ’n lid ingevolge sub-artikel (3), (4) of (4)*bis* word nie deur die Kommissaris by die uitoefening van ’n diskresie uit hoofde van die bedinge en voorwaardes ingevolge enige van bedoelde sub-artikels voorgeskryf, van die hand gewys nie, behalwe met goedkeuring van die Kommissie.”.

(2) Sub-artikel (1) tree in werking op die eerste dag van Oktober 1962, maar die bepalings van sub-artikels (3), (4) en (5) van artikel *agt* van die Hoofwet soos hulle onmiddellik voor daardie datum bestaan het, bly van toepassing ten opsigte van ’n aansoek voor daardie datum ingevolge genoemde sub-artikel (3) of (4) gedoen.

Wysiging van artikel 10 van Wet 58 van 1955, soos gewysig deur artikel 40 van Wet 78 van 1961.

9. Artikel *tien* van die Hoofwet word hierby gewysig deur in paragraaf (b) van sub-artikel (4) die woorde „op sy volle pensioengewende verdienste onmiddellik voor bedoelde verlot gebaseer” deur die woorde „gebaseer op die bedrag (wat nie minder as sy volle pensioengewende verdienste onmiddellik voor bedoelde verlot mag wees nie) wat die Tesourie bepaal” te vervang.

Wysiging van artikel 13 van Wet 58 van 1955, soos gewysig deur artikel 12 van Wet 56 van 1956.

10. Artikel *dertien* van die Hoofwet word hierby gewysig—

- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:
- „(1) Iemand wat onderhewig is aan ’n pensioenwet wat deur ’n provinsiale administrasie of die administrasie van die gebied of ’n onderwysdepartement (hetsy in die Republiek of in die gebied) uitgevoer word, of ’n ander pensioenwet as hierdie Wet wat deur die Tesourie uitgevoer word en wat—
- (a) oorgeplaas word na diens ten opsigte waarvan hy verplig is om tot ’n nuwe fonds by te dra; of
- (b) sonder onderbreking van sy diens regstreeks in sodanige diens aangestel word; of
- (c) in sodanige diens aangestel word na so ’n onderbreking van sy diens as wat die Kommissaris onder die omstandighede nodig en redelik ag; of
- (d) sonder onderbreking van sy diens onder verpligting kom om tot ’n nuwe fonds by te dra,
- moet, behoudens die bepalings van sub-artikel (2) van artikel *drie-en-dertig* in die geval van iemand wat in ’n pos in die staande mag aangestel word, of van sub-artikel (2) van artikel *vier-en-veertig* in die geval van iemand wat in die polisiemag of gevangenisdiens aangestel word, tot die toepaslike nuwe fonds bydra vanaf die datum van bedoelde oorplasing of aanstelling of die datum waarop hy aldus onder verpligting kom.”;
- (b) deur in sub-artikel (2) na die woord „kan” die woorde „onderworpe (in die geval van iemand in paragraaf (c) van sub-artikel (1) bedoel) aan enige ander toepaslike wetsbepalings” in te voeg; en
- (c) deur na daardie sub-artikel die volgende sub-artikel in te voeg:
- „(2)*bis* Indien iemand in paragraaf (c) van sub-artikel (1) bedoel, ooreenkomstig sub-artikel (2) kies om sy vorige pensioengewende diens as pensioengewende diens ingevolge hierdie Wet te reken, word

the date of his subsequent appointment under the Government or which falls between any two consecutive periods of his military service.”;

(d) by the substitution in that part of sub-section (5) which precedes paragraph (a) for the expression “(3) and (4)” of the expression “(3), (4) and (4)*bis*”;

(e) by the substitution in paragraph (a) of that sub-section for the word “elects” of the word “applies”;

(f) by the insertion in paragraph (b) of that sub-section after the expression “(4)” of the expression “or (4)*bis*”;

(g) by the addition to that sub-section of the following paragraph:

“(e) for the manner in which and the officer to whom an application in terms of sub-section (3), (4) or (4)*bis* shall be made, the notification to be given to the member concerned of the terms and conditions applicable to his case and the period within which he shall elect to accept or reject such terms and conditions.”; and

(h) by the substitution for sub-section (7) of the following sub-section:

“(7) No application under sub-section (3), (4) or (4)*bis* shall be refused by the Commissioner in the exercise of any discretion conferred upon him by virtue of the terms and conditions prescribed in terms of any of the said sub-sections, except with the approval of the Commission.”.

(2) Sub-section (1) shall come into operation on the first day of October, 1962, but the provisions of sub-sections (3), (4) and (5) of section *eight* of the principal Act as they existed immediately prior to that date shall continue to apply in respect of any application made in terms of the said sub-section (3) or (4) prior to the said date.

9. Section *ten* of the principal Act is hereby amended by the substitution in paragraph (b) of sub-section (4) for the words “his full pensionable emoluments immediately prior to such leave” of the words “such an amount, not being less than his full pensionable emoluments immediately prior to such leave, as may be determined by the Treasury”.

Amendment of section 10 of Act 58 of 1955, as amended by section 40 of Act 78 of 1961.

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

Amendment of section 13 of Act 58 of 1955, as amended by section 12 of Act 56 of 1956.

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

“(1) Any person who is subject to a pension law administered by a provincial administration or the administration of the territory or a department of education (whether in the Republic or in the territory) or any pension law (other than this Act) administered by the Treasury and who—

(a) is transferred to employment in respect of which he is liable to contribute to a new fund; or

(b) is appointed directly without a break in his service to such employment; or

(c) is appointed to such employment after such a break in his service as the Commissioner deems necessary and reasonable in the circumstances; or

(d) without a break in his service becomes liable to contribute to a new fund,

shall, subject, in the case of a person appointed to a post in the permanent force, to the provisions of sub-section (2) of section *thirty-three*, or, in the case of a person appointed to the police force or prisons service, to the provisions of sub-section (2) of section *forty-four*, contribute to the appropriate new fund as from the date of such transfer or appointment or the date on which he so becomes liable.”;

(b) by the insertion in sub-section (2) after the word “may” where it occurs for the first time of the words “subject (in the case of any person referred to in paragraph (c) of sub-section (1)) to the provisions of any other applicable law”; and

(c) by the insertion after that sub-section of the following sub-section:

“(2)*bis* If a person to whom paragraph (c) of sub-section (1) refers, elects in terms of sub-section (2) to reckon his past pensionable service as pensionable service under this Act, the period of the break in

die tydperk van onderbreking van sy diens nie by die toepassing van artikel *nege* geag die tydperk van so iemand se diens te onderbreek nie.”.

Wysiging van artikel 14 van Wet 58 van 1955.

11. Artikel *veertien* van die Hoofwet word hierby gewysig—

(a) deur paragrawe (a) en (b) van sub-artikel (1) deur die volgende paragrawe te vervang:

- „(a) oorgeplaas word na diens ten opsigte waarvan hy onderhewig word aan 'n pensioenwet wat deur 'n provinsiale administrasie of die administrasie van die gebied of 'n onderwysdepartement (hetsy in die Republiek of in die gebied) uitgevoer word, of 'n ander pensioenwet as hierdie Wet wat deur die Tesourie uitgevoer word; of
- (b) sonder onderbreking van sy diens regstreeks in sodanige diens aangestel word; of
- (c) in sodanige diens aangestel word na so 'n onderbreking van sy diens as wat die Kommissaris onder die omstandighede nodig en redelik ag; of
- (d) sonder onderbreking van sy diens onder verpligting kom om tot 'n pensioen- of voorsorgsfonds by te dra ingevolge 'n wet in paragraaf (a) bedoel; en
- (e) in die geval van iemand in paragraaf (a), (b) of (c) bedoel, vanaf die datum van bedoelde oorplasing of aanstelling 'n bydraer tot 'n pensioen- of voorsorgsfonds word ingevolge 'n wet in paragraaf (a) bedoel;” en

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

„Met dien verstande voorts dat in die geval van 'n lid in paragraaf (c) bedoel, die tydperk van onderbreking van sy diens geag word nie die kontinuïteit van sy diens vir pensioendoeleindes te onderbreek nie.”.

Wysiging van artikel 19 van Wet 58 van 1955, soos gewysig deur artikel 16 van Wet 56 van 1956.

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

(a) deur die skaal in sub-paragraaf (i) van paragraaf (b) van sub-artikel (2) voorgeskryf, deur die volgende skaal te vervang:

„MANSPERSONE.			VROUSPERSONE.		
Naaste leeftyd op datum van uitdiens-treding of ontslag:	Bedrag ten opsigte van elke rand waarmee jaarlikse bedrag anders betaalbaar, verminder word:	R c	Naaste leeftyd op datum van uitdiens-treding of ontslag:	Bedrag ten opsigte van elke rand waarmee jaarlikse bedrag anders betaalbaar, verminder word:	R c
Tot 60 ..	10.80		Tot 55 ..	13.65	
61 ..	10.45		56 ..	13.35	
62 ..	10.15		57 ..	13.05	
63 ..	9.80		58 ..	12.70	
64 ..	9.50		59 ..	12.40	
65 ..	9.15		60 ..	12.05	
			61 ..	11.70	
			62 ..	11.35	
			63 ..	10.95	
			64 ..	10.60	
			65 ..	10.25;”;	

(b) deur die skaal in sub-paragraaf (ii) van paragraaf (b) van sub-artikel (2) voorgeskryf, deur die volgende skaal te vervang:

„Naaste leeftyd op datum van uitdiens-treding of ontslag:	Bedrag ten opsigte van elke rand waarmee jaarlikse bedrag anders betaalbaar, verminder word:	MANSPERSONE.		VROUSPERSONE.	
		R c	R c	R c	R c
Tot 30	17.75	18.25
31	17.55	18.10
32	17.40	18.00
33	17.25	17.85
34	17.05	17.70
35	16.90	17.55
36	16.75	17.40
37	16.55	17.20
38	16.35	17.05
39	16.15	16.85
40	15.95	16.70
41	15.75	16.55
42	15.55	16.35

his service shall be deemed not to interrupt the period of such person's service for the purposes of section nine.”.

11. Section *fourteen* of the principal Act is hereby amended— Amendment of section 14 of Act 58 of 1955.

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

- “(a) is transferred to employment in respect of which he becomes subject to a pension law administered by a provincial administration or the administration of the territory or a department of education (whether in the Republic or in the territory), or any pension law (other than this Act) administered by the Treasury; or
- (b) is appointed directly without a break in his service to such employment; or
- (c) is appointed to such employment after such a break in his service as the Commissioner deems reasonable and necessary in the circumstances; or
- (d) without a break in his service becomes liable to contribute to a pension or provident fund under a law referred to in paragraph (a); and
- (e) in the case of person referred to in paragraph (a), (b) or (c) becomes a contributor to a pension or provident fund under a law referred to in paragraph (a) as from the date of such transfer or appointment,”; and

(b) by the addition at the end of that sub-section of the following further proviso:

“Provided further that in the case of a member to whom paragraph (c) refers, the period of the break in his service shall be deemed not to interrupt the continuity of his service for pension purposes.”.

12. Section *nineteen* of the principal Act is hereby amended— Amendment of section 19 of Act 58 of 1955, as amended by section 16 of Act 56 of 1956.

(a) by the substitution for the scale prescribed in subparagraph (i) of paragraph (b) of sub-section (2) of the following scale:

“MALES.			FEMALES.		
Nearest age at date of retirement or discharge:	Amount in respect of each rand by which annual amount otherwise payable is reduced:	R. c.	Nearest age at date of retirement or discharge:	Amount in respect of each rand by which annual amount otherwise payable is reduced:	R. c.
Up to 60	..	10.80	Up to 55	..	13.65
61	..	10.45	56	..	13.35
62	..	10.15	57	..	13.05
63	..	9.80	58	..	12.70
64	..	9.50	59	..	12.40
65	..	9.15	60	..	12.05
			61	..	11.70
			62	..	11.35
			63	..	10.95
			64	..	10.60
			65	..	10.25.”;

(b) by the substitution for the scale prescribed in subparagraph (ii) of paragraph (b) of sub-section (2) of the following scale:

“Nearest age at date of retirement or discharge:	Amount in respect of each rand by which annual amount otherwise payable is reduced:			
	MALES.		FEMALES.	
	R. c.	R. c.	R. c.	R. c.
Up to 30	17.75	18.25
31	17.55	18.10
32	17.40	18.00
33	17.25	17.85
34	17.05	17.70
35	16.90	17.55
36	16.75	17.40
37	16.55	17.20
38	16.35	17.05
39	16.15	16.85
40	15.95	16.70
41	15.75	16.55
42	15.55	16.35

	Naaste leeftyd op datum van uitdienstreding of ontslag:	Bedrag ten opsigte van elke rand waarmee jaarlikse bedrag anders betaalbaar, verminder word:	
		MANSPERSONE. VROUSPERSONE.	
		R	c
Tot 43	15.30	16.15
44	15.10	15.95
45	14.85	15.75
46	14.60	15.60
47	14.35	15.40
48	14.10	15.15
49	13.85	14.95
50	13.55	14.75
51	13.25	14.50
52	13.00	14.30
53	12.70	14.10
54	12.45	13.85
55	12.15	13.65
56	11.90	13.35
57	11.60	13.05
58	11.35	12.70
59	11.05	12.40
60	10.80	12.05
61	10.45	11.70
62	10.15	11.35
63	9.80	10.95
64	9.50	10.60
65 of ouer	9.15	10.25”.

Wysiging van artikel 26 van Wet 58 van 1955, soos gewysig deur artikel 17 van Wet 56 van 1956 en artikel 17 van Wet 67 van 1959.

13. (1) Artikel *ses-en-twintig* van die Hoofwet word hierby gewysig—

(a) deur sub-artikels (2) en (3) deur die volgende sub-artikels te vervang:

„(2) Behoudens onderstaande sub-artikels van hierdie artikel, het ’n nuwe lid (behalwe ’n lid op wie sub-artikel (1) van toepassing is) wat met ingang van ’n datum voor die datum van inwerkingtreding van hierdie Wet in ’n pos in die staatsdiens aangestel word of is, die reg om met pensioen af te tree en word hy met pensioen afgedank—

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

(b) by bereiking van die leeftyd van vyf-en-sestig jaar indien hy op of na die eerste dag van Januarie, 1903 gebore is.

(3) ’n Nuwe lid vir wie sub-artikel (2) geld, het die reg om te eniger tyd voor of nadat hy in die geval van ’n manlike lid die leeftyd van sestig jaar of in die geval van ’n vroulike lid die leeftyd van vyf-en-vyftig jaar bereik, aan die hoof van sy departement skriftelik kennis te gee van sy begeerte om met pensioen af te tree, en indien hy aldus kennis gee, word hy—

(a) indien kennis aldus gegee word minstens drie maande voor die datum waarop hy bedoelde leeftyd bereik, afgedank met pensioen wanneer hy daardie leeftyd bereik; of

(b) indien kennis nie minstens drie maande voor die datum waarop hy bedoelde leeftyd bereik aldus gegee word nie, afgedank met pensioen op die eerste dag van die vierde maand na die maand waarin bedoelde kennisgewing ontvang word.”;

(b) deur in sub-artikel (6) die woorde „onmiddellik voor bedoelde inwerkingtreding ’n bydraer tot die ou fonds was” deur die woorde „met ingang van ’n datum voor bedoelde inwerkingtreding in ’n pos in die Staatsdiens aangestel was” te vervang; en

(c) deur in sub-artikel (7) die woorde „onmiddellik voor die inwerkingtreding van hierdie Wet bydraers tot die ou fonds was” deur die woorde „met ingang van ’n datum voor die inwerkingtreding van hierdie Wet in ’n pos in die Staatsdiens aangestel was” te vervang.

(2) Sub-artikels (2) en (3) van artikel *ses-en-twintig* van die Hoofwet, soos hulle onmiddellik voor die inwerkingtreding van hierdie artikel gegeld het, word uitgelê asof die verwysing daarin na ’n bydraer tot die ou fonds in daardie Wet bedoel, ook ’n verwysing was na ’n beampte wat die keuse waarvoor in sub-artikel (2) van artikel *twee-en-twintig* van daardie Wet voorsiening gemaak word, uitgeoefen het.

Nearest age at date of retirement or discharge:	Amount in respect of each rand by which annual amount otherwise payable is reduced			
	"MALES.		FEMALES.	
	R	c	R	c
Up to 43	15.30	16.15
44	15.10	15.95
45	14.85	15.75
46	14.60	15.60
47	14.35	15.40
48	14.10	15.15
49	13.85	14.95
50	13.55	14.75
51	13.25	14.50
52	13.00	14.30
53	12.70	14.10
54	12.45	13.85
55	12.15	13.65
56	11.90	13.35
57	11.60	13.05
58	11.35	12.70
59	11.05	12.40
60	10.80	12.05
61	10.45	11.70
62	10.15	11.35
63	9.80	10.95
64	9.50	10.60
65 or over	9.15	10.25."

13. (1) Section *twenty-six* of the principal Act is hereby amended—

(a) by the substitution for sub-sections (2) and (3) of the following sub-sections:

"(2) Subject to the succeeding sub-sections of this section, a new member (other than a member to whom sub-section (1) applies) who is or was appointed to a post in the public service with effect from a date prior to the date of commencement of this Act, shall have the right to retire on pension and shall be retired on pension—

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

(3) A new member to whom sub-section (2) applies shall have the right at any time before or after attaining, in the case of a male member, the age of sixty years or in the case of a female member, the age of fifty-five years, to give written notification to the head of his department of his wish to be retired on pension, and if he gives such notification he shall—

- (a) if such notification is given at least three months prior to the date on which he attains the said age, be retired on pension on attaining that age; or
- (b) if such notification is not given at least three months prior to the date on which he attains the said age, be retired on pension on the first day of the fourth month following the month in which such notification is received."

(b) by the substitution in sub-section (6) for the words "were a contributor to the old fund immediately" of the words "had been appointed to a post in the public service with effect from a date"; and

(c) by the substitution in sub-section (7) for the words "were contributors to the old fund immediately" of the words "had been appointed to posts in the public service with effect from a date".

(2) Sub-sections (2) and (3) of section *twenty-six* of the principal Act as they existed immediately before the commencement of this section shall be construed as if the reference therein to a contributor to the old fund referred to in that Act included a reference to an officer who made the election provided for in sub-section (2) of section *twenty-two* of that Act.

Amendment of section 26 of Act 58 of 1955, as amended by section 17 of Act 56 of 1956 and section 17 of Act 67 of 1959

Wysiging van artikel 28 van Wet 58 van 1955, soos gewysig deur artikel 19 van Wet 56 van 1956 en artikel 2 van Wet 61 van 1960.

14. Artikel *agt-en-twintig* van die Hoofwet word hierby gewysig deur paragraaf (i) van die voorbehoudsbepaling by paragraaf (b) van sub-artikel (1) en dié gedeelte van paragraaf (ii) van bedoelde voorbehoudsbepaling wat die skaal daarby voorafgaan deur die volgende te vervang:

- „(i) in die geval van 'n vroulike lid vir wie sub-artikel (2) van artikel *ses-en-twintig* geld en wat ingevolge sub-artikel (2) of (3) van daardie artikel afgedank word of wat weens slegte gesondheid sonder haar eie toedoen veroorsaak, ontslaan word, die gratifikasie bereken word volgens die skaal van vyf en sewe-tiendes persent van bedoelde gemiddelde ten opsigte van elke jaar van pensioengewende diens;
- (ii) in die geval van 'n lid vir wie sub-artikel (2) van artikel *ses-en-twintig* geld en wat ingevolge sub-artikel (5) van daardie artikel afgedank word, die gratifikasie bereken word volgens 'n persentasie van bedoelde gemiddelde ten opsigte van elke jaar van pensioengewende diens, ooreenkomstig die volgende skaal:”.

Wysiging van artikel 29 van Wet 58 van 1955, soos gewysig deur artikel 20 van Wet 56 van 1956 en artikel 18 van Wet 67 van 1959.

15. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig deur in die voorbehoudsbepaling by sub-artikel (1) die woorde „wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n bydraer tot die ou fonds was” deur die woorde „vir wie sub-artikel (2) van artikel *ses-en-twintig* geld” te vervang.

Wysiging van artikel 49 van Wet 58 van 1955, soos gewysig deur artikel 25 van Wet 56 van 1956 en artikel 26 van Wet 67 van 1959.

16. Artikel *nege-en-veertig* van die Hoofwet word hierby gewysig deur in die voorbehoudsbepaling by sub-artikel (1) die woorde „wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n bydraer tot die ou fonds was” deur die woorde „vir wie sub-artikel (2) van artikel *ses-en-veertig* geld” te vervang.

Wysiging van artikel 61 van Wet 58 van 1955, soos gewysig deur artikel 4 van Wet 38 van 1961.

17. Artikel *een-en-sestig* van die Hoofwet word hierby gewysig—

- (a) deur in die voorbehoudsbepaling by sub-artikel (2) die woorde „negentig pond” deur die woorde „honderd-en-tagtig rand” te vervang;
- (b) deur in die voorbehoudsbepaling by sub-artikel (4) die woorde „sestig pond” deur die woorde „honderd-en-twintig rand” te vervang; en
- (c) deur in paragraaf (a) van sub-artikel (6) die woord „pond” deur die woord „rand” te vervang.

Wysiging van artikel 61*bis* van Wet 58 van 1955, soos ingevoeg deur artikel 5 van Wet 61 van 1960.

18. Artikel *een-en-sestig bis* van die Hoofwet word hierby gewysig deur paragraaf (a) van sub-artikel (1) deur die volgende paragraaf te vervang:
„(a) iemand is vir wie sub-artikel (2) van artikel *ses-en-twintig* geld;”.

Wysiging van artikel 67 van Wet 58 van 1955.

19. Artikel *sewe-en-sestig* van die Hoofwet word hierby gewysig deur die woord „Unie” deur die woord „Republiek” te vervang.

Wysiging van artikel 68 van Wet 58 van 1955, soos gewysig deur artikel 8 van Wet 61 van 1960.

20. Artikel *agt-en-sestig* van die Hoofwet word hierby gewysig deur in sub-artikel (4) die woord „Unie” deur die woord „Republiek” te vervang.

Wysiging van artikel 69 van Wet 58 van 1955, soos gewysig deur artikel 35 van Wet 67 van 1959.

21. Artikel *nege-en-sestig* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (b) van sub-artikel (1) en in paragraaf (b) van sub-artikel (4) die woorde „twintig sjielings” deur die woorde „twee rand” te vervang;
- (b) deur in paragraaf (c) van sub-artikel (1) en in paragraaf (c) van sub-artikel (4) die woorde „dertig sjielings” deur die woorde „drie rand” te vervang;
- (c) deur in sub-artikel (8) die woorde „pond vir elke pond” deur die woorde „rand vir elke rand” te vervang; en
- (d) deur in sub-artikel (10) die woord „Unie” deur die woord „Republiek” te vervang.

Wysiging van artikel 72 van Wet 58 van 1955, soos gewysig deur artikel 37 van Wet 67 van 1959.

22. Artikel *twee-en-sewentig* van die Hoofwet word hierby gewysig deur in sub-artikel (3) en in sub-artikel (4) die woorde „honderd-en-twintig pond” waar hulle ook al voorkom deur die woorde „twee-honderd-en-veertig rand” te vervang.

14. Section *twenty-eight* of the principal Act is hereby amended by the substitution for paragraph (i) of the proviso to paragraph (b) of sub-section (1) and that part of paragraph (ii) of the said proviso which precedes the scale thereto, of the following:
- Amendment of section 28 of Act 58 of 1955, as amended by section 19 of Act 56 of 1956 and section 2 of Act 61 of 1960.
- (i) in the case of a female member to whom sub-section (2) of section *twenty-six* applies and who is retired in terms of sub-section (2) or (3) of that section or is discharged on account of ill-health occasioned without her own default, the gratuity shall be calculated at the rate of five and seven-tenths per cent of such average in respect of each year of pensionable service;
- (ii) in the case of a member to whom sub-section (2) of section *twenty-six* applies and who is retired in terms of sub-section (5) of that section, the gratuity shall be calculated at a percentage of such average in respect of each year of pensionable service, according to the following scale:".
15. Section *twenty-nine* of the principal Act is hereby amended by the substitution in the proviso to sub-section (1) for the words "who immediately prior to the commencement of this Act was a contributor to the old fund" of the words "to whom sub-section (2) of section *twenty-six* applies".
- Amendment of section 29 of Act 58 of 1955, as amended by section 20 of Act 56 of 1956 and section 18 of Act 67 of 1959.
16. Section *forty-nine* of the principal Act is hereby amended by the substitution in the proviso to sub-section (1) for the words "who, immediately prior to the commencement of this Act, was a contributor to the old fund" of the words "to whom sub-section (2) of section *forty-six* applies".
- Amendment of section 49 of Act 58 of 1955, as amended by section 25 of Act 56 of 1956 and section 26 of Act 67 of 1959.
17. Section *sixty-one* of the principal Act is hereby amended—
- (a) by the substitution in the proviso to sub-section (2) for the words "ninety pounds" of the words "one hundred and eighty rand";
- (b) by the substitution in the proviso to sub-section (4) for the words "sixty pounds" of the words "one hundred and twenty rand"; and
- (c) by the substitution in paragraph (a) of sub-section (6) for the word "pound" of the word "rand".
- Amendment of section 61 of Act 58 of 1955, as amended by section 4 of Act 38 of 1961.
18. Section *sixty-one bis* of the principal Act is hereby amended by the substitution for paragraph (a) of sub-section (1) of the following paragraph:
- Amendment of section 61bis of Act 58 of 1955, as inserted by section 5 of Act 61 of 1960.
- "(a) is a person to whom sub-section (2) of section *twenty-six* applies;".
19. Section *sixty-seven* of the principal Act is hereby amended by the substitution for the word "Union" of the word "Republic".
- Amendment of section 67 of Act 58 of 1955.
20. Section *sixty-eight* of the principal Act is hereby amended by the substitution in sub-section (4) for the word "Union" of the word "Republic".
- Amendment of section 68 of Act 58 of 1955, as amended by section 8 of Act 61 of 1960.
21. Section *sixty-nine* of the principal Act is hereby amended—
- (a) by the substitution in paragraph (b) of sub-section (1) and in paragraph (b) of sub-section (4) for the words "twenty shillings" of the words "two rand";
- (b) by the substitution in paragraph (c) of sub-section (1) and in paragraph (c) of sub-section (4) for the words "thirty shillings" of the words "three rand";
- (c) by the substitution in sub-section (8) for the words "pounds for each pound" of the words "rand for each rand"; and
- (d) by the substitution in sub-section (10) for the word "Union" of the word "Republic".
- Amendment of section 69 of Act 58 of 1955, as amended by section 35 of Act 67 of 1959.
22. Section *seventy-two* of the principal Act is hereby amended by the substitution in sub-section (3) and in sub-section (4) for the words "one hundred and twenty pounds" wherever they occur of the words "two hundred and forty rand".
- Amendment of section 72 of Act 58 of 1955, as amended by section 37 of Act 67 of 1959.

Wysiging van artikel 73 van Wet 58 van 1955, soos gewysig deur artikel 7 van Wet 62 van 1957, artikel 39 van Wet 67 van 1959, artikel 10 van Wet 61 van 1960 en artikel 43 van Wet 78 van 1961.

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

(a) deur in paragraaf (a) van sub-artikel (5) die woorde „honderd-en-vyftig pond” deur die woorde „drie-honderd rand” te vervang;

(b) deur paragrawe (a), (b) en (c) van sub-artikel (6) met ingang van die eerste dag van Julie 1955 deur die volgende paragrawe te vervang:

„(a) ’n Lid wat voor die vasgestelde datum met pensioen afgetree het of afgedank of ontslaan is en wat by herindiensneming voor daardie datum onder verpligting gekom het om tot die fonds by te dra, moet vanaf daardie datum en in plaas van sy vorige bydraes, tot die fonds bydra teen twee persent van sy pensioengewende verdienste onmiddellik voor bedoelde uitdienstreding of ontslag of (solank die pensioengewende verdienste wat terwyl hy uit hoofde van sy herindiensneming in diens is aan hom betaalbaar word meer as sy pensioengewende verdienste onmiddellik voor sodanige uitdienstreding of ontslag bedra) van die pensioengewende verdienste aldus aan hom betaalbaar.

(b) ’n Lid wat voor die vasgestelde datum met pensioen afgetree het of afgedank of ontslaan is en wat na sy uitdienstreding of ontslag nog tot die fonds bygedra het, en wat by herindiensneming voor die eerste dag van Oktober 1962 onder verpligting kom om tot die fonds by te dra, moet vanaf die datum waarop hy aldus onder verpligting kom, en in plaas van sy vorige bydraes, tot die fonds bydra teen die skaal van twee persent van sy pensioengewende verdienste onmiddellik voor bedoelde uitdienstreding of ontslag of (solank die pensioengewende verdienste wat terwyl hy uit hoofde van sy herindiensneming in diens is aan hom betaalbaar word meer as sy pensioengewende verdienste onmiddellik voor sodanige uitdienstreding of ontslag bedra) van die pensioengewende verdienste aldus aan hom betaalbaar.

(c) ’n Lid wat met pensioen aftree of afgedank of ontslaan word en wat na sy uitdienstreding of ontslag nog tot die fonds bydra, en wat by herindiensneming voor die eerste dag van Oktober 1962 onder verpligting kom om tot die fonds by te dra, moet vanaf die datum waarop hy aldus onder verpligting kom, tot die fonds bydra teen die skaal van twee persent van sy pensioengewende verdienste onmiddellik voor bedoelde uitdienstreding of ontslag of (solank die pensioengewende verdienste wat terwyl hy uit hoofde van sy herindiensneming in diens is aan hom betaalbaar word, meer as sy pensioengewende verdienste voor sodanige uitdienstreding of ontslag bedra) van die pensioengewende verdienste aldus aan hom betaalbaar.”; en

(c) deur aan die end van sub-artikel (6) die volgende paragrawe by te voeg:

„(e) Indien ’n lid wat ooreenkomstig paragraaf (a), (b) of (c) tot die fonds bydra—

(i) anders as met ’n jaargeld aftree of afgedank of ontslaan word uit diens ten opsigte waarvan hy weer onder verpligting gekom het om tot die fonds by te dra; of

(ii) oorgeplaas word na of aangestel word in diens ten opsigte waarvan hy nie onder verpligting is om tot die fonds by te dra nie, is die bepalings van artikel *agt-en-sewentig*, sub-artikel (3) van artikel *agt-en-sewentig bis* en artikel *nege-en-sewentig* nie op hom van toepassing nie en bly hy lid ondanks enigiets in bedoelde bepalings bevat.

(f) ’n Lid in paragraaf (e) bedoel wat—

(i) nie op of voor die datum met ingang van wanneer hy by ontstentenis van die bepalings van daardie paragraaf sou opgehou het om tot die fonds by te dra, die leeftyd van sestig jaar bereik het nie, moet tot en met die dag onmiddellik voor die dag waarop hy bedoelde

23. Section *seventy-three* of the principal Act is hereby amended—
- (a) by the substitution in paragraph (a) of sub-section (5) for the words "one hundred and fifty pounds" of the words "three hundred rand";
- (b) by the substitution with effect from the first day of July, 1955, for paragraphs (a), (b) and (c) of sub-section (6) of the following paragraphs:
- “(a) A member who retired or was retired or discharged on pension prior to the fixed date and who on re-employment prior to that date became liable to contribute to the fund shall, as from the said date and in lieu of his previous contributions, contribute to the fund at the rate of two per cent of his pensionable emoluments immediately prior to such retirement or discharge or (so long as the pensionable emoluments payable to him during his re-employment exceed his pensionable emoluments immediately prior to such retirement or discharge) of the pensionable emoluments so payable to him.
- (b) A member who retired or was retired or discharged on pension prior to the fixed date and who after his retirement or discharge continued to contribute to the fund, and who on re-employment prior to the first day of October, 1962, becomes liable to contribute to the fund shall, as from the date on which he so becomes liable and in lieu of his previous contributions, contribute to the fund at the rate of two per cent of his pensionable emoluments immediately prior to such retirement or discharge or (so long as the pensionable emoluments payable to him during his re-employment exceed his pensionable emoluments immediately prior to such retirement or discharge) of the pensionable emoluments so payable to him.
- (c) A member who retires or is retired or discharged on pension and who after his retirement or discharge continues to contribute to the fund, and who on re-employment prior to the first day of October, 1962, becomes liable to contribute to the fund, shall as from the date on which he so becomes liable contribute to the fund at the rate of two per cent of his pensionable emoluments immediately prior to such retirement or discharge or (so long as the pensionable emoluments payable to him during his re-employment exceed his pensionable emoluments immediately prior to such retirement or discharge) of the pensionable emoluments so payable to him.”; and
- (c) by the addition at the end of sub-section (6) of the following paragraphs:
- “(e) If a member who contributes to the fund in terms of paragraph (a), (b) or (c)—
- (i) retires or is retired or discharged otherwise than on an annuity from employment in respect of which he again became liable to contribute to the fund; or
- (ii) is transferred or appointed to employment in respect of which he is not liable to contribute to the fund,
- the provisions of section *seventy-eight*, sub-section (3) of section *seventy-eight bis* and section *seventy-nine* shall not apply to him and he shall, notwithstanding anything to the contrary contained in the said provisions, remain a member.
- (f) A member referred to in paragraph (e) who—
- (i) has not attained the age of sixty years on or prior to the date with effect from which he would but for the provisions of that paragraph have ceased to contribute to the fund, shall continue to contribute to the fund up to and including the day immediately preceding the day on which he attains the

Amendment of section 73 of Act 58 of 1955, as amended by section 7 of Act 62 of 1957, section 39 of Act 67 of 1959, section 10 of Act 61 of 1960 and section 43 of Act 78 of 1961.

- leeftyd bereik, aanhou om tot die fonds by te dra, teen die skaal van twee persent van die pensioengewende verdienste waarop hy onmiddellik voor daardie datum bygedra het;
- (ii) voor bedoelde datum die leefftyd van sestig jaar bereik het, hou met ingang van daardie datum op om tot die fonds by te dra.
- (g) Indien 'n lid—
- (i) wat voor die vasgestelde datum met pensioen afgetree het of afgedank of ontslaan is; of
- (ii) wat op of na daardie datum met pensioen aftree of afgedank of ontslaan word, op of na die eerste dag van Oktober 1962 onder verpligting kom om tot die fonds by te dra op grond van die feit dat hy weer 'n bydraer tot 'n nuwe fonds of 'n goedgekeurde fonds geword het, behou hy, behoudens die bepalings van paragraaf (i), al die regte en bly hy onderhewig aan al die verpligtings wat hy uit hoofde van sy lidmaatskap onmiddellik voor die datum waarop hy aldus onder verpligting kom, verkry of opgeloo het.
- (h) 'n Lid vir wie paragraaf (g) geld, verwerf aparte lidmaatskap van die fonds ten opsigte van sy diens op en na die datum waarop hy weer onder verpligting kom om tot die fonds by te dra, en ten opsigte van sodanige lidmaatskap—
- (i) dra hy vanaf daardie datum tot die fonds by asof hy nie onmiddellik voor bedoelde datum 'n lid was nie; en
- (ii) besit hy al die regte en is hy onderhewig aan al die verpligtings wat hy op of na daardie datum sou verkry of opgeloo het indien hy nie onmiddellik voor bedoelde datum 'n lid was nie.
- (i) Indien 'n lid in paragraaf (g) bedoel—
- (i) anders as met 'n jaargeld aftree of afgedank of ontslaan word uit diens ten opsigte waarvan hy weer onder verpligting gekom het om tot die fonds by te dra; of
- (ii) oorgeplaas word na of aangestel word in diens ten opsigte waarvan hy nie onder verpligting is om tot die fonds by te dra nie, geld die bepalings van artikel *agt-en-sewentig*, sub-artikel (3) van artikel *agt-en-sewentig bis* en artikel *nege-en-sewentig* nie vir hom ten opsigte van die lidmaatskap wat hy voor die datum waarop hy weer onder verpligting gekom het om tot die fonds by te dra, verwerf het nie, en behou hy al die regte wat hy uit hoofde van bedoelde lidmaatskap verkry het, behalwe die regte deur bedoelde bepalings verleen, en bly hy onderhewig aan al die verpligtings wat hy uit hoofde van bedoelde lidmaatskap opgeloo het.
- (j) Die bepalings van sub-artikel (5) is *mutatis mutandis* van toepassing op 'n lid vir wie paragraaf (e), (f) of (i) geld.”

Wysiging van artikel 76 van Wet 58 van 1955, soos gewysig deur artikel 40 van Wet 67 van 1959.

24. Artikel *ses-en-sewentig* van die Hoofwet word hierby gewysig deur in sub-artikel (3) die woorde „agtien pond” deur die woorde „ses-en-dertig rand” te vervang.

Wysiging van artikel 78 van Wet 58 van 1955, soos gewysig deur artikel 41 van Wet 67 van 1959.

25. Artikel *agt-en-sewentig* van die Hoofwet word hierby gewysig deur in paragraaf (b) na die woord „regstreeks” die woorde „of na 'n onderbreking van sy diens wat die Kommissaris onder die omstandighede redelik en nodig ag” in te voeg.

Wysiging van artikel 78bis van Wet 58 van 1955, soos ingevoeg deur artikel 42 van Wet 67 van 1959.

26. Artikel *agt-en-sewentig bis* van die Hoofwet word hierby gewysig deur in sub-artikel (2) na die woord „regstreeks” die woorde „of na 'n onderbreking van sy diens wat die Kommissaris onder die omstandighede redelik en nodig ag” in te voeg.

Wysiging van artikel 79 van Wet 58 van 1955, soos gewysig deur artikel 43 van Wet 67 van 1959.

27. (1) Artikel *nege-en-sewentig* van die Hoofwet word hierby gewysig deur in die voorbehoudsbepaling daarby na die woorde „van toepassing is” die woorde „of in die geval van 'n lid wat

- said age, at the rate of two per cent of the pensionable emoluments on which he was contributing immediately prior to that date;
- (ii) has attained the age of sixty years prior to the said date, shall cease to contribute to the fund with effect from that date.
- (g) If a member—
- (i) who retired or was retired or discharged on pension prior to the fixed date; or
- (ii) who retires or is retired or discharged on pension on or after that date, becomes liable on or after the first day of October, 1962, to contribute to the fund by virtue of the fact that he has again become a contributor to a new fund or an approved fund, he shall, subject to the provisions of paragraph (i), retain all rights acquired and remain subject to all obligations incurred by him by virtue of his membership immediately prior to the date on which he so becomes liable.
- (h) A member to whom paragraph (g) applies shall acquire separate membership of the fund in respect of his employment on and after the date on which he again becomes liable to contribute to the fund, and shall, in respect of such membership—
- (i) contribute to the fund as from that date as if he had not been a member immediately prior to the said date; and
- (ii) have all the rights and be subject to all the obligations which he would have acquired or incurred on and after that date had he not been a member immediately prior to the said date.
- (i) If a member to whom paragraph (g) refers—
- (i) retires or is retired or discharged, otherwise than on an annuity, from the employment in respect of which he was again required to become a member; or
- (ii) is transferred or appointed to employment in respect of which he is not liable to contribute to the fund,
- the provisions of section *seventy-eight*, sub-section (3) of section *seventy-eight bis* and section *seventy-nine* shall not apply to him in respect of the membership acquired by him prior to the date on which he again became liable to contribute to the fund, and he shall retain all rights acquired by him by virtue of that membership, other than the rights conferred by the said provisions, and remain subject to all the obligations incurred by him by virtue of the said membership.
- (j) The provisions of sub-section (5) shall *mutatis mutandis* apply to a member to whom paragraph (e), (f) or (i) applies.”.

24. Section *seventy-six* of the principal Act is hereby amended by the substitution in sub-section (3) for the words “eighteen pounds” of the words “thirty-six rand”.

Amendment of section 76 of Act 58 of 1955, as amended by section 40 of Act 67 of 1959.

25. Section *seventy-eight* of the principal Act is hereby amended by the insertion in paragraph (b) after the word “service” of the words “or after such a break in his service as the Commissioner deems reasonable and necessary in the circumstances”.

Amendment of section 78 of Act 58 of 1955, as amended by section 41 of Act 67 of 1959.

26. Section *seventy-eight bis* of the principal Act is hereby amended by the insertion in sub-section (2) after the word “service” where it occurs for the first time of the words “or after such a break in his service as the Commissioner deems reasonable and necessary in the circumstances”.

Amendment of section 78bis of Act 58 of 1955, as inserted by section 42 of Act 67 of 1959.

27. (1) Section *seventy-nine* of the principal Act is hereby amended by the insertion in the proviso thereto after the word “applies” of the words “or in the case of a member who is a

Amendment of section 79 of Act 58 of 1955, as amended by section 43 of Act 67 of 1959.

'n bydraer tot 'n goedgekeurde fonds is en wat aldus aftree of afgedank of ontslaan word terwyl hy voorlopig tot so 'n fonds bydra" in te voeg.

(2) Sub-artikel (1) word geag op die eerste dag van Januarie 1960 in werking te getree het.

Wysiging van artikel 86 van Wet 58 van 1955, soos gewysig deur artikel 8 van Wet 62 van 1957, artikel 12 van Wet 61 van 1960 en artikel 44 van Wet 78 van 1961.

28. Artikel *ses-en-tagtig* van die Hoofwet word hierby gewysig deur in paragraaf (b) van sub-artikel (1) die woorde „negentig pond" deur die woorde „honderd-en-tagtig rand" te vervang.

Wysiging van artikel 93 van Wet 58 van 1955, soos gewysig deur artikel 45 van Wet 67 van 1959 en artikel 13 van Wet 61 van 1960.

29. (1) Artikel *drie-en-negentig* van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (a) van sub-artikel (1) na die woord „tot" die woorde „'n nuwe fonds of" in te voeg;

(b) deur in paragraaf (c) van sub-artikel (1) die woord „Unie" deur die woord „Republiek" te vervang;

(c) deur in paragraaf (d) van sub-artikel (1) na die woord „dra" die woorde „of tot 'n nuwe fonds bydra" in te voeg; en

(d) deur sub-artikel (1) *bis* te skrap.

(2) Paragraawe (a), (c) en (d) van sub-artikel (1) word geag op die sewentiende dag van Julie 1959 in werking te getree het.

Wysiging van artikel 100 van Wet 58 van 1955.

30. Artikel *honderd* van die Hoofwet word hierby gewysig deur die woord „Unie" deur die woord „Republiek" te vervang.

Wysiging van artikel 108 van Wet 58 van 1955.

31. Artikel *honderd-en-agt* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „Goewerneur-generaal" deur die woord „Staatspresident" te vervang.

Wysiging van artikel 109 van Wet 58 van 1955, soos gewysig deur artikel 49 van Wet 67 van 1959.

32. Artikel *honderd-en-nege* van die Hoofwet word hierby gewysig—

(a) deur in die omskrywing van „die Spoorwegadministrasie" en in die omskrywing van „Regering" die woord „Unie" deur die woord „Republiek" te vervang; en

(b) deur na die omskrywing van „die Staatsdienswet" die volgende omskrywing in te voeg:

„Gekonsolideerde Inkomstefonds', met betrekking tot 'n betaling wat uit daardie fonds gemaak moet word, gelde wat vir die doeleindes van sodanige betaling deur die Parlement bewillig word;"

Herroeping van artikel 9 van Wet 62 van 1957.

33. Artikel *nege* van die Wysigingswet op die Pensioenwette, 1957, word hierby herroep met ingang van die eerste dag van Oktober 1962 behalwe vir sover dit betref 'n aansoek voor daardie dag ingevolge sub-artikel (1) daarvan ingedien.

Wysiging van artikel 92 van Wet 33 van 1960.

34. (1) Artikel *twee-en-negentig* van die Kinderwet, 1960, word hierby gewysig deur aan die end van sub-artikel (1) die woorde „en dat enige regulasies kragtens paragraaf (k) met terugwerkende krag vanaf 'n datum in oorlog met bedoelde Minister bepaal, uitgevaardig kan word" in te voeg.

(2) Sub-artikel (1) word geag op die eerste dag van April 1962 in werking te getree het.

Wysiging van artikel 18 van Wet 35 van 1962.

35. Artikel *agtien* van die Wet op Spesiale Oorlogspensioene, 1962, word hierby gewysig deur in die voorbehoudsbepaling by sub-artikel (1) na die woord „honderd" die woord „twee-en-dertig" in te voeg.

Wysiging van artikel 19 van Wet 35 van 1962.

36. Artikel *negentien* van die Wet op Spesiale Oorlogspensioene, 1962, word hierby gewysig deur in sub-artikel (1) die woord „honderd-en-twintig" deur die woord „honderd-en-sestig" te vervang.

Herroeping van artikel 41 van Wet 35 van 1962.

37. Artikel *een-en-veertig* van die Wet op Spesiale Oorlogspensioene, 1962, word hierby herroep.

Wysiging van Tweede Bylae by Wet 35 van 1962.

38. Die Tweede Bylae by die Wet op Spesiale Oorlogspensioene, 1962, word hierby gewysig deur die agste kolom daarvan deur die volgende te vervang:

contributor to an approved fund and who so retires or is so retired or discharged while he is contributing provisionally to such a fund”.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of January, 1960.

28. Section *eighty-six* of the principal Act is hereby amended by the substitution in paragraph (b) of sub-section (1) for the words “ninety pounds” of the words “one hundred and eighty rand”.

Amendment of section 86 of Act 58 of 1955, as amended by section 8 of Act 62 of 1957, section 12 of Act 61 of 1960 and section 44 of Act 78 of 1961.

29. (1) Section *ninety-three* of the principal Act is hereby amended—

(a) by the insertion in paragraph (a) of sub-section (1) after the words “contribute to” of the words “a new fund or”;

(b) by the substitution in paragraph (c) of sub-section (1) for the word “Union” of the word “Republic”;

(c) by the insertion in paragraph (d) of sub-section (1) after the word “fund” of the words “or contributes to a new fund”; and

(d) by the deletion of sub-section (1)*bis*.

Amendment of section 93 of Act 58 of 1955, as amended by section 45 of Act 67 of 1959 and section 13 of Act 61 of 1960.

(2) Paragraphs (a), (c) and (d) of sub-section (1) shall be deemed to have come into operation on the seventeenth day of July, 1959.

30. Section *one hundred* of the principal Act is hereby amended by the substitution for the word “Union” of the word “Republic”.

Amendment of section 100 of Act 58 of 1955.

31. Section *one hundred and eight* of the principal Act is hereby amended by the substitution in sub-section (1) for the word “Governor-General” of the words “State President”.

Amendment of section 108 of Act 58 of 1955.

32. Section *one hundred and nine* of the principal Act is hereby amended—

(a) by the substitution in the definition of “Government” and in the definition of “the railway administration” for the word “Union” of the word “Republic”; and

(b) by the insertion after the definition of “Commissioner” of the following definition:

“‘Consolidated Revenue Fund’, in relation to any payment to be made out of that Fund, means moneys appropriated by Parliament for the purpose of such payment;”.

Amendment of section 109 of Act 58 of 1955, as amended by section 49 of Act 67 of 1959.

33. Section *nine* of the Pension Laws Amendment Act, 1957, is hereby repealed with effect from the first day of October, 1962, except as regards any application made under sub-section (1) thereof before that day.

Repeal of section 9 of Act 62 of 1957.

34. (1) Section *ninety-two* of the Children’s Act, 1960, is hereby amended by the addition at the end of sub-section (1) of the words “and that any regulations under paragraph (k) may be made with retrospective effect from a date determined in consultation with the said Minister”.

Amendment of section 92 of Act 33 of 1960.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1962.

35. Section *eighteen* of the War Special Pensions Act, 1962, is hereby amended by the insertion in the proviso to sub-section (1) after the words “one hundred” of the words “and thirty-two”.

Amendment of section 18 of Act 35 of 1962.

36. Section *nineteen* of the War Special Pensions Act, 1962, is hereby amended by the substitution in sub-section (1) for the words “one hundred and twenty” of the words “one hundred and sixty”.

Amendment of section 19 of Act 35 of 1962.

37. Section *forty-one* of the War Special Pensions Act, 1962, is hereby repealed.

Repeal of section 41 of Act 35 of 1962.

38. The Second Schedule to the War Special Pensions Act, 1962, is hereby amended by the substitution for the eighth column thereof of the following:

Amendment of Second Schedule to Act 35 of 1962.

„Nie-blanke
vrywilligers.
per jaar.
R
200
180
160
140
120
100
80
60
40.”.

Wysiging van
Derde Bylae by
Wet 35 van
1962.

39. Die Derde Bylae by die Wet op Spesiale Oorlogspensioene, 1962, word hierby gewysig deur die sewende tot en met die elfde kolomme daarvan deur die volgende te vervang:

Nie-blanke Vrywilligers.				
Vrou se toelae.	Kindertoelae.			Opvoe- dingstoe- kenning.
	Elke kind onder 6 jaar.	Elke kind van 6 jaar en maar onder 13 jaar.	Elke kind van 13 jaar en ouer.	
per jaar. R s	per jaar. R s	per jaar. R s	per jaar. R s	Hoogstens per jaar. R s
48.00	36.00	42.00	48.00	48.00
43.20	32.40	37.80	43.20	43.20
38.40	28.80	33.60	38.40	38.40
33.60	25.20	29.40	33.60	33.60
28.80	21.60	25.20	28.80	28.80
24.00	18.00	21.00	24.00	24.00
19.20	14.40	16.80	19.20	19.20
14.40	10.80	12.60	14.40	14.40
9.60	7.20	8.40	9.60	9.60.”.

Wysiging van
Vierde Bylae by
Wet 35 van
1962.

40. Die Vierde Bylae by die Wet op Spesiale Oorlogspensioene, 1962, word hierby gewysig deur die syfers 120, 24, 30, 36 en 36 in die tweede, vierde, vyfde, sesde en sewende kolomme daarvan teenoor die woorde „Nie-blanke vrywilligers” in die eerste kolom daarvan deur die syfers 160, 36, 42, 48 en 48 onderskeidelik te vervang.

Wysiging van
Vyfde Bylae by
Wet 35 van
1962.

41. Die Vyfde Bylae by die Wet op Spesiale Oorlogspensioene, 1962, word hierby gewysig deur die syfers 144, 144, 180, 216 en 96 in die derde, vyfde, sesde, sewende en agste kolomme daarvan teenoor die woorde „Nie-blanke vrywilligers” in die eerste kolom daarvan deur die syfers 180, 150, 225, 225 en 120 onderskeidelik te vervang.

Wysiging van
artikel 2 van
Wet 38 van
1962.

42. (1) Artikel twee van die Ouderdomspensioenwet, 1962, word hierby gewysig—

- (a) deur in paragraaf (b) van sub-artikel (1) voor die woord „dat” die woorde „behalwe in die geval van ’n Bantoe-persoon wat aan die vereistes van sub-paragraaf (iii) van paragraaf (d) voldoen” in te voeg; en
- (b) deur in sub-paragraaf (ii) en in sub-paragraaf (iii) van paragraaf (d) van sub-artikel (1) die woorde „of ’n burger van ’n Statebondslanland of van die Republiek van Ierland” te skrap.

(2) Sub-paragraaf (ii) van paragraaf (d) van sub-artikel (1) van artikel twee van die Ouderdomspensioenwet, 1962, soos dit onmiddellik voor die datum van inwerkingtreding van hierdie artikel gegeld het, bly van toepassing ten opsigte van iemand wat ’n burger van ’n Statebondslanland of van die Republiek van Ierland is en aan wie te eniger tyd voor bedoelde datum ’n pensioen kragtens daardie Wet of ’n daarby herroepe wetsbepaling toegeken is.

“Non-European
volunteers.
per annum.
R
200
180
160
140
120
100
80
60
40”

39. The Third Schedule to the War Special Pensions Act, 1962, is hereby amended by the substitution for the seventh to eleventh columns, inclusive, thereof of the following: Amendment of
Third Schedule
to Act 35 of 1962.

“

Non-European Volunteers.				
Wife's allowance.	Children's Allowances.			Educa- tional grant.
	Each child under 6 years.	Each child of 6 years and over but under 13 years.	Each child of 13 years and over.	
per annum.	per annum.	per annum.	per annum.	Not exceeding per annum.
R c	R c	R c	R c	R c
48.00	36.00	42.00	48.00	48.00
43.20	32.40	37.80	43.20	43.20
38.40	28.80	33.60	38.40	38.40
33.60	25.20	29.40	33.60	33.60
28.80	21.60	25.20	28.80	28.80
24.00	18.00	21.00	24.00	24.00
19.20	14.40	16.80	19.20	19.20
14.40	10.80	12.60	14.40	14.40
9.60	7.20	8.40	9.60	9.60”.

40. The Fourth Schedule to the War Special Pensions Act, 1962, is hereby amended by the substitution for the figures 120, 24, 30, 36 and 36 in the second, fourth, fifth, sixth and seventh columns thereof, opposite the words “Non-European Volunteers” in the first column thereof, of the figures 160, 36, 42, 48 and 48 respectively. Amendment of
Fourth Schedule
to Act 35 of 1962.

41. The Fifth Schedule to the War Special Pensions Act, 1962, is hereby amended by the substitution for the figures 144, 144, 180, 216 and 96 in the third, fifth, sixth, seventh and eighth columns thereof, opposite the words “Non-European Volunteers” in the first column thereof, of the figures 180, 150, 225, 225 and 120 respectively. Amendment of
Fifth Schedule to
to Act 35 of 1962.

42. (1) Section two of the Old Age Pensions Act, 1962, is hereby amended— Amendment of
section 2 of
Act 38 of 1962.

- (a) by the insertion in paragraph (b) of sub-section (1) before the word “that” of the words “except in the case of a Bantu person who satisfies the requirements of sub-paragraph (iii) of paragraph (d)”; and
- (b) by the deletion in sub-paragraph (ii) and in sub-paragraph (iii) of paragraph (d) of sub-section (1) of the words “or a citizen of a Commonwealth country or of the Republic of Ireland”.

(2) Sub-paragraph (ii) of paragraph (d) of sub-section (1) of section two of the Old Age Pensions Act, 1962, as it existed immediately prior to the date of commencement of this section, shall continue to apply in respect of any person who is a citizen of a Commonwealth country or of the Republic of Ireland and who at any time prior to the said date was granted a pension under the said Act or any law repealed thereby.

Wysiging van artikel 8 van Wet 38 van 1962.

43. Artikel *agt* van die Ouderdomspensioenwet, 1962, word hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (2) die woord „agt-en-veertig” deur die woord „ses-en-sestig” te vervang;
- (b) deur in paragraaf (b) van daardie sub-artikel die woord „vier-en-twintig” deur die woord „drie-en-dertig” te vervang;
- (c) deur in paragraaf (c) van daardie sub-artikel die woorde „twintig rand en veertig sent” deur die woorde „sewe-en-twintig rand en sestig sent” te vervang; en
- (d) deur in paragraaf (d) van daardie sub-artikel die woorde „drie rand” deur die woorde „vier rand en tagtig sent” te vervang.

Wysiging van artikel 5 van Wet 39 van 1962.

44. Artikel *vyf* van die Wet op Blindes, 1962, word hierby gewysig deur in paragraaf (b) van sub-artikel (1) voor die woord „dat” die woorde „behalwe in die geval van ’n Bantoepersoon wat aan die vereistes van sub-paragraaf (ii) van paragraaf (d) voldoen” in te voeg.

Wysiging van artikel 6 van Wet 39 van 1962.

45. Artikel *ses* van die Wet op Blindes, 1962, word hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (2) die woord „agt-en-veertig” deur die woord „ses-en-sestig” te vervang;
- (b) deur in paragraaf (b) van daardie sub-artikel die woord „vier-en-twintig” deur die woord „drie-en-dertig” te vervang;
- (c) deur in paragraaf (c) van daardie sub-artikel die woorde „twintig rand en veertig sent” deur die woorde „sewe-en-twintig rand en sestig sent” te vervang; en
- (d) deur in paragraaf (d) van daardie sub-artikel die woorde „drie rand” deur die woorde „vier rand en tagtig sent” te vervang.

Wysiging van artikel 5 van Wet 41 van 1962.

46. Artikel *vyf* van die Wet op Ongeskiktheidstoelaes, 1962, word hierby gewysig deur in paragraaf (c) van sub-artikel (1) voor die woord „dat” die woorde „behalwe in die geval van ’n Bantoepersoon wat aan die vereistes van sub-paragraaf (ii) van paragraaf (e) voldoen” in te voeg.

Wysiging van artikel 11 van Wet 41 van 1962.

47. Artikel *elf* van die Wet op Ongeskiktheidstoelaes, 1962, word hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (2) die woord „agt-en-veertig” deur die woord „ses-en-sestig” te vervang;
- (b) deur in paragraaf (b) van daardie sub-artikel die woord „vier-en-twintig” deur die woord „drie-en-dertig” te vervang;
- (c) deur in paragraaf (c) van daardie sub-artikel die woorde „twintig rand en veertig sent” deur die woorde „sewe-en-twintig rand en sestig sent” te vervang; en
- (d) deur in paragraaf (d) van daardie sub-artikel die woorde „drie rand” deur die woorde „vier rand en tagtig sent” te vervang.

Sekere persone wat by die Afrika-Instituut in diens is, moet lede van die kragtens artikel 12 van Wet 20 van 1917 ingestelde Voorsorgfonds word.

48. (1) By die toepassing van hierdie artikel beteken—

- (i) „Instituut” die Afrika-Instituut kragtens die bepaling van artikel *een-en-twintig* van die Maatskappywet, 1926 (Wet No. 46 van 1926), geregistreer; (i)
- (ii) „Sekretaris” die Sekretaris van Volkswelsyn en Pensioene; (iii)
- (iii) „voorsorgfonds” die Voorsorgfonds vir Universiteits-inrigtings ingestel ingevolge die regulasies uitgevaardig kragtens paragraaf (g) van sub-artikel (1) van artikel *twaalf* van die „Wet tot Addisionele Regeling van het Hoger Onderwijs, 1917” (Wet No. 20 van 1917). (ii).

(2) Elke voltydse beampte of werknemer op die vaste diensstaat van die Instituut moet, onderworpe aan die goedkeuring van die Sekretaris, ’n lid van die voorsorgfonds word en daartoe bydra vanaf die eerste dag van April 1962, of vanaf die datum van sy aanstelling op bedoelde diensstaat, na gelang van watter die jongste datum is, asof hy ’n beampte was soos omskryf in die regulasies wat die voorsorgfonds beheer, en die Instituut word vir alle doeleindes van die voorsorgfonds beskou ’n universiteit te wees wat by Wet van die Parlement ingestel is.

(3) Die raad van die Instituut word geag ’n raad te wees soos omskryf in die regulasies wat die voorsorgfonds beheer en moet ondanks andersluidende wetsbepalings op die tye en op die wyse wat die Sekretaris bepaal, die bydraes verskuldig

43. Section *eight* of the Old Age Pensions Act, 1962, is hereby amended—

Amendment of section 8 of Act 38 of 1962.

- (a) by the substitution in paragraph (a) of sub-section (2) for the word "forty-eight" of the word "sixty-six";
- (b) by the substitution in paragraph (b) of that sub-section for the word "twenty-four" of the word "thirty-three";
- (c) by the substitution in paragraph (c) of that sub-section for the words "twenty rand and forty cents" of the words "twenty-seven rand and sixty cents"; and
- (d) by the substitution in paragraph (d) of that sub-section for the words "three rand" of the words "four rand and eighty cents".

44. Section *five* of the Blind Persons Act, 1962, is hereby amended by the insertion in paragraph (b) of sub-section (1) before the word "that" of the words "except in the case of a Bantu person who satisfies the requirements of sub-paragraph (ii) of paragraph (d)".

Amendment of section 5 of Act 39 of 1962.

45. Section *six* of the Blind Persons Act, 1962, is hereby amended—

Amendment of section 6 of Act 39 of 1962.

- (a) by the substitution in paragraph (a) of sub-section (2) for the word "forty-eight" of the word "sixty-six";
- (b) by the substitution in paragraph (b) of that sub-section for the word "twenty-four" of the word "thirty-three";
- (c) by the substitution in paragraph (c) of that sub-section for the words "twenty rand and forty cents" of the words "twenty-seven rand and sixty cents"; and
- (d) by the substitution in paragraph (d) of that sub-section for the words "three rand" of the words "four rand and eighty cents".

46. Section *five* of the Disability Grants Act, 1962, is hereby amended by the insertion in paragraph (c) of sub-section (1) before the word "that" of the words "except in the case of a Bantu person who satisfies the requirements of sub-paragraph (ii) of paragraph (e)".

Amendment of section 5 of Act 41 of 1962.

47. Section *eleven* of the Disability Grants Act, 1962, is hereby amended—

Amendment of section 11 of Act 41 of 1962.

- (a) by the substitution in paragraph (a) of sub-section (2) for the word "forty-eight" of the word "sixty-six";
- (b) by the substitution in paragraph (b) of that sub-section for the word "twenty-four" of the word "thirty-three";
- (c) by the substitution in paragraph (c) of that sub-section for the words "twenty rand and forty cents" of the words "twenty-seven rand and sixty cents"; and
- (d) by the substitution in paragraph (d) of that sub-section for the words "three rand" of the words "four rand and eighty cents".

48. (1) For the purposes of this section—

- (i) "Institute" means the Africa Institute registered under the provisions of section *twenty-one* of the Companies Act, 1926 (Act No. 46 of 1926); (i)
- (ii) "provident fund" means the University Institutions Provident Fund established under the regulations made in terms of paragraph (g) of sub-section (1) of section *twelve* of the Higher Education Additional Provision Act, 1917 (Act No. 20 of 1917); (iii)
- (iii) "Secretary" means the Secretary for Social Welfare and Pensions. (ii)

Certain persons employed by Africa Institute to become members of Provident Fund established under section 12 of Act 20 of 1917.

(2) Every whole-time officer or employee on the permanent establishment of the Institute shall, subject to the approval of the Secretary, become a member of and contribute to the provident fund as from the first day of April, 1962, or from the date of his appointment to the said establishment, whichever is the later date, as if he were an officer as defined in the regulations governing the provident fund, and the Institute shall for all purposes of the provident fund be regarded as a university established by Act of Parliament.

(3) The council of the Institute shall be deemed to be a council as defined in the regulations governing the provident fund and shall notwithstanding anything to the contrary contained in any other law, collect and pay into the provident fund at such times and in such manner as the Secretary may

deur beamptes of werknemers van die Instituut wat lede van die voorsorgfonds is of word, invorder en in daardie fonds stort en moet ook die bydraes wat anders deur die Regering ten opsigte van bedoelde beamptes of werknemers betaalbaar sou gewees het, in vermelde fonds stort.

Sekere diens by Groepsgebiede-ontwikkelings-raad word geag diens by die Regering of pensioengewende diens te wees.

49. (1) Die ononderbroke diens by die raad tot die eerste dag van Augustus 1961 van iemand wat onmiddellik voor daardie datum 'n werknemer van die raad was en wat op daardie datum 'n werknemer van die Regering geword het en by die inwerkingtreding van hierdie artikel so 'n werknemer is, word—

(a) geag vorige ononderbroke diens by die Regering te wees ten opsigte waarvan die bepalings van sub-artikel (1) van artikel *agt* van die Pensioenwet van toepassing is, en ononderbroke diens binne die bedoeling van paragraaf (c) van sub-artikel (1) van artikel *ses-en-tagtig* van daardie Wet te wees;

(b) by die vasstelling van enige jaargeld of gratifikasie wat ingevolge artikel *nege-en-sestig* van bedoelde Wet aan of ten opsigte van so iemand wat 'n nie-blanke is, betaal moet word, geag pensioengewende diens of pensioengewende diens as 'n nie-bydraer tot 'n nuwe fonds binne die bedoeling van sub-artikel (12) van bedoelde artikel te wees:

Met dien verstande dat so iemand nie met ingang van 'n vroeër datum as die eerste dag van Augustus 1961 'n lid van die in artikel *vier-en-tagtig* van daardie Wet bedoelde Regerings-werknemersondersteuningsfonds word of daartoe bydra nie.

(2) Ondanks andersluidende bepalings van die Pensioenwet, word die bydraes wat deur enigiemand vir wie die bepalings van sub-artikel (1) van hierdie artikel geld, betaalbaar is—

(a) aan die Staatsdiens-pensioenfonds ten opsigte van enige termyn van diens voor sy aanstelling in 'n pos in 'n afdeling van die staatsdiens bedoel in paragraaf (a) van sub-artikel (1) van artikel *drie* van die Staatsdienswet, 1957 (Wet No. 54 van 1957); of

(b) aan bedoelde Regerings-werknemersondersteuningsfonds,

gebaseer op die verdienste wat deur die Tesourie op aanbeveling van die Kommissie bepaal word, en sodanige verdienste word by die toepassing van bedoelde Wet geag die pensioengewende verdienste van die betrokke persoon te wees.

(3) 'n Jaargeld of gratifikasie wat ingevolge artikel *nege-en-sestig* van die Pensioenwet betaalbaar mag word aan of ten opsigte van 'n nie-blanke vir wie sub-artikel (1) van hierdie artikel geld, word ondanks andersluidende bepalings van daardie Wet gebaseer op die verdienste wat die Tesourie op aanbeveling van die Kommissie bepaal, en sodanige verdienste word by die toepassing van bedoelde Wet geag die pensioengewende verdienste van die betrokke persoon te wees.

(4) By die toepassing van hierdie artikel beteken—

(i) „Pensioenwet” die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955); (ii)

(ii) „raad” die ingevolge artikel *twee* van die Wet op die Ontwikkeling van Groepsgebiede, 1955 (Wet No. 69 van 1955), ingestelde Groepsgebiede-ontwikkelings-raad; (i)

(iii) „Staatsdiens-pensioenfonds” die in paragraaf (a) van sub-artikel (1) van artikel *twee* van die Pensioenwet bedoelde fonds; (iii)

en het die uitdrukkings „Kommissie” en „Tesourie” die betekenis wat by artikel *honderd-en-nege* van die Pensioenwet daaraan toegeskryf word.

Voortsetting van betaling in die geheel of ten dele van sekere pensioene, toelaes en bonusse.

50. (1) Indien 'n pensioen of toelae wat aan iemand betaalbaar is, ingevolge die bepalings van paragraaf (b) van sub-artikel (1) van artikel *elf* van die Ouderdomspensioenwet, 1962, of ingevolge daardie paragraaf soos toegepas deur artikel *agt* van die Wet op Blindes, 1962, of deur artikel *vier* van die Wet op Oudstryderspensioene, 1962, of ingevolge paragraaf (b) van sub-artikel (1) van artikel *veertien* van die Wet op Onge-skiktheidstoelaes, 1962, ingetrek of verminder moet word, op grond van die feit—

(a) dat 'n in sub-artikel (1) van artikel *sewe-en-veertig* van die Wysigingswet op die Pensioenwette, 1943, bedoelde pensioen wat so iemand of sy eggenoot ontvang, met ingang van die eerste dag van April 1962 ingevolge paragraaf (i) of (ii) van sub-artikel (3) of die een of die ander van bedoelde paragrawe soos toegepas deur sub-artikel (4) van laasbedoelde artikel deur die betaling van 'n bonus aangevul is; of

determine, the contributions due by officers or employees of the Institute who are or become members of the provident fund, and shall likewise pay to that fund the contributions which would otherwise have been payable by the Government in respect of such officers or employees.

49. (1) The continuous employment in the service of the board up to the first day of August, 1961, of any person who immediately before that date was an employee of the board and who on that date became and at the commencement of this section is an employee of the Government, shall—

Certain employment under Group Areas Development Board to be deemed to be employment under Government or pensionable service.

- (a) be deemed to be past continuous employment in the service of the Government in respect of which the provisions of sub-section (1) of section *eight* of the Pensions Act apply, and to be continuous employment within the meaning of paragraph (c) of sub-section (1) of section *eighty-six* of that Act;
- (b) for the purpose of determining any annuity or gratuity to be paid in terms of section *sixty-nine* of the said Act to or in respect of any such person who is a non-European, be deemed to be pensionable service or pensionable service as a non-contributor to a new fund within the meaning of sub-section (12) of the said section:

Provided that no such person shall become a member of or contribute to the Government Employees' Provident Fund referred to in section *eighty-four* of the said Act with effect from a date earlier than the first day of August, 1961.

(2) Notwithstanding anything to the contrary contained in the Pensions Act, the contributions payable by any person to whom the provisions of sub-section (1) of this section apply—

- (a) to the Public Service pension fund in respect of any period of employment prior to his appointment to a post in a division of the public service referred to in paragraph (a) of sub-section (1) of section *three* of the Public Service Act, 1957 (Act No. 54 of 1957); or

(b) to the said Government Employees' Provident Fund, shall be based on such emoluments as may be determined by the Treasury on the recommendation of the Commission, and such emoluments shall for the purposes of the said Act be deemed to be the pensionable emoluments of the person concerned.

(3) Any annuity or gratuity which may become payable in terms of section *sixty-nine* of the Pensions Act to or in respect of any non-European person to whom sub-section (1) of this section applies, shall, notwithstanding anything to the contrary contained in that Act, be based on such emoluments as may be determined by the Treasury on the recommendation of the Commission, and such emoluments shall for the purposes of the said Act be deemed to be the pensionable emoluments of the person concerned.

(4) For the purposes of this section—

- (i) "board" means the Group Areas Development Board established by section *two* of the Group Areas Development Act, 1955 (Act No. 69 of 1955); (ii)
- (ii) "Pensions Act" means the Government Service Pensions Act, 1955 (Act No. 58 of 1955); (i)
- (iii) "Public Service pension fund" means the fund referred to in paragraph (a) of sub-section (1) of section *two* of the Pensions Act; (iii)

and the expressions "Commission" and "Treasury" bear the meanings assigned thereto in section *one hundred and nine* of the Pensions Act.

50. (1) If a pension or grant payable to any person falls to be cancelled or reduced under paragraph (b) of sub-section (1) of section *eleven* of the Old Age Pensions Act, 1962, or under that paragraph as applied by section *eight* of the Blind Persons Act, 1962, or by section *four* of the War Veterans' Pensions Act, 1962, or under paragraph (b) of sub-section (1) of section *fourteen* of the Disability Grants Act, 1962, by reason of the fact—

Continuation of payment in whole or in part of certain pensions, grants and bonuses.

- (a) that a pension which is referred to in sub-section (1) of section *forty-seven* of the Pension Laws Amendment Act, 1943, and which such person or his spouse receives, has been supplemented with effect from the first day of April, 1962, by the payment of a bonus in terms of paragraph (i) or (ii) of sub-section (3) or under either of the said paragraphs as applied by sub-section (4) of the lastmentioned section; or

- (b) dat 'n pensioen wat aan so iemand of sy eggenoot betaalbaar is kragtens 'n pensioenwet wat deur 'n provinsiale administrasie uitgevoer word, met ingang van die eerste dag van April 1962 aangevul is deur betaling van 'n bonus wat meer as tien persent van daardie pensioen beloop,

kan betaling in geheel of ten dele van bedoelde pensioen of toelae en van die bykomende pensioen of toelae en bonus wat ingevolge sub-artikel (2) van artikel *agt* van die Ouderdomspensioenwet, 1962, sub-artikel (2) van artikel *ses* van die Wet op Blindes, 1962, sub-artikel (2) van artikel *agt* van die Ouderdomspensioenwet, 1962, soos toegepas deur artikel *vier* van die Wet op Oudstryderspensioene, 1962, of sub-artikel (2) van artikel *elf* van die Wet op Ongeskiktheidstoelaes, 1962, aan so iemand betaalbaar is, nietemin voortgesit word en wel teen die skaal en op die voorwaardes wat die Sekretaris van tyd tot tyd bepaal.

(2) By die toepassing van sub-artikel (1) beteken „Sekretaris”, vir sover daardie sub-artikel van toepassing is met betrekking tot—

- (a) 'n blanke of 'n Indiër, die Sekretaris van Volkswelsyn en Pensioene;
 (b) 'n kleurling, die Sekretaris van Kleurlingsake;
 (c) 'n Bantoe persoon, die Sekretaris van Bantoe-administrasie en -ontwikkeling.

Sekere bepalings van sekere wette kan onder sekere omstandighede ten opsigte van sekere persone buite rekening gelaat word.

51. (1) Indien 'n blanke persoon die Kommissaris van Pensioene aangestel kragtens artikel *drie* van die Ouderdomspensioenwet, 1962, oortuig dat hy die Republiek binnegekom het uit 'n gebied in Afrika ten opsigte waarvan die Minister van Volkswelsyn en Pensioene gelas het dat die bepalings van hierdie artikel van toepassing is, kan bedoelde Kommissaris ondanks andersluidende bepalings van die Ouderdomspensioenwet, 1962, die Wet op Blindes, 1962, die Wet op Oudstryderspensioene, 1962, of die Wet op Ongeskiktheidstoelaes, 1962, maar behoudens die voorwaardes wat bedoelde Minister van tyd tot tyd in oorleg met die Minister van Finansies bepaal—

- (a) met 'n aansoek deur so 'n persoon om 'n pensioen of toelae ingevolge enige van bedoelde Wette handel asof paragrawe (b) en (d) van sub-artikel (1) van artikel *twee* van die Ouderdomspensioenwet, 1962, paragrawe (b) en (d) van sub-artikel (1) van artikel *vyf* van die Wet op Blindes, 1962, paragrawe (c) en (e) van sub-artikel (1) van artikel *drie* van die Wet op Oudstryderspensioene, 1962, of paragrawe (c) en (e) van sub-artikel (1) van artikel *vyf* van die Wet op Ongeskiktheidstoelaes, 1962, nie verorden was nie; en
 (b) by die bepaling van die bedrag van 'n pensioen of toelae wat ingevolge enige van bedoelde Wette aan so 'n persoon betaal moet word, eiendom of ander bates wat dié persoon in so 'n gebied besit, buite rekening laat.

(2) Die bepalings van hierdie artikel tree buite werking vanaf 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* vasstel.

Betaling uit Gekonsolideerde Inkomstefonds ingevolge wette wat op pensioene betrekking het.

52. 'n Bepaling in 'n wet met betrekking tot pensioene, behalwe artikel *vyftien* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), waarby die betaling van 'n bedrag uit die Gekonsolideerde Inkomstefonds voorgeskryf of gemagtig word, word uitgelê as 'n bepaling wat die betaling van daardie bedrag uit gelde deur die Parlement vir die doel bewillig, voorskryf of magtig.

Pensioene van sekere persone word onder sekere omstandighede gestaak of verminder.

53. (1) Indien iemand—

- (a) wat 'n lid is uit hoofde van die feit dat hy 'n Administrateur is, op die datum van inwerkingtreding van artikel *vyf* van hierdie Wet 'n pensioen ontvang of geregtig is op 'n pensioen ingevolge 'n ordonnansie verorden kragtens die bevoegdhede deur die Wet tot Uitbreiding van Provinsiale Bevoegdhede, 1960 (Wet No. 42 van 1960), aan 'n provinsiale raad verleen; of
 (b) wat na bedoelde datum van inwerkingtreding 'n lid word uit hoofde van die feit dat hy 'n Administrateur geword het, op die datum waarop hy aldus 'n lid word 'n pensioen ontvang of geregtig is op 'n pensioen ingevolge so 'n ordonnansie,

hou bedoelde pensioen op om aan hom betaalbaar te wees—

- (i) in die geval van iemand in paragraaf (a) bedoel, met ingang van bedoelde datum van inwerkingtreding; of
 (ii) in die geval van iemand in paragraaf (b) bedoel, met ingang van die datum waarop hy aldus 'n lid word.

- (b) that a pension which is payable to such a person or his spouse under a pension law administered by a provincial administration, has been supplemented with effect from the first day of April, 1962, by the payment of bonus in excess of ten per cent of that pension,

payment of the whole or any part of such pension or grant and of the additional pension or grant and bonus payable to such person in terms of sub-section (2) of section *eight* of the Old Age Pensions Act, 1962, sub-section (2) of section *six* of the Blind Persons Act, 1962, sub-section (2) of section *eight* of the Old Age Pensions Act, 1962, as applied by section *four* of the War Veterans' Pensions Act, 1962, or sub-section (2) of section *eleven* of the Disability Grants Act, 1962, may nevertheless be continued at such rates and subject to such conditions as the Secretary may from time to time determine.

(2) For the purposes of sub-section (1) "Secretary" means, in so far as that sub-section applies in relation to—

- (a) a white person or an Indian, the Secretary for Social Welfare and Pensions;
- (b) a coloured person, the Secretary for Coloured Affairs;
- (c) a Bantu person, the Secretary for Bantu Administration and Development.

51. (1) If any white person satisfies the Commissioner of Pensions appointed under section *three* of the Old Age Pensions Act, 1962, that he has entered the Republic from a territory in Africa in respect of which the Minister of Social Welfare and Pensions has directed that the provisions of this section shall apply, the said Commissioner may, notwithstanding anything to the contrary contained in the Old Age Pensions Act, 1962, the Blind Persons Act, 1962, the War Veterans' Pensions Act, 1962, or the Disability Grants Act, 1962, but subject to such conditions as the said Minister may from time to time in consultation with the Minister of Finance determine—

Certain provisions of certain laws may, in certain circumstances, be disregarded in respect of certain persons.

- (a) deal with an application for a pension or grant under any of the said Acts as if paragraphs (b) and (d) of sub-section (1) of section *two* of the Old Age Pensions Act, 1962, paragraphs (b) and (d) of sub-section (1) of section *five* of the Blind Persons Act, 1962, paragraphs (c) and (e) of sub-section (1) of section *three* of the War Veterans' Pensions Act, 1962, or paragraphs (c) and (e) of sub-section (1) of section *five* of the Disability Grants Act, 1962, had not been enacted; and
- (b) for the purpose of determining the amount of any pension or grant to be paid to such a person under any of the said Acts, disregard any property or other assets which such person may own in any such territory.

(2) The provisions of this section shall cease to have effect as from a date to be determined by the State President by proclamation in the *Gazette*.

52. Any provision in any law relating to pensions, other than section *fifteen* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), requiring or authorizing the payment of any amount from the Consolidated Revenue Fund shall be construed as a provision requiring or authorizing the payment of such amount out of moneys appropriated by Parliament for the purpose.

Payments from Consolidated Revenue Fund under laws relating to pensions.

53. (1) If any person—

- (a) who is a member by virtue of the fact that he is an Administrator, is on the date of commencement of section *five* of this Act in receipt of or entitled to a pension in terms of an ordinance made under the powers conferred on a provincial council by the Provincial Powers Extension Act, 1960 (Act No. 42 of 1960); or
- (b) who after the said date of commencement becomes a member by virtue of the fact that he has become an Administrator, is on the date on which he so becomes a member in receipt of or entitled to a pension in terms of any such ordinance,

Pensions of certain persons to cease or to be reduced in certain circumstances.

the said pension shall cease to be payable to him—

- (i) in the case of a person referred to in paragraph (a), with effect from the said date of commencement; or
- (ii) in the case of a person referred to in paragraph (b), with effect from the date on which he so becomes a member.

(2) Indien by die beëindiging van so iemand se pensioengewende diens die pensioen of die totaalbedrag van die pensioene waarop hy kragtens die Pensioenwet geregtig word, minder is as die maksimum bedrag in paragraaf (a) van sub-artikel (2) van artikel *elf* van daardie Wet vermeld, word die pensioen of die totaalbedrag van die pensioene wat ingevolge bedoelde ordonnansie aan hom betaalbaar was, weer aan hom betaalbaar met ingang van die dag onmiddellik na die laaste dag van sy pensioengewende diens: Met dien verstande dat indien die totaalbedrag van die pensioene wat ingevolge die Pensioenwet en daardie ordonnansie aan hom betaalbaar is, meer is as die maksimum bedrag in paragraaf (a) van sub-artikel (2) van artikel *elf* van die Pensioenwet vermeld, die pensioen of die totaalbedrag van die pensioene kragtens bedoelde ordonnansie betaalbaar, met 'n bedrag gelyk aan die verskil verminder word en sodanige verminderde pensioen of totaalbedrag word by die toepassing van bedoelde ordonnansie geag die pensioen of die totaalbedrag van die pensioene te wees wat ingevolge daardie ordonnansie aan hom betaalbaar is.

(3) Indien so iemand voor die beëindiging van sy pensioengewende diens te sterwe kom en die pensioen of die totaalbedrag van die pensioene waarop sy weduwee ingevolge die Pensioenwet geregtig word, minder is as twee derdes van die maksimum bedrag in paragraaf (a) van sub-artikel (2) van artikel *elf* van daardie Wet vermeld, word aan haar ook enige pensioen betaalbaar waarop sy ingevolge bedoelde ordonnansie geregtig sou gewees het indien enige pensioen wat ingevolge daardie ordonnansie aan so iemand betaalbaar was, nie ingevolge sub-artikel (1) opgehou het om aan hom betaalbaar te wees nie: Met dien verstande dat indien die totaalbedrag van die pensioene wat ingevolge die Pensioenwet en bedoelde ordonnansie aan die weduwee betaalbaar is, meer is as twee derdes van die maksimum bedrag in paragraaf (a) van sub-artikel (2) van artikel *elf* van die Pensioenwet vermeld, die pensioene wat ingevolge die ordonnansie aan die weduwee betaalbaar is, met 'n bedrag gelyk aan die verskil verminder word.

(4) By die toepassing van hierdie artikel beteken „Pensioenwet” die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1951 (Wet No. 70 van 1951), en het die uitdrukkings „lid” en „pensioengewende diens” die betekenis wat in artikel *een* van daardie Wet daaraan toegeskryf word.

Verandering van name van sekere fondse.

54. Vanaf die inwerkingtreding van hierdie artikel—

(a) staan die Unie-pensioenfonds in artikel *twee* van die Regeringsdiens-pensioenwet, 1955, bedoel, as die Staatsdiens-pensioenfonds bekend; en

(b) staan die Unie-weduweespensioenfonds in artikel *een-en-sewentig* van dié Wet bedoel, as die Regeringsdiensweduweespensioenfonds bekend,

en 'n verwysing na die een of die ander van bedoelde fondse in daardie Wet of ander wetsbepalings of in tabelle of reëls in artikel *ses-en-sewentig* van daardie Wet bedoel, word dien-ooreenkomstig uitgelê.

Uitleg van sekere bepalinge van Wet 44 van 1942 met betrekking tot natuurlike.

55. 'n Verwysing in die Oorlogspensioenwet, 1942, na 'n naturel of na natuurlike word uitgelê as 'n verwysing na 'n Bantoe persoon of na Bantoe persone, na gelang van die geval, en die verwysing in die omskrywing van „huwelik” in artikel *een* van daardie Wet na natuurlike en -gebruik word as 'n verwysing na Bantoe reg en -gebruik uitgelê.

Inwerkingtreding van sekere wette en wysigings.

56. (1) Die Ouderdomspensioenwet, 1962 (Wet No. 38 van 1962), die Wet op Blindes, 1962 (Wet No. 39 van 1962), die Wet op Oudstryderspensioene, 1962 (Wet No. 40 van 1962), en die Wet op Ongeskiktheidstoelae, 1962 (Wet No. 41 van 1962), met inbegrip van die wysigings daarvan deur hierdie Wet aangebring, behalwe die wysigings in artikels *twee-en-veertig*, *vier-en-veertig* en *ses-en-veertig* bedoel, word geag op die eerste dag van April 1962 in werking te getree het en kan met ingang van daardie datum toegepas word ten opsigte van iemand wat op daardie datum in lewe was en aan wie op of na daardie datum 'n pensioen of toelae ingevolge enige van bedoelde Wette betaalbaar was.

(2) Die bepalinge van artikels *een*, *twee* en *vyf-en-dertig* tot en met *een-en-veertig* word geag op die eerste dag van April 1962 in werking te getree het en kan vanaf daardie datum toegepas word ten opsigte van iemand wat op daardie datum in lewe was en aan wie of ten opsigte van wie op of na daardie datum 'n pensioen of toelae ingevolge die Oorlogspensioenwet, 1942, of die Wet op Spesiale Oorlogspensioene, 1962, betaalbaar was.

(2) If on the termination of the pensionable service of any such person, the pension or the aggregate of the pensions to which he becomes entitled under the Pensions Act, is less than the maximum amount referred to in paragraph (a) of sub-section (2) of section *eleven* of that Act, the pension or the aggregate of the pensions which was payable to him under such ordinance shall again become payable to him with effect from the day immediately following the last day of his pensionable service: Provided that if the aggregate of the pensions payable to him under the Pensions Act and that ordinance exceeds the maximum amount referred to in paragraph (a) of sub-section (2) of section *eleven* of the Pensions Act, the pension or the aggregate of the pensions payable under the said ordinance shall be reduced by an amount equal to the excess and such reduced pension or aggregate amount shall for the purposes of the said ordinance be deemed to be the pension or the aggregate of the pensions payable to him under that ordinance.

(3) If such person dies before the termination of his pensionable service and the pension or the aggregate of the pensions to which his widow becomes entitled under the Pensions Act, is less than two-thirds of the maximum amount referred to in paragraph (a) of sub-section (2) of section *eleven* of that Act, she shall also be paid any pension to which she would have been entitled under such ordinance if any pension payable to such person under that ordinance had not ceased to be payable to him in terms of sub-section (1): Provided that if the aggregate of the pensions payable to the widow under the Pensions Act and the said ordinance exceeds two-thirds of the maximum amount referred to in paragraph (a) of sub-section (2) of section *eleven* of the Pensions Act, the pensions payable to the widow under the ordinance shall be reduced by an amount equal to the excess.

(4) For the purposes of this section "Pensions Act" means the Parliamentary Service and Administrators' Pensions Act, 1951 (Act No. 70 of 1951), and the expressions "member" and "pensionable service" have the meanings assigned thereto in section *one* of that Act.

54. As from the commencement of this section—

Change of names of certain funds.

- (a) the Union pension fund referred to in section *two* of the Government Service Pensions Act, 1955, shall be known as the Public Service Pension Fund; and
- (b) the Union Widows' Pension Fund referred to in section *seventy-one* of that Act shall be known as the Government Service Widows' Pension Fund,

and any reference to either of the said funds in that Act or any other law or in any tables or rules referred to in section *seventy-six* of that Act shall be construed accordingly.

55. Any reference in the War Pensions Act, 1942, to a Native or to Natives shall be construed as a reference to a Bantu person or to Bantu persons, as the case may be, and the reference in the definition of "marriage" in section *one* of that Act to native law and custom shall be construed as a reference to Bantu law and custom.

Construction of certain provisions of Act 44 of 1942 relating to Natives.

56. (1) The Old Age Pensions Act, 1962 (Act No. 38 of 1962), the Blind Persons Act, 1962 (Act No. 39 of 1962), the War Veterans' Pensions Act, 1962 (Act No. 40 of 1962), and the Disability Grants Act, 1962 (Act No. 41 of 1962), including the amendments effected thereto by this Act, except the amendments referred to in sections *forty-two*, *forty-four* and *forty-six*, shall be deemed to have come into operation on the first day of April, 1962, and may be applied with effect from that date in respect of any person who was alive on that date and to whom on or after that date a pension or grant was payable under one or other of the said Acts.

Commencement of certain laws and amendments.

(2) The provisions of sections *one*, *two* and *thirty-five* to *forty-one*, inclusive, shall be deemed to have come into operation on the first day of April, 1962, and may be applied with effect from that date in respect of any person who was alive on that date and to whom or in respect of whom on or after that date a pension or allowance was payable under the War Pensions Act, 1942, or the War Special Pensions Act, 1962.

(3) Die bepalings van artikels vier, twee-en-veertig, vier-en-veertig en ses-en-veertig word geag op die een-en-dertigste dag van Mei 1962 in werking te getree het.

Kort titel.
57. Hierdie Wet heet die Wysigingswet op die Pensioenwette, 1962.

Eerste Bylae.

(Ingevoeg te word as Tweede Bylae by Wet No. 44 van 1942.)

ONGESKIKTHEIDSPENSIENE EN TOELAES VIR VROUE OF AFHANKLIKE EGGENOTE.

Persentasie van Ongeskiktheid.	Blanke manlike vrywilligers en vroulike geneeshere.		Verpleegsters en ander vroulike vrywilligers.		Nie-blanke vrywilligers (behalwe Bantoevrywilligers).		Bantoevrywilligers.	
	Ongeskiktheidspensioen.	Toelae vir vrou of afhanklike eggenoot.	Ongeskiktheidspensioen.	Toelae vir afhanklike eggenoot.	Ongeskiktheidspensioen.	Toelae vir vrou.	Ongeskiktheidspensioen.	Toelae vir vrou.
per jaar.	per jaar.	per jaar.	per jaar.	per jaar.	per jaar.	per jaar.	per jaar.	per jaar.
	R s	R s	R s	R s	R s	R s	R s	R s
100	400.00	96.00	350.00	96.00	200.00	48.00	100.00	24.00
90	360.00	86.40	315.00	86.40	180.00	43.20	90.00	21.60
80	320.00	76.80	280.00	76.80	160.00	38.40	80.00	19.20
70	280.00	67.20	245.00	67.20	140.00	33.60	70.00	16.80
60	240.00	57.60	210.00	57.60	120.00	28.80	60.00	14.40
50	200.00	48.00	175.00	48.00	100.00	24.00	50.00	12.00
40	160.00	38.40	140.00	38.40	80.00	19.20	40.00	9.60
30	120.00	28.80	105.00	28.80	60.00	14.40	30.00	7.20
20	80.00	19.20	70.00	19.20	40.00	9.60	20.00	4.80

(3) The provisions of sections *four, forty-two, forty-four and forty-six* shall be deemed to have come into operation on the thirty-first day of May, 1962.

57. This Act shall be called the Pension Laws Amendment Short title. Act, 1962.

First Schedule.

(To be inserted as Second Schedule to Act No. 44 of 1942.)

DISABLEMENT PENSIONS AND ALLOWANCES FOR WIVES OR DEPENDENT HUSBANDS.

Percentage of Disablement.	European Male Volunteers and Women Doctors.		Nurses and Other Women Volunteers.		Non-European Volunteers (other than Bantu volunteers).		Bantu Volunteers.	
	Disablement pension.	Allowance for wife or dependent husband.	Disablement pension.	Allowance for dependent husband.	Disablement pension.	Allowance for wife.	Disablement pension.	Allowance for wife.
	per annum.	per annum.	per annum.	per annum.	per annum.	per annum.	per annum.	per annum.
	R c	R c	R c	R c	R c	R c	R c	R c
100	400.00	96.00	350.00	96.00	200.00	48.00	100.00	24.00
90	360.00	86.40	315.00	86.40	180.00	43.20	90.00	21.60
80	320.00	76.80	280.00	76.80	160.00	38.40	80.00	19.20
70	280.00	67.20	245.00	67.20	140.00	33.60	70.00	16.80
60	240.00	57.60	210.00	57.60	120.00	28.80	60.00	14.40
50	200.00	48.00	175.00	48.00	100.00	24.00	50.00	12.00
40	160.00	38.40	140.00	38.40	80.00	19.20	40.00	9.60
30	120.00	28.80	105.00	28.80	60.00	14.40	30.00	7.20
20	80.00	19.20	70.00	19.20	40.00	9.60	20.00	4.80

Tweede Bylae.

(Ingevoeg te word as Derde Bylae by Wet No. 44 van 1942.)

TOELAES EN OPVOEDINGSTOEKENINGS TEN OPSIGTE VAN KINDERS VAN 'N VRYWILLIGER WAT AAN ONGESKIKTHEID LY.

Persentasie van vrywilliger se pensioenge-wende ongeskiktheid.	Blanke Vrywilligers (Manlike en Vroulike).				Nie-blanke Vrywilligers (behalwe Bantoevrywilligers).				Bantoevrywilligers.			
	Kindertoelaes.			Opvoedings-toekennings.	Kindertoelaes.			Opvoedings-toekennings.	Kindertoelaes.			Opvoedings-toekennings.
	Elke kind onder 6 jaar.	Elke kind 6 jaar en ouer maar onder 13 jaar.	Elke kind van 13 jaar en ouer.		Elke kind onder 6 jaar.	Elke kind 6 jaar en ouer maar onder 13 jaar.	Elke kind van 13 jaar en ouer.		Elke kind onder 6 jaar.	Elke kind 6 jaar en ouer maar onder 13 jaar.	Elke kind van 13 jaar en ouer.	
	per jaar. R s	per jaar. R s	per jaar. R s	Hoogstens per jaar. R s	per jaar. R s	per jaar. R s	per jaar. R s	Hoogstens per jaar. R s	per jaar. R s	per jaar. R s	per jaar. R s	Hoogstens per jaar. R s
100	72.00	84.00	96.00	96.00	36.00	42.00	48.00	48.00	16.00	20.00	24.00	24.00
90	64.80	75.60	86.40	86.40	32.40	37.80	43.20	43.20	14.40	18.00	21.60	21.60
80	57.60	67.20	76.80	76.80	28.80	33.60	38.40	38.40	12.80	16.00	19.20	19.20
70	50.40	58.80	67.20	67.20	25.20	29.40	33.60	33.60	11.20	14.00	16.80	16.80
60	43.20	50.40	57.60	57.60	21.60	25.20	28.80	28.80	9.60	12.00	14.40	14.40
50	36.00	42.00	48.00	48.00	18.00	21.00	24.00	24.00	8.00	10.00	12.00	12.00
40	28.80	33.60	38.40	38.40	14.40	16.80	19.20	19.20	6.40	8.00	9.60	9.60
30	21.60	25.20	28.80	28.80	10.80	12.60	14.40	14.40	4.80	6.00	7.20	7.20
20	14.40	16.80	19.20	19.20	7.20	8.40	9.60	9.60	3.20	4.00	4.80	4.80

Second Schedule.

(To be inserted as Third Schedule to Act No. 44 of 1942.)

ALLOWANCES AND EDUCATIONAL GRANTS IN RESPECT OF THE CHILDREN OF A DISABLED VOLUNTEER.

Percentage of volunteer's pensionable disablement.	European Volunteers (Male and Female).				Non-European Volunteers (other than Bantu volunteers).				Bantu Volunteers.			
	Children's Allowances			Educational grants.	Children's Allowances			Educational grants.	Children's Allowances			Educational grants.
	Each child under 6 years.	Each child of 6 years and over but under 13 years.	Each child of 13 years and over.		Each child under 6 years.	Each child of 6 years and over but under 13 years.	Each child of 13 years and over.		Each child under 6 years.	Each child of 6 years and over but under 13 years.	Each child of 13 years and over.	
	per annum.	per annum.	per annum.	Not exceeding per annum.	per annum.	per annum.	per annum.	Not exceeding per annum.	per annum.	per annum.	per annum.	Not exceeding per annum.
	R c	R c	R c	R c	R c	R c	R c	R c	R c	R c	R c	R c
100	72.00	84.00	96.00	96.00	36.00	42.00	48.00	48.00	16.00	20.00	24.00	24.00
90	64.80	75.60	86.40	86.40	32.40	37.80	43.20	43.20	14.40	18.00	21.60	21.60
80	57.60	67.20	76.80	76.80	28.80	33.60	38.40	38.40	12.80	16.00	19.20	19.20
70	50.40	58.80	67.20	67.20	25.20	29.40	33.60	33.60	11.20	14.00	16.80	16.80
60	43.20	50.40	57.60	57.60	21.60	25.20	28.80	28.80	9.60	12.00	14.40	14.40
50	36.00	42.00	48.00	48.00	18.00	21.00	24.00	24.00	8.00	10.00	12.00	12.00
40	28.80	33.60	38.40	38.40	14.40	16.80	19.20	19.20	6.40	8.00	9.60	9.60
30	21.60	25.20	28.80	28.80	10.80	12.60	14.40	14.40	4.80	6.00	7.20	7.20
20	14.40	16.80	19.20	19.20	7.20	8.40	9.60	9.60	3.20	4.00	4.80	4.80

Derde Bylae.

(Ingevoeg te word as Vierde Bylae by Wet No. 44 van 1942.)

—
OPPASSERSTOELAES.

Blanke Vrywilligers (Manlike en Vroulike).	Nie-Blanke Vrywil- ligers (behalwe Bantoevrywilligers).	Bantoevrywilligers.
per jaar.	per jaar.	per jaar.
R	R	R
200	100	50

Vierde Bylae.

(Ingevoeg te word as Vyfde Bylae by Wet No. 44 van 1942.)

—
GRATIFIKASIES BETAALBAAR TER VOLLE VEREFFENING VAN
ONGESKIKTHEID VASGESTEL OP MINDER DAN TWINTIG PERSENT.

Alle range.	Ongeskiktheid.	
	10%	Nominaal (d.i. nader aan 1% as aan 10%).
	R	R
Blanke manlike vrywilligers en vroulike geneeshere	300	150
Verpleegsters en vroulike vrywil- ligers	260	130
Nie-blanke vrywilligers (behalwe Bantoevrywilligers)	150	75
Bantoevrywilligers	70	35

Third Schedule.

(To be inserted as Fourth Schedule to Act No. 44 of 1942.)

ATTENDANTS' ALLOWANCES.

European Volunteers (Male and Female).	Non-European Vol- unteers (other than Bantu Volunteers).	Bantu Volunteers.
per annum.	per annum.	per annum.
R	R	R
200	100	50

Fourth Schedule.

(To be inserted as Fifth Schedule to Act No. 44 of 1942.)

GRATUITIES PAYABLE IN FULL AND FINAL SETTLEMENT FOR
DISABLEMENTS ASSESSED AT LESS THAN TWENTY PER CENT.

All Ranks.	Disablement.	
	10%	Nominal (i.e. nearer 1% than 10%).
	R	R
European Male Volunteers and Women Doctors	300	150
Nurses and Women Volunteers	260	130
Non-European Volunteers (other than Bantu Volunteers)	150	75
Bantu Volunteers	70	35

Vyfte Bylae.

(Ingevoeg te word as Sesde Bylae by Wet No. 44 van 1942.)

VOORDELE BETAALBAAR AAN DIE WEDUWES EN TEN OPSIGTE VAN DIE KINDERS VAN OORLEDE VRYWILLIGERS.

	Pensioen betaalbaar aan weduwee.	Toelaes betaalbaar ten opsigte van elke kind.			Gratifikasie aan weduwee betaalbaar.	Gratifikasie ten opsigte van elke kind betaalbaar.	Opvoedings- toekenning ten opsigte van elke kind.
		Onder die ouderdom van 6 jaar.	6 jaar en ouer maar onder 13 jaar.	13 jaar en ouer.			
	per jaar. R	per jaar. R	per jaar. R	per jaar. R	R	R	Hoogstens per jaar. R
Blanke vrywilligers	320	72	84	96	264	88	96
Nie-blanke vrywilligers (behalwe Bantoevrywilligers)	160	36	42	48	Nul	Nul	48
Bantoevrywilligers	60	16	20	24	Nul	Nul	24

Fifth Schedule.

(To be inserted as Sixth Schedule to Act No. 44 of 1942.)

BENEFITS PAYABLE TO THE WIDOWS AND IN RESPECT OF THE CHILDREN OF DECEASED VOLUNTEERS.

	Pension payable to widow.	Allowances payable in respect of each child.			Gratuity payable to widow.	Gratuity payable in respect of each child.	Educational grant in respect of each child.
		Under the age of 6 years.	6 years and over but under 13 years.	13 years and over.			
	per annum. R	per annum. R	per annum. R	per annum. R	R	R	Not exceeding per annum. R
European Volunteers	320	72	84	96	264	88	96
Non-European Volunteers (other than Bantu volunteers)	160	36	42	48	Nil	Nil	48
Bantu Volunteers	60	16	20	24	Nil	Nil	24

Sesde Bylae.

(Ingevoeg te word as Sewende Bylae by Wet No. 44 van 1942.)

PENSIOEN AAN OUERS EN AFHANKLIKES (BEHALWE WEDUWES, KINDERS OF OUERS) VAN OORLEDE VRYWILLIGERS.

Oorlede Vrywilliger.	Pensioen aan een oorlewende ouer ten opsigte van die verlies van—		Pensioen aan twee oorlewende ouers ten opsigte van die verlies van—		Pensioen aan ander afhanklikes as 'n weduwee, kind of ouer.
	Een kind.	Die enigste kind of twee of meer kinders.	Een kind.	Die enigste kind of twee of meer kinders.	
	Hoogstens per jaar. R	Hoogstens per jaar. R	Hoogstens per jaar. R	Hoogstens per jaar. R	Hoogstens per jaar. R
Blanke vrywilligers (manlike en vroulike) ..	240	360	300	450	240
Nie-blanke [vrywilligers (behalwe Bantoevrywilligers)	120	180	150	225	120
Bantoevrywilligers	48	72	60	90	48 of 'n gratifikasie van hoogstens R100.

Sixth Schedule.

(To be inserted as Seventh Schedule to Act No. 44 of 1942.)

PENSIONS TO PARENTS AND DEPENDANTS (OTHER THAN A WIDOW, CHILD OR PARENT) OF DECEASED VOLUNTEERS.

Deceased Volunteer.	Pension to one surviving parent in respect of the loss of—		Pension to two surviving parents in respect of the loss of—		Pensions to dependants (other than a widow, child or parent).
	One child.	An only child or two or more children.	One child.	An only child or two or more children.	
	Not exceeding per annum. R	Not exceeding per annum. R	Not exceeding per annum. R	Not exceeding per annum. R	Not exceeding per annum. R
European Volunteers (Male and Female) ..	240	360	300	450	240
Non-European Volunteers (other than Bantu volunteers)	120	180	150	225	120
Bantu Volunteers	48	72	60	90	48 or a gratuity not exceeding R100.

No. 93, 1962.]

WET

Om voorsiening te maak vir strafsanksies vir versuim om hofbevele wat toegang tot minderjariges toestaan, na te kom en vir die rojering of verwydering van sekere beperkings in sekere titelbewyse vervat, om die „Occupation Farms Ordinance 1904” (Transvaal), die „Occupation Farms Amendment Ordinance 1905” (Transvaal), die „Occupation Farms Amendment Act 1907” (Transvaal) en sekere regulasies kragtens die „Irrigatiekolonies Wet, 1909” (Oranje-Vrystaat) te herroep, om die „Crimes Ordinance 1904” (Transvaal), die „Criminal Law Amendment Act, 1909” (Natal), die Boedelwet, 1913, die Maatskappywet, 1926, die Erfopvolging Wet, 1934, die Wapens- en Ammunisiewet, 1937, die Wet op Landdroshowe, 1944, die Wet op Welsynsorganisasies, 1947, die Wet op Huweliksangeleenthede, 1953, die Behuisingswet, 1957, die Wet op Speciale Vrede-regters, 1957, die Wet op die Staatsprokureur, 1957, die Wet op die Hooggeregshof, 1959, die Wysigingswet op Behuising, 1962, en die Seëlwet, 1962, te wysig, om magtiging aan die Raad vir die Hervestiging van Naturelle te verleen om werk namens sekere statutêre liggame te onderneem en om strawwe weens skending of ontsiering van eiendom voor te skryf.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Junie 1962.)

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

Versuim om hofbevel met betrekking tot toegang tot kinders na te kom of om kennis te gee van verandering van adres van ouer in wie se uitsluitlike bewaring kind is.

1. (1) 'n Ouer aan wie die uitsluitlike bewaring van sy minderjarige kind by hofbevel toegeken is, wat in stryd met daardie bevel en sonder redelike oorsaak die kind se ander ouer toegang tot die kind weier of die ander ouer verhinder om toegang tot die kind te hê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens 'n jaar of met sodanige gevangenisstraf sonder die keuse van 'n boete.

(2) 'n Ouer aan wie die uitsluitlike bewaring van sy minderjarige kind toegeken is by hofbevel waarvolgens die ander ouer op toegang tot die kind geregtig is, moet by verandering van sy woonadres die ander ouer onverwyld van die verandering skriftelik in kennis stel.

(3) Iemand wat versuim om die bepalinge van sub-artikel (2) na te kom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

(4) Ondanks andersluidende wetsbepalinge, het 'n landdroshof regsbevoegdheid om enige straf op te lê wat by hierdie artikel voorgeskryf word.

Rojering van sekere bepalinge in sekere titelbewyse en herroeping van Ordonnansie 25 van 1904, Ordonnansie 13 van 1905 en Wet 31 van 1907 van Transvaal.

2. (1) Die registrateur van aktes wat aan die hoof staan van die registrasiekantoor te Pretoria rojeer kosteloos op aansoek van die eienaar van grond enige bepaling in die titelbewys van daardie grond waarvolgens die toekenning van die grond geskied het behoudens die voorwaardes wat in Wet No. 8 van 1886 van Transvaal of in die „Farms Occupation Ordinance 1904” (Ordonnansie No. 25 van 1904 van Transvaal) voorgeskryf word, en teken terselfdertyd die rojering in die betrokke registers aan.

(2) Die „Occupation Farms Ordinance 1904”, die „Occupation Farms Amendment Ordinance 1905” en die „Occupation Farms Amendment Act 1907” van Transvaal word hierby herroep.

Wysiging van artikel 7 van Ordonnansie 26 van 1904 (Transvaal).

3. Artikel *sewe* van die „Crimes Ordinance 1904” van Transvaal word hierby gewysig—

(a) deur die woorde „by night” te skrap;

(b) deur aan die begin van paragraaf (a) en aan die begin van paragraaf (c) die woorde „by night” in te voeg.

Wysiging van artikel 6 van Wet 10 van 1910 (Natal).

4. Artikel *ses* van die „Criminal Law Amendment Act, 1909” van Natal word hierby gewysig deur in paragraaf (c) van sub-artikel (2) die woorde „and between the hours of sunset and sunrise,” te skrap.

No. 93, 1962.]

ACT

To provide for criminal sanctions for failure to comply with orders of court granting access to minors and for the cancellation or removal of certain restrictions contained in certain title deeds, to repeal the Occupation Farms Ordinance 1904 (Transvaal), the Occupation Farms Amendment Ordinance 1905 (Transvaal), the Occupation Farms Amendment Act 1907 (Transvaal) and certain regulations under the Irrigation Settlements Act, 1909 (Orange Free State), to amend the Crimes Ordinance 1904 (Transvaal), the Criminal Law Amendment Act, 1909 (Natal), the Administration of Estates Act, 1913, the Companies Act, 1926, the Succession Act, 1934, the Arms and Ammunition Act, 1937, the Magistrates' Courts Act, 1944, the Welfare Organizations Act, 1947, the Matrimonial Affairs Act, 1953, the Housing Act, 1957, the Special Justices of the Peace Act, 1957, the State Attorney Act, 1957, the Supreme Court Act, 1959, the Housing Amendment Act, 1962, the Stamp Duties Act, 1962, to empower the Natives Resettlement Board to undertake work on behalf of certain statutory bodies and to prescribe penalties for defacement or disfigurement of property.

(Afrikaans text signed by the State President.)
(Assented to 27th June, 1962.)

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

1. (1) Any parent having the sole custody of his minor child in terms of an order of court, who contrary to such order and without reasonable cause refuses the child's other parent access to such child or prevents such other parent from having such access, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding one year or to such imprisonment without the option of a fine.

Failure to comply with order of court relating to access to children or to notify change of address of parent having sole custody of child.

(2) Any parent having the sole custody of his minor child in terms of an order of court whereby the other parent is entitled to access to such child shall upon any change in his residential address forthwith in writing notify such other parent of such change.

(3) Any person who fails to comply with the provisions of sub-section (2) shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand.

(4) Notwithstanding anything to the contrary contained in any other law, a magistrate's court shall have jurisdiction to impose any penalty prescribed by this section.

2. (1) The registrar of deeds in charge of the deeds registry at Pretoria shall on application of the owner of land cancel free of charge any provision in the title deeds of such land whereby the grant of such land was made subject to conditions prescribed in Act No. 8 of 1886 of the Transvaal or in the Farms Occupation Ordinance 1904 (Ordinance No. 25 of 1904 of Transvaal) and shall at the same time record the cancellation in the relative registers.

Cancellation of certain provisions in certain title deeds and repeal of Ordinance 25 of 1904, Ordinance 13 of 1905 and Act 31 of 1907 of Transvaal.

(2) The Occupation Farms Ordinance 1904, the Occupation Farms Amendment Ordinance 1905 and the Occupation Farms Amendment Act 1907 of the Transvaal are hereby repealed.

3. Section seven of the Crimes Ordinance 1904 of the Transvaal is hereby amended—

Amendment of section 7 of Ordinance 26 of 1904 (Transvaal).

(a) by the deletion of the words "by night";

(b) by the insertion at the beginning of paragraph (a) and at the beginning of paragraph (c) of the words "by night".

4. Section six of the Criminal Law Amendment Act, 1909, of Natal is hereby amended by the deletion in paragraph (c) of sub-section (2) of the words "and between the hours of sunset and sunrise,".

Amendment of section 6 of Act 10 of 1910 (Natal).

Opheffing van beperkende voorwaardes met betrekking tot uitreiking van dranklisensies in Koppies en herroeping van sekere regulasies kragtens Wet No. 31 van 1909 van die Oranje-Vrystaat.

5. (1) Enige beperkende voorwaarde met betrekking tot die uitreiking van dranklisensies wat teen die titelbewys van grond binne die munisipale gebied van Koppies in die provinsie Oranje-Vrystaat geregistreer is, word hierby opgehef en die registrateur van aktes wat aan die hoof staan van die registrasiekantoor te Bloemfontein rojeer kosteloos op aansoek van die eienaar van sodanige grond enige inskrywing in die titelbewys van daardie grond wat op so 'n voorwaarde betrekking het, en teken terselfdertyd die rojering in die betrokke registers aan.

(2) Regulasies 4 en 6 van die „Kopjes Township Regulations” uitgevaardig kragtens die „Irrigatiekolonies Wet, 1909” (Wet No. 31 van 1909 van die Oranje-Vrystaat), en afgekondig in die *Offisiële Koerant* van die Oranje-Vrystaat van 18 Maart 1910, word hierby herroep.

Wysiging van artikel 10 van Wet 24 van 1913.

6. (1) Artikel *tien* van die Boedelwet, 1913, word hierby gewysig deur in sub-artikel (1) die woorde „Ieder Meester kan” deur die woorde „De Minister kan voor een gebied” te vervang en die woorde „wonende in het gebied waarvoor hij aangesteld is” te skrap.

(2) Iedere persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n aanstelling as taksateur het kragtens die bepalinge van artikel *tien* van die Boedelwet, 1913, word geag kragtens daardie artikel soos deur hierdie artikel gewysig, aangestel te gewees het.

Wysiging van artikel 11 van Wet 24 van 1913.

7. Artikel *elf* van die Boedelwet, 1913, word hierby gewysig deur in sub-artikel (2) die woord „Meester” deur die woorde „Sekretaris van Justitie” te vervang.

Vervanging van artikel 92 van Wet 24 van 1913.

8. Artikel *twee-en-negentig* van die Boedelwet, 1913, word hierby deur die volgende artikel vervang:

„Staten van zekere onopgevraagde gelden gepubliceerd en onopgevraagde bedragen in Voogdijfonds gestort te worden.

92. (1) Iedere persoon die binne de Republiek een bedrijf uitoefent, is gehouden ieder jaar in de maand Januarie afsonderlike omstandige staten in de bij regulatie krachtens deze Wet voorgeschreven vorm op te maken en in de *Staatskoerant* te publiceeren ten opzichte van alle bedragen van een rand of meer maar van minder dan twintig rand en alle bedragen van twintig rand of meer die hij of een agent van zijnentwege binne de Republiek op de een en dertigste dag van December in het onmiddellik voorafgaand jaar in handen had en die, niet zijn eigendom en niet aan een retentierecht onderhevig zijnde, ten tijde van het opmaken van voormelde staten gedurende een tijd van vijf jaren of langer niet door de rechthebbenden zijn opgevraagd.

(2) Iemand die voormelde staten voor publikatie opgemaakt heeft, kan de kosten van publikatie, die zover doenlik over de rechthebbenden omgeslagen worden, van voormelde bedragen aftrekken.

(3) Na verloop van drie maanden vanaf de datum van publikatie van voormelde staten, moet die persoon zonder verwijl een staat en beëdigde verklaring in de bij regulatie krachtens deze Wet voorgeschreven vorm aan de Meester zenden en alle zodanige nog niet opgevraagde bedragen in het Voogdijfonds voor rekening van de rechthebbenden storten.

(4) Een ieder die in gebreke blijft een bepaling van sub-artikel (1) of (3) na te komen, is aan een misdrijf schuldig en is bij schuldigbevinding strafbaar met een boete van ten hoogste duizend rand of met gevangenisstraf voor een tijdperk van ten hoogste twaalf maanden.

(5) Benewens de straf die het Hof iemand oplegen kan, kan het Hof dat hem schuldig bevind, hem bevelen—

(a) in het geval van gebrek aan nakoming van de bepalingen van sub-artikel (1), de vereiste staten op te maken en te publiceren binne het tijdperk door het Hof bepaald;

(b) in het geval van gebrek aan nakoming van de bepalingen van sub-artikel (3), de vereiste staat en beëdigde verklaring aan de Meester te zenden of de betrokke bedragen in het Voogdijfonds te storten binne het tijdperk door het Hof bepaald.”

5. (1) Any restrictive condition relating to the issue of liquor licences registered against the title deeds of any land within the municipal area of Koppies in the province of the Orange Free State is hereby removed and the registrar of deeds in charge of the deeds registry at Bloemfontein shall on application of the owner of any such land cancel free of charge any entry in the title deeds of that land relating to any such condition and shall at the same time record the cancellation in the relative registers.

Removal of restrictive conditions relating to issue of liquor licences in Koppies and repeal of certain regulations under Act 31 of 1909 of the Orange Free State.

(2) Regulations 4 and 6 of the Kopjes Township Regulations made under the Irrigation Settlements Act, 1909 (Act No. 31 of 1909 of the Orange Free State), and published in the *Government Gazette* of the Orange River Colony of the 18th March, 1910, are hereby repealed.

6. (1) Section *ten* of the Administration of Estates Act, 1913, is hereby amended by the substitution in sub-section (1) for the words "Each Master may" of the words "The Minister may for any area" and the deletion in the said sub-section of the words "residing within the area in respect of which he has been appointed".

Amendment of section 10 of Act 24 of 1913.

(2) Every person holding an appointment as appraiser under the provisions of section *ten* of the Administration of Estates Act, 1913, immediately prior to the commencement of this Act shall be deemed to have been appointed under that section as amended by this section.

7. Section *eleven* of the Administration of Estates Act, 1913, is hereby amended by the substitution in sub-section (2) for the word "Master" of the words "Secretary for Justice".

Amendment of section 11 of Act 24 of 1913.

8. The following section is hereby substituted for section *ninety-two* of the Administration of Estates Act, 1913:

Substitution of section 92 of Act 24 of 1913.

92. (1) Every person carrying on business within the Republic shall in the month of January in each year prepare in the form prescribed by regulation under this Act and publish in the *Gazette* separate detailed statements in respect of all amounts of one rand or more but of less than twenty rand and all amounts of twenty rand or more which were held by him or by any agent on his behalf within the Republic on the thirty-first day of December of the immediately preceding year and which were not his property or subject to any valid lien, but at the date of the said statements have remained unclaimed for a period of five years or more by the rightful owners.

"Statements of certain unclaimed moneys to be published and amounts unclaimed to be paid into Guardian's Fund.

(2) Any person who has prepared the said statements for publication, may deduct from the said amounts the cost of publication apportioned as far as possible among the owners.

(3) After the expiration of three months from the date of publication of the said statements, such person shall forthwith transmit to the Master a statement and affidavit in the form prescribed by regulation under this Act and deposit in the Guardian's Fund to the credit of the rightful owners all such amounts still remaining unclaimed.

(4) Any person who fails to comply with any provision of sub-section (1) or (3) shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months.

(5) In addition to any penalty which it may impose the court convicting any person may order him—

(a) in the case of failure to comply with the provisions of sub-section (1), to prepare and publish the required statements within such period as the court may fix;

(b) in the case of failure to comply with the provisions of sub-section (3), to transmit to the Master the required statement and affidavit or deposit in the Guardian's Fund the amounts concerned within such period as the court may fix."

Vervanging van artikel 93 van Wet 24 van 1913, soos gewysig deur artikel 3 van Wet 44 van 1926, artikel 4 van Wet 45 van 1931, artikel 8 van Wet 49 van 1935, artikel 20 van Wet 17 van 1938, artikel 18 van Wet 46 van 1944, artikel 19 van Wet 57 van 1946, artikel 12 van Wet 45 van 1953, artikel 8 van Wet 81 van 1957, artikel 10 van Wet 37 van 1958 en artikel 5 van Wet 76 van 1961.

9. (1) Artikel *drie-en-negentig* van die Boedelwet, 1913, word hierby deur die volgende artikel vervang:

„Rente op gelden behorende aan minderjarigen, krankzinnigen, ongeborene erfgenamen of persone die een belang daarin hebben zoortgelijk aan dat van een vruchtgebruiker, fiduciarius of fideicommissarius.

93. (1) Behoudens de bepalingen van sub-artikels (2) en (3), wordt rente op een maandelijke basis berekend tegen vier en een half percent per jaar, jaarliks op de een en dertigste dag van Maart zamengesteld, toegestaan op iedere rand van de hoofdsom van elk bedrag door de Meester ontvangen voor rekening van een minderjarige of krankzinnige of een ongeborene erfgenaam of iemand die een belang daarin heeft zoortgelijk aan dat van een vruchtgebruiker, fiduciarius of fideicommissarius.

(2) Geen rente wordt toegestaan op een bedrag gelds—

(a) in het geval van geld dat voor de eerste dag van April 1962 rechte opvorderbaar werd, ten opzichte van een tijdperk nadat het aldus opvorderbaar werd;

(b) in het geval van geld dat op of na vermelde datum opvorderbaar werd, ten opzichte van een tijdperk na de verstrijking van vijf jaren nadat het aldus opvorderbaar werd, tenzij het vóór zodanige verstrijking rechte opgevraagd wordt.

(3) Rente wordt berekend in het geval van een bedrag gelds in handen van de Meester op de eerste dag van April 1962, vanaf die datum, en in alle andere gevallen vanaf de eerste dag van de maand volgende op die waarop het geld door de Meester ontvangen is, tot—

(a) in het geval van een som gelds opgevraagd na de verstrijking van een tijdperk van vijf jaren nadat het opvorderbaar werd, de laatste dag van de maand die de maand voorafgaat waarin dat tijdperk verstrijkt;

(b) in alle andere gevallen, de laatste dag van de maand die de maand voorafgaat waarin het geld betaald wordt.”

(2) Sub-artikel (1) word geag op die eerste dag van April 1962 in werking te getree het.

Wysiging van artikel 96 van Wet 24 van 1913.

10. Artikel *ses-en-negentig* van die Boedelwet, 1913, word hierby gewysig deur in sub-artikel (1) die woorde „drie honderd pond” deur die woorde „vier duizend rand” te vervang.

Wysiging van artikel 97 van Wet 24 van 1913.

11. Artikel *sewe-en-negentig* van die Boedelwet, 1913, word hierby gewysig—

- (a) deur na die woord „bedragen” die woorde „van twintig rand en erboven” in te voeg;
- (b) deur na die woord „die”, waar dit die eerste keer voorkom, die woorde „voor een tijdperk van meer dan een jaar maar niet langer dan vijf jaren” in te voeg;
- (c) deur die laaste paragraaf te skrap.

Skrapping van Derde Bylae by Wet 24 van 1913.

12. Die „DERDE BIJLAGE” by die Boedelwet, 1913, word hierby geskrap.

Wysiging van artikel 121 van Wet 46 van 1926.

13. (1) Artikel *honderd een-en-twintig* van die Maatskappywet, 1926, word hierby deur die volgende artikel vervang:

„Jurisdiksie van Meester en Assistent-meester.

121. (1) Met betrekking tot enige maatskappy berus by die toepassing van hierdie Wet enige bevoegdheid by die Meester of Assistent-meester van die Hooggeregshof in wie se regsgebied die geregistreerde kantoor van die maatskappy geleë is.

(2) Met betrekking tot enige maatskappy word die bevoegde Meester of Assistent-meester in hierdie Wet „die Meester” genoem.”

(2) Sub-artikel (1) word geag op die eerste dag van Januarie 1927 in werking te getree het.

Wysiging van artikel 180bis van Wet 46 van 1926, soos ingevoeg deur artikel 105 van Wet 46 van 1952.

14. Artikel *honderd-en-tagtig bis* van die Maatskappywet, 1926, word hierby gewysig deur die volgende sub-artikel by te voeg:

- „(4) 'n Direkteur, bestuurder of sekretaris wat in gebreke bly om die bepalinge van sub-artikel (1) na te kom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens ses maande.”

Wysiging van artikel 1 van Wet 13 van 1934.

15. Artikel *een* van die Erfopvolging Wet, 1934, word hierby gewysig deur in sub-artikel (1) die woorde „seshonderd pond”, oral waar dit voorkom, deur die woorde „tienduizend rand” te vervang.

9. (1) The following section is hereby substituted for section *ninety-three* of the Administration of Estates Act, 1913:
- “Interest on moneys of minors, lunatics, unborn heirs or persons having an interest of a usufructuary, fiduciary or fidei-commissary nature.
93. (1) Subject to the provisions of sub-sections (2) and (3), interest calculated on a monthly basis at the rate of four and one half per cent per annum compounded annually at the thirty-first day of March, shall be allowed on each rand of the principal of every sum of money received by the Master for account of any minor, lunatic, unborn heir or any person having an interest therein of a usufructuary, fiduciary or fidei-commissary nature.
- (2) No interest shall be allowed on any sum of money—
- (a) in the case of money which became legally claimable before the first day of April, 1962, in respect of any period after it became so claimable;
- (b) in the case of money which became legally claimable on or after the said date, in respect of any period after the expiration of five years after it became so claimable, unless it is legally claimed before such expiration.
- (3) Interest shall be calculated in the case of any sum of money held by the Master on the first day of April, 1962, from that date, and in all other cases from the first day of the month following that in which the money has been received by the Master, until—
- (a) in the case of any sum of money claimed after the expiration of a period of five years after it became claimable, the last day of the month preceding the month during which such period expires;
- (b) in all other cases, the last day of the month preceding the month during which the money is paid out.”.
- (2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1962.
10. Section *ninety-six* of the Administration of Estates Act, 1913, is hereby amended by the substitution in sub-section (1) for the words “three hundred pounds” of the words “four thousand rand”.
11. Section *ninety-seven* of the Administration of Estates Act, 1913, is hereby amended—
- (a) by the insertion after the word “amounts” of the words “of twenty rand or more”;
- (b) by the substitution for the words “and re-unclaimed” of the words “and have remained unclaimed for a period exceeding one year but not exceeding five years and”;
- (c) by the deletion of the proviso.
12. The Third Schedule to the Administration of Estates Act, 1913, is hereby deleted.
13. (1) The following section is hereby substituted for section *one hundred and twenty-one* of the Companies Act, 1926:
- “Jurisdiction of Master and Assistant Master.
121. (1) In relation to any company, jurisdiction shall for the purposes of this Act, lie with the Master or Assistant Master of the Supreme Court in whose area of jurisdiction the registered office of the company is situated.
- (2) In relation to any company the Master or Assistant Master having jurisdiction is in this Act referred to as ‘the Master’.”.
- (2) Sub-section (1) shall be deemed to have come into operation on the first day of January, 1927.
14. Section *one hundred and eighty bis* of the Companies Act, 1926, is hereby amended by the addition of the following sub-section:
- “(4) Any director, manager or secretary who fails to comply with the provisions of sub-section (1), shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months.”.
15. Section *one* of the Succession Act, 1934, is hereby amended by the substitution in sub-section (1) for the words “six hundred pounds” wherever they occur of the words “ten thousand rand”.
- Substitution of section 93 of Act 24 of 1913, as amended by section 3 of Act 44 of 1926, section 4 of Act 45 of 1931, section 8 of Act 49 of 1935, section 20 of Act 17 of 1938, section 18 of Act 46 of 1944, section 19 of Act 57 of 1946, section 12 of Act 45 of 1953, section 8 of Act 81 of 1957, section 10 of Act 37 of 1958 and section 5 of Act 76 of 1961.
- Amendment of section 96 of Act 24 of 1913.
- Amendment of section 97 of Act 24 of 1913.
- Deletion of Third Schedule to Act 24 of 1913.
- Amendment of section 121 of Act 46 of 1926.
- Amendment of section 180bis of Act 46 of 1926, as inserted by section 105 of Act 46 of 1952.
- Amendment of section 1 of Act 13 of 1934.

- Wysiging van artikel 2 van Wet 28 van 1937, soos gewysig deur artikel 15 van Wet 32 van 1952, artikel 1 van Wet 2 van 1956, artikel 33 van Wet 68 van 1957 en artikel 1 van Wet 39 van 1961.
- Wysiging van artikel 6 van Wet 28 van 1937.
- Vervanging van artikel 13 van Wet 28 van 1937.
- Wysiging van artikel 17 van Wet 28 van 1937.
- Wysiging van artikel 18 van Wet 28 van 1937.
- Wysiging van artikel 21 van Wet 28 van 1937.
- Wysiging van artikel 36 van Wet 28 van 1937, soos gewysig deur artikel 8 van Wet 2 van 1956.
- Wysiging van artikel 7 van Wet 32 van 1944.
- Wysiging van artikel 9 van Wet 32 van 1944, soos gewysig deur artikel 8 van Wet 40 van 1952, artikel 17 van Wet 50 van 1956 en artikel 38 van Wet 86 van 1957.
16. Artikel *twee* van die Wapens- en Ammunisiewet, 1937, word hierby gewysig deur sub-artikel (7) deur die volgende sub-artikels te vervang:
 „(7) Niemand mag in besit wees van 'n wapen waarop daar geen fabrikantsvervolgnommer of ander nommer waardeur dit met sekerheid uitgeken kan word, op die metaaldeel van die wapen gegraveer is nie.
 (7)*bis* 'n Verbod wat deur sub-artikel (6) of (7) ingehou word, is nie ten opsigte van die loop van 'n wapen van toepassing nie.”.
17. Artikel *ses* van die Wapens- en Ammunisiewet, 1937, word hierby gewysig deur die woorde „lisensiehouer woon” deur die woorde „lisensie uitgereik is” te vervang en deur die woorde „as dit in sy kantoor uitgegee is, of 'n sertifikaat in die voorgeskrewe vorm” en die woorde „of sertifikaat” te skrap.
18. Artikel *dertien* van die Wapens- en Ammunisiewet, 1937, word hierby deur die volgende artikel vervang:
 „Bewys van verklaring van onbekwaamheid. 13. 'n Sertifikaat wat deur 'n magistraat onderteken heet te wees en wat verklaar dat 'n daarin vermelde persoon kragtens hierdie Wet onbekwaam verklaar is om 'n wapen te besit, is by blote oorlegging daarvan deur enigiemand *prima facie*-bewys van die feite daarin aangegee.”.
19. Artikel *sewentien* van die Wapens- en Ammunisiewet, 1937, word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:
 „(1) 'n Lisensie om in wapens en ammunisie handel te dryf, mag nie deur die lisensiehouer oorgedra word nie tensy die gebou waarheen dit die voorneme is om die lisensie oor te dra, in dieselfde distrik geleë is as die gebou wat in die lisensie vermeld word en die magistraat van daardie distrik oortuig is—
 (a) dat die persoon aan wie dit oorgedra word 'n geskikte persoon is om in wapens en ammunisie handel te dryf; en
 (b) dat die gebou waarin hy van voorneme is om aldus handel te dryf, geskik en redelik veilig is vir die berging van wapens en ammunisie.”.
20. Artikel *agtien* van die Wapens- en Ammunisiewet, 1937, word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:
 „(1) 'n Handelaarslisensie kan kosteloos geëndoseer word sodat dit geldig is vir 'n ander gebou as dié waarvoor die lisensie uitgereik is, wat in dieselfde distrik as die gelisensieerde gebou geleë is, indien by die magistraat van die distrik aansoek gedoen word, en hy oortuig is dat die gebou geskik en redelik veilig is vir die berging van wapens en ammunisie.”.
21. Artikel *een-en-twintig* van die Wapens- en Ammunisiewet, 1937, word hierby gewysig deur in sub-artikel (2) die woorde „magistraat van die distrik” deur die woorde „distrikkommandant van die polisedistrik” te vervang.
22. Artikel *ses-en-dertig* van die Wapens- en Ammunisiewet, 1937, word hierby gewysig deur in die omskrywing van „handel dryf” na die woord „iemand” waar dit die eerste keer voorkom die woorde „anders as 'n gelisensieerde handelaar” en voor die woord „iemand”, waar dit die tweede keer voorkom, die woord „so” in te voeg.
23. Artikel *sewe* van die Wet op Landdroshowe, 1944, word hierby gewysig deur in die voorbehoudsbepaling die woorde „vyftien jaar vanaf die datum van uitspraak in enige verrigtings” deur die woorde „drie jaar vanaf die datum van die oplegging van vonnis in die geval van verrigtings waarin die vonnis opgelê is ingevolge sub-artikel (5) van artikel *driehonderd een-en-veertig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), of na verloop van vyftien jaar vanaf die datum van die uitspraak in die geval van enige ander verrigtings” te vervang.
24. Artikel *nege* van die Wet op Landdroshowe, 1944, word hierby gewysig deur die volgende sub-artikel na sub-artikel (1) in te voeg:
 „(1)*bis* (a) Behoudens die bepalings van paragraaf (c) verrig niemand wat 'n aanstelling kragtens sub-artikel (1) het, die werksaamhede van 'n regterlike amptenaar in 'n magistraatshof nie, tensy hy 'n eed of plegtige verklaring afgelê het, deur hom onderteken, in onderstaande vorm, te wete—

16. Section *two* of the Arms and Ammunition Act, 1937, is hereby amended by the substitution for sub-section (7) of the following sub-sections:
- “(7) No person shall be in possession of any arm which has no manufacturer’s serial number or other number by which it may be identified, stamped or engraved on the metal of the arm.
- (7)*bis* Any prohibition contained in sub-section (6) or (7) shall not apply in respect of the barrel of an arm.”.
- Amendment of section 2 of Act 28 of 1937, as amended by section 15 of Act 32 of 1952, section 1 of Act 2 of 1956, section 33 of Act 68 of 1957 and section 1 of Act 39 of 1961.
17. Section *six* of the Arms and Ammunition Act, 1937, is hereby amended by the substitution for the words “holder resides” of the words “was issued” and for the word “him” of the words “the licence holder”, and by the deletion of the words “if it was issued from his office, or a certificate in the prescribed form,”.
- Amendment of section 6 of Act 28 of 1937.
18. The following section is hereby substituted for section *thirteen* of the Arms and Ammunition Act, 1937:
- “Proof of 13. A certificate, purporting to have been signed by a magistrate, stating that a person mentioned therein has under this Act been declared to be unfit to possess an arm, shall upon its mere production by any person be *prima facie* evidence of the facts therein stated.”.
- Substitution of section 13 of Act 28 of 1937.
19. Section *seventeen* of the Arms and Ammunition Act, 1937, is hereby amended by the substitution for sub-section (1) of the following sub-section:
- “*(1)* A licence to deal in arms and ammunition shall not be transferred by the holder thereof unless the premises to which it is intended to transfer the licence are situated within the same district as the premises specified in the licence and the magistrate of such district is satisfied—
- (a) that the transferee is a fit and proper person to deal in arms and ammunition; and
- (b) that the premises in which he intends so to deal are suitable and reasonably safe for the storage of arms and ammunition.”.
- Amendment of section 17 of Act 28 of 1937.
20. Section *eighteen* of the Arms and Ammunition Act, 1937, is hereby amended by the substitution for sub-section (1) of the following sub-section:
- “*(1)* A dealer’s licence may without charge be endorsed so as to be valid for premises other than those for which the licence was issued, situated in the same district as the licensed premises, if application is made to the magistrate of the district, and he is satisfied that the premises are suitable and reasonably safe for the storage of arms and ammunition.”.
- Amendment of section 18 of Act 28 of 1937.
21. Section *twenty-one* of the Arms and Ammunition Act, 1937, is hereby amended by the substitution in sub-section (2) for the words “magistrate of the district” of the words “district commandant of the police district”.
- Amendment of section 21 of Act 28 of 1937.
22. Section *thirty-six* of the Arms and Ammunition Act, 1937, is hereby amended by the insertion in the definition of “deal” after the word “person” where it occurs for the second time of the words “other than a licensed dealer” and before the word “person” where it occurs for the third time of the word “such”.
- Amendment of section 36 of Act 28 of 1937, as amended by section 8 of Act 2 of 1956.
23. Section *seven* of the Magistrates’ Courts Act, 1944, is hereby amended by the substitution in the proviso thereto for the words “fifteen years from the date of judgment in any proceedings” of the words “three years from the date of passing sentence in the case of proceedings in which sentence was passed in terms of sub-section (5) of section *three hundred and fifty-one* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), or after fifteen years from the date of the judgment in the case of any other proceedings”.
- Amendment of section 7 of Act 32 of 1944.
24. Section *nine* of the Magistrates’ Courts Act, 1944, is hereby amended by the insertion after sub-section (1) of the following sub-section:
- “(1)*bis* (a) Subject to the provisions of paragraph (c) no person holding any appointment under sub-section (1) shall perform the functions of a judicial officer in any magistrate’s court, unless he has taken an oath or made an affirmation subscribed by him, in the form set out below, namely—
- Amendment of section 9 of Act 32 of 1944, as amended by section 8 of Act 40 of 1952, section 17 of Act 50 of 1956 and section 38 of Act 68 of 1957.

,Ek
(volle naam)

verklaar hierby onder eed/plegtig en opreg dat wanneer ek ook al die werksaamhede van 'n regterlike amptenaar in 'n landdroshof moet verrig, ek aan alle persone op gelyke voet reg laat geskied sonder vrees, begunstiging of vooroordeel en ooreenkomstig die reg en gebruike van die Republiek.'

- (b) So 'n eed of plegtige verklaring word afgelê in die ope hof voor die mees senior beskikbare landdros van die betrokke distrik of 'n vrederegter wat daaronder 'n verklaring moet endosseer dat dit voor hom afgelê is, en die datum van aflegging daarvan moet vermeld en dit moet onderteken.
- (c) Die bepalinge van paragraaf (a) is ten opsigte van iemand wat voor die datum van inwerkingtreding van die Verdere Algemene Regswysigingswet, 1962, 'n aanstelling kragtens sub-artikel (1) gehad het, van toepassing slegs na die verstryking van drie maande na genoemde datum."

Wysiging van artikel 67 van Wet 32 van 1944.

25. Artikel *sewe-en-sestig* van die Wet op Landdroshowe, 1944, word hierby gewysig deur die woorde „vyftig pond”, oral waar hulle in paragraaf (b), (c), (e) of (f) voorkom, deur die woorde „vierhonderd rand” te vervang.

Wysiging van artikel 72 van Wet 32 van 1944, soos vervang deur artikel 17 van Wet 40 van 1952.

26. Artikel *twee-en-sewentig* van die Wet op Landdroshowe, 1944, word hierby gewysig deur die woord „geregsbode” oral waar dit in sub-artikel (1) of (3) voorkom, deur die woorde „vonnis skuldenaar of sy prokureur” te vervang.

Wysiging van artikel 74 van Wet 32 van 1944, soos gewysig deur artikel 19 van Wet 40 van 1952 en artikel 2 van Wet 14 van 1954.

27. Artikel *vier-en-sewentig* van die Wet op Landdroshowe, 1944, word hierby gewysig—

- (a) deur paragraaf (a) van sub-artikel (5) deur die volgende paragraaf te vervang:
„(a) Die hof stel 'n administrateur aan wanneer 'n order kragtens sub-artikel (1) verleen is.”;
- (b) deur aan die end van sub-artikel (5) die volgende paragraaf by te voeg:
„(c) 'n Administrateur wat nie 'n beampete van die hof of 'n praktisyn is nie, moet tot bevrediging van die hof sekuriteit verstrek vir die behoorlike en stiptelike betaling deur hom aan die partye wat daarop geregtig is van alle gelde wat uit hoofde van sy aanstelling as administrateur in sy besit kom.”;
- (c) deur in sub-artikel (9) na die woorde „van tyd tot tyd” die woorde „na kennisgewing aan bedoelde skuldeisers” in te voeg.

Wysiging van artikel 98 van Wet 32 van 1944, soos gewysig deur artikel 40 van Wet 68 van 1957.

28. Artikel *agt-en-negentig* van die Wet op Landdroshowe, 1944, word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

- „(2) (a) Indien dit op grond van voormelde stukke aan die regter blyk dat reg nie behoorlik geskied het nie, of dat daar twyfel bestaan of daar behoorlik reg geskied het al dan nie, lê hy die stukke aan die hof van appèl ter oorweging voor.
- (b) Voordat die hof van appèl genoemde stukke oorweeg, verkry daardie hof van die regterlike amptenaar wat by die verhoor voorgesit het, 'n uiteensetting van sy redes vir die skuldigbevinding van die beskuldigde en vir die opgelegde vonnis.
- (c) Genoemde hof kan op enige sitting daarvan getuienis aanhoor en die hof kan met die oog daarop enigiemand dagvaar om te verskyn en getuienis af te lê of om 'n dokument of ander artikel oor te lê.
- (d) Die hof van appèl kan, hetsy die hof getuienis aangehoor het al dan nie—
- (i) die skuldigbevinding bekragtig, wysig of vernietig en ingeval die skuldigbevinding vernietig word waar die beskuldigde op een van twee of meer alternatiewe aanklagte skuldig bevind was, die beskuldigde op die ander alternatiewe aanklag of op een of ander van die alternatiewe aanklagte skuldig bevind; of
- (ii) die vonnis of 'n bevel van die magistratshof bekragtig, versag, wysig of ter syde stel; of
- (iii) die verrigtinge in die magistratshof nietig verklaar of korrigeer; of

'I,
(full name)

do hereby swear/solemnly and sincerely affirm and declare that whenever I may be called upon to perform the functions of a judicial officer in any magistrate's court, I will administer justice to all persons alike without fear, favour or prejudice and in accordance with the law and customs of the Republic.'

- (b) Any such oath or affirmation shall be taken or made in open court before the senior available magistrate of the district concerned or a justice of the peace who shall at the foot thereof endorse a statement of the fact that it was taken or made before him and of the date on which it was so taken or made and append his signature thereto.
- (c) The provisions of paragraph (a) shall apply in respect of any person who held an appointment under sub-section (1) before the date of commencement of the General Law Further Amendment Act, 1962, only after the expiration of three months after the said date."

25. Section *sixty-seven* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for the words "fifty pounds" wherever they occur in paragraph (b), (c), (e) or (f) of the words "four hundred rand". Amendment of section 67 of Act 32 of 1944.

26. Section *seventy-two* of the Magistrates' Courts Act, 1944, is hereby amended— Amendment of section 72 of Act 32 of 1944, as substituted by section 17 of Act 40 of 1952.

(a) by the substitution in sub-section (1) for the words "messenger of the court" wherever they occur of the words "judgment creditor or his attorney";

(b) by the substitution in sub-section (3) for the word "messenger" of the words "judgment creditor or his attorney".

27. Section *seventy-four* of the Magistrates' Courts Act, 1944, is hereby amended— Amendment of section 74 of Act 32 of 1944, as amended by section 19 of Act 40 of 1952 and section 2 of Act 14 of 1954.

(a) by the substitution for paragraph (a) of sub-section (5) of the following paragraph:
“(a) The court shall appoint an administrator when an order has been granted under sub-section (1).”;

(b) by the addition at the end of sub-section (5) of the following paragraph:
“(c) An administrator, other than an officer of the court or a practitioner, shall give security to the satisfaction of the court for the due and punctual payment by him to the parties entitled thereto of all moneys which shall come into his hands by virtue of his appointment as administrator.”;

(c) by the insertion in sub-section (9) after the words "from time to time" of the words "after notice to such creditors".

28. Section *ninety-eight* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for sub-section (2) of the following sub-section: Amendment of section 98 of Act 32 of 1944, as amended by section 40 of Act 68 of 1957.

“(2) (a) If, upon considering the proceedings aforesaid, it appears to the judge that they are not in accordance with justice or that doubts exist whether or not they are in accordance with justice, he shall lay them before the court of appeal for its consideration.

(b) The court of appeal shall, before considering the said proceedings, obtain from the judicial officer who presided at the trial a statement setting forth his reasons for convicting the accused and for the sentence imposed.

(c) The said court may at any sitting thereof hear any evidence and for that purpose it may summon any person to appear and give evidence or produce any document or other article.

(d) The court of appeal, whether or not it has heard any evidence, may—

(i) confirm, alter or quash the conviction and in the event of the conviction being quashed where the accused was convicted on one of two or more alternative counts, convict the accused on the other alternative count or on one or other of the alternative counts; or

(ii) confirm, reduce, alter or set aside the sentence or any order of the magistrate's court; or

(iii) set aside or correct the proceedings of the magistrate's court; or

- (iv) oor die algemeen die uitspraak gee of die vonnis oplê of die bevel uitvaardig wat die magistratshof moes gegee, opgelê of uitgevaardig het met betrekking tot 'n aangeleentheid wat by die verhoor van die betrokke saak deur die hof bereg moes word; of
 - (v) die saak na die magistratshof terugverwys met die opdrag dat daar met enige aangeleentheid gehandel word op die wyse wat die hof van appèl goed ag; en
 - (vi) so 'n bevel uitvaardig met betrekking tot die opskorting van die tenuitvoerlegging van 'n vonnis teen die veroordeelde persoon of sy vrylating onder borgtog, of, oor die algemeen, met betrekking tot 'n aangeleentheid of saak wat in verband staan met hom of die verrigtinge ten aansien van hom, as wat bedoelde hof in belang van die regspleging gerade ag.
- (e) Ingeval 'n skuldigbevinding vernietig word of die verrigtinge ter syde gestel word op 'n in sub-artikel (7) van artikel *honderd-en-drie* vermelde grond, is die bepaling van daardie sub-artikel ten opsigte van die instel van nuwe verrigtinge *mutatis mutandis* van toepassing."

Wysiging van artikel 103 van Wet 32 van 1944, soos gewysig deur artikel 8 van Wet 16 van 1959.

29. Artikel *honderd-en-drie* van die Wet op Landdroshowe, 1944, word hierby gewysig deur in sub-artikel (6) na die woord „skuldigbevinding” die woorde „of vonnis of 'n hofbevel by skuldigbevinding” in te voeg.

Wysiging van artikel 8 van Wet 40 van 1947, soos vervang deur artikel 6 van Wet 75 van 1961.

30. Artikel *agt* van die Wet op Welsynsorganisasies, 1947, word hierby gewysig deur in paragraaf (a) van sub-artikel (3) van die Engelse teks voor die woord „under” die woorde „cancel any authority granted” in te voeg.

Wysiging van artikel 1 van Wet 37 van 1953.

31. Artikel *een* van die Wet op Huweliksaangeleenthede, 1953, word hierby gewysig—

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

„(b) gemeenskaplike onroerende goed wat die vrou by die huwelik in die gemeenskap ingebring het en ten opsigte waarvan 'n endossement of aantekening kragtens sub-artikel (2) aangebring is;”

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

„(1)*bis* Gemeenskaplike onroerende goed wat gedurende die huwelik deur die vrou geërf is of aan haar geskenk is of op een of meer van die volgende maniere verkry is, te wete, met geld of ander middele wat sy by die huwelik in die gemeenskap ingebring het of wat gedurende die huwelik deur haar geërf is of aan haar geskenk is of wat bestaan uit haar verdienste of die opbrengs van onroerende goed deur haar by die huwelik in die gemeenskap ingebring, word by die toepassing van hierdie artikel geag deur die vrou by die huwelik in die gemeenskap ingebring te gewees het.”

Wysiging van artikel 41 van Wet 10 van 1957.

32. (1) Artikel *een-en-veertig* van die Behuisingswet, 1957, word hierby gewysig deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) By die toepassing van sub-artikel (1) word onder koper ook verstaan 'n deur die Kommissie goedgekeurde sessionaris van die regte onder 'n koopakte wat met die Kommissie aangegaan is, en ondanks enige voorwaardes in die koopakte vervat wat die registrasie van oordrag afhanklik maak van die betaling van 'n sekere gedeelte van die koopprys van die woning, kan die Kommissie, in die geval waar daar so 'n sessionaris is, aan die oorspronklike koper oordrag van die woning gee indien oordrag aan hom en aan alle sodanige sessionarisse, behoudens die bepalinge van artikel *veertien* van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), gelyktydig geregistreer word: Met dien verstande dat ondanks andersluidende wetsbepalinge 'n eerste verband ten gunste van die Kommissie deur die laaste sodanige sessionaris geregistreer kan word.”

(2) Sub-artikel (1) word geag op die eerste dag van Junie 1957 in werking te getree het.

Wysiging van artikel 56 van Wet 10 van 1957.

33. (1) Artikel *ses-en-vyftig* van die Behuisingswet, 1957, word hierby gewysig deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

- (iv) generally give such judgment or impose such sentence or make such order as the magistrate's court ought to have given, imposed or made on any matter which was before it at the trial of the case in question; or
- (v) remit the case to the magistrate's court with instructions to deal with any matter in such manner as the court of appeal may think fit; and
- (vi) make any such order in regard to the suspension of the execution of any sentence against the person convicted or the admission of such person to bail, or, generally, in regard to any matter or thing connected with him or the proceedings in regard to him as to the said court seems calculated to promote the ends of justice.

(e) In the event of any conviction being quashed or proceedings being set aside on any grounds mentioned in sub-section (7) of section *one hundred and three*, the provisions of that sub-section in respect of the institution of fresh proceedings shall *mutatis mutandis* apply."

29. Section *one hundred and three* of the Magistrates' Courts Act, 1944, is hereby amended by the insertion in sub-section (6) after the word "conviction" of the words "or sentence or any order of court upon conviction".

Amendment of section 103 of Act 32 of 1944, as amended by section 8 of Act 16 of 1959.

30. Section *eight* of the Welfare Organizations Act, 1947, is hereby amended by the insertion in paragraph (a) of sub-section (3) before the word "under" of the words "cancel any authority granted".

Amendment of section 8 of Act 40 of 1947, as substituted by section 6 of Act 75 of 1961.

31. Section *one* of the Matrimonial Affairs Act, 1953, is hereby amended—

Amendment of section 1 of Act 37 of 1953.

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

"(b) any immovable property held in community, which the wife has at the marriage brought into the community and in respect of which an endorsement or note has been made under sub-section (2).";

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

"(1)*bis* Any immovable property held in community which during the marriage has been inherited by or donated to the wife or has been acquired in one or more of the following ways, namely, with money or other means brought into the community by her at the marriage or inherited by or donated to her during the marriage or consisting of her earnings or the proceeds of immovable property brought into the community by her at the marriage, shall for the purposes of this section be deemed to have been brought into the community by the wife at the marriage."

32. (1) Section *forty-one* of the Housing Act, 1957, is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

Amendment of section 41 of Act 10 of 1957.

"(2) For the purposes of sub-section (1) purchaser shall include any cessionary of the rights under a deed of sale entered into with the Commission approved by it, and notwithstanding any conditions in such deed of sale contained whereby registration of transfer is made subject to payment of a certain portion of the purchase price of the dwelling, the Commission may, in the case where there is such a cessionary, give transfer of the dwelling to the original purchaser if transfer to him and to all such cessionaries is, subject to the provisions of section *fourteen* of the Deeds Registries Act, 1937 (Act No. 47 of 1937), registered simultaneously: Provided that notwithstanding anything to the contrary in any law contained a first mortgage in favour of the Commission may be registered by the last such cessionary."

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

33. (1) Section *fifty-six* of the Housing Act, 1957, is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

Amendment of section 56 of Act 10 of 1957.

„(2) By die toepassing van sub-artikel (1) word onder koper ook verstaan 'n deur 'n plaaslike bestuur goedgekeurde sessionaris van die regte onder 'n koopakte wat met die plaaslike bestuur aangegaan is, en ondanks enige voorwaardes in die koopakte vervat wat die registrasie van oordrag afhanklik maak van die betaling van 'n sekere gedeelte van die koopprys van die woning, kan die plaaslike bestuur, in die geval waar daar so 'n sessionaris is, aan die oorspronklike koper oordrag van die woning gee indien oordrag aan hom en aan alle sodanige sessionarisse, behoudens die bepalinge van artikel *veertien* van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), gelyktydig registreer word: Met dien verstande dat ondanks andersluidende wetsbepalinge 'n eerste verband ten gunste van die plaaslike bestuur deur die laaste sodanige sessionaris geregistreer kan word.”

(2) Sub-artikel (1) word geag op die eerste dag van Junie 1957 in werking te getree het.

Wysiging van artikel 1 van Wet 19 van 1957.

34. Artikel *een* van die Wet op Spesiale Vrederegters, 1957, word hierby gewysig—

(a) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) 'n Plek waar 'n spesiale vrederegter wat nie 'n amptenaar in die Staatsdiens is nie, sy hofsittings moet hou, moet minstens twintig myl van die setel van 'n magistraat van 'n distrik of sub-distrik wees.”;

(b) deur in sub-artikel (4) en in sub-artikel (5) na die woord „Minister” die woorde „of iemand wat op sy gesag handel,” in te voeg.

Wysiging van artikel 3 van Wet 56 van 1957.

35. Artikel *drie* van die Wet op die Staatsprokureur, 1957, word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Tensy die Minister van Justisie anders gelas, kan by die Staatsprokureurskantoor of by 'n tak daarvan ook soortgelyke werksaamhede verrig word in of in verband met enige aangeleentheid waarby die Regering of so 'n voormelde administrasie, hoewel geen party nie, belang het of betrokke is, of in verband met enige aangeleentheid waar dit volgens die oordeel van die Staatsprokureur of van iemand wat op sy gesag handel, in die openbare belang is dat die betrokke werksaamhede by bedoelde kantoor of by 'n tak daarvan verrig word.”.

Vervanging van artikel 6 van Wet 56 van 1957.

36. Artikel *ses* van die Wet op die Staatsprokureur word hierby deur die volgende artikel vervang:

„Verhaal van koste waar werk deur Staatsprokureurskantoor verrig is.

6. (1) In verband met elke aansoek, mosie, aksie, saak of ander geregtelike proses van 'n siviele aard in of voor 'n hof, waarin of in verband waarmee die Staatsprokureur of iemand in diens by die Staatsprokureurskantoor of 'n tak daarvan, wat toegelaat en geregtig is om soos voormeld te praktiseer, verskyn het of in verband met 'n aangeleentheid in verband waarmee hy of so iemand vir die verrigting van enige van bedoelde werksaamhede opgetree het, kan honoraria en koste op dieselfde wyse getakseer en verhaal word asof daardie werksaamhede deur 'n praktisyn in 'n private praktyk verrig was.

(2) Ondanks andersluidende wetsbepalinge, sluit sodanige honoraria en koste, in die geval van so 'n aansoek, mosie, aksie, saak of ander geregtelike proses, die bedrag in van seëlregte en kantoorgelde wat betaalbaar en gedra sou gewees het deur die Regering van die Republiek (met inbegrip van 'n administrasie in sub-artikel (2) van artikel *drie* vermeld) ten opsigte van 'n dokument wat deur die Staatsprokureur of deur iemand in diens in die Staatsprokureurskantoor of 'n tak daarvan ingedien, ingelewer, geregistreer of uitgereik word, indien die dokument nie van sodanige regte of gelde kragtens die bepalinge van een of ander wet vrygestel was nie.

(3) Ondanks andersluidende wetsbepalinge maar behoudens die bepalinge van sub-artikel (2), geld, seëlregte of kantoorgelde betaalbaar deur middel van seëls nie ten opsigte van 'n dokument wat deur die Staatsprokureur of deur iemand in diens in die Staatsprokureurskantoor of 'n tak daarvan ingedien, ingelewer, geregistreer of uitgereik word nie: Met dien verstande dat sodanige regte of gelde wat by ontstentenis van hierdie sub-artikel anders as deur

“(2) For the purposes of sub-section (1) purchaser shall include any cessionary of the rights under a deed of sale entered into with a local authority approved by such local authority, and notwithstanding any conditions in such deed of sale contained whereby registration of transfer is made subject to payment of a certain portion of the purchase price of the dwelling, the local authority may, in the case where there is such a cessionary, give transfer of the dwelling to the original purchaser if transfer to him and to all such cessionaries is, subject to the provisions of section *fourteen* of the Deeds Registries Act, 1937 (Act No. 47 of 1937), registered simultaneously: Provided that notwithstanding anything to the contrary in any law contained a first mortgage in favour of the local authority may be registered by the last such cessionary.”.

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

34. Section *one* of the Special Justices of the Peace Act, 1957, is hereby amended— Amendment of section 1 of Act 19 of 1957.

(a) by the substitution for sub-section (2) of the following sub-section:

“(2) Any place at which the court of a special justice of the peace (not being an officer in the public service) is to be held shall not be less than twenty miles from the seat of magistracy of a district or sub-district.”;

(b) by the insertion in sub-section (4) and in sub-section (5) after the word “Minister” of the words “or any person acting under his authority”.

35. Section *three* of the State Attorney Act, 1957, is hereby amended by the substitution for sub-section (3) of the following sub-section: Amendment of section 3 of Act 56 of 1957.

“(3) Unless the Minister of Justice otherwise directs, there may also be performed at the State Attorney’s office or at any of its branches like functions in or in connection with any matter in which the Government or such an administration as aforesaid, though not a party, is interested or concerned in, or in connection with any matter where, in the opinion of the State Attorney or of any person acting under his authority, it is in the public interest that such functions be performed at the said office or at one of its branches.”.

36. The following section is hereby substituted for section *six* of the State Attorney Act, 1957: Substitution of section 6 of Act 56 of 1957.

“Recovery of costs when work performed at State Attorney’s office.

6. (1) In every application, motion, action, suit or other legal proceedings of a civil nature in or before any court in or in connection with which the State Attorney, or any person employed in the State Attorney’s office or a branch thereof and admitted and entitled to practise as aforesaid, has appeared, or in any matter wherein he or any such person has acted in the performance of any of the said functions, fees and costs may be taxed and recovered in the same manner as if such functions had been performed by a practitioner in private practice.

(2) Notwithstanding anything to the contrary in any law, such fees and costs shall in the case of any such application, motion, action, suit or other legal proceedings include the amount of any stamp duty and fee of office which would have been payable and borne by the Government of the Republic (including any administration referred to in sub-section (2) of section *three*) in respect of any document filed, lodged, registered or issued by the State Attorney or by any person employed in the State Attorney’s office or any branch thereof, if such document were not exempt from such duty or fee under the provisions of any law.

(3) Notwithstanding anything to the contrary in any law but subject to the provisions of sub-section (2), any document filed, lodged, registered or issued by the State Attorney or by any person employed in the State Attorney’s office or any branch thereof shall not be subject to stamp duty or any fee of office payable by means of stamps: Provided that any such duty or fee which would but for this sub-section be legally payable and borne otherwise

die Regering van die Republiek (met inbegrip van 'n administrasie in sub-artikel (2) van artikel *drie* vermeld) regtens betaalbaar sou wees en gedra sou word, op die betrokke persoon verhaal kan word deur die Staatsprokureur of deur iemand in diens in die Staatsprokureurskantoor of 'n tak daarvan.

(4) Regte, honoraria en koste wat verhaal word, moet in die Gekonsolideerde Inkomstefonds gestort word."

Wysiging van artikel 8 van Wet 56 van 1957.

37. Artikel *agt* van die Wet op die Staatsprokureur, 1957, word hierby gewysig deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis* Ondanks andersluidende wetsbepalings, is die bepaling van sub-artikels (2), (3) en (4) van artikel *ses* ten opsigte van regsdinge of sake waarin sodanige prokureur of ander persoon aldus opdrag gegee en aangestel is, *mutatis mutandis* van toepassing."

Vervanging in Wet 56 van 1957 van die woord „Unie” deur die woord „Republiek”.

38. Die Wet op die Staatsprokureur, 1957, word hierby gewysig deur die woord „Unie”, oral waar dit voorkom, deur die woord „Republiek” te vervang.

Wysiging van artikel 43 van Wet 59 van 1959.

39. Artikel *drie-en-veertig* van die Wet op die Hooggeregshof, 1959, word hierby gewysig deur na paragraaf (g) van sub-artikel (3) die volgende paragraaf in te voeg:

„(g)*bis* die tarief van ander hofgelde as hofgelde ten opsigte van die Suidwes-Afrika-afdeling;"

Wysiging van Tweede Bylae by Wet 59 van 1959.

40. (1) Die Tweede Bylae by die Wet op die Hooggeregshof, 1959, word hierby gewysig deur in die vierde kolom daarvan die uitdrukking „Paragraaf XLVII” deur die uitdrukking „Paragraaf XLVIII” te vervang.

(2) Sub-artikel (1) word geag op die datum van inwerking-treding van genoemde Wet in werking te getree het.

Wysiging van artikel 22 van Wet 5 van 1962.

41. (1) Artikel *twee-en-twintig* van die Wysigingswet op Behuising, 1962, word hierby gewysig deur die voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat artikels *een* en *vyf*, paragraaf (a) van artikel *sewe* en artikels *tien*, *dertien* en *vyftien* geag word op die derde dag van November 1961 in werking te getree het."

(2) Sub-artikel (1) word geag op die tweede dag van Maart 1962 in werking te getree het.

Wysiging van artikel 33 van Wet 59 van 1962.

42. (1) Artikel *drie-en-dertig* van die Seëlwet, 1962, word hierby herroep vir sover dit op die Hooggeregshof van Suid-Afrika betrekking het.

(2) 'n Kragtens genoemde artikel uitgevaardigde regulasie wat hofgelde voorskryf ten opsigte van die Hooggeregshof van Suid-Afrika, word geag 'n reël te wees wat kragtens die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), deur die bevoegde gesag uitgevaardig is.

Raad vir die Hervestiging van Naturelle kan werk namens statutêre liggame onderneem.

43. Ondanks andersluidende wetsbepalings is die by artikel *twee* van die Wet op die Hervestiging van Naturelle, 1954 (Wet No. 19 van 1954), ingestelde Raad vir die Hervestiging van Naturelle bevoeg om—

(a) op versoek van en namens die by artikel *twee* van die Wet op die Ontwikkeling van Groepsgebiede, 1955 (Wet No. 69 van 1955), ingestelde Groepsgebiede-ontwikkelingsraad, enige werk wat daardie Raad kragtens artikel *twaalf* van laasgenoemde Wet bevoeg is om te onderneem;

(b) op versoek van en namens die by artikel *ses* van die Behuisingswet, 1957 (Wet No. 10 van 1957), ingestelde Nasionale Behuisingskommissie, enige werk wat daardie Kommissie kragtens artikel *veertig* van laasgenoemde Wet bevoeg is om te onderneem,

met goedkeuring van die Minister van Bantoe-administrasie en -ontwikkeling in enige gebied wat 'n verklaarde gebied soos bedoel in die omskrywing van „verklaarde gebied” in artikel *een* van eersgenoemde Wet is of word, op die voorwaardes waarop die betrokke partye ooreengekom het, te onderneem.

Strawwe weens skending of ontsiering van eiendom.

44. (1) Ondanks andersluidende wetsbepalings is iemand wat 'n misdryf pleeg deur 'n plakkaat, aanplakbiljet, geskrif, woord, letter, teken, simbool, tekening of ander merk op enige eiendom, hetsy roerend of onroerend, van iemand anders of van die

than by the Government of the Republic (including any administration referred to in sub-section (2) of section *three*), may be recovered from the person concerned by the State Attorney or by any person employed in the State Attorney's office or any branch thereof.

(4) Any duty, fees and costs recovered shall be paid into the Consolidated Revenue Fund."

37. Section *eight* of the State Attorney Act, 1957, is hereby amended by the insertion after sub-section (1) of the following sub-section: Amendment of section 8 of Act 56 of 1957.

"(1)*bis* Notwithstanding anything to the contrary in any law, the provisions of sub-sections (2), (3) and (4) of section *six* shall *mutatis mutandis* apply in respect of any legal proceedings or matters in which any such attorney or other person has been so instructed and employed."

38. The State Attorney Act, 1957, is hereby amended by the substitution for the word "Union" wherever it occurs of the word "Republic". Substitution in Act 56 of 1957 for the word "Union" of the word "Republic".

39. Section *forty-three* of the Supreme Court Act, 1959, is hereby amended by the insertion after paragraph (g) of sub-section (3) of the following paragraph: Amendment of section 43 of Act 59 of 1959.

"(g)*bis* the tariff of court fees other than court fees in respect of the South-West Africa division;"

40. (1) The Second Schedule to the Supreme Court Act, 1959, is hereby amended by the substitution in the fourth column thereof for the expression "Paragraph XLVII" of the expression "Paragraph XLVIII". Amendment of Second Schedule to Act 59 of 1959.

(2) Sub-section (1) shall be deemed to have come into operation on the date of commencement of the said Act.

41. (1) Section *twenty-two* of the Housing Amendment Act, 1962, is hereby amended by the substitution for the proviso of the following proviso: Amendment of section 22 of Act 5 of 1962.

"Provided that sections *one* and *five*, paragraph (a) of section *seven* and sections *ten*, *thirteen* and *fifteen* shall be deemed to have come into operation on the third day of November, 1961."

(2) Sub-section (1) shall be deemed to have come into operation on the second day of March, 1962.

42. (1) Section *thirty-three* of the Stamp Duties Act, 1962, is hereby repealed in so far as it relates to the Supreme Court of South Africa. Amendment of section 33 of Act 59 of 1962.

(2) Any regulation made under the said section prescribing court fees in respect of the Supreme Court of South Africa shall be deemed to be a rule made by the competent authority under the Supreme Court Act, 1959 (Act No. 59 of 1959).

43. Notwithstanding anything in any other law contained the Natives Resettlement Board established by section *two* of the Natives Resettlement Act, 1954 (Act No. 19 of 1954), shall, with the approval of the Minister of Bantu Administration and Development, have power in any area which is or becomes a specified area within the meaning of the definition of "specified area" in section *one* of that Act to undertake, on such terms and conditions as may be agreed upon by the parties concerned— Natives Resettlement Board may undertake work on behalf of statutory bodies.

(a) at the instance and on behalf of the Group Areas Development Board established by section *two* of the Group Areas Development Act, 1955 (Act No. 69 of 1955), any work which that Board is empowered in terms of section *twelve* of the last-mentioned Act to undertake;

(b) at the instance and on behalf of the National Housing Commission established by section *six* of the Housing Act, 1957 (Act No. 10 of 1957), any work which that Commission is empowered in terms of section *forty* of the last-mentioned Act to undertake.

44. (1) Notwithstanding anything to the contrary in any other law contained, any person who commits an offence by placing any placard, poster, writing, word, letter, sign, symbol, drawing or other mark on any property, whether movable or Penalties for defacement or disfigurement of property.

Staat aan te bring, en daardeur daardie eiendom skend of ont-sier, by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens ses maande, in die plek van of benewens enige ander straf wat ten opsigte van daardie misdryf opgelê kan word.

(2) Indien die hof wat iemand bo die ouderdom van agtien jaar 'n straf ten opsigte van 'n in sub-artikel (1) vermelde misdryf oplê, oortuig is dat die betrokke eiendom aan 'n bepaalde persoon of aan die Staat behoort en indien die eienaar daarvan nie kragtens die bepalings van die Strafproseswet, 1955 (Wet No. 56 van 1955), om vergoeding aansoek doen nie, lê die hof die veroordeelde persoon benewens daardie straf 'n boete op gelyk aan die koste of geraamde koste vir die herstel van daardie eiendom min sodanige koste wat reeds aan bedoelde eienaar betaal is of gevangenisstraf vir 'n tydperk van hoogstens twaalf maande by wanbetaling van die boete en dien die veroordeelde persoon daardie bykomende gevangenisstraf uit na verstryking van enige ander gevangenisstraf hom ten opsigte van bedoelde misdryf opgelê behalwe waar die tenuitvoerlegging van daardie ander straf opgeskort is, in watter geval hy die bykomende straf onverwyld moet begin uitdien.

(3) So 'n boete word op die in artikel *driehonderd sewe-en-dertig* van genoemde Wet bepaalde wyse verhaal en enige bedrag wat verhaal word, word aan die eienaar van die geskende of ontsierde eiendom uitbetaal.

(4) Ondanks andersluidende wetsbepalings is 'n landdroshof wat nie die hof van 'n streekafdeling is nie, bevoeg om summier enige straf ten opsigte van 'n in sub-artikel (1) vermelde misdryf op te lê wat die hof van 'n streekafdeling kan oplê.

Kort titel.

45. Hierdie Wet heet die Verdere Algemene Regswysigingswet, 1962.

immovable, of any other person or of the State, and thereby defaces or disfigures such property, shall be liable on conviction to imprisonment for a period not exceeding six months in lieu of or in addition to any other penalty which may be imposed in respect of such an offence.

(2) If the court imposing upon a person over the age of eighteen years any penalty in respect of an offence referred to in sub-section (1), is satisfied that the property concerned belongs to some particular person or to the State and if the owner of such property does not apply under the provisions of the Criminal Procedure Act, 1955 (Act No. 56 of 1955) for compensation, the court shall, in addition to such penalty sentence the convicted person to a fine equal to the cost or estimated cost of restoration of such property less any such cost which may have been paid to such owner or imprisonment for a period not exceeding twelve months in default of payment of the fine and the convicted person shall serve such additional sentence of imprisonment after the expiration of any other sentence of imprisonment imposed upon him in respect of such offence except where the operation of such other sentence has been suspended in which case he shall commence to serve the additional sentence forthwith.

(3) Such fine may be recovered in the manner provided in section *three hundred and thirty-seven* of the said Act and any amount recovered shall be paid to the owner of the property defaced or disfigured.

(4) Notwithstanding anything to the contrary in any other law contained, a magistrate's court other than the court of a regional division shall have jurisdiction to impose summarily any sentence in respect of an offence referred to in sub-section (1) which the court of a regional division may impose.

45. This Act shall be called the General Law Further Amend- Short title.
ment Act, 1962.