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EXTRAORDINARY **BUITENGEWONE**

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTMENT OF THE PRIME MINISTER.

No. 668.] [10th May, 1967.

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

		PAGE
No. 51 of 1967:	University of Cape Town Amendment Act, 1967	2
No. 52 of 1967:	University of Pretoria Amendment Act, 1967	8
No. 53 of 1967:	University of South Africa Amendment Act, 1967	14
No. 54 of 1967:	Patents Amendment Act, 1967	24
No. 55 of 1967:	Merchandise Marks Amendment Act, 1967	26
No. 56 of 1967:	Copyright Amendment Act, 1967	28
No. 57 of 1967:	Designs Act, 1967	30
No. 58 of 1967:	Workmen's Compensation Amendment Act, 1967	54
No. 59 of 1967:	Wool Act, 1967	60
No. 60 of 1967:	Indians Education Amendment Act, 1967	70

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 668.] [10 Mei 1967.

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

		BLADSY
No. 51 van 1967:	Wysigingswet op die Universiteit van Kaapstad, 1967	3
No. 52 van 1967:	Wysigingswet op die Universiteit van Pretoria, 1967	9
No. 53 van 1967:	Wysigingswet op die Universiteit van Suid-Afrika, 1967	15
No. 54 van 1967:	Wysigingswet op Patente, 1967	25
No. 55 van 1967:	Wysigingswet op Handelsware-merke, 1967	27
No. 56 van 1967:	Wysigingswet op Outeursreg, 1967	29
No. 57 van 1967:	Wet op Modelle, 1967	31
No. 58 van 1967:	Ongevallewysigingswet, 1967	55
No. 59 van 1967:	Wolwet, 1967	61
No. 60 van 1967:	Wysigingswet op Onderwys vir Indiërs, 1967	71

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No. 51, 1967.]

ACT

To amend the University of Cape Town Act, 1959, so as to provide for the appointment of more than one deputy principal; to provide for a modification of the constitution of the council and the senate of the University; to empower the council to frame statutes or regulations providing for the establishment of committees of the council and the senate; to empower the council to delegate its powers and functions to certain committees and to empower the senate to delegate its functions to committees of the senate; to empower the council and the senate to establish joint committees; to make further provision in regard to discipline at the University; and to provide for certain incidental matters.

(*Afrikaans text signed by the State President.*)
(*Assented to 1st May*, 1967.)

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

Amendment of section 4 of Act 38 of 1959, as substituted by section 2 of Act 2 of 1965.

1. Section 4 (1) of the University of Cape Town Act, 1959 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (*d*) of the following paragraph:

"(*d*) such deputy principals of the University as may be appointed by the council in terms of section 6*bis*;".

Substitution of section 6*bis* of Act 38 of 1959, as inserted by section 2 of Act 12 of 1962.

2. The following section is hereby substituted for section 6*bis* of the principal Act:

"Deputy principals of the University.

6*bis*. The council may appoint one or more deputy principals of the University under such conditions of service as the council may prescribe and with such duties as the council may determine.".

Substitution of section 7 of Act 38 of 1959, as amended by section 3 of Act 12 of 1962 and section 3 of Act 2 of 1965.

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

"Council of the University.

7. (1) Subject to the provisions of this Act, the government and executive authority of the University shall be vested in the council, which shall consist of—

(*a*) the principal of the University;

(*b*) such deputy principals of the University appointed in terms of section 6*bis* as may be nominated for the purpose by the council;

(*c*) five persons appointed by the State President;

(*d*) six persons elected by convocation of the University;

(*e*) three professors of the University chosen by the senate;

(*f*) two persons chosen by the city council of Cape Town;

(*g*) three persons chosen by a constituency of persons who immediately before the commencement of the University of Cape Town Amendment Act, 1967, were entitled to choose, otherwise than in a manner contemplated in paragraphs (*d*), (*e*), (*f*) and (*h*), three members of the council, and of persons who in accordance with the statutes, may after the said commencement become members of such constituency by reason of donations made by them to the University;

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No. 51, 1967.]

WET

Tot wysiging van die Wet op die Universiteit van Kaapstad, 1959, om voorsiening te maak vir die aanstelling van meer as een adjunk-rektor; om voorsiening te maak vir 'n verandering in die samestelling van die raad en die senaat van die Universiteit; om die raad te magtig om statute of regulasies op te stel wat voorsiening maak vir die instelling van komitees van die raad en die senaat; om die raad te magtig om sy bevoegdhede en werksaamhede aan sekere komitees te delegeer en om die senaat te magtig om sy werksaamhede aan komitees van die senaat te delegeer; om die raad en die senaat te magtig om gesamentlike komitees in te stel; om verdere voorsiening te maak met betrekking tot tug by die Universiteit; en om vir sekere bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Mei 1967.)

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

Wysiging van artikel 4 van Wet 38 van 1959, soos vervang deur artikel 2 van Wet 2 van 1965.

1. Artikel 4 (1) van die Wet op die Universiteit van Kaapstad, 1959 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf *(d)* deur die volgende paragraaf te vervang:
„*(d)* die adjunk-rektors van die Universiteit wat deur die raad kragtens artikel 6*bis* aangestel word;".

Vervanging van artikel 6*bis* van Wet 38 van 1959, soos ingevoeg deur artikel 2 van Wet 12 van 1962.

2. Artikel 6*bis* van die Hoofwet word hierby deur die volgende artikel vervang:

„Adjunk-rektors van die Universiteit.

6*bis*. Die raad kan een of meer adjunk-rektors van die Universiteit aanstel met die diensvoorwaardes wat die raad voorskryf en met die pligte wat die raad bepaal.".

Vervanging van artikel 7 van Wet 38 van 1959, soos gewysig deur artikel 3 van Wet 12 van 1962 en artikel 3 van Wet 2 van 1965.

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

„Raad van die Universiteit.

7. (1) Behoudens die bepalings van hierdie Wet berus die bestuur en uitvoerende mag van die Universiteit by die raad, wat bestaan uit—
(a) die rektor van die Universiteit;
(b) dié ingevolge artikel 6*bis* aangestelde adjunk-rektors van die Universiteit wat deur die raad vir die doel genomineer word;
(c) vyf persone deur die Staatspresident aangestel;
(d) ses persone deur die konvokasie van die Universiteit gekies;
(e) drie professore van die Universiteit deur die senaat gekies;
(f) twee persone deur die stadsraad van Kaapstad gekies;
(g) drie persone gekies deur 'n kieskollege bestaande uit persone wat onmiddellik vóór die inwerkingtreding van die Wysigingswet op die Universiteit van Kaapstad, 1967, geregtig was om op 'n ander wyse as in paragrawe *(d)*, *(e)*, *(f)* en *(h)* beoog, drie lede van die raad te kies, en uit persone wat, ooreenkomstig die statute, ná genoemde inwerkingtreding lede word van dié kieskollege uit hoofde van skenkings deur hulle aan die Universiteit gedoen;

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(*h*) one person chosen by a constituency of persons who, having matriculated from the Diocesan College, before the commencement of the University of Cape Town Amendment Act, 1967, became, or after the said commencement become, graduates of any university; and

(*i*) not more than two members of the Board of Governors of the University of Cape Town Foundation established by the council chosen by the said Board.

(2) Except as in subsection (1) (*e*) provided, a professor of the University shall not be eligible for appointment or election as a member of the council.

(3) The nomination and election of a member of the council referred to in subsection (1) (*h*), shall be conducted in the manner in which it would have been conducted if this Act had not been passed.

(4) The members of the council, other than the members referred to in subsection (1) (*a*) and (*b*), shall hold office for such periods as the statutes in each case prescribe.

(5) If the period of office of any member of the council other than a member referred to in subsection (1) (*b*) expires, or is about to expire, his place shall, subject to the provisions of subsections (1) and (2), be filled in the manner provided by the statutes.

(6) Casual vacancies upon the council caused by death, resignation or other cause prescribed by the statutes shall, subject to the provisions of subsections (1) and (2) and save in the case of a member referred to in subsection (1) (*b*), be filled as required by the statutes.

(7) The council shall elect from amongst its members a chairman, who shall hold office as such for such period as is prescribed by the statutes, and if that chairman is not present at any meeting of the council, the members present may elect a chairman out of their number to preside at such meeting.

(8) The quorum and the procedure at meetings of the council and the times at which such meetings shall be held, shall be as prescribed by the statutes.

(9) The council shall administer all the property of the University and shall, save as by this Act is specifically provided, make all appointments it deems necessary for the efficient conduct of the University, and have the general control of the University and of all its affairs and functions.

(10) The council may frame statutes or regulations providing for the establishment of committees of the council and for the appointment by the council as members of such committees of any persons, whether they are members of the council or not, and may by resolution delegate any of its powers and functions to any committee established in terms of such statutes or regulations whose membership consists solely of members of the council.

(11) The council may frame statutes or regulations providing for the establishment of committees of the senate and for the appointment by the senate as members of such committees of any persons, whether they are members of the senate or not.".

Amendment of section 8 of Act 38 of 1959, as amended by section 4 of Act 12 of 1962.

4. Section 8 of the principal Act is hereby amended—

(*a*) by the substitution for paragraph (*a*)*bis* of subsection (1) of the following paragraph:

"(*a*)*bis* such deputy principals of the University appointed in terms of section 6*bis* as may be nominated for the purpose by the council;";

(*b*) by the substitution for the Afrikaans version of subsection (3) of the following subsection:

"(3) Die toesig oor en die reëling van die tug en onderrig in die verskeie departemente, voorlesings en klasse van die Universiteit berus by die senaat oor-

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(*h*) een persoon gekies deur 'n kieskollege bestaande uit persone wat, nadat hulle aan die Diocesan-kollege gematrikuleer het, vóór die inwerkingtreding van die Wysigingswet op die Universiteit van Kaapstad, 1967, gegradueerdes van enige universiteit geword het, of dit ná genoemde inwerkingtreding word; en

(*i*) hoogstens twee lede van die deur die raad ingestelde Bestuursraad van die Stigting Universiteit van Kaapstad gekies deur genoemde Bestuursraad.

(2) Behalwe soos in subartikel (1) (*e*) bepaal word, kan 'n professor van die Universiteit nie as 'n lid van die raad aangestel of gekies word nie.

(3) Die nominasie en verkiesing van 'n lid van die raad in subartikel (1) (*h*) vermeld, geskied op die wyse waarop dit sou geskied het indien hierdie Wet nie aangeneem was nie.

(4) Die lede van die raad, behalwe die lede in subartikel (1) (*a*) en (*b*) vermeld, beklee hul amp vir die termyne wat die statute in elke geval voorskryf.

(5) Indien die ampstermyn van 'n lid van die raad behalwe 'n lid in subartikel (1) (*b*) vermeld, verstryk of ten einde loop, word, behoudens die bepalings van subartikels (1) en (2), sy plek gevul op die wyse deur die statute bepaal.

(6) Toevallige vakatures in die raad wat veroorsaak word deur dood, bedanking of 'n ander oorsaak wat deur die statute voorgeskryf is, word, behoudens die bepalings van subartikels (1) en (2) en behalwe in die geval van 'n lid in subartikel (1) (*b*) vermeld, gevul soos deur die statute vereis word.

(7) Die raad kies uit eie geledere 'n voorsitter wat sy amp as sodanig beklee vir die termyn deur die statute voorgeskryf, en indien dié voorsitter nie op 'n vergadering van die raad aanwesig is nie, kan die aanwesige lede uit eie geledere 'n voorsitter kies om op dié vergadering voor te sit.

(8) Die kworum en prosedure op vergaderings van die raad en die tye wanneer sodanige vergaderings gehou moet word, word deur die statute voorgeskryf.

(9) Die raad beheer al die eiendom van die Universiteit, en behalwe soos deur hierdie Wet in die besonder bepaal word, doen hy al die aanstellings wat hy vir die doelmatige bestuur van die Universiteit nodig ag, en oefen hy algemene beheer uit oor die Universiteit en al die sake en werksaamhede daarvan.

(10) Die raad kan statute en regulasies opstel wat voorsiening maak vir die instelling van komitees van die raad en vir die aanstelling deur die raad van enige persone, hetsy hulle lede van die raad is al dan nie, as lede van sodanige komitees en kan by besluit enige van sy bevoegdhede en werksaamhede aan 'n komitee wat ingevolge sodanige statute of regulasies ingestel word en wie se lede uitsluitlik uit raadslede bestaan, delegeer.

(11) Die raad kan statute en regulasies opstel wat voorsiening maak vir die instelling van komitees van die senaat en vir die aanstelling deur die senaat van enige persone, hetsy hulle lede van die senaat is al dan nie, as lede van sodanige komitees.".

4. Artikel 8 van die Hoofwet word hierby gewysig— Wysiging van artikel 8 van Wet 38 van 1959, soos gewysig deur artikel 4 van Wet 12 van 1962.

(*a*) deur paragraaf (*a*)*bis* van subartikel (1) deur die volgende paragraaf te vervang:

„(*a*)*bis* dié ingevolge artikel 6*bis* aangestelde adjunk-rektors van die Universiteit wat deur die raad vir die doel genomineer word;";

(*b*) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die toesig oor en die reëling van die tug en onderrig in die verskeie departemente, voorlesings en klasse van die Universiteit berus by die senaat oor-

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eenkomstig regulasies wat deur die senaat daarvoor opgestel moet word en deur die raad goedgekeur is."; and

(*c*) by the addition of the following subsection:

"(6) The senate may by resolution delegate any of its functions to any committee established in terms of any statutes or regulations framed under section 7 (11).".

Insertion of section 8A in Act 38 of 1959.

5. The following section is hereby inserted in the principal Act after section 8:

"Joint committees of council and senate.

8A. The council and the senate may, for such purposes as they may deem expedient, by resolution of each body establish joint committees of the council and the senate to which joint committees the council may appoint members of the council and the senate may appoint members of the senate.".

Amendment of section 9 of Act 38 of 1959, as amended by section 5 of Act 12 of 1962.

6. Section 9 (1) of the principal Act is hereby amended by the substitution for paragraph (*b*) of the following paragraph:

"(*b*) the principal of the University, such deputy principals of the University as may be appointed by the council in terms of section 6*bis* and the professors and the lecturers of the University; and".

Amendment of section 16 of Act 38 of 1959.

7. Section 16 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A student of the University shall be subject to such disciplinary provisions as may be prescribed by the statutes or by rules made by the council, and such statutes or rules may, subject to the provisions of section 8 (3), provide for the exercise of disciplinary powers by the council or any person or body specified in the statutes or rules or designated by the council.".

Short title.

8. This Act shall be called the University of Cape Town Amendment Act, 1967.

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eenkomstig regulasies wat deur die senaat daarvoor opgestel moet word en deur die raad goedgekeur is."; en

(*c*) deur die volgende subartikel by te voeg:

„(6) Die senaat kan by besluit enige van sy werksaamhede aan 'n komitee wat ingevolge enige kragtens artikel 7 (11) opgestelde statute of regulasies ingestel is, delegeer.".

5. Die volgende artikel word hierby na artikel 8 in die Hoofwet ingevoeg: Invoeging van artikel 8A in Wet 38 van 1959.

„Gesamentlike komitees van raad en senaat. **8A.** Die raad en die senaat kan, vir die doeleindes wat hulle dienstig ag, by besluit van elke liggaam gesamentlike komitees van die raad en die senaat instel, en as lede van dié gesamentlike komitees kan die raad lede van die raad aanstel en die senaat lede van die senaat aanstel.".

6. Artikel 9 (1) van die Hoofwet word hierby gewysig deur paragraaf (*b*) deur die volgende paragraaf te vervang: Wysiging van artikel 9 van Wet 38 van 1959, soos gewysig deur artikel 5 van Wet 12 van 1962.

„(*b*) die rektor van die Universiteit, die adjunk-rektors van die Universiteit wat deur die raad kragtens artikel 6*bis* aangestel word en die professore en lektore van die Universiteit; en".

7. Artikel 16 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: Wysiging van artikel 16 van Wet 38 van 1959.

„(1) 'n Student van die Universiteit is onderworpe aan die tugbepalings wat deur die statute of deur reëls uitgevaardig deur die raad voorgeskryf word en sodanige statute of reëls kan, behoudens die bepalings van artikel 8 (3), voorsiening maak vir die uitoefening van tugbevoegdhede deur die raad of enige persoon of liggaam in die statute of reëls vermeld of deur die raad aangewys.".

8. Hierdie Wet heet die Wysigingswet op die Universiteit van Kaapstad, 1967. **Kort titel.**

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No. 52, 1967.]

ACT

To amend the University of Pretoria (Private) Act, 1930, so as to empower the University expressly to invest, borrow or lend money; to reformulate the qualifications for membership of certain members of the Council; to provide for committees of the Council and of the Senate and for the delegation to such committees of powers and functions; to provide for joint committees of the Council and the Senate; to provide for a modification of the provisions relating to Convocation of the University; to change the names of certain faculties of the University; to make further provision in relation to the established faculties and the subdivision of faculties into departments; to extend the provisions regarding the candidature for higher degrees at the University; to amend certain definitions; to effect certain changes in the terminology of the said Act; to delete section 11 (2); and to provide for certain incidental matters.

(*English text signed by the State President.*)
(*Assented to* 1*st May*, 1967.)

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

Substitution of section 3 of Act 13 of 1930.

1. The following section is hereby substituted for section 3 of the University of Pretoria (Private) Act, 1930 (hereinafter referred to as the principal Act):

"Constitution, status and proprietary capacity of the University.

3. The University shall consist of—

(*a*) a Chancellor;
(*b*) a Vice-Chancellor;
(*c*) an officer who shall be styled the Principal of the University, and who shall also be eligible for appointment as Vice-Chancellor of the University;
(*d*) a Council;
(*e*) a Senate;
(*f*) a Convocation;
(*g*) the professors, lecturers, other teachers and students of faculties and departments of the University,

and shall, under the name given to it in section 2, be a body corporate and shall, by that name, be capable in law of suing and being sued and, subject to the provisions of this Act, of acquiring, holding, and of alienating property, movable and immovable, and of performing such acts, including the investing, borrowing and lending of money, as bodies corporate may by law perform.".

Amendment of section 7 of Act 13 of 1930, as amended by section 1 of Act 30 of 1957.

2. Section 7 of the principal Act is hereby amended—

(*a*) by the substitution in paragraph (*a*) of subsection (1) for the word "Rector" of the word "Principal";
(*b*) by the substitution in paragraph (*b*) of subsection (1) for the word "Governor-General" of the words "State President";
(*c*) by the substitution for paragraph (*g*) of subsection (1) of the following paragraph:

"(*g*) two persons elected by a constituency of persons who by reason of donations made by them to the University are entitled in terms of the statute to representation on the Council of the University;"; and

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No. 52, 1967.]

WET

Tot wysiging van die Private Wet op die Uniwersiteit van Pretoria, 1930, om die Universiteit uitdruklik te magtig om geld te belê, te leen of uit te leen; om die kwalifikasies vir lidmaatskap van sekere lede van die Raad te herformuleer; om voorsiening te maak vir komitees van die Raad en van die Senaat en vir die delegering van bevoegdhede en werksaamhede aan sodanige komitees; om voorsiening te maak vir gesamentlike komitees van die Raad en die Senaat; om voorsiening te maak vir 'n verandering van die bepalings betreffende konvokasie van die Universiteit; om die name van sekere van die fakulteite van die Universiteit te verander; om verdere voorsiening te maak met betrekking tot die ingestelde fakulteite en die onderverdeling van fakulteite in departemente; om die bepalings betreffende kandidaatskap vir hoër grade aan die Universiteit uit te brei; om sekere omskrywings te wysig; om sekere veranderinge in die terminologie van genoemde Wet aan te bring; om artikel 11 (2) te skrap; en om vir sekere bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Mei 1967.)

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

Vervanging van artikel 3 van Wet 13 van 1930.

1. Artikel 3 van die Private Wet op die Uniwersiteit van Pretoria, 1930 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

Samestelling, status en vermoënsregtelike bevoegdheid van die Uniwersiteit.

3. Die Uniwersiteit bestaan uit—

(*a*) 'n Kanselier;
(*b*) 'n Onderkanselier;
(*c*) 'n amptenaar wat die Rektor van die Uniwersiteit heet en wat ook as Onderkanselier van die Uniwersiteit verkiesbaar is;
(*d*) 'n Raad;
(*e*) 'n Senaat;
(*f*) 'n Konvokasie;
(*g*) die professore, lektore, ander dosente en studente van fakulteite en departemente van die Uniwersiteit,

en is onder die naam aan hom in artikel 2 verleen 'n regspersoon en kan onder daardie naam as eiser en as verweerder in regte optree en, behoudens die bepalings van hierdie Wet, roerende sowel as onroerende goed verkry, besit en vervreem, en dié handelinge, met inbegrip van die belegging, leen en uitleen van geld, verrig wat regspersone regtens kan verrig.".

Wysiging van artikel 7 van Wet 13 van 1930, soos gewysig deur artikel 1 van Wet 30 van 1957.

2. Artikel 7 van die Hoofwet word hierby gewysig—

(*a*) deur in die Engelse teks van paragraaf (*a*) van subartikel (1) die woord „Rector" deur die woord „Principal" te vervang;
(*b*) deur in paragraaf (*b*) van subartikel (1) die woord „Goewerneur-generaal" deur die woord „Staatspresident" te vervang;
(*c*) deur paragraaf (*g*) van subartikel (1) deur die volgende paragraaf te vervang:

„(*g*) twee persone gekies deur 'n kieskollege bestaande uit persone wat vanweë skenkings deur hulle aan die Uniwersiteit gedoen, ingevolge die statuut geregtig is op verteenwoordiging op die Raad van die Uniwersiteit;"; en

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(*d*) by the substitution, in paragraph (*h*) of subsection (1), in that part of that subsection which follows on paragraph (*h*), and in subsections (3), (4), (5), (6) and (8), for the word "statutes" of the word "statute".

Amendment of section 8 of Act 13 of 1930, as amended by section 2 of Act 30 of 1957.

3. Section 8 of the principal Act is hereby amended—

(*a*) by the substitution in subsection (1) (*a*) for the word "Rector" of the word "Principal"; and

(*b*) by the substitution in subsections (1) (*c*) and (5) for the word "statutes" of the word "statute".

Insertion of section 8A in Act 13 of 1930.

4. The following section is hereby inserted in the principal Act after section 8:

"Committees of the Council and the Senate.

8A. (1) The Council may by the statute provide for the establishment of committees of the Council and for the appointment by the Council as members of such committees of any persons, whether they are members of the Council or not, and may by resolution delegate any of its powers or functions to any committee so established whose membership consists solely of members of the Council.

(2) (*a*) The Council may, on the recommendation of the Senate, by the statute provide for the establishment of committees of the Senate and for the appointment by the Senate as members of such committees of any persons, whether they are members of the Senate or not.

(*b*) The Senate may by resolution delegate any of its powers or functions to any committee so established.

(3) The Council and the Senate, by resolution of each body, may for such purposes as they may deem expedient, establish joint committees of the Council and Senate, to which joint committees the Council may appoint members of the Council and the Senate may appoint members of the Senate.".

Amendment of section 9 of Act 13 of 1930, as amended by section 3 of Act 30 of 1957.

5. Section 9 of the principal Act is hereby amended—

(*a*) by the substitution in subsection (2) for the word "Rector" of the word "Principal";

(*b*) by the substitution for paragraph (*c*) of subsection (3) of the following paragraph:

"(*c*) all persons who before the commencement of the University of Pretoria Amendment Act, 1967, were, under the provisions of section 16 of this Act, admitted to membership of Convocation of the University;";

(*c*) by the substitution for subsection (4) of the following subsection:

"(4) Prior to the name of any person referred to in subsection (3) being entered on the convocation roll, there shall be payable by him a fee prescribed by the statute."; and

(*d*) by the substitution in subsection (5) for the word "statutes" of the word "statute".

Amendment of section 10 of Act 13 of 1930, as amended by section 4 of Act 30 of 1957.

6. Section 10 of the principal Act is hereby amended—

(*a*) by the substitution for subsection (1) of the following subsection:

"(1) At the University there shall be—

(*a*) faculties of arts, science, education, economic and political sciences, agricultural sciences, veterinary science, law, theology, medicine, dentistry and engineering; and

(*b*) such other faculties or departments (whether subdivisions of faculties or not) as the Council, after consultation with the Senate, may with the approval of the Minister and subject to the statute, from time to time establish.".

(*b*) by the deletion of subsection (2); and

(*c*) by the substitution in subsection (3) for the word "statutes" of the word "statute".

Amendment of section 11 of Act 13 of 1930, as amended by section 29 of Act 61 of 1955 and section 5 of Act 30 of 1957.

7. Section 11 of the principal Act is hereby amended by the deletion of subsection (2).

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(*d*) deur in paragraaf (*h*) van subartikel (1), in dié deel van daardie subartikel wat op paragraaf (*h*) volg, en in subartikels (3), (4), (5), (6) en (8) die woord „statute" deur die woord „statuut" te vervang.

Wysiging van artikel 8 van Wet 13 van 1930, soos gewysig deur artikel 2 van Wet 30 van 1957.

3. Artikel 8 van die Hoofwet word hierby gewysig—

(*a*) deur in die Engelse teks van subartikel (1) (*a*) die woord „Rector" deur die woord „Principal" te vervang; en

(*b*) deur in subartikels (1) (*c*) en (5) die woord „statute" deur die woord „statuut" te vervang.

Invoeging van artikel 8A in Wet 13 van 1930.

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

„Komitees van die Raad en die Senaat.

8A. (1) Die Raad kan by die statuut voorsiening maak vir die instelling van komitees van die Raad en vir die aanstelling deur die Raad van enige persone, hetsy hulle lede van die Raad is al dan nie, as lede van sodanige komitees en kan by besluit enige van sy bevoegdhede of werksaamhede aan 'n komitee wat aldus ingestel word en wie se lede uitsluitlik uit lede van die Raad bestaan, delegeer.

(2) (*a*) Die Raad kan op aanbeveling van die Senaat by die statuut voorsiening maak vir die instelling van komitees van die Senaat en vir die aanstelling deur die Senaat van enige persone, hetsy hulle lede van die Senaat is al dan nie, as lede van sodanige komitees.

(*b*) Die Senaat kan by besluit enige van sy bevoegdhede of werksaamhede aan 'n komitee wat aldus ingestel word, delegeer.

(3) Die Raad en die Senaat kan vir die doeleindes wat hulle dienstig ag, by besluit van elke liggaam gesamentlike komitees van die Raad en die Senaat instel, en as lede van dié gesamentlike komitees kan die Raad lede van die Raad aanstel en die Senaat lede van die Senaat aanstel.".

Wysiging van artikel 9 van Wet 13 van 1930, soos gewysig deur artikel 3 van Wet 30 van 1957.

5. Artikel 9 van die Hoofwet word hierby gewysig—

(*a*) deur in die Engelse teks van subartikel (2) die woord „Rector" deur die woord „Principal" te vervang;

(*b*) deur paragraaf (*c*) van subartikel (3) deur die volgende paragraaf te vervang:

„(*c*) alle persone wat kragtens die bepalings van artikel 16 van hierdie Wet, voor die inwerkingtreding van die Wysigingswet op die Universiteit van Pretoria, 1967, toegelaat is tot lidmaatskap van die konvokasie van die Uniwersiteit;";

(*c*) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Voordat die naam van iemand in subartikel (3) vermeld op die konvokasielys ingeskrywe word, betaal hy die deur die statuut vasgestelde bedrag."; en

(*d*) deur in subartikel (5) die woord „statute" deur die woord „statuut" te vervang.

Wysiging van artikel 10 van Wet 13 van 1930, soos gewysig deur artikel 4 van Wet 30 van 1957.

6. Artikel 10 van die Hoofwet word hierby gewysig—

(*a*) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Aan die Uniwersiteit moet daar wees—

(*a*) fakulteite van lettere en wysbegeerte, wis- en natuurkunde, opvoedkunde, ekonomiese en staatswetenskappe, landbouwetenskappe, veartsenykunde, regsgeleerdheid, teologie, geneeskunde, tandheelkunde en ingenieurswese; en

(*b*) die ander fakulteite of departemente (hetsy onderafdelings van fakulteite al dan nie) wat die Raad, na oorleg met die Senaat, met goedkeuring van die Minister en behoudens die bepalings van die statuut van tyd tot tyd instel.";

(*b*) deur subartikel (2) te skrap; en

(*c*) deur in subartikel (3) die woord „statute" deur die woord „statuut" te vervang.

Wysiging van artikel 11 van Wet 13 van 1930, soos gewysig deur artikel 29 van Wet 61 van 1955 en artikel 5 van Wet 30 van 1957.

7. Artikel 11 van die Hoofwet word hierby gewysig deur subartikel (2) te skrap.

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Substitution of section 16 of Act 13 of 1930.

8. (1) The following section is hereby substituted for section 16 of the principal Act:

"Admission to equivalent status at University or to candidature for higher degrees.

16. Subject to the provisions of the statute, the Council may, on the recommendation of the Senate—

(*a*) admit a graduate of any other university (whether in the Republic or elsewhere) to a status in the University equivalent to that which he possesses in such other university; and

(*b*) admit as a candidate for a postgraduate degree of bachelor or for the degree of master or doctor of the University any person who has passed at any other university (whether in the Republic or elsewhere) or at any other institution deemed by the Senate to be equivalent to a university, such examinations as are, in the opinion of the Senate, equivalent to or higher than the examinations prescribed for a degree of the University which is a prerequisite for such a post-graduate degree of bachelor or degree of master or doctor of the University.".

(2) Section 16 of the principal Act, as substituted by this section, shall be deemed to have come into operation on the tenth day of October, 1930: Provided that the provisions of this section shall not deprive any person of his membership of the Convocation of the University of Pretoria existing at the commencement of this Act.

Amendment of section 28 of Act 13 of 1930.

9. Section 28 of the principal Act is hereby amended by the substitution for the word "Governor-General" of the words "State President".

Amendment of section 29 of Act 13 of 1930.

10. Section 29 of the principal Act is hereby amended—

(*a*) by the substitution for the word "Governor-General" of the words "State President"; and

(*b*) by the substitution for the word "statutes" of the word "statute".

Amendment of section 33 of Act 13 of 1930, as amended by section 29 of Act 61 of 1955.

11. Section 33 of the principal Act is hereby amended—

(*a*) by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of Education, Arts and Science or any other Minister to whom the State President may assign the administration of matters relating to higher education in the Republic;";

(*b*) by the substitution for the definition of "Rector" of the following definition:

" 'Principal' means the Principal of the University;";

(*c*) by the substitution for the definition of "the statutes" of the following definition:

" 'the statute' means the statute and regulations of the University framed and published under section 17 of the Universities Act, 1955 (Act No. 61 of 1955), and for the time being in force;";

(*d*) by the substitution for the definition of "the joint statutes" of the following definition:

" 'the joint statute' means the joint statute and joint regulations framed and published under section 18 of the Universities Act, 1955, and for the time being in force;"; and

(*e*) by the substitution in the definition of "this Act" for the word "statutes", in both places where it occurs, of the word "statute".

Amendment of sections 4, 5, 13, 15, 17, 18, 19 and 25 of Act 13 of 1930.

12. Sections 4, 5, 13, 15, 17, 18, 19 and 25 of the principal Act are hereby amended by the substitution for the word "statutes", wherever it occurs, of the word "statute".

Amendment of sections 6 and 30 of Act 13 of 1930.

13. Sections 6 and 30 of the principal Act are hereby amended—

(*a*) by the substitution for the word "Rector" of the word "Principal"; and

(*b*) by the substitution for the word "statutes" of the word "statute".

Short title.

14. This Act shall be called the University of Pretoria Amendment Act, 1967.

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8. (1) Artikel 16 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 16 van Wet 13 van 1930.

„Toelating tot gelyke status aan Uniwersiteit of tot kandidaatskap vir hoër grade.

16. Behoudens die bepalings van die statuut kan die Raad op aanbeveling van die Senaat—

(*a*) 'n gegradueerde van 'n ander uniwersiteit (hetsy in die Republiek of elders) tot 'n status aan die Uniwersiteit toelaat wat gelykstaan met dié wat hy aan die ander uniwersiteit besit; en

(*b*) iemand wat aan 'n ander uniwersiteit (hetsy in die Republiek of elders) of aan 'n ander inrigting wat deur die Senaat as gelykstaande met 'n uniwersiteit beskou word, geslaag het in eksamens wat na die oordeel van die Senaat gelykwaardig is met of hoër is as die eksamens wat voorgeskryf word vir 'n graad van die Uniwersiteit wat 'n voorvereiste is vir 'n nagraadse baccalaureusgraad of 'n magisters- of doktorsgraad van die Uniwersiteit, as kandidaat toelaat vir 'n graad waarvoor eersbedoelde graad so 'n vereiste is.".

(2) Artikel 16 van die Hoofwet, soos deur hierdie artikel vervang, word geag op die tiende dag van Oktober 1903 in werking te getree het: Met dien verstande dat die bepalings van hierdie artikel niemand sy lidmaatskap van die konvokasie van die Universiteit van Pretoria wat bestaan by die inwerkingtreding van hierdie Wet ontneem nie.

9. Artikel 28 van die Hoofwet word hierby gewysig deur die woord „Goewerneur-generaal" deur die woord „Staatspresident" te vervang. Wysiging van artikel 28 van Wet 13 van 1930.

10. Artikel 29 van die Hoofwet word hierby gewysig— Wysiging van artikel 29 van Wet 13 van 1930.

(*a*) deur die woord „Goewerneur-generaal" deur die woord „Staatspresident" te vervang; en

(*b*) deur die woord „statute" deur die woord „statuut" te vervang.

11. Artikel 33 van die Hoofwet word hierby gewysig— Wysiging van artikel 33 van Wet 13 van 1930, soos gewysig deur artikel 29 van Wet 61 van 1955.

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

„ 'Minister' beteken die Minister van Onderwys, Kuns en Wetenskap of 'n ander Minister aan wie die Staatspresident die administrasie van hoër onderwyssake in die Republiek opdra;";

(*b*) deur die omskrywing van „Rektor" deur die volgende omskrywing te vervang:

„ 'Rektor' beteken die Rektor van die Uniwersiteit;";

(*c*) deur die omskrywing van „die statute" deur die volgende omskrywing te vervang:

„ 'die statuut' beteken die geldende statuut en regulasies van die Uniwersiteit wat kragtens artikel 17 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), opgestel en afgekondig is;";

(*d*) deur die omskrywing van „die gemeenskaplike statute" deur die volgende omskrywing te vervang:

„ 'die gemeenskaplike statuut' beteken die geldende gemeenskaplike statuut en gemeenskaplike regulasies wat ingevolge artikel 18 van die Wet op Universiteite, 1955, opgestel en afgekondig is;"; en

(*e*) deur in die omskrywing van „hierdie Wet" die woord „statute" op beide plekke waar dit voorkom deur die woord „statuut" te vervang.

12. Artikels 4, 5, 13, 15, 17, 18, 19 en 25 van die Hoofwet word hierby gewysig deur die woord „statute", waar dit ook al voorkom, deur die woord „statuut" te vervang. Wysiging van artikels 4, 5, 13, 15, 17, 18, 19 en 25 van Wet 13 van 1930.

13. Artikels 6 en 30 van die Hoofwet word hierby gewysig— Wysiging van artikels 6 en 30 van Wet 13 van 1930.

(*a*) deur in die Engelse teks die woord „Rector" deur die woord „Principal" te vervang; en

(*b*) deur die woord „statute" deur die woord „statuut" te vervang.

14. Hierdie Wet heet die Wysigingswet op die Universiteit van Pretoria, 1967. Kort titel.

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No. 53, 1967.]

ACT

To amend the University of South Africa Act, 1959, so as to enlarge the powers conferred on the University by section 4 of the said Act; to provide for the alteration of the title of the principal in the Afrikaans version of the said Act; to provide for the appointment of the principal by the council after consultation with the senate and to dispense with the approval of the Minister; to provide for a modification of the constitution of the council, the senate and the executive committee of the senate; to restrict the right of members of the teaching staff of the University to be members of the council; to effect certain changes in regard to the periods of office of certain members of the council and of the senate; to provide for the appointment of committees of the council and for the delegation by the council of its powers and duties to committees of the council or to any officer of the University; to provide that the executive committee of the senate shall be constituted in the manner prescribed by the statutes; to authorize the appointment of persons other than members of the senate as members of committees established by it; to provide for the establishment of joint committees of the council and the senate; to provide for a modification of the provisions relating to convocation of the University; to provide that appointments to the teaching staff shall be made by the council in consultation with the executive committee of the senate; to provide for faculties and departments at the University; to make further provision in regard to the granting of diplomas and certificates and the admission of certain persons as candidates for certain degrees and diplomas; to provide for the deletion and the repeal of certain provisions relating to examinations; to provide for a modification of the provisions of section 19 of the said Act relating to the immovable property of the University; to effect certain changes in the terminology of the said Act; and to provide for certain incidental matters.

(*Afrikaans text signed by the State President.*)
(*Assented to 1st May,* 1967.)

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

Substitution of section 4 of Act 19 of 1959.

1. The following section is hereby substituted for section 4 of the University of South Africa Act, 1959 (hereinafter referred to as the principal Act):

"Constitution and powers of the University.

4. The University shall consist of—

(*a*) a chancellor;

(*b*) an officer, who shall be styled the principal of the University and who shall also be the vice-chancellor of the University;

(*c*) a council;

(*d*) a senate;

(*e*) convocation; and

(*f*) the professors, lecturers and students of the University,

and shall, under the name of the University of South Africa, be a body corporate and shall, by that name, be capable in law of suing and being sued, and, subject to the provisions of this Act, of acquiring,

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No. 53, 1967.]

WET

Tot wysiging van die Wet op die Universiteit van Suid-Afrika, 1959, om die bevoegdhede wat by artikel 4 van genoemde Wet aan die Universiteit verleen word, uit te brei; om voorsiening te maak vir die verandering van die titel van die prinsipaal in die Afrikaanse teks van genoemde Wet; om voorsiening te maak vir die aanstelling van die rektor deur die raad na oorlegpleging met die senaat en om weg te doen met die goedkeuring van die Minister; om voorsiening te maak vir 'n verandering in die samestelling van die raad, die senaat en die uitvoerende komitee van die senaat; om die reg van lede van die doserende personeel van die Universiteit om lede van die raad te wees, te beperk; om sekere veranderings aan te bring met betrekking tot die ampstermyne van sekere lede van die raad en die senaat; om voorsiening te maak vir die aanstelling van komitees van die raad en vir die delegering deur die raad van sy bevoegdhede en pligte aan komitees van die raad of aan 'n amptenaar van die Universiteit; om te bepaal dat die uitvoerende komitee van die senaat saamgestel moet word op die wyse in die statute voorgeskryf; om die aanstelling te magtig van ander persone as lede van die senaat as lede van komitees deur die senaat ingestel; om voorsiening te maak vir die instelling van gesamentlike komitees van die raad en die senaat; om voorsiening te maak vir 'n verandering van die bepalings betreffende konvokasie van die Universiteit; om te bepaal dat aanstellings tot die doserende personeel deur die raad gemaak moet word in oorleg met die uitvoerende komitee van die senaat; om voorsiening te maak vir fakulteite en departemente aan die Universiteit; om verdere voorsiening te maak met betrekking tot die toekenning van diplomas en sertifikate en die aanneem van sekere persone as kandidate vir sekere grade en diplomas; om voorsiening te maak vir die skrapping en die herroeping van sekere bepalings betreffende eksamens; om voorsiening te maak vir 'n verandering van die bepalings van artikel 19 van genoemde Wet betreffende die onroerende goed van die Universiteit; om sekere veranderings in die terminologie van genoemde Wet aan te bring; en om vir sekere bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 *Mei* 1967.)

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

Vervanging van van artikel 4 van Wet 19 van 1959.

1. Artikel 4 van die Wet op die Universiteit van Suid-Afrika, 1959 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Samestelling en bevoegdhede van die Universiteit.

4. Die Universiteit bestaan uit—
(*a*) 'n kanselier;
(*b*) 'n amptenaar wat die rektor van die Universiteit genoem word en wat ook die vise-kanselier van die Universiteit is;
(*c*) 'n raad;
(*d*) 'n senaat;
(*e*) 'n konvokasie; en
(*f*) die professore, lektore en studente van die Universiteit,

en is onder die naam die Universiteit van Suid-Afrika 'n regspersoon, en kan onder dié naam eisend en verwerend in die regte optree en, behoudens die bepalings van hierdie Wet, roerende en onroerende

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holding, hiring, leasing and alienating property, moveable and immovable, and performing such acts, including the investing, borrowing and lending of money, and the entering into contracts of guarantee and suretyship relating to loans granted to members of the teaching and administrative staff of the University to enable them to acquire dwellings for their own use, as bodies corporate may by law perform.".

Substitution of section 7 of Act 19 of 1959.

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

"Principal of the University. **7.** The principal of the University shall, after consultation with the senate, be appointed by the council in the manner prescribed by the statutes, and his powers, privileges, functions, period of office and duties shall be as thereby prescribed.".

Amendment of section 8 of Act 19 of 1959, as amended by section 2 of Act 13 of 1964.

3. (1) Section 8 of the principal Act is hereby amended—

(*a*) by the substitution for subsection (1) of the following subsections:

"(1) Subject to the provisions of this Act, the government and executive authority of the University shall be vested in the council, which shall consist of—

(*a*) six persons appointed by the State President;
(*b*) four persons chosen by the senate;
(*c*) two principals of other universities appointed by the Committee of University Principals;
(*d*) the principal of the University;
(*d*)*bis* two persons appointed by the City Council of Pretoria;
(*d*)*ter* two persons appointed by the council to represent donors of the University;
(*d*)*quat* two persons appointed by the council to represent convocation; and
(*e*) not more than four additional persons appointed by the State President on the recommendation of the council.

(1A) No person other than a person referred to in subsection (1) (*b*) shall be a member of the council if he is a member of the teaching staff of the University.";

(*b*) by the substitution for subsection (2) of the following subsection:

"(2) Unless he sooner dies or resigns, or vacates office for any other reason prescribed by the statutes, a member of the council appointed or chosen in terms of subsection (1) (*a*), (*b*), (*d*)*ter*, (*d*)*quat* or (*e*), shall hold office for a period of four years, and a member appointed in terms of subsection (1) (*c*) or (*d*)*bis* shall hold office for a period of two years."; and

(*c*) by the addition of the following subsections:

"(8) The council may at any time from amongst its members appoint such committees as it may deem necessary to assist it in the performance of its functions.

(9) The council may delegate any of its powers and duties to any committee appointed in terms of subsection (8) or to any officer of the University.".

(2) (*a*) Any person who immediately prior to the date of commencement of this Act was a member of the Council of the University of South Africa by virtue of the provisions of section 8 (1) (*c*) or (*d*) of the principal Act shall on that date cease to be such a member.

(*b*) Any person who immediately prior to the said date was such a member by virtue of any other provision of section 8 (1) of the principal Act shall be deemed to have been appointed or chosen in terms of that provision as amended by this Act.

(*c*) Any person whose completed period of office as such a member on the said date is four years or longer shall on that date cease to be such a member and every other person who holds office as such a member on the said date shall vacate his office on the expiration of the appropriate period prescribed by section 8 (2) of the principal Act as amended by this Act.

Substitution of section 9 of Act 19 of 1959, as amended by section 3 of Act 13 of 1964.

4. (1) The following section is hereby substituted for section 9 of the principal Act:

"Senate of the University. **9.** (1) The senate shall consist of—

(*a*) two members of the council, appointed by the council;

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goed verkry, besit, huur, verhuur en vervreem, en dié handelinge, met inbegrip van die belegging, leen en uitleen van geld, en die aangaan van kontrakte van garansie en borgstelling wat betrekking het op lenings toegestaan aan lede van die doserende en administratiewe personeel van die Universiteit om hulle in staat te stel om wonings vir hulle eie gebruik te verkry, verrig wat regspersone regtens kan verrig.".

Vervanging van artikel 7 van Wet 19 van 1959.

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

„Rektor van die Universiteit. **7.** Die rektor van die Universiteit word, na oorlegpleging met die senaat, deur die raad aangestel op die wyse deur die statute voorgeskryf, en sy bevoegdhede, voorregte, funksies, ampstermyn en pligte is dié wat die statute voorskryf.".

Wysiging van artikel 8 van Wet 19 van 1959, soos gewysig deur artikel 2 van Wet 13 van 1964.

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

(*a*) deur subartikel (1) deur die volgende subartikels te vervang:

„(1) Behoudens die bepalings van hierdie Wet berus die bestuur en uitvoerende mag van die Universiteit by die raad, wat bestaan uit—

(*a*) ses persone deur die Staatspresident aangestel;

(*b*) vier persone deur die senaat gekies;

(*c*) twee hoofde van ander universiteite deur die Komitee van Universiteitshoofde aangestel;

(*d*) die rektor van die Universiteit;

(*d*)*bis* twee persone deur die Stadsraad van Pretoria aangestel;

(*d*)*ter* twee persone deur die raad aangestel om donateurs van die Universiteit te verteenwoordig;

(*d*)*quat* twee persone deur die raad aangestel om die konvokasie te verteenwoordig; en

(*e*) hoogstens vier verdere persone deur die Staatspresident aangestel op aanbeveling van die raad.

(1A) Niemand behalwe 'n in subartikel (1) (*b*) bedoelde persoon mag 'n lid van die raad wees nie as hy 'n lid van die doserende personeel van die Universiteit is.";

(*b*) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Tensy hy eerder sterf of bedank, of sy amp ontruim om 'n ander rede deur die statute voorgeskryf, beklee 'n lid van die raad ingevolge subartikel (1) (*a*), (*b*), (*d*)*ter*, (*d*)*quat* of (*e*) aangestel of gekies, sy amp vir 'n termyn van vier jaar, en beklee 'n lid ingevolge subartikel (1) (*c*) of (*d*)*bis* aangestel sy amp vir 'n termyn van twee jaar."; en

(*c*) deur die volgende subartikels by te voeg:

„(8) Die raad kan te eniger tyd uit eie geledere die komitees aanstel wat hy nodig ag om hom by die verrigting van sy werksaamhede by te staan.

(9) Die raad kan enige van sy bevoegdhede en pligte aan 'n ingevolge subartikel (8) aangestelde komitee of aan 'n amptenaar van die Universiteit delegeer.".

(2) (*a*) Iemand wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet 'n lid van die raad van die Universiteit van Suid-Afrika was uit hoofde van die bepalings van artikel 8 (1) (*c*) of (*d*) van die Hoofwet hou op daardie datum op om so 'n lid te wees.

(*b*) Iemand wat onmiddellik voor genoemde datum so 'n lid was uit hoofde van enige ander bepaling van artikel 8 (1) van die Hoofwet word geag ingevolge daardie bepaling soos gewysig deur hierdie Wet aangestel of gekies te gewees het.

(*c*) Iemand wie se voltooide ampstermyn as so 'n lid op genoemde datum vier jaar of langer is, hou op daardie datum op om so 'n lid te wees en elke ander persoon wat op genoemde datum as so 'n lid dien, ontruim sy amp by verstryking van die toepaslike termyn voorgeskryf deur artikel 8 (2) van die Hoofwet soos deur hierdie Wet gewysig.

Vervanging van artikel 9 van Wet 19 van 1959, soos gewysig deur artikel 3 van Wet 13 van 1964.

4. (1) Artikel 9 van die Hoofwet word hierby deur die volgende artikel vervang:

„Senaat van die Universiteit. **9.** (1) Die senaat bestaan uit—

(*a*) twee lede van die raad wat deur die raad aangestel word;

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(*b*) the principal of the University, who shall be chairman;
(*c*) the professors of the University;
(*d*) such lecturers of the University who are heads of departments which are recognized by the council for the purpose of representation on the senate;
(*e*) the head of the University library; and
(*f*) such professors of other universities and such other persons as the council may, on the recommendation of the senate, appoint in the manner prescribed by the statutes.

(2) A member of the senate appointed in terms of subsection (1) (*a*) or (*f*) shall hold office for the period prescribed by the statutes.

(3) Subject to the financial control of the council and to the provisions of section 8 (1) the functions of the senate shall include the organization and control of all the university curricula and examinations.

(4) The senate shall submit to the council from time to time—
(*a*) reports upon its work;
(*b*) such recommendations as may seem expedient to the senate, as to any matters of interest affecting the University; and
(*c*) recommendations as to any matters referred to it by the council.

(5) (*a*) The quorum and the procedure at the meetings of the senate shall be as prescribed by the statutes.
(*b*) The place and the time at which any meeting of the senate shall be held, shall be determined from time to time by the senate, subject to the approval of the council.

(6) There shall be an executive committee of the senate, which shall be constituted in the manner prescribed by the statutes.

(7) When the senate is not in session, the said executive committee shall be vested with all the powers of the senate, but subject to the statutes and to any rules, instructions or resolutions which the senate may have made, given or passed.

(8) (*a*) The senate may from time to time establish other committees and entrust to any such committee any functions which the senate itself is competent to perform.
(*b*) The senate may appoint such persons, including persons other than members of the senate, as it may deem fit, to be members of any such committee.".

(2) Any person who immediately prior to the date of commencement of this Act was a member of the senate of the University of South Africa by virtue of the provisions of section 9 (1) (*e*) of the principal Act shall on that date cease to be such a member.

Insertion of section 9A in Act 19 of 1959.

5. The following section is hereby inserted in the principal Act after section 9:

"Joint committees of the council and the senate.

9A. The council and the senate may, by resolution of each body, establish joint committees of the council and the senate for such purposes as they may deem expedient.".

Substitution of section 10 of Act 19 of 1959.

6. The following section is hereby substituted for section 10 of the principal Act:

"Convocation of the University.

10. (1) Convocation of the University shall consist of—
(*a*) all persons, other than members of the senate, who immediately before the commencement of the University of South Africa Amendment Act, 1967, were members of convocation of the University;
(*b*) all members of the senate;
(*c*) all persons who after the said commencement become graduates of the University; and
(*d*) all the members of the permanent teaching staff who are not members of the senate:

Provided that if any person who by virtue of the provisions of paragraph (*a*) or (*c*) is or is about to

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(*b*) die rektor van die Universiteit wat die voorsitter is;
(*c*) die professore van die Universiteit;
(*d*) die lektore van die Universiteit wat hoofde van departemente is wat deur die raad vir doeleindes van verteenwoordiging in die senaat erken word;
(*e*) die hoof van die Universiteitsbiblioteek; en
(*f*) dié professore van ander universiteite en dié ander persone wat die raad op aanbeveling van die senaat aanstel op die wyse deur die statute voorgeskryf.

(2) 'n Lid van die senaat ingevolge subartikel (1) (*a*) of (*f*) aangestel, beklee sy amp vir die termyn wat deur die statute voorgeskryf word.

(3) Onderworpe aan die finansiële beheer van die raad en behoudens die bepalings van artikel 8 (1), sluit die werksaamhede van die senaat die organisasie van en die beheer oor al die universiteitsleerplanne en -eksamens in.

(4) Die senaat moet van tyd tot tyd—
(*a*) verslae oor sy werksaamhede;
(*b*) die aanbevelings wat hy dienstig ag betreffende aangeleenthede van belang wat die Universiteit raak; en
(*c*) aanbevelings betreffende aangeleenthede deur die raad na hom verwys,
aan die raad voorlê.

(5) (*a*) Die kworum en prosedure op vergaderings van die senaat word deur die statute voorgeskryf.
(*b*) Die plek waar en die tyd wanneer 'n bepaalde vergadering van die senaat gehou moet word, word, onderworpe aan die goedkeuring van die raad, deur die senaat van tyd tot tyd bepaal.

(6) Daar is 'n uitvoerende komitee van die senaat wat saamgestel word op die wyse wat deur die statute voorgeskryf word.

(7) Wanneer die senaat nie sitting hou nie, is genoemde uitvoerende komitee met al die bevoegdhede van die senaat beklee, maar onderworpe aan die statute en aan die reëls, voorskrifte of besluite wat die senaat uitgevaardig, uitgereik of geneem het.

(8) (*a*) Die senaat kan van tyd tot tyd ander komitees instel en aan so 'n komitee werksaamhede opdra wat die senaat self kan verrig.
(*b*) Die senaat kan die persone, insluitende persone wat nie lede van die senaat is nie, aanstel wat hy goedvind om lede van enige sodanige komitee te wees.".

(2) Iemand wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet 'n lid van die senaat van die Universiteit van Suid-Afrika was uit hoofde van die bepalings van artikel 9 (1) (*e*) van die Hoofwet hou op daardie datum op om so 'n lid te wees.

Invoeging van artikel 9A in Wet 19 van 1959.

5. Die volgende artikel word hierby na artikel 9 van die Hoofwet ingevoeg:

„Gesamentlike komitees van die raad en die senaat.

9A. Die raad en die senaat kan, by besluit van elke liggaam, gesamentlike komitees van die raad en die senaat instel vir die doeleindes wat hulle dienstig ag.".

Vervanging van artikel 10 van Wet 19 van 1959.

6. Artikel 10 van die Hoofwet word hierby deur die volgende artikel vervang:

„Konvokasie van die Universiteit.

10. (1) Die konvokasie van die Universiteit bestaan uit—
(*a*) al die persone, behalwe lede van die senaat, wat onmiddellik voor die inwerkingtreding van die Wysigingswet op die Universiteit van Suid-Afrika, 1967, lede van die konvokasie van die Universiteit was;
(*b*) al die lede van die senaat;
(*c*) al die persone wat na genoemde inwerkingtreding gegradueerdes van die Universiteit word; en
(*d*) al die lede van die permanente doserende personeel wat nie lede van die senaat is nie:
Met dien verstande dat indien iemand wat uit hoofde van die bepalings van paragraaf (*a*) of (*c*) 'n lid van

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become a member of convocation, notifies the council in writing that he does not wish to remain or become such a member, he shall not become such a member or, as the case may be, shall cease to be such a member upon receipt of such notice by the council.

(2) Meetings of convocation shall be convened and held in the manner and at the times prescribed by the statutes and convocation shall perform such functions, carry out such duties and exercise such powers as may likewise be prescribed.".

Substitution of section 11 of Act 19 of 1959.

7. The following section is hereby substituted for section 11 of the principal Act:

"Appointment of teaching staff.

11. Every professor or lecturer shall be appointed by the council after consultation with the executive committee of the senate.".

Insertion of section 11A in Act 19 of 1959.

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

"Faculties and departments.

11A. (1) At the University there shall be such faculties and such departments as may be determined by the council on the recommendation of the senate.

(2) The senate may, in respect of any faculty, establish a board of faculty and may entrust to any such board any functions which the senate itself is competent to perform.

(3) A board of faculty shall be constituted in the manner prescribed by the statutes.".

Substitution of section 12 of Act 19 of 1959.

9. The following section is hereby substituted for section 12 of the principal Act:

"Degrees, diplomas and certificates.

12. (1) The University may, subject to the provisions of this Act and the statutes, confer all such degrees as it may deem it expedient to confer.

(2) The designation of any specific degree in any faculty shall be as prescribed by the statutes and no other.

(3) Save as is provided by section 14 no degree shall be conferred by the University upon any person who has not attained, in examination or other test, the prescribed standard of proficiency.

(4) Subject to the provisions of this Act, the University may grant a diploma or certificate to any person who has pursued a course of study provided by the University or to any other person who in its opinion possesses the qualifications for such a diploma or certificate.".

Substitution of section 13 of Act 19 of 1959, as amended by section 4 of Act 13 of 1964.

10. The following section is hereby substituted for section 13 of the principal Act:

"Admission to equivalent status.

13. Subject to the provisions of the statutes, the council may, on the recommendation of the senate—

(*a*) admit a graduate of any other university (whether in the Republic or elsewhere) to a status in the University equivalent to that which he possesses in such other university; and

(*b*) admit as a candidate for a post-graduate degree or diploma in a faculty a person who has passed at a university, or at any institution deemed by the senate to be of university standing, such examinations as are, in the opinion of the senate, equivalent to the examinations prescribed for a degree in the University, or who is able to furnish evidence to the satisfaction of the senate of having attained such qualifications as are, in the opinion of the senate, equivalent to the qualifications prescribed for a degree in the University.".

Amendment of section 15 of Act 19 of 1959.

11. Section 15 of the principal Act is hereby amended by the deletion of paragraphs (*a*) and (*b*).

Repeal of section 16 of Act 19 of 1959.

12. Section 16 of the principal Act is hereby repealed.

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die konvokasie is of staan te word, die raad skriftelik in kennis stel dat hy nie so 'n lid wil bly of word nie, hy nie so 'n lid word nie, of, na gelang van die geval, by ontvangs van bedoelde kennisgewing deur die raad, ophou om so 'n lid te wees.

(2) Vergaderings van die konvokasie word belê en gehou op die wyse en die tye wat deur die statute voorgeskryf word en die konvokasie verrig die werksaamhede, voer die pligte uit en oefen die bevoegdhede uit wat insgelyks voorgeskryf word.".

Vervanging van artikel 11 van Wet 19 van 1959.

7. Artikel 11 van die Hoofwet word hierby deur die volgende artikel vervang:

„Aanstelling van doserende personeel.

11. Elke professor of lektor word deur die raad aangestel na oorlegpleging met die uitvoerende komitee van die senaat.".

Invoeging van artikel 11A in Wet 19 van 1959.

8. Die volgende artikel word hierby na artikel 11 van die Hoofwet ingevoeg:

„Fakulteite en departemente.

11A. (1) Aan die Universiteit is daar die fakulteite en die departemente wat die raad op aanbeveling van die senaat bepaal.

(2) Die senaat kan ten opsigte van 'n fakulteit 'n fakulteitsraad instel en kan aan so 'n raad enige van die werksaamhede opdra wat die senaat self kan verrig.

(3) 'n Fakulteitsraad word saamgestel op die wyse wat by die statute voorgeskryf word.".

Vervanging van artikel 12 van Wet 19 van 1959.

9. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang:

„Grade, diplomas en sertifikate.

12. (1) Die Universiteit kan, behoudens die bepalings van hierdie Wet en die statute, al die grade toeken waarvan hy die toekenning dienstig ag.

(2) Die naam van 'n bepaalde graad in enige fakulteit moet die wees wat die statute voorskryf, en geen ander nie.

(3) Behalwe soos by artikel 14 bepaal word, mag geen graad deur die Universiteit aan iemand toegeken word wat nie in 'n eksamen of ander toets die voorgeskrewe peil van bekwaamheid bereik het nie.

(4) Behoudens die bepalings van hierdie Wet, kan die Universiteit 'n diploma of sertifikaat aan enigiemand verleen wat 'n studiekursus gevolg het wat die Universiteit aanbied of aan enigiemand anders wat na sy oordeel die kwalifikasies vir so 'n diploma of sertifikaat besit.".

Vervanging van artikel 13 van Wet 19 van 1959, soos gewysig deur artikel 4 van Wet 13 van 1964.

10. Artikel 13 van die Hoofwet word hierby deur die volgende artikel vervang:

„Toelating tot gelyke status.

13. Behoudens die bepalings van die statute kan die raad op aanbeveling van die senaat—

(*a*) 'n gegradueerde van 'n ander universiteit (hetsy in die Republiek of elders) tot 'n status aan die Universiteit toelaat wat gelykstaan met die wat hy aan die ander universiteit besit; en

(*b*) iemand wat aan 'n universiteit of 'n inrigting wat deur die senaat geag word die status van 'n universiteit te besit, in eksamens geslaag het wat, volgens die oordeel van die senaat, gelykstaan met die eksamens wat vir 'n graad van die Universiteit voorgeskryf word, of iemand wat aan die senaat bevredigende bewys kan lewer dat hy kwalifikasies verwerf het wat, volgens die oordeel van die senaat, gelykstaan met die kwalifikasies wat vir 'n graad van die Universiteit voorgeskryf word, as 'n kandidaat vir 'n nagraadse graad of diploma in 'n fakulteit aanneem.".

Wysiging van artikel 15 van Wet 19 van 1959.

11. Artikel 15 van die Hoofwet word hierby gewysig deur paragrawe (*a*) en (*b*) te skrap.

Herroeping van artikel 16 van Wet 19 van 1959.

12. Artikel 16 van die Hoofwet word hierby herroep.

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Substitution of section 19 of Act 19 of 1959, as amended by section 5 of Act 13 of 1964.

13. The following section is hereby substituted for section 19 of the principal Act:

"Alienation of immovable property.

19. Immovable property vested in the University shall not be alienated or hypothecated without the approval of the Minister.".

Short title.

14. This Act shall be called the University of South Africa Amendment Act, 1967.

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13. Artikel 19 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 19 van Wet 19 van 1959, soos gewysig deur artikel 5 van Wet 13 van 1964.

„Vervreemding van onroerende goed. **19.** Onroerende goed wat aan die Universiteit behoort, word nie sonder die goedkeuring van die Minister vervreem of met verband beswaar nie.".

14. Hierdie Wet heet die Wysigingswet op die Universiteit van Suid-Afrika, 1967. Kort titel.

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No. 54, 1967.]

ACT

To amend the Patents Act, 1952, so as to provide for an extension of the period within which a patent must be sealed in any case where an extension of time has been allowed for advertising a complete specification of that patent.

(English text signed by the State President.)
(Assented to 1st May, 1967.)

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

Amendment of section 26 of Act 37 of 1952.

1. Section 26 of the Patents Act, 1952, is hereby amended by the substitution for proviso (*a*) to subsection (2) of the following proviso:

"(*a*) where the registrar or the commissioner has allowed an extension of time within which a complete specification may be lodged, accepted or advertised, a corresponding extension of the time for the sealing of the relevant patent shall be allowed.".

Short title.

2. This Act shall be called the Patents Amendment Act, 1967.

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No. 54, 1967.]

WET

Tot wysiging van die Wet op Patente, 1952, om voorsiening te maak vir 'n verlenging van die tydperk waarbinne 'n patent geseël moet word in 'n geval waar 'n tydsverlenging vir die advertering van 'n volledige spesifikasie van daardie patent toegestaan is.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Mei 1967.)

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

1. Artikel 26 van die Wet op Patente, 1952, word hierby gewysig deur voorbehoudsbepaling (*a*) by subartikel 2 deur die volgende voorbehoudsbepaling te vervang: Wysiging van artikel 26 van Wet 37 van 1952.

„(*a*) waar die registrateur of kommissaris 'n tydsverlenging toegestaan het waarbinne 'n volledige spesifikasie ingedien, aangeneem of geadverteer kan word, 'n ooreenstemmende tydsverlenging vir die seëling van die betrokke patent toegelaat moet word.".

2. Hierdie Wet heet die Wysigingswet op Patente, 1967. Kort titel.

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No. 55, 1967.]

ACT

To amend the provisions of the Merchandise Marks Act, 1941, relating to the unauthorized use of certain emblems, the prohibition relating to the sale of bottles marked with the owner's name and the application of the said Act.

(Afrikaans text signed by the State President.)
(Assented to 1st May, 1967.)

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

Amendment of section 14 of Act 17 of 1941, as amended by section 2 of Act 39 of 1952.

1. (1) Section 14 of the Merchandise Marks Act, 1941 (hereinafter referred to as the principal Act), is hereby amended—

(*a*) by the substitution for subparagraph (ii) of subsection (1) (*c*) of the following subparagraph:
"(ii) the name, portrait or effigy of any former State President or Minister of State of the Republic of South Africa or of any former Governor-General or Minister of State of the Union of South Africa or of any former President of 'De Zuid-Afrikaansche Republiek' or the republic of 'De Oranjevrijstaat'"; or;

(*b*) by the substitution for subparagraph (iii) of subsection 1 (*c*) of the following subparagraph:
"(iii) a reproduction of the National Flag of the Union, or of any monument, relic or antique as defined in the Natural and Historical Monuments, Relics and Antiques Act, 1934 (Act No. 4 of 1934), or of the Union Building or of any official residence of the State President or the Prime Minister.".

(2) The amendment effected by subsection (1) (*b*) shall not apply to the use by any person of anything which he lawfully used for a continuous period of one year immediately prior to the commencement of this Act.

Amendment of section 17 of Act 17 of 1941.

2. Section 17 of the principal Act is hereby amended by the substitution for paragraph (*b*) of subsection (1) of the following paragraph:

"(*b*) who sells any goods contained in any such bottle without the consent in writing of the person so named, unless those goods are the property of or have been produced or manufactured by the person so named.".

Substitution of section 21*bis* of Act 17 of 1941.

3. The following section is hereby substituted for section 21*bis* of the principal Act:

"Application of Act to South-West Africa.

21*bis*. This Act and any amendment thereof which may be made from time to time shall apply also in the Territory, including the Eastern Caprivi Zipfel referred to in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and in relation to all persons in that portion of the Territory known as the 'Rehoboth Gebiet' and defined in the First Schedule to Proclamation No. 28 of 1923 of the Territory.".

Short title.

4. This Act shall be called the Merchandise Marks Amendment Act, 1967.

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No. 55, 1967.]

WET

Tot wysiging van die bepalings van die Handelswaremerke-wet, 1941, met betrekking tot die ongemagtigde gebruik van sekere embleme, die verbod op die verkoop van flesse met die naam van die eienaar gemerk en die toepassing van bedoelde Wet.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Mei 1967.)

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

Wysiging van artikel 14 van Wet 17 van 1941, soos gewysig deur artikel 2 van Wet 39 van 1952.

1. (1) Artikel 14 van die Handelswaremerke-wet, 1941, (hieronder die Hoofwet genoem), word hierby gewysig—

(*a*) deur subparagraaf (ii) van subartikel (1) (*c*) deur die volgende subparagraaf te vervang:

„(ii) die naam, portret of afbeelding van 'n gewese Staatspresident of Staatsminister van die Republiek van Suid-Afrika of van 'n gewese Goewerneur-generaal of Staatsminister van die Unie van Suid-Afrika of van 'n gewese President van De Zuid-Afrikaansche Republiek of die republiek De Oranjevrijstaat; of";

(*b*) deur subparagraaf (iii) van subartikel 1 (*c*) deur die volgende subparagraaf te vervang:

„(iii) 'n weergawe van die Nasionale Vlag van die Unie, of van 'n gedenkwaardigheid, oudheidsoorblyfsel of antieke voorwerp soos omskrywe in die Wet op Natuurlike en Historiese Gedenkwaardighede en Oudhede, 1934 (Wet No. 4 van 1934), of van die Uniegebou of van 'n amptelike woning van die Staatspresident of die Eerste Minister.".

(2) Die wysiging aangebring deur subartikel (1) (*b*) is nie van toepassing op die gebruik deur 'n persoon van enigiets wat hy vir 'n onafgebroke tydperk van minstens een jaar onmiddellik voor die inwerkingtreding van hierdie Wet wettiglik gebruik het nie.

Wysiging van artikel 17 van Wet 17 van 1941.

2. Artikel 17 van die Hoofwet word hierby gewysig deur paragraaf (*b*) van subartikel (1) deur die volgende paragraaf te vervang:

„(*b*) wat sonder die skriftelike toestemming van die aldus genoemde persoon, ware in so 'n fles vervat, verkoop, tensy bedoelde ware die eiendom is van, of vervaardig of geproduseer is deur, die aldus genoemde persoon.".

Vervanging van artikel 21*bis* van Wet 17 van 1941.

3. Artikel 21*bis* van die Hoofwet word hierby deur die volgende artikel vervang:

„Toepassing van Wet op Suidwes-Afrika.

21*bis*. Hierdie Wet en enige wysiging daarvan wat van tyd tot tyd aangebring word, is ook van toepassing in die Gebied, met inbegrip van die Oostelike Caprivi Zipfel vermeld in artikel 3 van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), en met betrekking tot alle persone in daardie gedeelte van die Gebied bekend as die ‚Rehoboth Gebiet' en omskrywe in die Eerste Bylae by Proklamasie No. 28 van 1923 van die Gebied.".

Kort titel.

4. Hierdie Wet heet die Wysigingswet op Handelswaremerke, 1967.

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No. 56, 1967.]

ACT

To amend the provisions of the Copyright Act, 1965, relating to the ownership of copyright.

(English text signed by the State President.)
(Assented to 1st May, 1967.)

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

Amendment of section 5 of Act 63 of 1965.

1. Section 5 of the Copyright Act, 1965, is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) Where a person commissions the taking of a photograph, the painting or drawing of a portrait or the making of a gravure and pays or agrees to pay for it in money or money's worth, and the work is made in pursuance of that commission such person shall, subject to the provisions of subsection (2), be entitled to any copyright subsisting therein by virtue of this Chapter.".

Short title.

2. This Act shall be called the Copyright Amendment Act, 1967.

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No. 56, 1967.]

WET

Tot wysiging van die bepalings van die Wet op Outeursreg, 1965, met betrekking tot die eiendomsreg op outeursreg.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 *Mei* 1967.)

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

1. Artikel 5 van die Wet op Outeursreg, 1965, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang: Wysiging van artikel 5 van Wet 63 van 1965.

„(3) Indien iemand 'n opdrag vir die neem van 'n foto, die skilder of teken van 'n portret of die maak van 'n gravure gee en met geld of in geldswaarde daarvoor betaal of hom daartoe verbind, en die werk ingevolge so 'n opdrag vervaardig word, kom enige outeursreg wat ingevolge hierdie Hoofstuk in die foto, portret of gravure bestaan, behoudens die bepalings van sub-artikel (2), bedoelde persoon toe.".

2. Hierdie Wet heet die Wysigingswet op Outeursreg, 1967. Kort titel.

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No. 57, 1967.]

ACT

To consolidate and amend the law relating to designs.

(*Afrikaans text signed by the State President.*)
(*Assented to 1st May*, 1967.)

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

Definitions.

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

(i) "article" means any article of manufacture and includes any part of an article; (i)

(ii) "assignee" includes the personal representative of an assignee; and any reference to the assignee of any person shall be construed as including a reference to the assignee of the personal representative of that person; (xvi)

(iii) "convention country", in relation to any provision of this Act, means a country in respect of which there is in force a proclamation under section 17 declaring such country to be a convention country for the purposes of that provision; (vii)

(iv) "court", in relation to any matter, means any division of the Supreme Court of South Africa having jurisdiction in respect of that matter; (vi)

(v) "date of application" means—

(*a*) in relation to an additional application which has been ante-dated under section 4 (3) (*b*), the date to which that application has been so ante-dated;

(*b*) in relation to an application under section 18, the date on which the application in respect of the relevant design was made in the convention country in question or is in terms of the laws of that country deemed to have been so made; and

(*c*) in relation to any other application, the date on which the application was lodged at the designs office; (ii)

(vi) "design" means any design applied to any article, whether for the pattern, for the shape or configuration or for the ornamentation thereof or for any two or more of such purposes, and by whatever means it is applied, in so far as such features appeal to and are judged solely by the eye: Provided that any feature of an article in so far as such feature is dictated solely by the function which the article is intended to perform and any method or principle of construction shall be excluded from the rights afforded by this Act; (ix)

(vii) "Minister" means the Minister of Economic Affairs; (viii)

(viii) "patent agent" means a patent agent registered under the Patents Act, 1952 (Act No. 37 of 1952); (x)

(ix) "patent journal" means the official journal of patents, designs and trade marks of the Republic; (xi)

(x) "personal representative", in relation to any person, includes the legal representative of that person appointed in any country outside the Republic; (xii)

(xi) "prescribed" means prescribed by regulation; (xviii)

(xii) "proprietor", in relation to a design, means—

(*a*) the author of the design; or

(*b*) where the author of the design executes the work for some other person, the person for whom the work is so executed; or

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No. 57, 1967.]

WET

Tot samevatting en wysiging van die wetsbepalings met betrekking tot modelle.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 1 *Mei* 1967.)

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

1. (1) Tensy uit die samehang anders blyk, beteken in hierdie Wet— **Woordomskrywings.**

(i) „artikel" 'n vervaardigde artikel en ook 'n deel van 'n artikel; (i)

(ii) „datum van aansoek"—
   (*a*) met betrekking tot 'n addisionele aansoek wat ingevolge artikel 4 (3) (*b*) teruggedateer is, die datum tot wanneer daardie aansoek aldus teruggedateer is;
   (*b*) met betrekking tot 'n aansoek ingevolge artikel 18, die datum waarop die aansoek ten opsigte van die toepaslike model in die betrokke konvensieland gedoen is of ingevolge die wette van daardie land geag word aldus gedoen te gewees het; en
   (*c*) met betrekking tot enige ander aansoek, die datum waarop die aansoek by die modellekantoor ingedien is; (v)

(iii) „eienaar", met betrekking tot 'n model—
   (*a*) die skepper van die model; of
   (*b*) waar die skepper van die model die werk vir iemand anders uitvoer, die persoon vir wie die werk aldus uitgevoer word; of
   (*c*) waar die eiendomsreg op die model of die reg om die model toe te pas op 'n ander persoon oorgegaan het, hetsy ingevolge sessie of oordrag of deur regswerking, daardie ander persoon; (xii)

(iv) „geregistreerde eienaar", met betrekking tot 'n model, die persoon van tyd tot tyd in die register van modelle as eienaar van die model aangeteken; (xiv)

(v) „herroepe wet" die „Wet op Modellen, 1916" (Wet No. 9 van 1916); (xvii)

(vi) „hof", met betrekking tot enige aangeleentheid, 'n afdeling van die Hooggeregshof van Suid-Afrika wat ten opsigte van daardie aangeleentheid regsbevoeg is; (iv)

(vii) „konvensieland", met betrekking tot 'n bepaling van hierdie Wet, 'n land ten opsigte waarvan daar 'n proklamasie ingevolge artikel 17 van krag is waarby daardie land 'n konvensieland vir die doeleindes van daardie bepaling verklaar word; (iii)

(viii) „Minister" die Minister van Ekonomiese Sake; (vii)

(ix) „model" 'n model wat in verband met 'n artikel toegepas word, hetsy wat betref die patroon of die vorm of gedaante of ter versiering daarvan of wat betref twee of meer van daardie doeleindes, en op watter wyse dit ook al toegepas word, vir sover bedoelde kenmerke die oog trek en uitsluitlik op die oog af beoordeel word: Met dien verstande dat enige kenmerk van 'n artikel, vir sover dié kenmerk geheel en al genoodsaak word deur die doel wat die artikel bestem is om te dien en enige metode of beginsel van konstruksie uitgesluit is van die regte deur hierdie Wet verleen; (vi)

(x) „patentagent" 'n patentagent wat geregistreer is ingevolge die Wet op Patente, 1952 (Wet No. 37 van 1952); (viii)

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(c) where the property in or the right to apply the design has passed to any other person, whether by assignment, transmission or operation of law, such other person; (iii)

(xiii) "register" means the register of designs kept under this Act; (xiii)

(xiv) "registered proprietor", in relation to a design, means the person for the time being entered in the register of designs as proprietor of the design; (iv)

(xv) "registrar" means the registrar of designs appointed under section 3; (xiv)

(xvi) "regulation" means any regulation made or in force under this Act; (xv)

(xvii) "repealed law" means the Designs Act, 1916 (Act No. 9 of 1916); (v)

(xviii) "set of articles" means a number of articles of the same general character ordinarily on sale or intended to be used together, to each of which the same design, or the same design with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof, is applied. (xvii)

(2) Any reference in this Act to an article in respect of which a design is registered shall, in the case of a design registered in respect of a set of articles, be construed as a reference to any article of that set.

(3) Any question arising under this Act as to whether a number of articles constitute a set of articles shall be determined by the registrar, whose decision shall, notwithstanding anything in this Act contained, be final.

Designs office.

2. (1) There shall be established in Pretoria an office to be called the designs office.

(2) The designs office established under section 4 (b) of the repealed law shall be deemed to have been established under this section.

Appointment of registrar and deputy registrar of designs.

3. (1) The Minister shall, subject to the laws governing the public service, appoint an officer styled the registrar of designs, who shall, subject to the directions of the Minister, be the chief officer in charge of the designs office, and the Minister may, subject to the said laws, appoint a deputy registrar of designs who shall, subject to the control of the registrar, have all the powers conferred by this Act on the registrar, and shall, whenever the registrar is for any reason unable to fulfil his duties, act temporarily in his stead.

(2) The registrar of designs appointed under section 5 of the repealed law shall be deemed to have been appointed as registrar of designs under this Act.

Registration of designs.

4. (1) The registrar may, on application made in the prescribed form and manner by any person claiming to be the proprietor of any new or original design and on payment of the prescribed fee register the design without modifications or with such modifications as he deems fit.

(2) For the purposes of this Act a design shall be deemed to be a new or original design if, on or before the date of application for registration thereof, such design or a design not substantially different therefrom, was not—

(a) used in the Republic;
(b) described in any publication in the Republic;
(c) described in any printed publication anywhere;
(d) registered in the Republic;
(e) the subject of an application for the registration of a design in the Republic or of an application in a convention country for the registration of a design which has subsequently been registered in the Republic in accordance with section 18.

(3) (a) The same design may be registered in more than one class, and, in case of doubt as to the class in which a design ought to be registered, the registrar shall determine such class.

(b) If as a result of a determination by the registrar, a design is required to be registered in any class other than that in respect of which application for registration has been filed, an additional application may be filed in respect of that other class, and may, if so filed

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(xi) „patentjoernaal" die amptelike joernaal van patente, modelle en handelsmerke van die Republiek; (ix)

(xii) „persoonlike verteenwoordiger", met betrekking tot enige persoon, ook die regsverteenwoordiger van daardie persoon in 'n land buite die Republiek aangestel; (x)

(xiii) „register" die register van modelle ingevolge hierdie Wet gehou; (xiii)

(xiv) „registrateur" die registrateur van modelle kragtens artikel 3 aangestel; (xv)

(xv) „regulasie" 'n regulasie wat kragtens hierdie Wet uitgevaardig of van krag is; (xvi)

(xvi) „sessionaris" ook die persoonlike verteenwoordiger van 'n sessionaris; en 'n verwysing na die sessionaris van enige persoon word ook as 'n verwysing na die sessionaris van die persoonlike verteenwoordiger van daardie persoon uitgelê; (ii)

(xvii) „stel artikels" 'n aantal artikels van dieselfde algemene aard wat gewoonlik saam te koop is of bedoel is om saam gebruik te word, in verband met elk waarvan dieselfde model, of dieselfde model met aanpassings of afwykings wat nie sover gaan as om die aard daarvan te verander of die identiteit daarvan wesentlik te raak nie, toegepas word; (xviii)

(xviii) „voorgeskryf" by regulasie voorgeskryf. (xi)

(2) 'n Verwysing in hierdie Wet na 'n artikel ten opsigte waarvan 'n model geregistreer is, word, in die geval van 'n model ten opsigte van 'n stel artikels geregistreer, as 'n verwysing na enige artikel van daardie stel uitgelê.

(3) Indien daar ingevolge hierdie Wet die vraag ontstaan of 'n aantal artikels 'n stel artikels uitmaak, beslis die registrateur daaroor en sy beslissing is afdoende ondanks enigiets in hierdie Wet vervat.

Modellekantoor.

2. (1) Daar word in Pretoria 'n kantoor ingestel wat die modellekantoor heet.

(2) Die modellekantoor ingevolge artikel 4 (*b*) van die herroepe wet ingestel, word geag kragtens hierdie artikel ingestel te wees.

Aanstelling van registrateur en adjunk-registrateur van modelle.

3. (1) Die Minister stel met inagneming van die wetsbepalings op die Staatsdiens 'n beampte aan wat die registrateur van modelle heet en wat met inagneming van die Minister se voorskrifte die hoofbeampte in bevel van die modellekantoor is, en die Minister kan met inagneming van bedoelde wetsbepalings 'n adjunk-registrateur van modelle aanstel wat, onderworpe aan die beheer van die registrateur, al die bevoegdhede besit wat by hierdie Wet aan die registrateur verleen word, en, wanneer die registrateur om enige rede nie sy pligte kan verrig nie, tydelik in sy plek optree.

(2) Die registrateur van modelle by artikel 5 van die herroepe wet aangestel, word geag kragtens hierdie Wet as registrateur van modelle aangestel te wees.

Registrasie van modelle.

4. (1) Die registrateur kan op aansoek in die voorgeskrewe vorm en op die voorgeskrewe wyse gedoen deur iemand wat beweer dat hy die eienaar van 'n nuwe of oorspronklike model is, en by betaling van die voorgeskrewe geld, die model registreer sonder verandering of met die veranderings wat hy goedvind.

(2) By die toepassing van hierdie Wet word 'n model geag 'n nuwe of oorspronklike model te wees indien, op of voor die datum van aansoek om registrasie daarvan, sodanige model of 'n model wat nie wesentlik daarvan verskil nie, nie—

(*a*) in die Republiek gebruik is nie;

(*b*) in enige bekendmaking in die Republiek beskryf is nie;

(*c*) op enige plek in 'n gedrukte bekendmaking beskryf is nie;

(*d*) in die Republiek geregistreer is nie;

(*e*) die onderwerp was van 'n aansoek om die registrasie van 'n model in die Republiek of van 'n aansoek in 'n konvensieland om die registrasie van 'n model wat daarna ooreenkomstig artikel 18 in die Republiek geregistreer is nie.

(3) (*a*) Dieselfde model kan in meer as een klas geregistreer word, en waar twyfel ontstaan aangaande die klas waarin 'n model geregistreer behoort te word, bepaal die registrateur daardie klas.

(*b*) Indien 'n model as gevolg van 'n bepaling deur die registrateur geregistreer moet word in 'n ander klas as dié ten opsigte waarvan aansoek om registrasie ingedien is, kan 'n addisionele aansoek ten opsigte van daardie ander klas ingedien word en, indien dit

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within thirty days after the date of the determination, be ante-dated as of the date of the first application for registration.

(4) The registrar may, if he thinks fit, refuse to register any design presented to him for registration, but only on the ground—

(a) that the design is not a design within the meaning of section 1; or

(b) that the design is not registrable by reason of the provisions of subsection (5); or

(c) that the design is contrary to law or morality; or

(d) that the applicant has not complied with the regulations prescribing the form and manner of an application,

and any person aggrieved by any such refusal may appeal to the court which may on such appeal make an order determining whether and, if so, subject to what conditions registration is to be effected.

(5) Designs for articles which are not intended to be multiplied by an industrial process shall not be registrable under this Act.

(6) Where copyright subsists in an artistic work in terms of the Copyright Act, 1965 (Act No. 63 of 1965), the State President may by regulation exclude a corresponding design from registration under this Act, and thereupon the provisions of section 11 of the firstmentioned Act shall not apply in respect of such work.

(7) An application which owing to any default or neglect on the part of the applicant has not been completed so as to enable the registration to be effected within the prescribed time shall be deemed to be abandoned.

(8) A design when registered shall be registered as from the date of the application.

Provisions as to confidential disclosure, etc.

5. The registration of a design shall not be invalidated by reason only of—

(a) the disclosure of the design by the proprietor to any other person in such circumstances as would make it contrary to good faith for that other person to use or publish the design; or

(b) the disclosure of the design in breach of good faith by any person other than the proprietor of the design; or

(c) the acceptance of a first and confidential order for articles bearing the design; or

(d) the communication of the design by the proprietor thereof to a government department or to any person authorized by a government department to consider the merits of the design, or of anything done in consequence of such a communication; or

(e) the exhibition at an industrial or international exhibition, certified as such by the registrar, or the exhibition elsewhere during the period of the holding of such an exhibition without the privity or consent of the proprietor, of a design or of any article to which a design is applied, or the publication during the holding of any such exhibition of a description of such design, if—

(i) the exhibitor, before exhibiting the design or article or publishing a description of the design, gives the registrar the prescribed notice of his intention to do so; and

(ii) the application for registration is made before or within six months from the date of the opening of the exhibition.

Registration of designs in more than one class.

6. Where a design has been registered in one or more classes, an application by the proprietor to register it in one or more other classes may be made and the registration thereof shall not be invalidated—

(a) on the ground of the design not being new or original by reason only that it was previously registered; or

(b) on the ground of the design having been previously published in the Republic by reason only that it has been applied to goods of any class in which it was so previously registered.

Certificate of registration.

7. (1) The registrar shall issue a certificate of registration to the proprietor of the design when registered.

(2) The registrar may, in case of loss of the original certificate or in any other case in which he deems it expedient, on payment of the prescribed fee furnish one or more copies of the certificate.

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binne dertig dae na die datum van die bepaling aldus ingedien word, kan dit tot die datum van die eerste aansoek om registrasie teruggedateer word.

(4) Die registrateur kan na goeddunke weier om 'n model te registreer wat vir registrasie aan hom voorgelê word, maar slegs op grond daarvan—

(*a*) dat die model nie 'n model binne die bedoeling van artikel 1 is nie; of

(*b*) dat die model op grond van die bepalings van subartikel (5) nie registreerbaar is nie; of

(*c*) dat die model met die wet of goeie sedes in stryd is; of

(*d*) dat die aansoeker nie voldoen het aan die regulasies wat die vorm en wyse van 'n aansoek voorskryf nie,

en iemand wat hom deur so 'n weiering veronreg ag, kan appèl aanteken by die hof wat op so 'n appèl 'n bevel kan uitreik waarby bepaal word of, en, indien wel, onderworpe aan watter voorwaardes registrasie moet geskied.

(5) Modelle vir artikels wat nie bestem is om deur middel van 'n nywerheidsproses vermenigvuldig te word nie is nie ingevolge hierdie Wet registreerbaar nie.

(6) Waar daar kragtens die Wet op Outeursreg, 1965 (Wet No. 63 van 1965), outeursreg in 'n artistieke werk bestaan, kan die Staatspresident by regulasie 'n ooreenstemmende model van registrasie ingevolge hierdie Wet uitsluit, en daarop is die bepalings van artikel 11 van eersgenoemde Wet nie ten opsigte van sodanige werk van toepassing nie.

(7) 'n Aansoek wat weens die aansoeker se versuim of nalatigheid nie voltooi is sodat registrasie binne die voorgeskrewe tyd kan geskied nie, word geag laat vaar te wees.

(8) Indien 'n model geregistreer word, geskied die registrasie vanaf die datum van die aansoek.

Bepalings insake vertroulike openbaarmaking, ens.

5. Die registrasie van 'n model is nie ongeldig bloot op grond van—

(*a*) die openbaarmaking van die model deur die eienaar aan iemand anders onder omstandighede waaronder dit in stryd met die eise van goeie trou sou wees vir so iemand om die model te gebruik of bekend te maak nie; of

(*b*) die openbaarmaking van die model in stryd met die eise van goeie trou deur iemand anders as die eienaar van die model nie; of

(*c*) die aanname van 'n eerste en vertroulike bestelling vir artikels ten opsigte waarvan die model toegepas word nie; of

(*d*) die meedeling van die model deur die eienaar daarvan aan 'n Staatsdepartement of aan iemand deur 'n Staatsdepartement gemagtig om die meriete van die model te oorweeg, of van enigiets na aanleiding van so 'n meedeling gedoen nie; of

(*e*) die tentoonstelling by 'n nywerheids- of internasionale tentoonstelling wat as sodanig deur die registrateur gesertifiseer is, of die tentoonstelling elders tydens die duur van so 'n tentoonstelling sonder die wete of toestemming van die eienaar, van 'n model of van 'n artikel ten opsigte waarvan 'n model toegepas is, of die bekendmaking tydens die duur van so 'n tentoonstelling van 'n beskrywing van die model nie, indien—

(i) die tentoonsteller voordat hy die model of artikel tentoonstel of 'n beskrywing van die model bekend maak, die voorgeskrewe kennis van sy voorneme om dit te doen aan die registrateur gee; en

(ii) die aansoek om registrasie voor of binne ses maande na die openingsdatum van die tentoonstelling gedoen word.

Registrasie van modelle in meer as een klas.

6. Waar 'n model in een of meer klasse geregistreer is, kan die eienaar om registrasie daarvan in een of meer ander klasse aansoek doen, en is die registrasie daarvan nie ongeldig nie—

(*a*) op grond daarvan dat die model, bloot omdat dit tevore geregistreer is, nie nuut of oorspronklik is nie; of

(*b*) op grond daarvan dat die model, bloot omdat dit toegepas is ten opsigte van goedere van 'n klas waarin dit tevore aldus geregistreer is, tevore in die Republiek bekend gemaak is nie.

Registrasiesertifikaat.

7. (1) Die registrateur moet wanneer 'n model geregistreer word 'n registrasiesertifikaat aan die eienaar van die model uitreik.

(2) Die registrateur kan indien die oorspronklike sertifikaat verlore raak, of in enige ander geval waar hy dit dienstig ag, by betaling van die voorgeskrewe geld een of meer afskrifte van die sertifikaat verstrek.

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Compulsory licence in respect of registered design.

8. (1) At any time after a design has been registered any person who has been unable to obtain a licence on reasonable terms from the proprietor thereof may apply to the court for the grant of a compulsory licence in respect of the design on the ground that the design is not applied in the Republic by any industrial process or means to articles in respect of which it is registered, to such an extent as is reasonable in the circumstances of the case, and the court may make such order on the application as it thinks fit.

(2) An order for the grant of a licence shall, without prejudice to any other method of enforcement, have effect as if it were a deed executed by the registered proprietor and all other necessary parties, granting a licence in accordance with the order.

(3) No order shall be made under this section which would be at variance with any treaty, convention, arrangement or engagement applying to the Republic and any convention country.

Keeping of register of designs.

9. (1) There shall be kept at the designs office a register of designs, wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments and of transmissions of registered designs and such other matters as may be determined by the registrar.

(2) The register kept under the repealed law shall be incorporated with and form part of the register kept under this Act.

(3) Subject to the provisions of this Act and the regulations, the register of designs shall at all convenient times be open to inspection by the public, and certified copies sealed with the seal of the designs office of any entry in the register shall be given to any person requiring them on payment of the prescribed fee.

(4) The register of designs shall be *prima facie* evidence of any matters required or authorized by this Act to be entered therein.

(5) No notice of any trust, whether express, implied or constructive, shall be entered in the register of designs, and the registrar shall not be affected by any such notice.

Cancellation of registration.

10. (1) The registrar may, on request by the proprietor in writing accompanied by the prescribed fee, cancel the registration of a design either wholly or in respect of any particular article in connection with which the design is registered.

(2) At any time after a design has been registered any person interested may apply to the court for the cancellation of the registration of the design on any of the following grounds, namely—

(*a*) that the design was not new or original;

(*b*) that the applicant for registration was not the proprietor; or

(*c*) that the application was in fraud of the proprietor, or on any ground on which the registrar could have refused to register the design, and the court may make such order on the application as it thinks fit.

(3) Where a design registration is cancelled on the grounds of fraud, the court or the registrar may on application by the proprietor of the relevant design direct the registration of that design in his name bearing the same date as the date of the registration so cancelled.

Registration of transfer of rights in registered design.

11. (1) Where any person becomes entitled by assignment, transmission or operation of law to a registered design or to a share in a registered design, or becomes entitled as mortgagee, licensee or otherwise to any other interest in a registered design, he may on payment of the prescribed fee apply to the registrar in the prescribed manner for the registration of his title as proprietor or co-proprietor, or, as the case may be, of notice of his interest, in the register of designs.

(2) Without prejudice to the provisions of subsection (1), an application for the registration of the title of any person becoming entitled by assignment to a registered design or a share in a registered design, or becoming entitled by virtue of a mortgage, licence or other instrument to any other interest in a registered design, may be made in the prescribed manner by the assignor, mortgagor, licensor or other party to that instrument, as the case may be.

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8. (1) Te eniger tyd nadat 'n model geregistreer is, kan iemand wat nie daarin kon slaag om op redelike bedinge 'n lisensie van die eienaar daarvan te verkry nie, by die hof aansoek doen om die verlening van 'n verpligte lisensie ten opsigte van die model op grond daarvan dat die model nie in die mate wat onder die omstandighede van die geval redelik is deur middel van enige nywerheidsproses of metode ten opsigte van artikels ten opsigte waarvan dit geregistreer is in die Republiek toegepas word nie, en die hof kan by so 'n aansoek die bevel uitvaardig wat hy goedvind. Verpligte lisensie ten opsigte van geregistreerde model.

(2) 'n Bevel dat 'n lisensie verleen word, het, sonder afbreuk aan enige ander metode om dit af te dwing, dieselfde uitwerking asof dit 'n akte is wat deur die geregistreerde eienaar en al die ander nodige partye verly is en waarby 'n lisensie ooreenkomstig die bevel verleen word.

(3) Geen bevel wat met 'n verdrag, konvensie, reëling of onderneming van toepassing op die Republiek en 'n konvensieland in stryd sou wees, word ingevolge hierdie artikel uitgevaardig nie.

9. (1) Daar word by die modellekantoor 'n register van modelle gehou waarin die name en adresse van eienaars van geregistreerde modelle, kennisgewings van sessies en van oordragte van geregistreerde modelle en ander deur die registrateur bepaalde aangeleenthede aangeteken word. Hou van register van modelle.

(2) Die register ingevolge die herroepe wet gehou, word ingelyf by en maak deel uit van die register ingevolge hierdie Wet gehou.

(3) Die register van modelle is, behoudens die bepalings van hierdie Wet en die regulasies, op alle gerieflike tye oop vir insae deur die publiek, en gesertifiseerde afskrifte, geseël met die modellekantoor se seël, van enige inskrywing in die register moet by betaling van die voorgeskrewe geld verstrek word aan enigiemand wat dit verlang.

(4) Die register van modelle is *prima facie*-bewys van enige aangeleenthede wat ingevolge hierdie Wet daarin aangeteken kan of moet word.

(5) Geen kennisgewing van 'n trust, hetsy uitdruklik, stilswyend of afgelei, word in die register van modelle aangeteken nie, en die registrateur word nie deur so 'n kennisgewing geraak nie.

10. (1) Die registrateur kan op skriftelike versoek van die eienaar, wat van die voorgeskrewe geld vergesel gaan, die registrasie van 'n model kanselleer òf in geheel òf ten opsigte van enige bepaalde artikel in verband waarmee die model geregistreer is. Kansellering van registrasie.

(2) Enige belanghebbende persoon kan te eniger tyd nadat 'n model geregistreer is, by die hof aansoek doen om die kansellering van die registrasie van die model op enige van die volgende gronde, te wete—

(*a*) dat die model nie nuut of oorspronklik was nie;

(*b*) dat die aansoeker om registrasie nie die eienaar was nie; of

(*c*) dat die aansoek op bedrog teenoor die eienaar neergekom het,

of op enige grond waarop die registrateur kon geweier het om die model te registreer, en die hof kan in verband met die aansoek die bevel uitreik wat hy goedvind.

(3) Waar die registrasie van 'n model op grond van bedrog gekanselleer word, kan die hof of die registrateur op aansoek deur die eienaar van die betrokke model gelas dat dié model in sy naam geregistreer word met dieselfde datum as die datum van die registrasie wat aldus gekanselleer is.

11. (1) Waar iemand by sessie of oordrag of deur regswerking op 'n geregistreerde model of op 'n aandeel in 'n geregistreerde model geregtig word, of as verbandhouer of lisensiehouer of op ander wyse op 'n ander belang in 'n geregistreerde model geregtig word, kan hy by betaling van die voorgeskrewe geld op die voorgeskrewe wyse om die registrasie in die register van modelle van sy titel as eienaar of mede-eienaar of, na gelang van die geval, van 'n kennisgewing van sy belang by die registrateur aansoek doen. Registrasie van oordrag van regte in geregistreerde model.

(2) 'n Aansoek om die registrasie van die titel van iemand wat by sessie op 'n geregistreerde model of 'n aandeel in 'n geregistreerde model geregtig word, of wat ingevolge 'n verband, lisensie of ander akte of dokument op 'n ander belang in 'n geregistreerde model geregtig word, kan, sonder afbreuk aan die bepalings van subartikel (1), op die voorgeskrewe wyse deur die sedent, verbandgewer, lisensiegewer of ander party by bedoelde akte of dokument, na gelang van die geval, gedoen word.

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(3) Where application is made under this section for the registration of the title of any person, the registrar shall, upon proof of title to his satisfaction—

(*a*) where that person is entitled to a registered design or a share in a registered design, register him in the register of designs as proprietor or co-proprietor of the design, and enter in that register particulars of the instrument or event by which he derives title; or

(*b*) where that person is entitled to any other interest in the registered design, enter in that register notice of his interest, with particulars of the instrument (if any) creating it.

(4) Subject to any rights vested in any other person of which notice is entered in the register of designs, the person or persons registered as the proprietor or proprietors of a registered design shall have power to assign, grant licences under or otherwise deal with the design, and to give effectual receipts for any consideration for any such assignment, licence or dealing: Provided that any person dealing with the registered proprietor other than as a *bona fide* purchaser or licensee for value and without notice of any fraud on the part of the registered proprietor shall not be protected.

(5) Except for the purposes of an application to rectify the register under section 12, a document in respect of which no entry has been made in the register of designs under subsection (3) of this section shall not be admitted in any court as evidence of the title of any person to a registered design or share of or interest in a registered design unless the court otherwise directs.

Jurisdiction of court to rectify register of designs.

12. (1) The court may, on the application of any person aggrieved by the non-insertion in, or omission from, the register of designs of any entry, or by any entry made without sufficient cause or wrongly remaining in such register, or by an error or defect in any entry in such register, give such order for rectifying the register by making, expunging or varying such entry as it may think fit.

(2) In proceedings under this section the court may determine any question which it may be necessary or expedient to decide in connection with the rectification of the register.

(3) Notice of any application to the court under this section shall be given in the prescribed manner to the registrar, who shall be entitled to appear and be heard on the application, and shall appear if so directed by the court.

(4) Any order made by the court under this section shall direct that notice of the order shall be served on the registrar, and the registrar shall on receipt of the notice rectify the register accordingly.

Power of registrar to correct errors.

13. (1) Where a mistake exists in the register of designs or in any document issued under this Act, by reason of any error or omission on the part of the registrar, the registrar may, in accordance with the provisions of this section, correct the mistake, and for that purpose may require the production of the document.

(2) Where the registrar proposes to make any such correction as aforesaid he shall give notice of the proposal to the persons who appear to him to be concerned, and shall give them an opportunity to be heard before making the correction.

(3) Where a mistake exists in the register of designs or in any application for registration of a design or other document filed in pursuance of such an application or in any proceedings in connection with any design, by reason of an error or an omission on the part of the proprietor of the design or of the applicant for registration of the design, a correction may be made in accordance with the provisions of this section upon a request in writing by the proprietor or applicant concerned on payment of the prescribed fee.

(4) An appeal to the court shall lie from any decision of the registrar under this section.

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(3) Waar daar ingevolge hierdie artikel om die registrasie van iemand se titel aansoek gedoen word, moet die registrateur, mits bewys van titel tot sy bevrediging gelewer word—

(*a*) waar so iemand op 'n geregistreerde model of 'n aandeel in 'n geregistreerde model geregtig is, hom as eienaar of mede-eienaar van die model in die register van modelle registreer en besonderhede van die akte of dokument of gebeurtenis waarby hy titel verkry in daardie register aanteken; of

(*b*) waar so iemand op 'n ander belang in die geregistreerde model geregtig is, kennisgewing van sy belang met besonderhede van die akte of dokument (as daar is) wat dit daarstel in daardie register aanteken.

(4) Behoudens regte wat by iemand anders berus en waarvan kennisgewing in die register van modelle aangeteken is, het die persoon of persone wat as eienaar of eienaars van 'n geregistreerde model geregistreer is, die bevoegdheid om die model te sedeer of lisensies ten opsigte daarvan te verleen of op ander wyse daarmee te handel en om doeltreffende kwitansies vir enige teenprestasie ten opsigte van so 'n sessie, lisensie of handeling te gee: Met dien verstande dat iemand wat anders dan as *bona fide*-koper of lisensiehouer vir teenwaarde en sonder kennis van bedrog aan die kant van die geregistreerde eienaar met die geregistreerde eienaar onderhandel, nie beskerm is nie.

(5) Behalwe vir die doeleindes van 'n aansoek ingevolge artikel 12 om verbetering van die register, word geen dokument ten opsigte waarvan daar nie 'n inskrywing ingevolge subartikel (3) van hierdie artikel in die register van modelle gemaak is nie in enige hof as getuienis van iemand se titel in 'n geregistreerde model of aandeel of belang in 'n geregistreerde model toegelaat nie, tensy die hof anders gelas.

Jurisdiksie van hof om register van modelle te verbeter.

12. (1) Die hof kan op aansoek deur iemand wat hom veronreg ag deurdat 'n inskrywing nie in die register van modelle gemaak is nie of daaruit weggelaat is of deurdat 'n inskrywing sonder voldoende rede daarin gemaak is of ten onregte daarin bly of deurdat 'n onjuistheid of gebrek in 'n inskrywing in bedoelde register voorkom, na goeddunke beveel dat die register verbeter word deur die betrokke inskrywing te maak, te skrap of te wysig.

(2) By verrigtings ingevolge hierdie artikel kan die hof enige vraag beslis wat dit in verband met die verbetering van die register nodig of dienstig is om te beslis.

(3) Daar moet van 'n aansoek by die hof ingevolge hierdie artikel op die voorgeskrewe wyse kennis gegee word aan die registrateur wat geregtig is om in verband met die aansoek te verskyn en aangehoor te word en verplig is om te verskyn indien die hof aldus gelas.

(4) By 'n bevel ingevolge hierdie artikel gelas die hof dat kennisgewing van die bevel aan die registrateur bestel word, en by ontvangs van so 'n kennisgewing moet die registrateur die register dienooreenkomstig verbeter.

Bevoegdheid van registrateur om foute reg te maak.

13. (1) Waar daar weens 'n fout of versuim aan die kant van die registrateur 'n onjuistheid in die register van modelle of in 'n ingevolge hierdie Wet uitgereikte dokument is, kan die registrateur die onjuistheid ooreenkomstig die bepalings van hierdie artikel aansuiwer, en kan hy vir dié doel vereis dat die dokument oorgelê word.

(2) Waar die registrateur voornemens is om 'n verbetering soos voormeld aan te bring, gee hy van die voorneme kennis aan die persone wat na dit vir hom blyk daarby betrokke is, en bied hy hulle 'n geleentheid om aangehoor te word voordat hy die verbetering aanbring.

(3) Waar daar weens 'n fout of versuim aan die kant van die eienaar van 'n model of van die aansoeker om registrasie van die model, 'n onjuistheid in die register van modelle of in 'n aansoek om registrasie van die model of ander dokument ingevolge so 'n aansoek ingedien of in enige verrigtings in verband met 'n model is, kan 'n verbetering ooreenkomstig die bepalings van hierdie artikel op skriftelike versoek van die betrokke eienaar of aansoeker en by betaling van die voorgeskrewe geld aangebring word.

(4) Appèl kan teen 'n beslissing van die registrateur ingevolge hierdie artikel by die hof aangeteken word.

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Duration of registered design.

14. (1) A design registration shall, subject to the provisions of this Act, endure for a period of five years from the date of registration.

(2) If application for the extension of the said period of five years is made to the registrar in the prescribed manner before the expiration of the said period of five years or of such further period (not exceeding six months) thereafter as the registrar may allow, he shall on payment of the prescribed fee, extend the period for a second term of five years from the expiration of the original period.

(3) If application for extension of such second term is made to the registrar in the prescribed manner before the expiration of such second term or of such further period (not exceeding six months) thereafter as the registrar may allow, he may, subject to the regulations and on payment of the prescribed fee extend the period for a third term of five years from the expiration of the second term.

Design rights.

15. (1) The person registered as the proprietor of a design shall, subject to the provisions of this Act and to any rights appearing from the register to be vested in any other person, have the exclusive right in the Republic to make, use or vend any article included in the class in which the design is registered, embodying the registered design or a design not substantially different from the registered design.

(2) Subject to the provisions of this Act, the registration of a design shall have the same effect against the State as it has against the subject.

Provisions for ensuring secrecy in respect of designs of value for defence purposes.

16. (1) Where, either before or after the commencement of this Act, an application for the registration of a design has been made, and it appears to the registrar that the design is likely to be valuable for defence purposes, he may give directions for prohibiting or restricting the publication of information with respect to the design, or the communication of such information to any person or class of persons specified in the directions.

(2) Arrangements may be made by the registrar for securing that the representation or specimen of a design in respect of which directions are given under this section shall not be open to inspection at the designs office during the continuance in force of the directions.

(3) Where the registrar gives any such directions he shall give notice of the relevant application and of the directions to the Department of Defence, and thereupon the following provisions shall apply, that is to say—

(*a*) the Secretary for Defence shall upon receipt of the notice consider the question whether the publication of the design would be prejudicial to the defence of the Republic and shall, unless a notice under paragraph (*c*) of this subsection has previously been given by the Secretary for Defence to the registrar, on application by the applicant concerned reconsider that question before the expiration of twelve months from the date of filing of the application for registration of the design and at least once in every subsequent year if application for such reconsideration is again made by the applicant;

(*b*) the Secretary for Defence may for the aforesaid purpose, at any time after the design has been registered, or with the consent of the applicant at any time before the design has been registered, inspect the representation or specimen of the design filed in pursuance of the application for registration thereof;

(*c*) if upon consideration of the design at any time it appears to the Secretary for Defence that the publication of the design would not or would no longer be prejudicial to the defence of the Republic, the Secretary for Defence shall give notice to the registrar to that effect;

(*d*) upon the receipt of any such notice the registrar shall revoke the directions given by him in terms of subsection (1), and may, subject to such conditions, if any, as he thinks fit, extend the time for doing anything

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14. (1) Die registrasie van 'n model duur, behoudens die bepalings van hierdie Wet, vir 'n termyn van vyf jaar vanaf die datum van registrasie. Duur van geregistreerde model.

(2) Indien daar voor die verstryking van bedoelde termyn van vyf jaar of van so 'n verdere tydperk van hoogstens ses maande daarna as wat die registrateur toelaat, op die voorgeskrewe wyse by die registrateur om verlenging van bedoelde termyn van vyf jaar aansoek gedoen word, moet hy, by betaling van die voorgeskrewe geld, die termyn vir 'n tweede termyn van vyf jaar vanaf die verstryking van die oorspronklike termyn verleng.

(3) Indien daar voor die verstryking van bedoelde tweede termyn of van so 'n verdere tydperk van hoogstens ses maande daarna as wat die registrateur toelaat, op die voorgeskrewe wyse by die registrateur om verlenging van bedoelde tweede termyn aansoek gedoen word, kan hy, onderworpe aan die regulasies, en by betaling van die voorgeskrewe geld, die termyn vir 'n derde termyn van vyf jaar vanaf die verstryking van die tweede termyn verleng.

15. (1) Die persoon geregistreer as die eienaar van 'n model het, behoudens die bepalings van hierdie Wet en enige regte wat volgens die register by iemand anders berus, die alleenreg om enige artikel wat val binne die klas waarin die model geregistreer is en ten opsigte waarvan die geregistreerde model toegepas is of 'n model toegepas is wat nie wesentlik van die geregistreerde model verskil nie, in die Republiek te maak, te gebruik of te verkoop. Regte ten opsigte van modelle.

(2) Behoudens die bepalings van hierdie Wet het die registrasie van 'n model dieselfde uitwerking ten opsigte van die Staat as wat dit ten opsigte van die onderdaan het.

16. (1) Waar daar 'n aansoek om die registrasie van 'n model gedoen is, hetsy voor of na die inwerkingtreding van hierdie Wet, en dit die registrateur voorkom dat die model waarskynlik vir verdedigingsdoeleindes waardevol sal wees, kan hy opdrag gee om die bekendmaking van inligting met betrekking tot die model of die meedeling van sodanige inligting aan 'n in die opdrag vermelde persoon of kategorie van persone te verbied of te beperk. Bepalings om geheimhouding te verseker ten opsigte van modelle van waarde vir verdedigingsdoeleindes.

(2) Die registrateur kan reëlings tref om te verseker dat die voorstelling of monster van 'n model ten opsigte waarvan 'n opdrag ingevolge hierdie artikel gegee word, nie solank die opdrag van krag bly by die modellekantoor ingesien kan word nie.

(3) Waar die registrateur so 'n opdrag gee, moet hy van die betrokke aansoek en van die opdrag kennis gee aan die Departement van Verdediging, en daarop geld die volgende bepalings, te wete—

(*a*) die Sekretaris van Verdediging moet by ontvangs van die kennisgewing die vraag oorweeg of die bekendmaking van die model vir die verdediging van die Republiek nadelig sal wees, en moet, tensy 'n kennisgewing ingevolge paragraaf (*c*) van hierdie subartikel tevore deur die Sekretaris van Verdediging aan die registrateur gegee is, daardie vraag op aansoek deur die betrokke applikant weer oorweeg voor die verstryking van twaalf maande vanaf die datum van indiening van die aansoek om registrasie van die model en minstens een maal in elke daaropvolgende jaar indien aansoek om die heroorweging daarvan weer deur die applikant gedoen word;

(*b*) die Sekretaris van Verdediging kan vir voormelde doel die voorstelling of monster van die model ooreenkomstig die aansoek om registrasie daarvan ingedien, inspekteer te eniger tyd nadat die model geregistreer is, of met die toestemming van die applikant te eniger tyd voordat die model geregistreer is;

(*c*) indien dit by oorweging van die model te eniger tyd vir die Sekretaris van Verdediging blyk dat bekendmaking van die model nie vir die verdediging van die Republiek nadelig is of nie meer daarvoor nadelig sal wees nie, gee die Sekretaris van Verdediging dienooreenkomstig kennis aan die registrateur;

(*d*) by ontvangs van so 'n kennisgewing herroep die registrateur die opdrag ingevolge subartikel (1) deur hom gegee, en kan hy, onderworpe aan die voorwaardes, as daar is, wat hy goedvind, die tydperk verleng

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required or authorized to be done by or under this Act in connection with the application for registration of the design in question, whether or not that time has previously expired.

(4) No person resident in the Republic shall, except under the authority of a permit granted by or on behalf of the registrar, make or cause to be made any application outside the Republic for the registration of a design likely to be valuable for defence purposes unless—

(*a*) an application for registration of the same or substantially the same design has been made in the Republic not less than six weeks before the application outside the Republic; and

(*b*) either no directions have been given under subsection (1) in relation to the application in the Republic or such directions have been revoked:

Provided that this subsection shall not apply in relation to a design for which an application for protection has first been filed in a country outside the Republic by a person resident outside the Republic.

Proclamations as to convention countries.

17. (1) The State President may, with a view to the fulfilment of a treaty, convention, arrangement or engagement, by proclamation in the *Gazette* declare that any country specified in the proclamation is a convention country for the purposes of any or all of the provisions of this Act.

(2) For the purposes of subsection (1) every territory for whose international relations another country is responsible shall be deemed to be a country in respect of which a declaration may be made under that subsection.

Registration of design where application for protection in convention country has been made.

18. (1) An application for registration of a design in respect of which protection has been applied for in a convention country may be made in accordance with the provisions of this Act by the person by whom the application for protection was made or his personal representative or assignee: Provided that no application shall be made by virtue of this section after the expiration of six months from the date of the application for protection in a convention country or, where more than one such application for protection has been made, from the date of the first application: Provided further that if after the filing of the first application in a convention country in respect of any design, a subsequent application is filed in that country in respect of the same design, such subsequent application shall be regarded as the first application in that country in respect of that design, if at the time of the filing thereof—

(*a*) the previous applications had been withdrawn, abandoned or refused without having been open to public inspection; and

(*b*) no priority rights have been claimed on the strength of such previous applications; and

(*c*) no rights are outstanding in the convention country in question in connection with such previous applications.

(2) An application which has been withdrawn, abandoned or refused shall not after the filing of the subsequent application be capable of supporting a claim for priority rights under this section.

(3) A design registered on an application made by virtue of this section shall be registered as of the date of the application or, where more than one such application for protection has been made, the date of the first such application or, as the case may be, the date of the application which is regarded as the first such application: Provided that no proceedings shall be taken in respect of any infringement committed before the date on which the certificate of registration of the design under this Act is issued.

(4) Where a person has applied for protection for a design by an application which—

(*a*) in accordance with the terms of a treaty subsisting between two or more convention countries, is equivalent to an application duly made in any one of those convention countries; or

(*b*) in accordance with the laws of any convention country, is equivalent to an application duly made in that convention country,

he shall be deemed for the purposes of this section to have applied in that convention country.

Extension of time for applications in certain cases.

19. (1) If the State President is satisfied that provision substantially equivalent to the provision to be made by or under this section has been or will be made under the law of any convention country, he may, by proclamation in the *Gazette*,

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waarin enigiets wat ingevolge voorskrif by of kragtens hierdie Wet in verband met die aansoek om registrasie van die betrokke model gedoen moet of kan word, hetsy daardie tydperk tevore verstryk het al dan nie.

(4) Niemand wat in die Republiek woon, mag, behalwe op gesag van 'n permit deur of namens die registrateur verleen, 'n aansoek buite die Republiek doen of laat doen om die registrasie van 'n model wat waarskynlik vir verdedigingsdoeleindes waardevol sal wees nie, tensy—

(*a*) 'n aansoek om die registrasie van dieselfde model of een wat wesentlik dieselfde is, minstens ses weke voor die aansoek buite die Republiek in die Republiek gedoen is; en

(*b*) òf geen opdrag ingevolge subartikel (1) met betrekking tot die aansoek in die Republiek gegee is nie òf so 'n opdrag ingetrek is:

Met dien verstande dat hierdie subartikel nie van toepassing is met betrekking tot 'n model ten opsigte waarvan 'n aansoek om beskerming eers in 'n land buite die Republiek deur iemand woonagtig buite die Republiek gedoen is nie.

Proklamasies aangaande konvensielande.

17. (1) Die Staatspresident kan, met die oog op die nakoming van 'n verdrag, konvensie, reëling of verbintenis, by proklamasie in die *Staatskoerant* verklaar dat 'n land in die proklamasie vermeld 'n konvensieland is vir die doeleindes van enige van of al die bepalings van hierdie Wet.

(2) By die toepassing van subartikel (1) word elke gebied vir die internasionale betrekkinge waarvan 'n ander land verantwoordelik is, geag 'n land te wees ten opsigte waarvan 'n verklaring ingevolge daardie subartikel gemaak kan word.

Registrasie van model waar aansoek om beskerming in konvensieland gedoen is.

18. (1) 'n Aansoek om die registrasie van 'n model ten opsigte waarvan in 'n konvensieland om beskerming aansoek gedoen is, kan ooreenkomstig die bepalings van hierdie Wet deur die persoon deur wie die aansoek om beskerming gedoen is of sy persoonlike verteenwoordiger of sessionaris gedoen word: Met dien verstande dat geen aansoek uit hoofde van hierdie artikel na die verstryking van ses maande vanaf die datum van die aansoek om beskerming in 'n konvensieland of, waar meer as een so 'n aansoek om beskerming gedoen is, vanaf die datum van die eerste aansoek gedoen kan word nie: Met dien verstande voorts dat indien daar na die indiening van die eerste aansoek ten opsigte van 'n model in 'n konvensieland 'n latere aansoek ten opsigte van dieselfde model in daardie land ingedien word, die latere aansoek as die eerste aansoek in daardie land ten opsigte van daardie model beskou word, indien ten tye van die indiening daarvan—

(*a*) die vorige aansoeke teruggetrek, laat vaar of geweier is sonder dat dit vir publieke insae oopgestel was; en

(*b*) daar nie op grond van sodanige vorige aansoeke op voorkeurregte aanspraak gemaak is nie; en

(*c*) daar in die betrokke konvensieland geen regte in verband met bedoelde vorige aansoeke uitstaande is nie.

(2) 'n Aansoek wat teruggetrek, laat vaar of geweier is, kan nie na die indiening van die latere aansoek dien om 'n aanspraak op voorkeurregte ingevolge hierdie artikel te steun nie.

(3) 'n Model wat geregistreer word op 'n aansoek ingevolge hierdie artikel gedoen, word geregistreer vanaf die datum van die aansoek of, waar meer as een sodanige aansoek om beskerming gedoen is, die datum van die eerste sodanige aansoek of, na gelang van die geval, die datum van die aansoek wat as die eerste sodanige aansoek beskou word: Met dien verstande dat geen geding ingestel kan word ten opsigte van enige inbreuk wat voor die datum van uitreiking van die sertifikaat van registrasie van die model ingevolge hierdie Wet gepleeg is nie.

(4) Waar iemand om beskerming ten opsigte van 'n model aansoek gedoen het by wyse van 'n aansoek wat—

(*a*) ooreenkomstig die bepalings van 'n verdrag wat tussen twee of meer konvensielande bestaan, gelykstaan met 'n aansoek behoorlik in enigeen van daardie konvensielande gedoen; of

(*b*) ooreenkomstig die wette van 'n konvensieland, gelykstaan met 'n aansoek behoorlik in daardie konvensieland gedoen,

word hy by die toepassing van hierdie artikel geag in daardie konvensieland aansoek te gedoen het.

Verlenging van tydperk vir aansoeke in sekere gevalle.

19. (1) Indien die Staatspresident oortuig is dat voorsiening wat wesentlik ooreenstem met die voorsiening wat deur of ingevolge hierdie artikel gemaak staan te word, ingevolge die reg van 'n konvensieland gemaak is of sal word, kan hy by proklamasie in die *Staatskoerant* regulasies uitvaardig waarby

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make regulations empowering the registrar to extend the time for making application under section 18 (1) for registration of a design in respect of which protection has been applied for in that country in any case where the period specified in the first proviso to that subsection expires during a prescribed period.

(2) Regulations made under this section may—

(*a*) where any agreement or arrangement has been made between the government of the Republic and the government of the convention country for the supply or mutual exchange of information or articles, provide, either generally or in any class of case specified in the regulations, that an extension of time shall not be granted under this section unless the design has been communicated in accordance with the agreement or arrangement;

(*b*) either generally or in any class of case specified in the regulations, fix the maximum extension of time which may be granted under this section;

(*c*) prescribe or allow any special procedure in connection with applications made by virtue of this section;

(*d*) empower the registrar to extend, in relation to an application made by virtue of this section, the time limited by or under the foregoing provisions of this Act for doing any act, subject to such conditions, if any, as may be imposed by or under the regulations;

(*e*) provide for securing that the rights conferred by registration on an application made by virtue of this section shall be subject to such restrictions or conditions as may be specified by or under the regulations and in particular to restrictions and conditions for the protection of persons who, otherwise than as the result of a communication made in accordance with such an agreement or arrangement as is mentioned in paragraph (*a*) of this subsection, and before the date of the application in question or such later date as may be allowed by the regulations, may have imported or made articles to which the design is applied or may have made an application for registration of the design.

Protection of designs communicated under arrangements with other countries.

20. (1) Subject to the provisions of this section, regulations may be made under this Act for ensuring that, where a design has been communicated in accordance with an agreement or arrangement made between the government of the Republic and the government of any other country for the supply or mutual exchange of information or articles—

(*a*) an application for the registration of the design made by the person from whom the design was communicated, or his personal representative or assignee, shall not be prejudiced, and the registration of the design in pursuance of such an application shall not be invalidated, by reason only that the design has been communicated as aforesaid or that in consequence thereof—

(i) the design has been published or applied; or

(ii) an application for registration of the design has been made by any other person, or the design has been registered on such an application;

(*b*) any application for the registration of a design made in consequence of such a communication as aforesaid may be refused and any registration of a design made on such an application may be cancelled.

(2) Regulations made under subsection (1) may provide that the publication or application of a design, or the making of any application for registration thereof, shall, in such circumstances and subject to such conditions or exceptions as may be prescribed, be presumed to have been in consequence of such a communication as is mentioned in that subsection.

(3) The power to make regulations under this section, so far as it is exercisable for the benefit of persons from whom designs have been communicated to the government of the Republic by the government of any other country, shall only be exercised if and to the extent that the State President is satisfied that substantially equivalent provision has been or will be made under the laws of that country for the benefit of persons from whom designs have been communicated by the government of the Republic to the government of that country.

(4) References in subsection (3) to the communication of a design to or by the government of the Republic or the government of any other country shall be construed as including references to the communication of the design to or by any person authorized in that behalf by the government in question.

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die registrateur gemagtig word om die tyd waarin ingevolge artikel 18 (1) aansoek gedoen kan word om die registrasie van 'n model ten opsigte waarvan in daardie land om beskerming aansoek gedoen is, te verleng in enige geval waar die tydperk in die eerste voorbehoudsbepaling by daardie subartikel vermeld gedurende 'n voorgeskrewe tydperk verstryk.

(2) Regulasies ingevolge hierdie artikel uitgevaardig, kan—

(*a*) waar 'n ooreenkoms of reëling tussen die regering van die Republiek en die regering van die konvensieland aangegaan is vir die verstrekking of weersydse uitruiling van inligting of artikels, in die algemeen of in enige in die regulasies vermelde soort geval bepaal dat geen tydsverlenging ingevolge hierdie artikel toegestaan word tensy die model ooreenkomstig die ooreenkoms of reëling meegedeel is nie;

(*b*) òf in die algemeen òf in enige in die regulasies vermelde soort geval die maksimum tydsverlenging bepaal wat uit hoofde van hierdie artikel toegestaan kan word;

(*c*) enige spesiale prosedure voorskryf of toelaat in verband met aansoeke ingevolge hierdie artikel gedoen;

(*d*) die registrateur magtig om met betrekking tot 'n aansoek ingevolge hierdie artikel gedoen die tydperk, soos deur of ingevolge die voorgaande bepalings van hierdie Wet beperk, te verleng waarin 'n handeling verrig moet word, en wel onderworpe aan die voorwaardes (as daar is) deur of ingevolge die regulasies opgelê;

(*e*) voorsiening maak om te verseker dat die regte verleen deur registrasie op 'n aansoek ingevolge hierdie artikel gedoen, onderworpe sal wees aan die beperkings of voorwaardes deur of kragtens die regulasies voorgeskryf, en meer bepaald beperkings en voorwaardes vir die beskerming van persone wat, anders dan as gevolg van 'n meedeling volgens 'n in paragraaf (*a*) van hierdie subartikel bedoelde ooreenkoms of reëling gedoen, en voor die datum van die betrokke aansoek of die latere datum deur die regulasies toegelaat, artikels ten opsigte waarvan die model toegepas is, ingevoer of gemaak het of om registrasie van die model aansoek gedoen het.

Beskerming van modelle ingevolge reëlings met ander lande meegedeel.

20. (1) Daar kan, behoudens die bepalings van hierdie artikel, regulasies ingevolge hierdie Wet uitgevaardig word om te verseker dat, waar 'n model volgens 'n ooreenkoms of reëling aangegaan tussen die regering van die Republiek en die regering van 'n ander land vir die verstrekking of weersydse uitruiling van inligting of artikels, meegedeel is—

(*a*) 'n aansoek om die registrasie van die model deur die persoon van wie die model meegedeel is of sy persoonlike verteenwoordiger of sessionaris gedoen, nie benadeel word nie, en die registrasie van die model ingevolge so 'n aansoek nie ongeldig is nie, bloot op grond daarvan dat die model soos voormeld meegedeel is of dat as gevolg daarvan—

(i) die model bekend gemaak of toegepas is; of

(ii) 'n aansoek om registrasie van die model deur iemand anders gedoen is, of die model op so 'n aansoek geregistreer is;

(*b*) 'n aansoek om die registrasie van 'n model wat as gevolg van so 'n voormelde meedeling gedoen is, geweier en enige registrasie wat op so 'n aansoek geskied het, gekanselleer kan word.

(2) Regulasies ingevolge subartikel (1) uitgevaardig, kan bepaal dat die bekendmaking of toepassing van 'n model, of die indiening van 'n aansoek om registrasie daarvan, onder die omstandighede en onderworpe aan die voorwaardes of uitsonderings wat voorgeskryf word, geag word as gevolg van 'n in daardie subartikel bedoelde meedeling te geskied het.

(3) Die bevoegdheid om ingevolge hierdie artikel regulasies uit te vaardig, word, vir sover dit uitgeoefen kan word ten bate van persone van wie modelle deur die regering van 'n ander land aan die regering van die Republiek meegedeel is, uitgeoefen slegs indien en vir sover die Staatspresident oortuig is dat wesentlik ooreenstemmende voorsiening ingevolge die wette van daardie ander land gemaak is of sal word ten bate van persone van wie modelle deur die regering van die Republiek aan die regering van daardie land meegedeel is.

(4) Verwysings in subartikel (3) na die meedeling van 'n model aan of deur die regering van die Republiek of die regering van 'n ander land word uitgelê ook as verwysings na die meedeling van die model aan of deur 'n persoon wat deur die betrokke regering vir dié doel gemagtig is.

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Certain regulations and action thereunder may have retrospective effect in certain respects.

21. Any regulations made under section 19 or 20 and any order made, direction given or other action taken under the regulations by the registrar, may be made, given or taken so as to have effect as respects things done or omitted to be done on or after such date, whether before or after the coming into operation of the regulations or of this Act, as may be specified in the regulations.

Inspection of registered designs.

22. (1) Subject to the provisions of this Act the representations, specimens or drawings of a registered design, including all documents lodged in relation thereto shall, on payment of the prescribed fees, be open to inspection at the designs office on and after the day on which the certificate of registration is issued: Provided that the right of inspection shall not include the right to make a copy of any such representation, drawing or document by mechanical means.

(2) Copies of any such representations, drawings or documents, either certified by the registrar or not so certified, may, on payment of the prescribed fees, be obtained from the designs office.

(3) When an application for the registration of a design has been abandoned or refused, the representations, drawings or other documents shall not at any time be open to inspection at the designs office, but shall, after the expiry of twelve months from the date of application for such registration, on application by the applicant, be returned to him.

Evidence of entries, documents, etc.

23. (1) A certificate purporting to be signed by the registrar and certifying that any entry which he is authorized by or under this Act to make has or has not been made, or that any other thing which he is so authorized to do has or has not been done, shall be *prima facie* evidence of the matters so certified.

(2) A copy of any entry in the register of designs or of any representation, specimen or document kept in the designs office or an extract from the register or any such document, purporting to be certified by the registrar and to be sealed with the seal of the designs office, shall be admitted in evidence without further proof and without production of the original.

Enforcement of design rights.

24. (1) The registered proprietor shall, subject to the provisions of the proviso to section 18 (3), be entitled to institute proceedings in the court to enforce his rights under this Act, and the court may grant such relief whether by way of damages, interdict or otherwise as it may deem fit.

(2) In proceedings for the infringement of the rights of a proprietor of a registered design, damages or account of profits shall not be awarded against a defendant who proves that at the date of the infringement he was not aware and had no reasonable ground for supposing that the design was registered in the Republic, and a person shall not be deemed to have been aware or to have had any reasonable ground for supposing as aforesaid by reason only of the marking of an article with the word "registered" or any abbreviation thereof or any word or words expressing or implying that the design applied to the article has been registered, unless the word or words are accompanied by the words "Republic of South Africa" or the letters "R.S.A." and by the number of the design, or by such other words or marks as may on application in any particular case have been approved by the registrar and made known in the patent journal.

(3) Nothing in subsection (2) shall affect the power of the court to grant an interdict in any proceedings for infringement of the rights of the proprietor of a registered design.

(4) In any proceedings under this section the court shall have jurisdiction to order the cancellation of the registration of a design on any of the grounds specified in section 10 (2), and any such grounds may be relied upon by way of defence.

Certificate of contested validity of registration.

25. (1) If in any proceedings before the court the validity of the registration of a design is contested, and it is found by the court that the design is validly registered, the court may certify that the validity of the registration of the design was contested in those proceedings.

(2) If any such certificate has been granted, and in any subsequent proceedings before the court for infringement of the rights of the proprietor of the registered design or for cancellation of the registration of the design a final order or judgement is made or given in favour of the registered proprietor, he shall, unless the court otherwise directs, be entitled to his costs as between attorney and client.

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Sekere regulasies en optrede daarkragtens kan in sekere opsigte terugwerkend wees.

21. Regulasies kragtens artikel 19 of 20 uitgevaardig, en enige bevel uitgereik, opdrag gegee of ander stappe gedoen deur die registrateur ingevolge die regulasies, kan uitgevaardig, uitgereik, gegee of gedoen word sodat dit geld ten opsigte van iets gedoen of nagelaat op of na 'n datum, hetsy voor of na die inwerkingtreding van die regulasies of van hierdie Wet, in die regulasies bepaal.

Insae van geregistreerde modelle.

22. (1) Behoudens die bepalings van hierdie Wet kan die voorstellings, monsters of tekenings van 'n geregistreerde model, asook alle stukke met betrekking daartoe ingedien, op en na die datum van uitreiking van die registrasiesertifikaat by betaling van die voorgeskrewe gelde by die modellekantoor ingesien word: Met dien verstande dat die reg van insae nie die reg insluit om deur meganiese middels 'n kopie van so 'n voorstelling, tekening of stuk te maak nie.

(2) Kopieë van sodanige voorstellings, tekenings of stukke, deur die registrateur gesertifiseer of nie, kan by betaling van die voorgeskrewe gelde van die modellekantoor verkry word.

(3) Waar 'n aansoek om die registrasie van 'n model laat vaar of geweier is, kan die voorstellings, tekenings of ander stukke nie te eniger tyd by die modellekantoor ingesien word nie, maar word dit na verstryking van twaalf maande vanaf die datum van aansoek om sodanige registrasie, op aansoek deur die applikant aan hom teruggestuur.

Getuienis van inskrywings, dokumente, ens.

23. (1) 'n Sertifikaat wat deur die registrateur onderteken heet te wees en waarby gesertifiseer word dat 'n inskrywing wat hy deur of kragtens hierdie Wet gemagtig is om te maak, wel gemaak is of nie gemaak is nie, of dat enigiets anders wat hy aldus gemagtig is om te doen, wel gedoen is of nie gedoen is nie, is *prima facie*-bewys van die aangeleenthede ten opsigte waarvan aldus gesertifiseer word.

(2) 'n Kopie van 'n inskrywing in die register van modelle of van 'n voorstelling, monster of dokument wat in die modellekantoor gehou word of 'n uittreksel uit die register of so 'n dokument wat deur die registrateur onderteken en met die seël van die modellekantoor geseël heet te wees, word sonder verdere bewys en sonder oorlegging van die oorspronklike as getuienis toegelaat.

Afdwing van regte ten opsigte van

24. (1) Die geregistreerde eienaar is, behoudens die bepalings van die voorbehoudsbepaling by artikel 18 (3), geregtig om 'n geding in die hof in te stel om sy regte ingevolge hierdie Wet af te dwing, en die hof kan na goeddunke regshulp by wyse van skadevergoeding, interdik of andersins verleen.

(2) By 'n geding weens inbreuk op die regte van 'n eienaar van 'n geregistreerde model word daar teen 'n verweerder wat bewys dat hy op die datum van die inbreuk nie geweet het en geen redelike gronde gehad het om te vermoed dat die model in die Republiek geregistreer was nie, nie skadevergoeding toegeken of rekenskap van winste beveel nie, en word iemand nie geag aldus te geweet het of redelike gronde te gehad het om aldus te vermoed nie bloot op grond daarvan dat 'n artikel gemerk is met die woord „geregistreer" of 'n afkorting daarvan of 'n woord of woorde waarby beweer of te kenne gegee word dat die model wat ten opsigte van die artikel toegepas is, geregistreer is, tensy die woord of woorde gebesig word saam met die woorde „Republiek van Suid-Afrika" of die letters „R.S.A." en met die nommer van die model, of met die ander woorde of merke wat die registrateur in 'n bepaalde geval op aansoek goedgekeur en in die patentjoernaal bekend gemaak het.

(3) Die bepalings van subartikel (2) raak nie die hof se bevoegdheid om by 'n geding weens inbreuk op die regte van die eienaar van 'n geregistreerde model 'n interdik te verleen nie.

(4) By 'n geding ingevolge hierdie artikel is die hof bevoeg om op enige van die in artikel 10 (2) vermelde gronde die kansellering van die registrasie van 'n model te gelas, en kan enige van bedoelde gronde by wyse van verweer aangevoer word.

Sertifikaat dat geldigheid van registrasie betwis is.

25. (1) Indien by 'n geding voor die hof die geldigheid van die registrasie van 'n model betwis word, en die hof bevind dat die registrasie van die model geldig is, kan die hof 'n sertifikaat verleen ten effekte dat die geldigheid van die registrasie van die model by daardie geding betwis was.

(2) Indien so 'n sertifikaat verleen is, en daar by 'n latere geding voor die hof weens inbreuk op die regte van die eienaar van die geregistreerde model of om kansellering van die registrasie van die model 'n finale bevel of vonnis ten gunste van die geregistreerde eienaar verleen of gevel word, is hy, tensy die hof anders gelas, geregtig op sy koste tussen prokureur en kliënt.

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Remedy for groundless threats of infringement proceedings

26. (1) Where any person (whether entitled to or interested in a registered design or an application for registration of a design or not) by letters, circulars, advertisement or otherwise threatens any other person with proceedings for infringement of the rights of the proprietor of a registered design, any person aggrieved thereby may institute proceedings in the court against him for any such relief as is mentioned in subsection (2).

(2) Unless in any action brought by virtue of this section the defendant proves that the acts in respect of which proceedings were threatened constitute or, if done, would constitute an infringement of the rights of the proprietor of a registered design the registration of which is not shown by the plaintiff to be invalid, the plaintiff shall be entitled to the following relief, that is to say—

(*a*) a declaration to the effect that the threats are unjustifiable; and

(*b*) an interdict against the continuance of the threats; and

(*c*) such damages, if any, as he has sustained thereby.

(3) A letter, circular, advertisement or other communication addressed to any person, which comprises only a notification of the existence of a particular registered design upon which the proprietor relies for protecting his interests, shall not by itself be deemed to be a threat of an action for infringement.

Appeal to court.

27. (1) Every appeal under this Act against a decision of the registrar shall be to the court.

(2) Notice of any such appeal shall be filed in the court and served upon the registrar within three months after the day on which the decision appealed against was given.

Exercise of discretionary powers of registrar.

28. Without prejudice to any provisions of this Act requiring the registrar to hear any party to proceedings thereunder or to give to any such party an opportunity to be heard, the registrar shall give to any applicant for the registration of a design an opportunity to be heard before exercising adversely to the applicant any discretion vested in the registrar by or under this Act.

Registrar may grant extension of time.

29. (1) Where by this Act or the regulations anything is required to be done within a prescribed time, and by reason of delay in the designs office the thing is not so done, the registrar may extend the time for the doing of the thing either before or after its expiration, and no fees shall be payable in respect of any extension of time so granted.

(2) In any other case, except in the case of an application referred to in the first proviso to section 18 (1), the registrar may on good cause shown and on payment of the fees prescribed, extend the time specified for the doing of any act, notwithstanding that the time has already expired.

Persons authorized to act in design matters.

30. (1) The registrar shall permit an agent to do on behalf of the person for whom he is agent any act in connection with registration under this Act or any proceedings relating thereto: Provided that no person other than an advocate or attorney or a patent agent shall be permitted so to act, or, for gain, to furnish advice in relation thereto.

(2) Any person who contravenes the provisions of this section 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 six months.

Service of notices, etc., by post.

31. (1) Every application for registration of a design shall contain an address for service of process in the Republic, and such address shall be deemed to be the address of the proprietor for all purposes under this Act relating to the application or the registration of the design.

(2) Any notice required or authorized to be given by or under this Act, and any application or other document so authorized or required to be made or filed, may be given, made or filed by sending it by registered post addressed to the person concerned at his address for service of process.

(3) Where any notice is sent by the registrar to any person by registered post as aforesaid, the notice shall be deemed to have been given at the time when the letter containing it would have been delivered in the ordinary course of post.

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Regshulp teen ongegronde dreigemente met aksie weens inbreuk.

26. (1) Waar iemand (hetsy hy op 'n geregistreerde model of 'n aansoek om registrasie van 'n model geregtig is of daarby belang het al dan nie) deur middel van briewe, omsendbriewe, advertensie of op ander wyse dreig om teen 'n ander persoon 'n geding weens inbreuk op die regte van die eienaar van 'n geregistreerde model aanhangig te maak, kan enige persoon wat hom daardeur benadeel ag teen so iemand 'n geding by die hof instel om enige regshulp in subartikel (2) bedoel.

(2) Tensy die verweerder by 'n geding kragtens hierdie artikel ingestel, bewys dat die handelinge ten opsigte waarvan gedreig is om 'n geding aanhangig te maak, inbreuk uitmaak op die regte van die eienaar van 'n geregistreerde model ten opsigte waarvan die eiser nie bewys dat die registrasie daarvan ongeldig is nie of dat dié handelinge, indien gepleeg, so 'n inbreuk sou uitmaak, is die eiser op onderstaande regshulp geregtig, te wete—

(*a*) 'n deklarasie ten effekte dat die dreigemente nie geregverdig kan word nie; en

(*b*) 'n interdik teen voortsetting van die dreigemente; en

(*c*) skadevergoeding vir sover hy daardeur skade gely het.

(3) 'n Brief, omsendbrief, advertensie of ander meedeling aan iemand gerig, wat slegs kennis gee van die bestaan van 'n bepaalde geregistreerde model waarop die eienaar hom vir die beskerming van sy regte verlaat, word nie op sigself beskou as 'n dreigement om 'n geding weens inbreuk in te stel nie.

Appèl na hof.

27. (1) Elke appèl ingevolge hierdie Wet teen 'n beslissing van die registrateur word aan die hof gerig.

(2) Kennisgewing van so 'n appèl moet binne drie maande na die dag waarop die beslissing gegee is waarteen appèl aangeteken word by die hof ingedien en aan die registrateur bestel word.

Uitoefening van diskresionêre bevoegdheid van registrateur.

28. Sonder dat daardeur afbreuk gedoen word aan enige bepalings van hierdie Wet ingevolge waarvan die registrateur verplig is om 'n party by verrigtings ingevolge daarvan aan te hoor of om so 'n party die geleentheid te bied om aangehoor te word, moet die registrateur aan elke aansoeker om registrasie van 'n model die geleentheid gee om aangehoor te word voordat hy enige deur of ingevolge hierdie Wet aan die registrateur verleende diskresie ten nadele van die aansoeker uitoefen.

Registrateur kan tydsverlenging toestaan.

29. (1) Waar enigiets ingevolge hierdie Wet of die regulasies binne 'n voorgeskrewe tyd gedoen moet word, en so iets weens vertraging in die modellekantoor nie aldus gedoen word nie, kan die registrateur die tyd waarin so iets gedoen moet word òf voor òf na die verstryking daarvan verleng, en geen gelde is ten opsigte van 'n aldus verleende tydsverlenging betaalbaar nie.

(2) In enige ander geval, behalwe in die geval van 'n aansoek in die eerste voorbehoudsbepaling by artikel 18 (1) bedoel, kan die registrateur die tyd vir die verrigting van 'n handeling bepaal, verleng mits grondige redes daarvoor aangevoer en die voorgeskrewe gelde betaal word, al het die tyd reeds verstryk.

Persone gemagtig om in verband met sake rakende modelle op te tree.

30. (1) Die registrateur laat 'n agent toe om ten behoewe van die persoon wie se agent hy is enige handeling in verband met registrasie ingevolge hierdie Wet of verrigtings met betrekking daartoe te verrig: Met dien verstande dat niemand anders as 'n advokaat of prokureur of 'n patentagent toegelaat word om aldus op te tree of teen vergoeding advies met betrekking daartoe te verstrek nie.

(2) Iemand wat die bepalings van hierdie artikel oortree, 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 ses maande.

Bestelling van kennisgewings, ens. deur die pos.

31. (1) Elke aansoek om die registrasie van 'n model moet 'n adres vir die bestelling van prosesstukke in die Republiek bevat, en so 'n adres word geag die eienaar se adres te wees vir alle doeleindes ingevolge hierdie Wet wat op die aansoek of die registrasie van die model betrekking het.

(2) Enige kennisgewing wat deur of kragtens hierdie Wet vereis of gemagtig word, en enige aansoek of ander dokument wat ingevolge magtiging of vereiste deur of kragtens hierdie Wet verleen of opgelê, gedoen of ingedien kan of moet word, kan gegee, gedoen of ingedien word deur dit per aangetekende pos aan die betrokke persoon by sy adres vir die bestelling van prosesstukke te rig.

(3) Waar 'n kennisgewing soos voormeld deur die registrateur per aangetekende pos aan iemand gestuur word, word die kennisgewing geag gegee te gewees het op die tydstip waarop die brief wat dit bevat in die gewone loop van die posdiens afgelewer sou gewees het.

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Offences in respect of designs required to be kept secret.

32. Any person who fails to comply with any directions given under section 16 or who makes or causes to be made an application for the registration of a design in contravention of that section, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

Falsification of register, etc.

33. Any person who makes or causes to be made a false entry in the register of designs or a writing falsely purporting to be a copy of an entry in that register, or produces or tenders or causes to be produced or tendered in evidence any such entry or writing knowing the entry or writing to be false, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

Penalty for falsely representing a design as registered.

34. (1) Any person who represents that a design applied to any article sold by him is registered in the Republic knowing that it is not so registered in respect of that article shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand.

(2) Any person who marks or causes to be marked any article with any word or symbol implying that there is subsisting a registered design in the Republic in respect of such article when no such registration subsists, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand.

Hours of business.

35. (1) The Minister may from time to time by notice in the patent journal fix the hours during which the designs office shall be open for the transaction of public business under this Act, and the registrar may authorize the closing of the designs office for the transaction of such business on any particular day.

(2) Where the time prescribed for doing any act or taking any proceedings expires on a day on which the designs office is not open as aforesaid and by reason thereof the act or proceedings cannot be done or taken on that day, the act or proceedings shall be deemed to be in time if done or taken on the next day on which the designs office is open as aforesaid.

Regulations.

36. (1) Subject to the provisions of this Act, the State President may from time to time, by proclamation in the *Gazette*, make such regulations as may in his opinion be necessary or expedient for giving effect to the provisions of this Act and for the due administration thereof.

(2) Without limiting the general power conferred by subsection (1), regulations may be made under this section for all or any of the following purposes, namely—

(*a*) for regulating the business of the designs office in relation to designs;

(*b*) for regulating all matters by this Act placed under the direction or control of the registrar;

(*c*) for prescribing the form of applications for registration of designs and of any representations or specimens of designs or other documents which may be filed at the designs office, and for requiring copies to be furnished of any such representations, specimens or documents;

(*d*) for regulating the procedure to be followed in connection with any application or request to the registrar or in connection with any proceeding before the registrar, and for authorizing the rectification of irregularities of procedure;

(*e*) for regulating the keeping of the register of designs;

(*f*) for authorizing the publication of representations or specimens of designs and other documents in the designs office;

(*g*) for prescribing matters to be published in the patent journal;

(*h*) for prescribing fees to be paid in respect of applications for and registration of designs, copies of documents and all other matters relating to designs arising under this Act;

(*i*) for prescribing a schedule of classification of goods according to which an applicant for registration of a design shall be required to circumscribe his rights so that each application shall be restricted to one particular class;

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Misdrywe ten opsigte van modelle wat geheim gehou moet word.

32. Iemand wat versuim om te voldoen aan 'n opdrag ingevolge artikel 16 gegee, of wat in stryd met daardie artikel om die registrasie van 'n model aansoek doen of laat doen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf.

Vervalsing van register, ens.

33. Iemand wat 'n valse inskrywing in die register van modelle of 'n geskrif wat valslik 'n afskrif van 'n inskrywing in daardie register heet te wees, maak of laat maak, of wat so 'n inskrywing of geskrif as getuienis oorlê of aanbied of laat oorlê of aanbied met die wete dat die inskrywing of geskrif vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf.

Straf op valse voorstelling dat 'n model geregistreer is.

34. (1) Iemand wat te kenne gee dat 'n model toegepas in verband met 'n artikel wat hy verkoop in die Republiek geregistreer is, met die wete dat dit nie ten opsigte van daardie artikel aldus geregistreer is nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

(2) Iemand wat 'n artikel merk of laat merk met 'n woord of simbool waarby te kenne gegee word dat daar 'n geregistreerde model ten opsigte van dié artikel in die Republiek bestaan, terwyl daar nie so 'n registrasie bestaan nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

Besigheidsure.

35. (1) Die Minister kan van tyd tot tyd by kennisgewing in die patentjoernaal die ure vasstel waartydens die modellekantoor vir die verrigting van publieke sake ingevolge hierdie Wet oop is, en die registrateur kan magtiging verleen om die modellekantoor op enige bepaalde dag vir die verrigting van sodanige besigheid te sluit.

(2) Waar die tyd voorgeskryf om 'n handeling te verrig of enige stappe te doen, verval op 'n dag waarop die modellekantoor nie soos voormeld oop is nie, en die handeling of stappe om dié rede nie op daardie dag verrig of gedoen kan word nie, word die handeling of stappe geag betyds verrig of gedoen te wees indien dit op die eersvolgende dag waarop die modellekantoor aldus oop is, verrig of gedoen word.

Regulasies.

36. (1) Die Staatspresident kan, behoudens die bepalings van hierdie Wet, van tyd tot tyd by proklamasie in die *Staatskoerant* regulasies uitvaardig wat na sy oordeel nodig of dienstig is ten einde aan die bepalings van hierdie Wet gevolg te gee en die behoorlike uitvoering daarvan te verseker.

(2) Sonder afbreuk aan die algemeenheid van die bevoegdheid by subartikel (1) verleen, kan regulasies ingevolge hierdie artikel vir enige van of al die volgende doeleindes uitgevaardig word, te wete—

(*a*) om die besigheid van die modellekantoor met betrekking tot modelle te reël;

(*b*) om alle aangeleenthede te reël wat by hierdie Wet onder die bestuur of beheer van die registrateur geplaas word;

(*c*) om die vorm van aansoeke om registrasie van modelle en van enige voorstellings of monsters van modelle of ander stukke wat by die modellekantoor ingedien kan word, voor te skryf, en om die verstrekking van kopieë van sodanige voorstellings, monsters of stukke te vereis;

(*d*) om die prosedure te reël wat in verband met 'n aansoek of versoek aan die registrateur of in verband met verrigtings voor die registrateur gevolg moet word, en om die aansuiwering van onreëlmatighede in verband met prosedure te magtig;

(*e*) om die byhou van die register van modelle te reël;

(*f*) om die bekendmaking van voorstellings of monsters van modelle en ander stukke in die modellekantoor te magtig;

(*g*) om die aangeleenthede voor te skryf wat in die patentjoernaal bekend gemaak moet word;

(*h*) om die gelde voor te skryf wat betaal moet word ten opsigte van aansoeke om en registrasie van modelle, afskrifte van dokumente en alle ander aangeleenthede met betrekking tot modelle wat ingevolge hierdie Wet ontstaan;

(*i*) om 'n lys vir die klassifikasie van goedere voor te skryf waarvolgens 'n aansoeker om registrasie van 'n model sy regte moet omskryf sodat elke aansoek tot een bepaalde klas beperk word;

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(*j*) for determining the conditions subject to which or the circumstances under which a design shall not be regarded as intended to be multiplied by an industrial process;

(*k*) for prescribing anything authorized or required by this Act to be prescribed by regulation.

Repeal and transitional provisions.

37. (1) The Designs Act, 1916 (Act No. 9 of 1916), and the Patents, Designs and Trade Marks Amendment Act, 1947 (Act No. 19 of 1947), are hereby repealed.

(2) Subject to the provisions of this Act, any design which is registered or in respect of which an application for registration has been lodged under the repealed law shall, notwithstanding such repeal, be subject in all respects to the provisions of that law, and all rights or liabilities attaching to such registration or application shall be determined in accordance with the provisions of the said law.

(3) Any proclamation issued under the repealed law declaring any country to be a convention country, and any regulations made under such law shall continue in operation until repealed or amended by proclamation issued or regulations made under this Act.

Short title and commencement.

38. This Act shall be called the Designs Act, 1967, and shall come into operation upon a date to be fixed by the State President by proclamation in the *Gazette*.

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(*j*) om die voorwaardes waarop of die omstandighede waaronder 'n model nie geag word vir vermenigvuldiging deur 'n nywerheidsproses bestem te wees nie, te bepaal;

(*k*) om enigiets voor te skryf wat ingevolge hierdie Wet by regulasie voorgeskryf kan of moet word.

37. (1) Die „Wet op Modellen, 1916" (Wet No. 9 van 1916), en die Wysigingswet op Patente, Modelle en Handelsmerke, 1947 (Wet No. 19 van 1947), word hierby herroep. Herroepings- en oorgangsbepalings.

(2) Behoudens die bepalings van hierdie Wet is elke model wat ingevolge die herroepe wet geregistreer is of ten opsigte waarvan 'n aansoek om registrasie ingevolge daardie wet ingedien is, ondanks die herroeping in alle opsigte onderworpe aan die bepalings van daardie wet, en word alle regte of verpligtings verbonde aan so 'n registrasie of aansoek ooreenkomstig die bepalings van bedoelde wet bepaal.

(3) Enige proklamasie ingevolge die herroepe wet uitgevaardig waarby enige land 'n konvensieland verklaar word, en enige regulasies ingevolge daardie wet uitgevaardig, bly van krag totdat dit by proklamasie of regulasies uitgevaardig kragtens hierdie Wet herroep of gewysig word.

38. Hierdie Wet heet die Wet op Modelle, 1967, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

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No. 58, 1967.]

ACT

To amend section 3 (1) (*b*), (2) (*b*) and (*i*) of the Workmen's Compensation Act, 1941, in order to apply the provisions of that Act to certain classes of persons who are not workmen according to the present definition; sections 38 and 39 of the said Act in order to increase the maximum amount of compensation payable to White, Coloured and Asiatic workmen for temporary, partial, total and permanent disablement; section 40 (1) (*a*) of the said Act in order to increase the maximum amount of compensation payable upon the death of a White, Coloured or Asiatic workman; section 40 (2) of the said Act in order to increase the amount payable for the burial expenses of White, Coloured and Asiatic workmen; section 40 (4) (*c*) of the said Act in order to increase the amount payable to a widow or an invalid widower of a White, Coloured or Asiatic workman upon remarriage; section 84 of the said Act in order to increase the maximum amount of compensation payable to a Bantu workman for temporary disablement, and in order to delete certain provisions prescribing circumstances under which compensation is not payable to a Bantu workman; section 85 of the said Act in order to increase the maximum amount payable to a Bantu workman for permanent disablement; and section 86 (2) of the said Act in order to increase the maximum amount payable for the burial expenses of a Bantu workman.

(*English text signed by the State President.*)
(*Assented to 1st May*, 1967.)

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

Amendment of section 3 of Act 30 of 1941, as substituted by section 1 of Act 21 of 1964.

1. Section 3 of the Workmen's Compensation Act, 1941 (hereinafter referred to as the principal Act) is hereby amended—

(*a*) by the substitution for paragraph (*b*) of subsection (1) of the following paragraph:

"(*b*) any person or class of persons excluded from the scope of this Act by the provisions of subsection (2) (*b*), (*f*) (ii) or (*g*), if the employer of such person or class of persons has made special arrangements with the commissioner to that effect and complied with the conditions prescribed by the commissioner in regard thereto;";

(*b*) by the substitution for paragraph (*b*) of subsection (2) of the following paragraph:

"(*b*) persons whose earnings calculated in the manner set forth in section 41 exceed five thousand four hundred and sixty rand a year;"; and

(*c*) by the deletion of paragraph (*i*) of the said subsection (2).

Amendment of section 38 of Act 30 of 1941, as amended by section 18 of Act 27 of 1945, section 14 of Act 36 of 1949, section 13 of Act 51 of 1956 and section 4 of Act 7 of 1961.

2. Section 38 of the principal Act is hereby amended—

(*a*) by the substitution for paragraph (*a*) of subsection (1) of the following paragraph:

"(*a*) Compensation for temporary total disablement shall be periodical payments during such temporary disablement at a rate of seventy-five per cent of the monthly earnings of the workman up to one hundred and fifty rand of such earnings: Provided that the periodical payment shall not be less than thirteen rand per month or the rate of the workmen's earnings at the time of the accident, whichever is the less."; and

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No. 58, 1967.]

WET

Tot wysiging van artikel 3 (1) (*b*), (2) (*b*) en (*i*) van die Ongevallewet, 1941, om die bepalings van daardie Wet van toepassing te maak op sekere klasse persone wat volgens die huidige omskrywing nie werksmense is nie; van artikels 38 en 39 van gemelde Wet om die maksimum bedrag van skadeloosstelling betaalbaar aan blanke, Kleurling- en Asiatiese werksmense vir tydelike gedeeltelike, algehele en blywende arbeidsongeskiktheid te verhoog; van artikel 40 (1) (*a*) van gemelde Wet om die maksimum bedrag van skadeloosstelling betaalbaar by die afsterwe van 'n blanke, Kleurling- of Asiatiese werksman te verhoog; van artikel 40 (2) van gemelde Wet om die bedrag betaalbaar vir die begrafnisonkoste van blanke, Kleurling- en Asiatiese werksmense te verhoog; van artikel 40 (4) (*c*) van gemelde Wet om die bedrag betaalbaar aan 'n weduwee of sieklike wewenaar van 'n blanke, Kleurling- of Asiatiese werksman by hertroue te verhoog; van artikel 84 van gemelde Wet om die maksimum bedrag van skadeloosstelling betaalbaar aan 'n Bantoewerksman vir tydelike arbeidsongeskiktheid te verhoog, en om sekere bepalings wat omstandighede voorskryf waarin geen skadeloosstelling aan 'n Bantoewerksman betaalbaar is nie, te skrap; van artikel 85 van gemelde Wet om die maksimum bedrag betaalbaar aan 'n Bantoewerksman vir blywende arbeidsongeskiktheid te verhoog; en van artikel 86 (2) van gemelde Wet om die maksimum bedrag betaalbaar vir die begrafnisonkoste van 'n Bantoewerksman te verhoog.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 1 *Mei* 1967.)

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

Wysiging van artikel 3 van Wet 30 van 1941, soos vervang deur artikel 1 van Wet 21 van 1964.

1. Artikel 3 van die Ongevallewet, 1941 (hieronder die Hoofwet genoem), word hierby gewysig—

(*a*) deur paragraaf (*b*) van subartikel (1) deur die volgende paragraaf te vervang:

„(*b*) 'n persoon of kategorie van persone wat ten gevolge van die bepalings van subartikel (2) (*b*), (*f*) (ii) of (*g*), buite die bestek van hierdie Wet val, indien die werkgewer van sodanige persoon of kategorie van persone spesiale reëlings in dier voege met die kommissaris getref het en die voorwaardes wat die kommissaris in verband daarmee voorgeskryf het, nagekom het;";

(*b*) deur paragraaf (*b*) van subartikel (2) deur die volgende paragraaf te vervang:

„(*b*) persone wie se verdienste, bereken op die wyse uiteengesit in artikel 41, vyfduisend vierhonderd-en-sestig rand per jaar te bowe gaan;"; en

(*c*) deur paragraaf (*i*) van genoemde subartikel (2) te skrap.

Wysiging van artikel 38 van Wet 30 van 1941, soos gewysig deur artikel 18 van Wet 27 van 1945, artikel 14 van Wet 36 van 1949, artikel 13 van Wet 51 van 1956 en artikel 4 van Wet 7 van 1961.

2. Artikel 38 van die Hoofwet word hierby gewysig—

(*a*) deur paragraaf (*a*) van subartikel (1) deur die volgende paragraaf te vervang:

„(*a*) Skadeloosstelling weens tydelike algehele arbeidsongeskiktheid, is periodieke uitkerings gedurende sodanige tydelike arbeidsongeskiktheid teen vyf-en-sewentig persent van die maandelikse verdienste van die werksman tot honderd-en-vyftig rand van daardie verdienste: Met dien verstande dat die periodieke uitkering nie minder as dertien rand per maand of die skaal van die werksman se verdienste ten tyde van die ongeval, na gelang watter die kleinste is, mag bedra nie."; en

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(*b*) by the substitution for subsection (4) of the following subsection:

"(4) In determining the amount of any periodical payments, any excess of any monthly earnings of a workman above one hundred and fifty rand shall not be taken into consideration.".

Amendment of section 39 of Act 30 of 1941, as amended by section 19 of Act 27 of 1945, section 15 of Act 36 of 1949, section 14 of Act 51 of 1956 and section 5 of Act 7 of 1961.

3. Section 39 of the principal Act is hereby amended—

(*a*) by the substitution for paragraph (*a*) of subsection (1) of the following paragraph:

"(*a*) Where the degree of disablement is thirty per cent, a lump sum equal to twelve times the monthly earnings of the workman up to forty rand of such earnings, together with ten times his monthly earnings in excess of forty rand up to one hundred and fifty rand.";

(*b*) by the substitution for paragraph (*c*) of the said subsection of the following paragraph:

"(*c*) Where the degree of disablement is one hundred per cent, a monthly pension equal to seventy-five per cent of the monthly earnings of the workman up to one hundred and fifty rand of such earnings: Provided that the pension payable shall not be less than thirteen rand per month or the rate of the workman's earnings at the time of the accident, whichever is the less."; and

(*c*) by the substitution for subsection (2) of the following subsection:

"(2) In determining the compensation under subsection (1) any excess of the monthly earnings of a workman above one hundred and fifty rand shall not be taken into consideration.".

Amendment of section 40 of Act 30 of 1941, as amended by section 20 of Act 27 of 1945, section 16 of Act 36 of 1949, section 15 of Act 51 of 1956 and section 6 of Act 7 of 1961.

4. Section 40 of the principal Act is hereby amended—

(*a*) by the substitution for paragraph (*a*) of subsection (1) of the following paragraph:

"(*a*) If the workman leaves as a dependant, a widow or invalid widower and no children, a lump sum not exceeding twice the workman's monthly earnings or three hundred rand, whichever is the less, and a monthly pension equal to forty per cent of the pension which would have been granted to the workman if totally and permanently disabled, under section 39 (1) (*c*).";

(*b*) by the substitution for subsection (2) of the following subsection:

"(2) The commissioner may, in his discretion pay out of the accident fund or direct the employer individually liable, as the case may be, to pay an allowance not exceeding one hundred and fifty rand towards the necessary burial expenses of the workman."; and

(*c*) by the substitution for paragraph (*c*) of subsection (4) of the following paragraph:

"(*c*) A widow or invalid widower who marries or remarries shall be paid a lump sum equivalent to thirty times her or his monthly pension.".

Substitution of section 84 of Act 30 of 1941, as amended by section 31 of Act 27 of 1945, section 23 of Act 51 of 1956 and section 14 of Act 7 of 1961.

5. The following section is hereby substituted for section 84 of the principal Act:

"Compensation in case of temporary disablement.

84. The compensation payable for temporary total disablement shall, in the case of a Bantu workman, be periodical payments during such temporary disablement at the rate of seventy-five per cent of the monthly earnings of the workman up to one hundred and fifty rand of such earnings for a period not exceeding twelve months: Provided that—

(*a*) if such disablement continues after the expiration of the said period the commissioner may, in his discretion, direct the continuation of such payments for such further period or periods as he may from time to time determine;

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(*b*) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) By die bepaling van die bedrag van periodieke uitkerings word die bedrag van maandelikse verdienste van 'n werksman bo honderd-en-vyftig rand buite rekening gelaat.".

Wysiging van artikel 39 van Wet 30 van 1941, soos gewysig deur artikel 19 van Wet 27 van 1945, artikel 15 van Wet 36 van 1949, artikel 14 van Wet 51 van 1956 en artikel 5 van Wet 7 van 1961.

3. Artikel 39 van die Hoofwet word hierby gewysig—

(*a*) deur paragraaf (*a*) van subartikel (1) deur die volgende paragraaf te vervang:

„(*a*) Wanneer die graad van arbeidsongeskiktheid dertig persent is, 'n enkele geldsom gelyk aan twaalf maal die maandelikse verdienste van die werksman tot veertig rand van daardie verdienste, benewens tien maal sy maandelikse verdienste bo veertig rand tot honderd-en-vyftig rand.";

(*b*) deur paragraaf (*c*) van genoemde subartikel deur die volgende paragraaf te vervang:

„(*c*) Wanneer die graad van arbeidsongeskiktheid honderd persent is, 'n maandelikse pensioen gelyk aan vyf-en-sewentig persent van die maandelikse verdienste van die werksman tot honderd-en-vyftig rand van daardie verdienste: Met dien verstande dat die betaalbare pensioen nie minder as dertien rand per maand of die skaal van die werksman se verdienste ten tyde van die ongeval, na gelang watter die kleinste is, mag bedra nie."; en

(*c*) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) By die vasstelling van die skadeloosstelling ingevolge subartikel (1) word enige bedrag van die maandelikse verdienste van 'n werksman bo honderd-en-vyftig rand buite rekening gelaat.".

Wysiging van artikel 40 van Wet 30 van 1941, soos gewysig deur artikel 20 van Wet 27 van 1945, artikel 16 van Wet 36 van 1949, artikel 15 van Wet 51 van 1956 en artikel 6 van Wet 7 van 1961.

4. Artikel 40 van die Hoofwet word hierby gewysig—

(*a*) deur paragraaf (*a*) van subartikel (1) deur die volgende paragraaf te vervang:

„(*a*) As die werksman 'n weduwee of sieklike wewenaar as nabestaande nalaat, en daar geen kinders is nie, 'n enkele geldsom van hoogstens twee maal die maandelikse verdienste van die werksman of driehonderd rand, na gelang die een of die ander minder bedra, en 'n maandelikse pensioen gelyk aan veertig persent van die pensioen wat aan die werksman toegestaan sou gewees het ingevolge artikel 39 (1) (*c*) as hy algeheel en blywend arbeidsongeskik was.";

(*b*) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die kommissaris kan na goeddunke uit die ongevallefonds 'n toelae van hoogstens honderd-en-vyftig rand vir die nodige begrafnisonkoste van die werksman betaal of die werkgewer indiwidueel aanspreeklik gelas om dit te betaal, na gelang van die geval."; en

(*c*) deur paragraaf (*c*) van subartikel (4) deur die volgende paragraaf te vervang:

„(*c*) Aan 'n weduwee of sieklike wewenaar wat trou of weer trou, word 'n enkele geldsom gelyk aan dertig maal haar of sy maandelikse pensioen betaal.".

Vervanging van artikel 84 van Wet 30 van 1941, soos gewysig deur artikel 31 van Wet 27 van 1945, artikel 23 van Wet 51 van 1956 en artikel 14 van Wet 7 van 1961.

5. Artikel 84 van die Hoofwet word hierby deur die volgende artikel vervang:

„Skadeloosstelling in geval van tydelike arbeidsongeskiktheid.

84. Die skadeloosstelling weens tydelike algehele arbeidsongeskiktheid in die geval van 'n Bantoewerksman betaalbaar, is periodieke uitkerings gedurende die tydelike arbeidsongeskiktheid teen vyf-en-sewentig persent van die maandelikse verdienste van die werksman tot honderd-en-vyftig rand van daardie verdienste, vir 'n tydperk van hoogstens twaalf maande: Met dien verstande dat—

(*a*) indien sodanige arbeidsongeskiktheid na afloop van die genoemde tydperk voortduur, die kommissaris na goeddunke die voortsetting van sodanige uitkerings kan gelas vir sodanige verdere tydperk of tydperke as wat hy van tyd tot tyd mag bepaal;

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(*b*) in determining the compensation under this section any excess of the monthly earnings of a workman above one hundred and fifty rand shall not be taken into consideration.".

Substitution of section 85 of Act 30 of 1941, as amended by section 32 of Act 36 of 1949, section 24 of Act 51 of 1956 and section 15 of Act 7 of 1961.

6. The following section is hereby substituted for section 85 of the principal Act:

"Compensation in respect of permanent disablement.

85. (1) The compensation payable for permanent disablement in the case of a Bantu workman is as follows—

(*a*) where the degree of disablement is thirty per cent, a lump sum equal to twelve times the monthly earnings of the workman up to forty rand of such earnings, together with ten times his monthly earnings in excess of forty rand up to one hundred and fifty rand;

(*b*) where the degree of disablement is under thirty per cent, a lump sum bearing the same proportion to a lump sum calculated in accordance with paragraph (*a*) as the degree of disablement bears to thirty per cent;

(*c*) where the degree of disablement is one hundred per cent, a lump sum equal to forty-eight times the monthly earnings of the workman up to forty rand of such earnings, together with thirty times his monthly earnings in excess of forty rand up to one hundred and fifty rand with a minimum compensation of four hundred and eighty rand;

(*d*) where the degree of disablement is under one hundred per cent but more than thirty per cent, a lump sum bearing the same proportion to a lump sum calculated in accordance with paragraph (*c*) as the degree of disablement bears to one hundred per cent.

(2) From any compensation awarded under this section no deduction shall be made on account of any periodical payments in respect of temporary disablement made under section 38 or 84.

(3) In determining the compensation under this section any excess of the monthly earnings of a workman above one hundred and fifty rand shall not be taken into consideration.".

Substitution of section 86 of Act 30 of 1941, as amended by section 32 of Act 27 of 1945, section 33 of Act 36 of 1949, section 3 of Act 5 of 1951, section 25 of Act 51 of 1956 and section 16 of Act 7 of 1961.

7. The following section is hereby substituted for section 86 of the principal Act:

"Compensation in case of death.

86. (1) Where a Bantu workman dies as the result of an accident, and leaves dependants, such dependants shall be entitled as compensation to such lump sum as the commissioner deems equitable, according to the number of dependants and the degree of dependency, and with due regard to any compensation previously paid to the workman in terms of section 85 in respect of the same accident but not exceeding in the aggregate the lump sum that would have been payable to the workman for permanent total disablement.

(2) Where a Bantu workman dies as the result of an accident, the commissioner may, in his discretion, pay out of the accident fund, or direct the employer individually liable to pay, as the case may be, the reasonable expenses of the burial of the workman, not exceeding an amount of seventy-five rand.

(3) In this section 'dependants' shall, where there are no dependants as defined in section 4, include any person who, in the opinion of the commissioner, was totally or partially dependent upon the workman.".

Short title and date of commencement.

8. This Act shall be called the Workmen's Compensation Amendment Act, 1967, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*: Provided that the amendments effected by sections 1, 2, 3, 4 (*a*) and (*b*), 5, 6 and 7 of this Act shall not apply with reference to accidents which occurred prior to the date so fixed.

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(*b*) by die bepaling van die skadeloosstelling kragtens hierdie artikel, die bedrag van die maandelikse verdienste van 'n werksman bo honderd-en-vyftig rand buite rekening gelaat word.".

Vervanging van artikel 85 van Wet 30 van 1941, soos gewysig deur artikel 32 van Wet 36 van 1949, artikel 24 van Wet 51 van 1956 en artikel 15 van Wet 7 van 1961.

6. Artikel 85 van die Hoofwet word hierby deur die volgende artikel vervang:

„Skadeloosstelling in geval van blywende arbeidsongeskiktheid.

85. (1) Die skadeloosstelling vir blywende arbeidsongeskiktheid betaalbaar in geval van 'n Bantoewerksman is as volg—

(*a*) waar die graad van arbeidsongeskiktheid dertig persent is, 'n enkele geldsom gelyk aan twaalf maal die maandelikse verdienste van die werksman tot veertig rand van daardie verdienste, benewens tien maal sy maandelikse verdienste bo veertig rand tot honderd-en-vyftig rand;

(*b*) waar die graad van arbeidsongeskiktheid minder as dertig persent is, 'n enkele geldsom wat tot 'n enkele geldsom volgens paragraaf (*a*) bereken, in dieselfde verhouding staan as die graad van arbeidsongeskiktheid tot dertig persent;

(*c*) waar die graad van arbeidsongeskiktheid honderd persent is, 'n enkele geldsom gelyk aan agt-en-veertig maal die maandelikse verdienste van die werksman tot veertig rand van daardie verdienste, benewens dertig maal sy maandelikse verdienste bo veertig rand tot honderd-en-vyftig rand, met 'n minimum skadeloosstelling van vierhonderd-en-tagtig rand;

(*d*) waar die graad van arbeidsongeskiktheid minder as honderd persent maar meer as dertig persent is, 'n enkele geldsom wat tot 'n enkele geldsom volgens paragraaf (*c*) bereken, in dieselfde verhouding staan as die graad van arbeidsongeskiktheid tot honderd persent.

(2) Van enige skadeloosstelling toegewys ingevolge hierdie artikel, word geen bedrag afgetrek nie weens periodieke uitkerings vir tydelike arbeidsongeskiktheid betaal ingevolge artikels 38 en 84.

(3) By die bepaling van die skadeloosstelling kragtens hierdie artikel, word die bedrag van die maandelikse verdienste van 'n werksman bo honderd-en-vyftig rand buite rekening gelaat.".

Vervanging van artikel 86 van Wet 30 van 1941, soos gewysig deur artikel 32 van Wet 27 van 1945, artikel 33 van Wet 36 van 1949, artikel 3 van Wet 5 van 1951, artikel 25 van Wet 51 van 1956 en artikel 16 van Wet 7 van 1961.

7. Artikel 86 van die Hoofwet word hierby deur die volgende artikel vervang:

„Skadeloosstelling in geval van dood.

86. (1) Wanneer 'n Bantoewerksman as gevolg van 'n ongeval sterf en nabestaandes nalaat, dan is daardie nabestaandes geregtig op sodanige enkele geldsom as skadeloosstelling as wat die kommissaris, met die oog op die aantal nabestaandes en die mate van afhanklikheid en met behoorlike inagneming van enige skadeloosstelling wat reeds ingevolge artikel 85 ten opsigte van dieselfde ongeval aan die werksman betaal is, billik ag maar nie meer nie in die geheel as die enkele geldsom wat aan die werksman betaalbaar sou gewees het vir blywende algehele arbeidsongeskiktheid.

(2) Wanneer 'n Bantoewerksman sterf as gevolg van 'n ongeval, kan die kommissaris na goeddunke, uit die ongevallefonds betaal, of die werkgewer indiwidueel aanspreeklik gelas om te betaal, na gelang van die geval, die redelike begrafniskoste van die werksman, tot 'n bedrag van hoogstens vyf-en-sewentig rand.

(3) In hierdie artikel beteken „nabestaandes", wanneer daar geen nabestaandes is nie soos in artikel 4 omskryf, ook enige persoon wat, na die mening van die kommissaris, algeheel of gedeeltelik van die werksman afhanklik was.".

Kort titel en datum van inwerkingtreding.

8. Hierdie Wet heet die Ongevallewysigingswet, 1967, en tree in werking op 'n datum wat die Staatspresident by Proklamasie in die *Staatskoerant* bepaal: Met dien verstande dat die wysigings wat deur artikels 1, 2, 3, 4 (*a*) en (*b*), 5, 6 en 7 van hierdie Wet aangebring is, nie van toepassing sal wees nie met betrekking tot ongevalle wat plaasgevind het voor die datum wat aldus vasgestel is.

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No. 59, 1967.]

ACT

To consolidate the laws providing for the establishment, management and control of the South African Wool Board, the defining of its objects, the imposition of a levy on wool and other incidental matters.

(*Afrikaans text signed by the State President.*)
(*Assented to 1st May*, 1967.)

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

Definitions.

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

(i) "board" means the South African Wool Board referred to in section 2; (iv)

(ii) "levy" means the levy imposed on wool in terms of section 14; (ii)

(iii) "Minister" means the Minister of Agricultural Economics and Marketing; (iii)

(iv) "process", in relation to wool, means subject to a process of manufacture; (i)

(v) "process of manufacture" includes any process of scouring, carbonizing or fellmongering; (vi)

(vi) "producer of wool" means—

(*a*) the person for whose benefit wool is shorn from the sheep or dead wool is collected;

(*b*) the person for whose benefit the skin on which there is wool is sold for the first time after it has been separated from the carcase;

(*c*) in relation to wool imported into the Republic from Lesotho, Swaziland or Botswana, the person on whose behalf such wool was imported; (viii)

(vii) "Republic" includes the territory of South-West Africa; (v)

(viii) "wool" means the natural coat of the sheep (*genus ovis*) and includes wool on skins. (vii)

Continued existence and objects of the South African Wool Board.

2. (1) The South African Wool Board established by section 23 of the Wool Act, 1946 (Act No. 19 of 1946), shall, notwithstanding the repeal of that Act by this Act, continue to exist and to be a body corporate, capable of suing and being sued in its corporate name, and of performing all such acts as are necessary for or incidental to the carrying out of its objects and the performance of its functions.

(2) The objects of the board are to promote the wool industry in the Republic, to promote and undertake research in the production of wool and in matters incidental thereto, and to take or aid such steps, including propaganda, as may be calculated to stimulate the consumption of wool and woollen fabrics.

Powers of the board and reports.

3. (1) The board may, for the purpose of achieving its objects—

(*a*) purchase, or otherwise acquire, hold, alienate, let or hire movable or immovable property: Provided that the board shall not acquire or alienate immovable property except with the prior consent of the Minister who may give his consent subject to such conditions as he may deem fit;

(*b*) engage, at such remuneration and subject to such conditions as the board may deem fit, such staff as may be necessary for the purpose of carrying out its objects;

(*c*) borrow money with the approval of the Minister;

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No. 59, 1967.]

WET

Tot samevatting van die wetsbepalings wat voorsiening maak vir die instelling, bestuur en beheer van die Suid-Afrikaanse Wolraad, die omskrywing van sy oogmerke, die oplegging van 'n heffing op wol en ander aangeleenthede wat daarmee in verband staan.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 1 *Mei* 1967.)

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

Woordomskrywing.

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

(i) „bewerk", met betrekking tot wol, 'n vervaardigingsproses laat ondergaan; (iv)

(ii) „heffing" die heffing wat ingevolge artikel 14 op wol gelê word; (ii)

(iii) „Minister" die Minister van Landbou-ekonomie en -bemarking; (iii)

(iv) „raad" die in artikel 2 bedoelde Suid-Afrikaanse Wolraad; (i)

(v) „Republiek" ook die gebied Suidwes-Afrika; (vii)

(vi) „vervaardigingsproses" ook 'n wasproses, verkolingsproses of velontblotingsproses; (v)

(vii) „wol" die natuurlike bedekking van die skaap (*genus ovis*), en ook wol aan velle; (viii)

(viii) „wolkweker"—

(*a*) die persoon vir wie se voordeel wol van die skaap geskeer word of dooie wol ingesamel word;

(*b*) die persoon vir wie se voordeel die vel waaraan daar wol is, vir die eerste maal nadat dit van die karkas verwyder is, verkoop word;

(*c*) met betrekking tot wol wat van Lesotho, Swaziland of Botswana in die Republiek ingevoer word, die persoon namens wie daardie wol ingevoer is. (vi)

Voortbestaan en oogmerke van die Suid-Afrikaanse Wolraad.

2. (1) Die by artikel 23 van die Wolwet, 1946 (Wet No. 19 van 1946), ingestelde Suid-Afrikaanse Wolraad bly, ondanks die herroeping van daardie Wet deur hierdie Wet, voortbestaan en bly 'n regspersoon bevoeg om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om alle handelinge te verrig wat nodig is vir, of in verband staan met, die uitvoering van sy oogmerke en die verrigting van sy werksaamhede.

(2) Die oogmerke van die raad is om die wolbedryf in die Republiek te bevorder, om navorsing in verband met die kweek van wol en daarmee in verband staande aangeleenthede te bevorder en te onderneem, en om die stappe, met inbegrip van propaganda, te doen of te steun wat bereken is om die verbruik van wol en wolstowwe te stimuleer.

Bevoegdhede van raad en verslae.

3. (1) Die raad kan ter bereiking van sy oogmerke—

(*a*) roerende of onroerende goed aankoop of op 'n ander wyse verkry, hou, vervreem, huur of verhuur: Met dien verstande dat die raad nie onroerende goed verkry of vervreem nie behalwe met die voorafgaande toestemming van die Minister, wat sy toestemming op die voorwaardes kan verleen wat hy goedvind;

(*b*) die personeel wat vir die uitvoering van sy oogmerke nodig is teen die vergoeding en op die voorwaardes wat die raad goedvind, in diens neem;

(*c*) met die goedkeuring van die Minister geld leen;

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(*d*) establish and control facilities for the collection and dissemination of information relating to wool or the wool market;
(*e*) make financial contributions to the funds of the International Wool Research and Publicity Secretariat;
(*f*) with the approval of the Minister render financial assistance by way of grant or otherwise to any organization which has been established for the promotion of the production of wool;
(*g*) co-operate with any person in the performance of any act which it may lawfully perform;
(*h*) appoint as its agent any person, including any regulatory board as defined in section 1 of the Marketing Act, 1937 (Act No. 26 of 1937), or as the agent of the Government of the Republic or of such a board perform any act which the board may lawfully perform.

(2) The board shall once in every year, within six months after the end of its financial year, submit to the Minister a report on its activities during its immediately preceding financial year.

(3) The Minister shall lay copies of every report submitted to him in terms of subsection (2), and of every report transmitted to him under section 17 (2), upon the Table in the Senate and in the House of Assembly within fourteen days of receipt thereof if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days of the commencement of its next ensuing ordinary session.

(4) A regulatory board which has been appointed as an agent under subsection (1) (*h*) shall, notwithstanding anything to the contrary contained in any law, be deemed to be duly empowered to act as such an agent in terms of the scheme under which the board has been established.

Board may arrange for provision of insurance cover for members of the board and of any committee of the board.

4. (1) The board may, with the approval of the Minister, arrange with any insurer for the provision of insurance cover for a member of the board, including an advisory member of the board, and for a member of any committee established in terms of section 12 (1), in respect of bodily injury, disablement or death resulting solely and directly from an accident occurring in the course of the performance by such member of his duties.

(2) The moneys in the fund referred to in section 15 may be utilized for the payment of any premium payable in respect o any insurance cover arranged in terms of subsection (1).

Constitution of board.

5. (1) The board shall consist of twelve members who shall be appointed by the State President and of whom—
(*a*) nine shall represent producers of wool and be nominated in the manner prescribed by section 6;
(*b*) one shall be an officer in the Department of Agricultural Economics and Marketing or the Department of Agricultural Technical Services who shall be nominated by the Minister;
(*c*) one shall represent persons dealing in the course of trade with wool products and be nominated after mutual consultation by the Associated Chambers of Commerce of South Africa and "Die Afrikaanse Handelsinstituut"; and
(*d*) one shall represent the National Textile Manufacturers' Association and The South African Worsted Manufacturers Trade Association and be nominated after mutual consultation by those associations.

(2) The board may co-opt not more than three persons as advisory members of the board.

(3) The advisory members of the board shall not be entitled to vote at any meeting of the board but may take part in the proceedings of any such meeting.

Nomination of wool producers representatives.

6. The members referred to in section 5 (1) (*a*) shall be producers of wool of whom—
(*a*) three shall be producers of wool anywhere in the Republic and shall be nominated by the National Wool Growers' Association of South Africa;
(*b*) two shall be producers of wool in the Cape Province (excluding East Griqualand) and shall be nominated by the Cape Province branch of the said association;
(*c*) one shall be a producer of wool in the Transvaal and shall be nominated by the Transvaal branch of the said association;
(*d*) one shall be a producer of wool in the Orange Free State and shall be nominated by the Orange Free State branch of the said association;

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(*d*) geriewe vir die insameling en verspreiding van inligting betreffende wol of die wolmark skep en beheer;
(*e*) geldelik bydra tot die fondse van die Internasionale Wolnavorsing- en Publisiteitsekretariaat;
(*f*) met die goedkeuring van die Minister, geldelike bystand, by wyse van skenkings of andersins, verleen aan enige organisasie wat vir die bevordering van die kweek van wol gestig is;
(*g*) met enige persoon saamwerk in die verrigting van 'n handeling wat die raad wettiglik kan verrig;
(*h*) enigiemand, met inbegrip van 'n beherende raad soos omskryf in artikel 1 van die Bemarkingswet, 1937 (Wet No. 26 van 1937), as sy agent aanstel, of as agent van die Regering van die Republiek of van so 'n raad 'n handeling verrig wat die raad wettiglik kan verrig.

(2) Die raad moet eenmaal in elke jaar binne ses maande na afloop van sy boekjaar, 'n verslag oor sy bedrywighede gedurende sy onmiddellik voorafgaande boekjaar aan die Minister voorlê.

(3) Die Minister moet afskrifte van elke verslag ingevolge subartikel (2) aan hom voorgelê en van elke verslag ingevolge artikel 17 (2) aan hom gestuur, in die Senaat en in die Volksraad ter Tafel lê binne veertien dae na ontvangs daarvan as die Parlement dan in gewone sessie is, of, as die Parlement dan nie in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

(4) 'n Beherende raad wat kragtens subartikel (1) (*h*) as 'n agent aangestel is, word ondanks andersluidende wetsbepalings geag behoorlik ingevolge die skema waaronder daardie raad ingestel is, gemagtig te wees om as so 'n agent op te tree.

Raad kan reël vir voorsiening, by wyse van versekering, van dekking vir lede van die raad en van 'n komitee van die raad.

4. (1) Die raad kan, met die goedkeuring van die Minister met 'n versekeraar reël vir voorsiening, by wyse van versekering, van dekking vir 'n lid van die raad, met inbegrip van 'n adviserende lid van die raad, en vir 'n lid van 'n komitee ingestel kragtens artikel 12 (1), ten opsigte van liggaamlike besering, ongeskiktheid of dood wat uitsluitlik en regstreeks die gevolg is van 'n ongeluk wat plaasvind in die loop van die verrigting deur so 'n lid van sy pligte.

(2) Die gelde in die in artikel 15 bedoelde fonds kan aangewend word ter betaling van 'n premie wat ten opsigte van 'n versekeringsdekking ingevolge subartikel (1) gereël, betaalbaar is.

Samestelling van raad.

5. (1) Die raad bestaan uit twaalf lede wat deur die Staatspresident aangestel word en van wie—
(*a*) nege wolkwekers verteenwoordig en op die by artikel 6 voorgeskrewe wyse benoem word;
(*b*) een 'n beampte in die Departement van Landbou-ekonomie en -bemarking of die Departement van Landbou-tegniese Dienste is en deur die Minister benoem word;
(*c*) een persone moet verteenwoordig wat as 'n besigheid in wolprodukte handel en deur die „Associated Chambers of Commerce of South Africa" en die Afrikaanse Handelsinstituut na onderlinge raadpleging benoem word; en
(*d*) een die „National Textile Manufacturers' Association" en „The South African Worsted Manufacturers Trade Association" moet verteenwoordig en deur daardie verenigings na onderlinge raadpleging benoem word.

(2) Die raad kan hoogstens drie persone as adviserende lede van die raad koöpteer.

(3) Die adviserende lede van die raad is nie geregtig om op 'n vergadering van die raad te stem nie maar kan aan die verrigtings van so 'n vergadering deelneem.

Benoeming van verteenwoordigers van wolkwekers.

6. Die in artikel 5 (1) (*a*) bedoelde lede moet wolkwekers wees van wie—
(*a*) drie wolkwekers op enige plek in die Republiek is en benoem word deur die Nasionale Wolkwekersvereniging van Suid-Afrika;
(*b*) twee wolkwekers in die Kaapprovinsie (uitgesonderd Griekwaland-Oos) is en benoem word deur die Kaapprovinsie-tak van genoemde vereniging;
(*c*) een 'n wolkweker in Transvaal is en benoem word deur die Transvaalse tak van genoemde vereniging;
(*d*) een 'n wolkweker in die Oranje-Vrystaat is en benoem word deur die Oranje-Vrystaatse tak van genoemde vereniging;

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(*e*) one shall be a producer of wool in Natal or East Griqualand and shall be nominated by the Natal and East Griqualand branch of the said association; and

(*f*) one shall be nominated by the South-West Africa branch of the said association.

Minister may nominate producers of wool as members of board if association concerned fails to nominate suitable persons.

7. (1) Whenever an association referred to in section 6 (*a*) (*b*), (*c*), (*d*), (*e*) or (*f*) nominates a person who in the opinion of the Minister is not suitable for appointment as a member of the board the Minister shall refer the matter back to the association concerned and shall call upon it to nominate some other suitable person, and if the association thereupon again nominates a person who in the opinion of the Minister is not suitable for the appointment as a member of the board, or whenever such an association fails, within the time specified by or on behalf of the Minister in a written notice to that association, to nominate any person, the Minister may himself nominate any producer of wool whom he considers suitable for appointment as a member of the board.

(2) The provisions of subsection (1) shall *mutatis mutandis* apply in respect of any nomination referred to in section 5 (1) (*c*) or (*d*).

Tenure of office, casual vacancies and remuneration of members of board.

8. (1) A member of the board, except the member referred to in section 5 (1) (*b*) who shall hold office during the State President's pleasure, shall, subject to the provisions of subsections (2), (4) and (5), hold office for a period of two years and shall be eligible for reappointment on the expiration of his period of office: Provided that the period of office of a member of the board may be terminated at any time if in the opinion of the State President there are good reasons for doing so.

(2) If at the expiration of the period for which a member was appointed no new appointment has been made in his place, that member shall continue to hold office until such an appointment has been made, but in no case for a longer period than three months.

(3) Whenever for any reason a member of the board is absent or unable to fulfil his duties the Minister may appoint some other suitable person to act in the place of that member during his absence or while he is unable to fulfil his duties.

(4) A casual vacancy on the board shall be filled by the appointment, in the same manner as in the case of the member whose office has become vacant, of another member for the unexpired portion of the period for which his predecessor had been appointed: Provided that until such other member is appointed the Minister may, if he deems it expedient, appoint any person temporarily in the place of the member whose office has become vacant.

(5) A member shall vacate his office if he is absent without the permission of the chairman from three consecutive meetings of the board.

(6) The members of the board or of any committee established in terms of section 12 (1), other than the member referred to in section 5 (1) (*b*), but including the advisory members of the board and any acting member appointed by the Minister in terms of subsection (3), shall receive such allowances out of the funds of the board as the board may, with the approval of the Minister, determine.

(7) Any person who immediately prior to the commencement of this Act was a member of the board, shall be deemed to have been appointed in terms of the provisions of this Act as a member of the board as from the date on which he became a member thereof.

Chairman and vice-chairman of the board.

9. (1) The board shall whenever it becomes necessary, elect one of its members to be the chairman and one of its members to be the vice-chairman of the board.

(2) The chairman of the board shall, subject to his remaining a member of the board, hold office as chairman for the period terminating on the date of the first meeting of the board held subsequent to the expiration of one year after the date of his election and be eligible for re-election as chairman.

(3) The provisions of subsection (2) shall *mutatis mutandis* apply in respect of the vice-chairman.

(4) Whenever the chairman is absent or unable to fulfil any of his functions, the vice-chairman may act in his stead.

(5) Whenever both the chairman and the vice-chairman are absent from any meeting of the board, the members who are present may elect from amongst themselves a chairman to act at that meeting.

(6) The person who immediately prior to the commencement of this Act was the chairman or vice-chairman of the board shall be deemed to have been elected in terms of the provisions

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(*e*) een 'n wolkweker in Natal of Griekwaland-Oos is en benoem word deur die Natal- en Griekwaland-Oostak van genoemde vereniging; en

(*f*) een benoem word deur die Suidwes-Afrika-tak van genoemde vereniging.

Minister kan wolkwekers benoem as lede van die raad as die betrokke vereniging versuim om geskikte persone te benoem.

7. (1) Wanneer 'n in artikel 6 (*a*), (*b*), (*c*), (*d*), (*e*) of (*f*) bedoelde vereniging iemand benoem wat na die oordeel van die Minister nie geskik is om as lid van die raad aangestel te word nie, moet die Minister die saak na die betrokke vereniging terugverwys en hom versoek om 'n ander geskikte persoon te benoem, en indien die vereniging daarop weer iemand benoem wat na die oordeel van die Minister nie geskik is om as lid van die raad aangestel te word nie, of wanneer so 'n vereniging versuim om iemand binne die tydperk te benoem wat deur of namens die Minister in 'n skriftelike kennisgewing aan daardie vereniging vermeld is, kan die Minister self 'n wolkweker benoem wat hy geskik ag om as lid van die raad aangestel te word.

(2) Die bepalings van subartikel (1) is *mutatis mutandis* van toepassing ten opsigte van 'n benoeming in artikel 5 (1) (*c*) of (*d*) bedoel.

Ampsduur, toevallige vakatures, en besoldiging van lede van die raad.

8. (1) 'n Lid van die raad, behalwe die in artikel 5 (1) (*b*) bedoelde lid wat sy amp beklee solank dit die Staatspresident behaag, beklee sy amp, behoudens die bepalings van subartikels (2), (4) en (5), vir 'n tydperk van twee jaar en kan by verstryking van sy ampstermyn weer aangestel word: Met dien verstande dat die ampstermyn van 'n lid van die raad te eniger tyd beeindig kan word indien daar na die oordeel van die Staatspresident gegronde redes daarvoor bestaan.

(2) Indien daar, by die verstryking van die tydperk waarvoor 'n lid aangestel was, geen nuwe aanstelling in sy plek gedoen is nie, bly daardie lid in sy amp aan totdat so 'n aanstelling gedoen is, maar in geen geval vir langer as drie maande nie.

(3) Wanneer 'n lid van die raad om die een of ander rede afwesig is of nie in staat is om sy ampspligte uit te voer nie, kan die Minister 'n ander geskikte persoon aanstel om op te tree in die plek van daardie lid gedurende sy afwesigheid of solank hy nie in staat is om sy ampspligte uit te voer nie.

(4) 'n Toevallige vakature in die raad word aangevul deur die aanstelling op dieselfde wyse as in die geval van die lid wie se amp vakant geword het, van 'n ander lid vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger aangestel was: Met dien verstande dat tot tyd en wyl so 'n ander lid aangestel word, die Minister, as hy dit dienstig ag, iemand tydelik kan aanstel in die plek van die lid wie se amp vakant geword het.

(5) 'n Lid ontruim sy amp indien hy sonder verlof van die voorsitter van drie agtereenvolgende vergaderings van die raad afwesig is.

(6) Die lede van die raad of van 'n kragtens artikel 12 (1) ingestelde komitee, behalwe die in artikel 5 (1) (*b*) bedoelde lid maar met inbegrip van die adviserende lede van die raad en 'n deur die Minister ingevolge subartikel (3) aangestelde waarnemende lid, ontvang uit die fondse van die raad die toelaes wat die raad, met goedkeuring van die Minister, bepaal.

(7) Enigiemand wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n lid van die raad was, word geag ingevolge die bepalings van hierdie Wet as 'n lid van die raad aangestel te gewees het en wel vanaf die datum waarop hy 'n lid van die raad geword het.

Voorsitter en ondervoorsitter van die raad.

9. (1) Die raad kies so dikwels as wat dit nodig word, een van sy lede as voorsitter en een van sy lede as ondervoorsitter van die raad.

(2) Mits hy lid van die raad bly, beklee die voorsitter van die raad sy amp as voorsitter vir die tydperk wat eindig op die datum van die eerste vergadering van die raad gehou na verstryking van een jaar na die datum van sy verkiesing en kan hy as voorsitter herkies word.

(3) Die bepalings van subartikel (2) is *mutatis mutandis* ten opsigte van die ondervoorsitter van toepassing.

(4) Wanneer die voorsitter afwesig is of nie in staat is om enige van sy werksaamhede te verrig nie, kan die ondervoorsitter in sy plek optree.

(5) Wanneer sowel die voorsitter as die ondervoorsitter van 'n vergadering van die raad afwesig is, kies die aanwesige lede 'n lid uit hul midde om as voorsitter by daardie vergadering op te tree.

(6) Die persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet die voorsitter of ondervoorsitter van die raad was, word geag ingevolge die bepalings van hierdie Wet as

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of this Act as chairman or vice-chairman of the board as from the date on which he became the chairman or vice-chairman, as the case may be.

Meetings of the board.

10. (1) The meetings of the board shall be held at such times and such places as the board may determine.

(2) The chairman of the board may at any time, and shall at the request of any four members of the board, call a special meeting of the board to be held at such time and such place as he may determine: Provided that a meeting called at the request of four members of the board shall be held within three weeks of the date of the request.

Quorum for meetings of the board, majority decisions and chairman's casting vote.

11. (1) The quorum for a meeting of the board shall be six of the members thereof.

(2) A decision at any meeting of the board shall be by resolution by majority vote of the members present thereat and in the event of an equality of votes on any matter, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote as a member of the board.

(3) Where for any reason it is not practicable to hold a meeting of the board for the transaction of any business of an urgent nature the assent of all the members signified in writing or by telegram to the doing of any act or thing or the giving of any order, direction, instruction, consent or approval or the exercise of any act of authority shall be as effective as, and be deemed to be, a decision of the board: Provided that a record of every such assent shall be entered in the minutes of the next meeting of the board.

Committees of the board.

12. (1) The board may, with the approval of the Minister, and subject to such conditions as the board may impose, established one or more committees to be constituted in such manner as the board may, with the approval of the Minister, determine, for the purpose of assisting it in the performance of its functions.

(2) The board may assign to a committee so established such of its powers and functions as it may deem fit, but shall not be divested of any power which it may have assigned to a committee, and may amend or withdraw any decision made by a committee.

(3) The chairman of the board shall *ex officio* be a member of any committee established by the board, and may at any time call a meeting of any committee to be held at such time and place as he may determine.

(4) A decision at any meeting of a committee of the board shall be by resolution by majority vote of the members present thereat.

Rules of the board.

13. The board may make rules as to—

(*a*) the procedure at meetings of the board;

(*b*) the procedure at meetings of any committee of the board including the procedure to be followed in the event of an equality of votes; and

(*c*) such other matters as may be necessary or expedient for the proper functioning of the board or of any committee thereof.

Imposition of a levy on wool.

14. (1) The board may from time to time, with the approval of the Minister, impose a levy not exceeding one and one half cents per pound, which shall be payable to the commission established under section 2 of the Wool Commission and Wool Amendment Act, 1960 (Act No. 35 of 1960), by such persons, in such manner and at such times as may be prescribed under that Act, on all wool produced, sold or processed in or exported from the Republic, which levy may, in respect of karakul wool, differ from any such levy in respect of any other wool.

(2) Any levy imposed in terms of subsection (1) shall be made known by the Minister by notice in the *Gazette* and shall come into operation on the date specified in that notice.

(3) Any person who has paid any such levy, and any person from whom the amount of any such levy paid has been recovered in terms of paragraph (*a*) or (*b*) may, if he is not the producer of the wool in respect of which such levy has been paid—

(*a*) recover from the person from whom he acquired or on whose behalf he sold or processed that wool, the amount of the levy so paid; or

(*b*) deduct from any amount which is or may become payable to the person from whom he acquired or on whose behalf he sold that wool, an amount equal to the amount of the levy so paid:

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voorsitter of ondervoorsitter van die raad gekies te gewees het en wel vanaf die datum waarop hy die voorsitter of ondervoorsitter, na gelang van die geval, geword het.

Vergaderings van raad.

10. (1) Die vergaderings van die raad word gehou op die tye en die plekke wat die raad bepaal.

(2) Die voorsitter van die raad kan te eniger tyd, en moet op versoek van enige vier lede van die raad, 'n spesiale vergadering van die raad byeenroep wat gehou moet word op die tyd en die plek wat hy bepaal: Met dien verstande dat 'n vergadering wat byeengeroep word op versoek van vier lede van die raad, gehou moet word binne drie weke vanaf die datum van die versoek.

Kworum vir vergaderings van die raad, meerderheidsbesluite en beslissende stem van voorsitter.

11. (1) Die kworum vir 'n vergadering van die raad is ses lede daarvan.

(2) 'n Besluit by 'n vergadering van die raad geskied by meerderheid van stemme van die aanwesige lede, en by staking van stemme oor enige aangeleentheid het die persoon wat op die vergadering as voorsitter optree, 'n beslissende stem benewens sy beraadslagende stem as lid van die raad.

(3) Wanneer om die een of ander rede dit nie doenlik is om 'n vergadering van die raad vir die behandeling van 'n saak van dringende aard te hou nie, is die toestemming van al die lede, skriftelik of telegrafies verleen vir die verrigting van 'n handeling of saak, of die verlening van 'n bevel, lasgewing, opdrag, toestemming of goedkeuring of die uitoefening van 'n daad van gesag ewe geldig as 'n besluit van die raad en word dit as sodanig geag: Met dien verstande dat 'n aantekening van elke sodanige toestemming in die notule van die volgende vergadering van die raad gemaak word.

Komitees van die raad.

12. (1) Die raad kan met die goedkeuring van die Minister en onderworpe aan die voorwaardes wat die raad oplê, een of meer komitees instel, wat saamgestel word op die wyse wat die raad met die goedkeuring van die Minister bepaal, om die raad met die verrigting van sy werksaamhede behulpsaam te wees.

(2) Die raad kan na goeddunke van sy bevoegdhede en werksaamhede aan 'n aldus ingestelde komitee oordra, maar word nie van 'n bevoegdheid wat hy aan 'n komitee oorgedra het, onthef nie, en kan 'n besluit van 'n komitee wysig of intrek.

(3) Die voorsitter van die raad is *ex officio* lid van enige deur die raad ingestelde komitee, en kan te eniger tyd 'n vergadering van enige komitee byeenroep om gehou te word op die tyd en die plek wat hy bepaal.

(4) 'n Besluit by 'n vergadering van 'n komitee van die raad geskied by meerderheid van stemme van die aanwesige lede.

Reglement van die raad.

13. Die raad kan reëls maak betreffende—

(*a*) die prosedure by vergaderings van die raad;

(*b*) die prosedure by vergaderings van 'n komitee van die raad met inbegrip van die prosedure wat by staking van stemme gevolg moet word; en

(*c*) die ander aangeleenthede wat nodig of dienstig is vir die behoorlike funksionering van die raad of van 'n komitee daarvan.

Oplegging van heffing op wol.

14. (1) Die raad kan, van tyd tot tyd, met die goedkeuring van die Minister, 'n heffing van hoogstens een-en-'n-half sent per pond, wat aan die kommissie ingevolge artikel 2 van die Wolkommissie en Wolwysigingswet, 1960 (Wet No. 35 van 1960), ingestel, betaalbaar is deur die persone, op die wyse en op die tye wat kragtens daardie Wet voorgeskryf word, oplê op alle wol wat in die Republiek geproduseer, verkoop of bewerk of daaruit uitgevoer word, watter heffing ten opsigte van karakoelwol kan verskil van so 'n heffing ten opsigte van enige ander soort wol.

(2) 'n Heffing kragtens subartikel (1) opgelê, word deur die Minister by kennisgewing in die *Staatskoerant* bekendgemaak en word van krag op die datum in daardie kennisgewing vermeld.

(3) Iemand wat so 'n heffing betaal het, en iemand op wie die bedrag van so 'n heffing kragtens paragraaf (*a*) of (*b*) verhaal is, kan, as hy nie die produsent is van die wol ten opsigte waarvan daardie heffing betaal is nie—

(*a*) die bedrag van die aldus betaalde heffing verhaal op die persoon van wie hy daardie wol verkry of ten behoewe van wie hy dit verkoop of bewerk het; of

(*b*) 'n bedrag gelyk aan die bedrag van die aldus betaalde heffing aftrek van enige bedrag wat aan die persoon van wie hy daardie wol verkry of ten behoewe van wie hy dit verkoop het, betaalbaar is of word:

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Provided that no levy shall be recoverable in terms of paragraph (*a*) or (*b*) from a producer or other person who on the date with effect from which a levy under this section becomes payable for the first time, is no longer the owner of the wool in respect of which that levy is payable.

Finances of the board.

15. (1) The fund established in terms of section 35 of the Wool Act, 1946 (Act No. 19 of 1946), shall, notwithstanding the repeal of that Act by this Act, continue to exist, and there shall be paid into that fund—

(*a*) all moneys paid to the board in respect of any levy imposed under section 14;

(*b*) all moneys borrowed by it; and

(*c*) all donations and other revenues that may accrue to the board.

(2) The board may receive donations or contributions from any person, and shall use any donations or contributions so acquired for the purpose designated and in accordance with the conditions imposed by the donor or contributor, or, if no purpose has been so designated or no conditions have been so imposed, utilize such donations or contributions for any of the purposes of the board.

Wool Research Fund.

16. (1) The Wool Research Fund established in terms of section 35*ter* of the Wool Act, 1946 (Act No. 19 of 1946), shall, notwithstanding the repeal of that Act by this Act, continue to exist.

(2) The board shall, subject to the provisions of subsection (3), use the moneys in the said Fund for the purpose of undertaking or promoting research in connection with sheep and wool.

(3) The board shall not so use any amount of the said moneys unless the use thereof has been approved by the Minister.

Auditing of accounts.

17. (1) The accounts and balance sheet of the board shall be audited annually by the Controller and Auditor-General.

(2) As soon as may be after any such audit the Controller and Auditor-General shall transmit to the Minister and to the board a report in respect of such audit.

Financial year of board.

18. The financial year of the board shall be the period from the first day of July to the thirtieth day of June of the year following, both dates included.

Repeal of laws and savings.

19. (1) Subject to the provisions of subsection (2), the laws specified in the Schedule are hereby repealed to the extent indicated in the third column thereof.

(2) Any appointment, decision, levy, notice or rule made, taken, imposed, published or promulgated or any other thing done under a provision of a law repealed by subsection (1) shall be deemed to have been made, taken, imposed, published, promulgated or done under the corresponding provision of this Act.

Short title.

20. This Act shall be called the Wool Act, 1967.

Schedule.

LAWS REPEALED.

No. and Year of Law.	Title.	Extent of Repeal.
Act No. 19 of 1946.	Wool Act, 1946.	So much as is unrepealed.
Act No. 35 of 1947.	Wool Amendment Act, 1947.	The whole.
Act No. 60 of 1952.	Wool Profits Distribution and Wool Amendment Act, 1952.	Sections 9 to 26 inclusive.
Act No. 57 of 1955.	Wool Amendment Act, 1955.	Sections 1 to 10 inclusive.
Act No. 12 of 1959.	Wool Amendment Act, 1959.	Sections 1 to 4 inclusive.
Act No. 35 of 1960.	Wool Commission and Wool Amendment Act, 1960.	Sections 25 to 33 inclusive.
Act No. 22 of 1962.	Wool Amendment Act, 1962.	The whole.
Act No. 4 of 1964.	Wool Amendment Act, 1964.	The whole.
Act No. 78 of 1965.	Marketing, Wool and Wool Commission Amendment Act, 1965.	Section 2.
Act No. 26 of 1967.	Wool and Wool Commission Amendment Act, 1967.	Sections 1 to 5 inclusive.

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Met dien verstande dat geen heffing kragtens paragraaf (*a*) of (*b*) verhaal kan word nie op 'n produsent of ander persoon wat op die datum met ingang waarvan 'n heffing ingevolge hierdie artikel vir die eerste maal betaalbaar word, nie meer die eienaar is nie van die wol ten opsigte waarvan daardie heffing betaalbaar is.

15. (1) Die kragtens artikel 35 van die Wolwet, 1946 (Wet No. 19 van 1946), ingestelde fonds, bly, ondanks die herroeping van daardie Wet deur hierdie Wet, voortbestaan en daar word op daardie fonds inbetaal— Finansies van die raad.

(*a*) alle gelde aan die raad betaal ten opsigte van 'n heffing kragtens artikel 14 opgelê;

(*b*) alle gelde deur hom geleen; en

(*c*) alle skenkings en ander inkomstes wat aan die raad toeval.

(2) Die raad kan skenkings of bydraes van enige persoon ontvang en moet skenkings of bydraes wat aldus verkry word, aanwend vir die doel wat die donateur of bydraer aanwys en volgens die voorwaardes wat hy voorskryf of, as hy nie so 'n doel aanwys of sulke voorwaardes voorskryf nie, daardie skenkings of bydraes vir enige van die doeleindes van die raad aanwend.

16. (1) Die kragtens artikel 35*ter* van die Wolwet, 1946 (No. 19 van 1946), ingestelde Wolnavorsingsfonds bly, ondanks die herroeping van daardie Wet deur hierdie Wet, voortbestaan. Wolnavorsingsfonds.

(2) Die raad moet, behoudens die bepalings van subartikel (3), die gelde in genoemde fonds aanwend om navorsing in verband met skape en wol te onderneem of te bevorder.

(3) Die raad mag geen bedrag van genoemde gelde aldus aanwend nie tensy die aanwending daarvan deur die Minister goedgekeur is.

17. (1) Die rekenings en balansstaat van die raad word jaarliks deur die Kontroleur en Ouditeur-generaal geouditeer. Ouditering van rekenings.

(2) Die Kontroleur en Ouditeur-generaal stuur so spoedig doenlik na so 'n ouditering 'n verslag ten opsigte daarvan aan die Minister en aan die raad.

18. Die boekjaar van die raad is die tydperk vanaf die eerste dag van Julie tot en met die dertigste dag van Junie in die daaropvolgende jaar. Boekjaar van die raad.

19. (1) Behoudens die bepalings van subartikel (2) word die wette in die Bylae vermeld hierby herroep vir sover in die derde kolom daarvan aangedui word. Herroeping van wette en voorbehoude.

(2) Enige aanstelling, besluit, heffing, kennisgewing of reël gemaak, geneem, opgelê, gepubliseer of uitgevaardig of enigiets anders gedoen ingevolge 'n bepaling van 'n wet wat by subartikel (1) herroep word, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet gemaak, geneem, opgelê, gepubliseer, uitgevaardig of gedoen te gewees het.

20. Hierdie Wet heet die Wolwet, 1967. Kort titel.

Bylae.

WETTE HERROEP.

No. en Jaar van Wet.	Titel.	In hoeverre herroep.
Wet No. 19 van 1946.	Wolwet, 1946.	Soveel as wat nie herroep is nie.
Wet No. 35 van 1947.	Wysigingswet op Wol, 1947.	Die geheel.
Wet No. 60 van 1952.	Wolwinsteverdelings- en Wolwysigingswet, 1952.	Artikels 9 tot en met 26.
Wet No. 57 van 1955.	Wolwysigingswet, 1955.	Artikels 1 tot en met 10.
Wet No. 12 van 1959.	Wolwysigingswet, 1959.	Artikels 1 tot en met 4.
Wet No. 35 van 1960.	Wolkommissie- en Wolwysigingswet, 1960.	Artikels 25 tot en met 33.
Wet No. 22 van 1962.	Wolwysigingswet, 1962.	Die geheel.
Wet No. 4 van 1964.	Wolwysigingswet, 1964.	Die geheel.
Wet No. 78 van 1965.	Wysigingswet op Bemarking, Wol en die Wolkommissie, 1965.	Artikel 2.
Wet No. 26 van 1967.	Wysigingswet op Wol en die Wolkommissie, 1967.	Artikels 1 tot en met 5.

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No. 60, 1967.]

ACT

To amend section 13 of the Indians Education Act, 1965, to provide for the retention of certain benefits by certain persons who are transferred to the Service of the Department of Indian Affairs or are deemed to have been appointed under the provisions of the said Act.

(English text signed by the State President.)
(Assented to 1st May, 1967.)

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

Amendment of section 13 of Act 61 of 1965.

1. Section 13 of the Indians Education Act, 1965 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsection:

"(7) (*a*) If any person who is transferred to the service of the Department by virtue of the provisions of section 9 or is deemed to have been appointed to a post under the provisions of this Act, and who was not immediately prior to the commencement of this Act a member of or a contributor to a pension or provident fund which is governed by a pension law administered by a provincial administration, for any reason retires or is retired or discharged from the service of the Department or from the public service, he shall, subject to the provisions of paragraph (*b*), be entitled to the benefit which would have been payable to him under the provisions of that pension law if on that date he had retired or had been retired or discharged for the same reason from the service of his previous employer.

(*b*) If such person so retires or is so retired or discharged by reason of the age he has attained, he shall for the purposes of such pension law be deemed to have attained the age prescribed for retirement by that pension law on the said date.

(*c*) If any person to whom the provisions of paragraph (*a*) apply, dies before his retirement or discharge from the service of the Department or the public service, there shall be paid the benefit which would have been payable in terms of the appropriate pension law referred to in subsection (1) (*b*) if he had died on the day immediately prior to the commencement of this Act.

(*d*) A benefit payable in terms of this subsection, shall be paid from the revenue fund of the province concerned.".

Short title and commencement.

2. This Act shall be called the Indians Education Amendment Act, 1967, and shall, in so far as a school is concerned in respect of which the provisions of the principal Act came into operation before the date of commencement of this Act, be deemed to have come into operation on the date on which the principal Act came into operation in respect of such school.

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No. 60, 1967.]

WET

Tot wysiging van artikel 13 van die Wet op Onderwys vir Indiërs, 1965, om voorsiening te maak vir die behoud van sekere voordele deur sekere persone wat na die diens van die Departement van Indiërsake oorgeplaas word of geag word kragtens die bepalings van gemelde Wet aangestel te wees.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Mei 1967.)

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

Wysiging van artikel 13 van Wet 61 van 1965.

1. Artikel 13 van die Wet op Onderwys vir Indiërs, 1965 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende subartikel by te voeg:

„(7) (*a*) Indien iemand wat uit hoofde van die bepalings van artikel 9 oorgeplaas word na die diens van die Departement of ingevolge die bepalings van hierdie Wet geag word in 'n pos aangestel te wees en wat nie onmiddellik voor die inwerkingtreding van hierdie Wet lid was van of bydraer was tot 'n pensioen- of voorsieningsfonds wat beheer word deur 'n pensioenwet wat deur 'n provinsiale administrasie geadministreer word nie, om die een of ander rede uit die diens van die Departement of die Staatsdiens tree of daaruit afgedank of ontslaan word, is hy, behoudens die bepalings van paragraaf (*b*), geregtig op die voordeel wat ingevolge daardie pensioenwet aan hom betaalbaar sou gewees het indien hy op daardie datum om dieselfde rede uit die diens van sy vorige werkgewer getree het of daaruit afgedank of ontslaan was.

(*b*) Indien so iemand aldus uit diens tree, afgedank of ontslaan word op grond van die leeftyd wat hy bereik het, word hy by die toepassing van bedoelde pensioenwet geag op vermelde datum die leeftyd vir uitdienstreding te bereik het wat deur bedoelde pensioenwet voorgeskryf word.

(*c*) Indien iemand op wie die bepalings van paragraaf (*a*) van toepassing is, te sterwe kom vóór sy uittrede, afdanking of ontslag uit die diens van die Departement of die Staatsdiens, word die voordeel betaal wat ingevolge die toepaslike pensioenwet in subartikel (1) (*b*) bedoel, betaalbaar sou gewees het indien hy te sterwe gekom het op die dag onmiddellik voor die inwerkingtreding van hierdie Wet.

(*d*) 'n Voordeel ingevolge hierdie subartikel betaalbaar, word uit die inkomstefonds van die betrokke provinsie betaal.".

Kort titel en inwerkingtreding.

2. Hierdie Wet heet die Wysigingswet op Onderwys vir Indiërs, 1967, en word vir sover dit 'n skool betref ten opsigte waarvan die bepalings van die Hoofwet voor die datum van inwerkingtreding van hierdie Wet in werking getree het, geag in werking te getree het op die datum waarop die Hoofwet ten opsigte van daardie skool in werking getree het.

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CONTENTS.

Department of the Prime Minister.

GOVERNMENT NOTICE.

No.		PAGE
668	Act No. 51 of 1967: University of Cape Town Amendment Act, 1967	2
668	Act No. 52 of 1967: University of Pretoria Amendment Act, 1967	8
668	Act No. 53 of 1967: University of South Africa Amendment Act, 1967	14
668	Act No. 54 of 1967: Patents Amendment Act, 1967	24
668	Act No. 55 of 1967: Merchandise Marks Amendment Act, 1967	26
668	Act No. 56 of 1967: Copyright Amendment Act, 1967	28
668	Act No. 57 of 1967: Designs Act, 1967	30
668	Act No. 58 of 1967: Workmen's Compensation Amendment Act, 1967	54
668	Act No. 59 of 1967: Wool Act, 1967	60
668	Act No. 60 of 1967: Indians Education Amendment Act, 1967	70

INHOUD.

Departement van die Eerste Minister.

GOEWERMENTSKENNISGEWING.

No.		BLADSY
668	Wet No. 51 van 1967: Wysigingswet op die Universiteit van Kaapstad, 1967	3
668	Wet No. 52 van 1967: Wysigingswet op die Universiteit van Pretoria, 1967	9
668	Wet No. 53 van 1967: Wysigingswet op die Universiteit van Suid-Afrika, 1967	15
668	Wet No. 54 van 1967: Wysigingswet op Patente, 1967	25
668	Wet No. 55 van 1967: Wysigingswet op Handelswaremerke, 1967	27
668	Wet No. 56 van 1967: Wysigingswet op Outeursreg, 1967	29
668	Wet No. 57 van 1967: Wet op Modelle, 1967	31
668	Wet No. 58 van 1967: Ongevallewysigingswet, 1967	55
668	Wet No. 59 van 1967: Wolwet, 1967	61
668	Wet No. 60 van 1967: Wysigingswet op Onderwys vir Indiërs, 1967	71

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