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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTMENT OF THE PRIME MINISTER

No. 995. 23 May 1980.

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

No. 63 of 1980: Heraldry Amendment Act, 1980.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 995. 23 Mei 1980.

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

No. 63 van 1980: Heraldiekwysigingswet, 1980.

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ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

________ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Heraldiekwet, 1962, betreffende die woordomskrywings; ten einde die buro te magtig om advies aangaande heraldiese aangeleenthede te verskaf; die Minister te magtig om 'n lid van die raad deur hom aangestel van sy amp te onthef; voorsiening te maak vir die instelling van 'n heraldiekkomitee by hierdie Wet; die Minister te magtig om 'n voorsitter van die raad en van die heraldiekkomitee aan te wys; voorsiening te maak vir die registrasie, wysiging en skrapping van heraldiese voorstellings van 'n amptelike owerheid in 'n vreemde land; en vir die skrapping van geregistreerde heraldiese voorstellings, name, spesiale name en uniforms in sekere omstandighede; aan sekere persone sekere bevoegdhede met betrekking tot die registrasie van familiewapens te verleen; sekere owerhede, verenigings, inrigtings en persone te magtig om teen sekere skrappings beswaar aan te teken; voorsiening te maak vir die verstrekking van sekere uittreksels uit die register en die uitreiking van sekere duplikaat-sertifikate; die strawwe vir sekere oortredings te verhoog; die gebruik van geregistreerde name, spesiale name en uniforms in sekere omstandighede strafbaar te stel; en die maak van sekere ongestaafde bewerings in verband met die verskaffing van familiewapens strafbaar te stel; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 5 Mei 1980.)

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

Wysiging van artikel 1 van Wet 18 van 1962, soos vervang deur artikel 1 van Wet 54 van 1969.

1. Artikel 1 van die Heraldiekwet, 1962 (hieronder die Hoofwet genoem), word hierby gewysig—

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

„,aansoek' 'n aansoek **[om registrasie,]** in artikel 7 **[(3)]** bedoel; en het ,aansoeker' 'n ooreenstemmende betekenis;";

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

„,differensiëring' die opneem van 'n breuk in 'n **[familiewapen]** heraldiese voorstelling volgens die beginsels en reëls van die heraldiek ten einde te onderskei tussen **[verskillende lede of vertakkinge van 'n familie]** die verskillende eienaars van daardie voorstelling;";

(c) deur na die omskrywing van „differensiëring" die volgende omskrywings in te voeg:

„,eienaar', met betrekking tot 'n heraldiese voorstelling, naam, spesiale naam of uniform, die owerheid,

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GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

________ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Heraldry Act, 1962, regarding the definitions; to authorize the bureau to give advice regarding heraldic matters; to authorize the Minister to remove from office any member of the board appointed by him; to provide for the establishment of a heraldry committee by this Act; to authorize the Minister to designate a chairman of the council and of the heraldry committee; to provide for the registration, amendment and deletion of heraldic representations of an official authority in a foreign country; and for the deletion of registered heraldic representations, names, special names and uniforms in certain circumstances; to grant to certain persons certain powers relating to the registration of family coats of arms; to authorize certain authorities, associations, institutions and persons to object to certain deletions; to provide for the furnishing of certain extracts from the register and the issue of certain duplicate certificates; to increase the penalties for certain offences; to render punishable in certain circumstances the use of registered names, special names and uniforms; and to render punishable the making of certain uncorroborated allegations in connection with the furnishing of family coats of arms; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 5 May 1980.)

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 1 of Act 18 of 1962, as substituted by section 1 of Act 54 of 1969.

1. Section 1 of the Heraldry Act, 1962 (hereinafter referred to as the principal Act), is hereby amended—

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

"'application' means an application **[for registration]** referred to in section 7 **[(3)]**; and 'applicant' has a corresponding meaning;";

(b) by the insertion after the definition of "applicant" of the following definition:

"'approve' means approve under this Act; and 'approval' has a corresponding meaning;";

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

"'association' means any association of persons in the Republic, the territory or a foreign country formed

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vereniging, inrigting of persoon op wie se naam daardie voorstelling, naam, spesiale naam of uniform geregistreer staan;

,goedkeur' kragtens hierdie Wet goedkeur; en het ,goedgekeur' 'n ooreenstemmende betekenis;".

(d) deur na die omskrywing van „regulasie" die volgende omskrywing in te voeg:

„,skrapping' die deurhaal in die register van besonderhede van 'n heraldiese voorstelling, naam, spesiale naam of uniform;";

(e) deur die omskrywing van „spesiale naam" deur die volgende omskrywing te vervang:

„,spesiale naam' 'n spesiale naam of **[aanwysing]** betiteling in artikel 7 **[(2)]** bedoel;";

(f) deur die omskrywing van „uniform" deur die volgende omskrywing te vervang:

„,uniform' **[die ontwerp van]** enige kledingstuk of -stukke van onderskeidende ontwerp en kleur maar sonder 'n heraldiese voorstelling as deel daarvan, bestem om deur lede van 'n vereniging of inrigting wat nie van 'n politieke of godsdienstige aard is nie, gebruik te word;"; en

(g) deur die omskrywing van „vereniging" deur die volgende omskrywing te vervang:

„,vereniging' 'n vereniging van persone in die Republiek, die gebied of die buiteland opgerig ter bevordering van sport of vir 'n ander wettige doel, die nastreef waarvan na die mening van die Minister **[in]** nie strydig met die openbare belang is nie;".

Wysiging van artikel 3 van Wet 18 van 1962, soos vervang deur artikel 3 van Wet 54 van 1969.

2. Artikel 3 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die werksaamhede van die buro is om—

(a) aansoeke om registrasie of skrapping en besware teen die registrasie of skrapping van heraldiese voorstellings, name, spesiale name of uniforms te ontvang en na te sien;

(b) die register en die dokumente ingevolge hierdie Wet ingedien, te hou;

(c) sertifikate van registrasie van heraldiese voorstellings, name, spesiale name en uniforms uit te reik; **[en]**

(d) **[die ander pligte wat die Minister of hierdie Wet aan die buro opdra, te verrig]** in soverre dit moontlik is, advies aangaande heraldiese voorstellings, name, spesiale name of uniforms te gee en hulp met die ontwerp van heraldiese voorstellings en uniforms te verleen;

(e) die ander pligte wat die Minister, raad of komitee ingevolge hierdie Wet aan die buro opdra, te verrig.".

Wysiging van artikel 5 van Wet 18 van 1962, soos vervang deur artikel 4 van Wet 54 van 1969.

3. Artikel 5 van die Hoofwet word hierby gewysig—

(a) deur die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

„Daar word in die buro 'n register gehou waarin die buro op aansoek en op die wyse deur die staatsheraldikus na oorlegpleging met die raad bepaal die besonderhede inskryf wat **[die staatsheraldikus]** hy bepaal ten opsigte van—";

(b) deur paragrawe *(d)* en *(e)* onderskeidelik die volgende paragrawe te vervang:

„*(d)* enige ander heraldiese voorstelling waarvan die

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for the promotion of sport or for any other lawful purpose, the pursuit of which in the opinion of the Minister is **[calculated to be in]** not contrary to the public interest;";

(d) by the insertion after the definition of "council" of the following definition:

"'deletion' means the deletion in the register of particulars of a registered heraldic representation, name, special name or uniform;";

(e) by the substitution for the definition of "differencing" of the following definition:

"'differencing' means the incorporation of a brisure in a **[family coat of arms]** heraldic representation in conformity with the principles and rules of heraldry in order to distinguish between **[different members or branches of a family]** the different owners of such representation";

(f) by the insertion after the definition of "other emblem" of the following definition:

"'owner', in relation to any heraldic representation, name, special name or uniform, means the authority, association, institution or person in whose name such representation, name, special name or uniform has been registered;";

(g) by the substitution for the definition of "special name" of the following definition:

"'special name' means any special name referred to in section 7 **[(2)]**;"; and

(h) by the substitution for the definition of "uniform" of the following definition:

"'uniform' means **[the design of]** any article or articles of wearing apparel, being distinctive in design and colour, but without a heraldic representation as part thereof, intended to be used by members of an association or institution which is not of a political or religious character".

Amendment of section 3 of Act 18 of 1962, as substituted by section 3 of Act 54 of 1969.

2. Section 3 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The functions of the bureau shall be to—

(a) receive and examine applications for registration or deletion of, and objections against the registration or deletion of, heraldic representations, names, special names or uniforms;

(b) keep the register and the documents lodged in terms of this Act;

(c) issue certificates of registration of heraldic representations, names, special names and uniforms; **[and]**

(d) **[carry out such other duties as may be assigned to the bureau by the Minister or this Act.]** give advice, in so far as is possible, regarding heraldic representations, names, special names or uniforms, and render assistance with the design of heraldic representations and uniforms;

(e) carry out such other duties as may be assigned to the bureau by the Minister, council or committee in terms of this Act.".

Amendment of section 5 of Act 18 of 1962, as substituted by section 4 of Act 54 of 1969.

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

(a) by the substitution for the words preceding paragraph *(a)* of the following words:

"A register shall be kept in the bureau in which the bureau shall on application and in the manner determined by the state herald after consultation with the council enter the particulars **[determined by]** which **[the state herald]** he determines in respect of—"

(b) by the substitution for paragraphs *(d)* and *(e)* of the following paragraphs, respectively:

"*(d)* any other heraldic representation, the application

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aansoek om registrasie **[kragtens hierdie Wet]** goedgekeur is en enige goedgekeurde wysiging **[, waarvan die aansoek daarom aldus goedgekeur is, van 'n geregistreerde heraldiese voorstelling]** daarvan; en

(*e*) enige naam, spesiale naam of uniform waarvan die aansoek om registrasie **[kragtens hierdie Wet]** goedgekeur is en enige goedgekeurde wysiging **[, waarvan die aansoek daarom aldus goedgekeur is, van 'n geregistreerde naam, spesiale naam of uniform]** daarvan.".

Vervanging van artikel 6 van Wet 18 van 1962, soos vervang deur artikel 5 van Wet 54 van 1969.

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

„Raad vir heraldiek en heraldiekkomitee.

6. (1) Daar word hierby 'n raad vir heraldiek ingestel wat bestaan uit die staatsheraldikus en minstens ses ander lede **[deur]** wat die Minister **[aangestel te word]** aanstel op die voorwaardes en vir die tydperk wat hy bepaal: Met dien verstande dat die Minister te eniger tyd 'n lid deur hom aangestel van sy amp kan onthef indien daar na sy oordeel gegronde redes daarvoor bestaan.

(2) Die werksaamhede van die raad is om—

(*a*) **[die]** beleid te bepaal **[wat geld by die goedkeuring van 'n aansoek]** aangaande heraldiese aangeleenthede;

(*b*) die aangeleenthede wat die staatsheraldikus of die komitee na hom verwys, te oorweeg en daaromtrent te beslis;

[(*c*) **aansoeke wat ingevolge hierdie Wet na hom verwys word, te oorweeg en vir registrasie goed te keur of af te wys;**

(*d*)**]** (*c*) appèlle kragtens artikel 9 aangeteken, te oorweeg; en

[(*e*) **besware ingevolge artikel 7B ingedien, te oorweeg; en**

(*f*)**]** (*d*) die ander pligte wat die Minister aan die raad opdra, te verrig.

(3) **[Die Minister stel]** Hierby word 'n heraldiekkomitee **[aan, bestaande]** ingestel wat bestaan uit die voorsitter en die staatsheraldikus en die aantal ander lede van die raad wat die Minister aanwys om **[te beslis en aan die staatsheraldikus verslag te doen]** oor aansoeke wat die staatsheraldikus na hom verwys, te beslis en om besware ingevolge artikel 7B ingedien, te oorweeg.

(4) (*a*) Die Minister wys een van die lede—

(i) van die raad wat deur hom as lid aangestel is, as voorsitter aan om op 'n vergadering van die raad voor te sit;

(ii) van die komitee wat deur hom as lid aangewys is, as voorsitter aan om op 'n vergadering van die komitee voor te sit:

Met dien verstande dat indien die voorsitter van die raad of die voorsitter van die komitee afwesig is van 'n vergadering van die raad of komitee (na gelang van die geval), die lede wat op daardie vergadering aanwesig is een uit hul midde moet kies om op dié vergadering voor te sit.

(*b*) Behoudens die voorskrifte van die Minister bepaal die raad en die komitee wanneer en waar hulle vergader en die prosedure en kworum by hul vergaderings, met inbegrip van die getal stemme vereis vir 'n beslissing.

(5) Aan 'n lid van die raad of die komitee wat nie voltyds in diens van die Staat is nie, word daar, uit

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for registration of which has been approved **[under this Act]** and any approved amendment **[of which the application therefor has been so approved, of a registered heraldic representation]** thereof; and

(e) any name, special name or uniform, the application for registration of which has been approved **[under this Act]** and any approved amendment **[, of which the application therefor has been so approved of a registered name, special name or uniform]** thereof.".

Substitution of section 6 of Act 18 of 1962, as substituted by section 5 of Act 54 of 1969.

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

"Heraldry council and heraldry committee.

6. (1) There is hereby established a heraldry council which shall consist of the state herald and at least six other members **[to be]** appointed by the Minister on such conditions and for such period as he may determine: Provided that the Minister may at any time remove any member appointed by him from office if in his opinion sufficient reasons exist for doing so.

(2) The functions of the council shall be to—

(a) determine **[the]** policy to be applied **[in approving an application]** as to heraldic matters;

(b) consider and decide upon such matters as the state herald or the committee may refer to it;

[*(c)* consider and approve for registration, or reject, applications referred to it in terms of this Act;

***(d)*]** *(c)* consider appeals noted under section 9; and

[*(e)* consider objections lodged in terms of section 7B; and

***(f)*]** *(d)* carry out such other duties as may be assigned to the council by the Minister.

(3) **[The Minister shall appoint]** There is hereby established a heraldry committee consisting of the chairman and the state herald and such number of other members of the council as the Minister may designate, to decide and to report to the state herald upon applications **[referred to it by]** which the state herald may refer to it, and to consider objections lodged in terms of section 7B.

(4) *(a)* The Minister shall—

(i) designate one of the members of the council who was appointed as a member by him, as chairman to preside at a meeting of the council;

(ii) designate one of the members of the committee who was appointed as a member by him, as chairman to preside at a meeting of the committee:

Provided that in the absence of the chairman of the council or the chairman of the committee from any meeting of the council or committee (as the case may be), the members present at such meeting shall elect one of their number to preside at such meeting.

(b) Subject to any directions by the Minister, the council and the committee shall determine when and where they shall meet and the procedure and quorum at their meetings, including the number of votes required for a decision.

(5) A member of the council or the committee who is not in the full-time employment of the State shall

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gelde deur die Parlement vir dié doel bewillig, ten opsigte van sy dienste as lid van die raad of die komitee die toelaes betaal wat die Minister in oorleg met die Minister van Finansies bepaal.

[(6) Aan so 'n lid van die raad wat ook lid van die komitee is, word daar insgelyks ten opsigte van sy dienste as lid van die komitee bykomstige toelaes, aldus bepaal, betaal.]".

Vervanging van artikel 7 van Wet 18 van 1962, soos vervang deur artikel 6 van Wet 54 van 1969.

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

„Aansoeke en appèlle.

7. (1) 'n Amptelike of munisipale owerheid, vereniging, inrigting of persoon kan by die buro aansoek doen om registrasie van 'n heraldiese voorstelling, of van 'n wysiging of die skrapping van 'n **[geregistreerde]** heraldiese voorstelling wat op sy naam geregistreer staan.

(2) 'n Amptelike owerheid wat in 'n vreemde land gevestig is, kan met die toestemming van die raad by die buro aansoek doen om die registrasie van 'n heraldiese voorstelling, of om 'n wysiging of die skrapping van 'n heraldiese voorstelling wat op sy naam geregistreer staan: Met dien verstande dat die raad se beslissing afdoende is: Met dien verstande voorts dat die bepalings van artikel 19 nie ten opsigte van die uitoefening van die raad se bevoegdheid kragtens hierdie subartikel van toepassing is nie.

[(2)] (3) 'n Vereniging of inrigting wat nie van 'n politieke of godsdienstige aard is nie kan by die buro aansoek doen om registrasie van sy naam of van **[een]** 'n spesiale naam of **[aanwysiging]** betiteling wat deur die vereniging of inrigting gebruik word vir sy lede of die lede van enige organisasie deur die vereniging of inrigting daargestel ooreenkomstig sy reëls en reglemente, of van 'n uniform deur die vereniging of inrigting gebruik, of van 'n wysiging of skrapping van 'n naam, spesiale naam of uniform wat op sy naam geregistreer staan.

(4) Die staatsheraldikus kan, onderworpe aan die bepalings van artikel 19 en met die toestemming van die komitee, 'n heraldiese voorstelling, naam, spesiale naam of uniform skrap indien hy oortuig is dat die amptelike of munisipale owerheid, vereniging of inrigting op wie se naam dit geregistreer staan nie meer bestaan nie.

(5) Iemand op wie se naam 'n familiewapen geregistreer is, kan by die buro aansoek doen dat daardie familiewapen, met of sonder differensiëring, by sy oorlye op die naam van enige van sy afstammelinge, of op die naam van enige ander persoon wat dieselfde familienaam het, geregistreer word.

(6) Enige afstammeling van 'n persoon wat 'n bepaalde familiewapen wettig voer of gevoer het, of 'n aangenome kind, soos omskryf in die Kinderwet, 1960 (Wet No. 33 van 1960), van daardie persoon wat dieselfde wettig verleende familienaam as daardie persoon het, kan by die buro aansoek doen om die registrasie met of sonder differensiëring, op sy naam van daardie familiewapen.

(7) Enigiemand kan by die buro aansoek doen om die uitreiking aan hom van 'n sertifikaat deur die staatsheraldikus waarin verklaar word dat die voorstelling waarop dié sertifikaat betrekking het 'n ware voorstelling is van die familiewapen wat wettig deur die een of ander vermelde persoon gevoer is of sou kon word.

[(3)] (8) 'n Aansoek om registrasie van 'n heraldiese voorstelling, naam, spesiale naam of uni-

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out of moneys appropriated by Parliament for the purpose, be paid in respect of his services as a member of the council or the committee such allowances as the Minister in consultation with the Minister of Finance may determine.

[(6) Such a member of the council who is also a member of the committee, shall in respect of his services as member of the committee similarly be paid additional allowances, so determined.]".

Substitution of section 7 of Act 18 of 1962, as substituted by section 6 of Act 54 of 1969.

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

"Applications and appeals.

7. (1) Any official or municipal authority, association, institution or person may apply to the bureau for registration of a heraldic representation, or of any amendment or the deletion of a **[registered]** heraldic representation which has been registered in its or his name.

(2) Any official authority established in a foreign country may with the consent of the council apply to the bureau for the registration of a heraldic representation, or for an amendment of or the deletion of any heraldic representation registered in its name: Provided that the council's decision shall be final: Provided further that the provisions of section 19 shall not apply in respect of the exercise of the council's power under this subsection.

[(2)] (3) Any association or institution which is not of a political or religious character may apply to the bureau for registration of its name or of **[one]** a special name or designation used by the association or institution for its members or for the members of any organization constituted by the association or institution in accordance with its rules and regulations, or of any uniform used by the association or institution or of any amendment or deletion of any name, special name or uniform which has been registered in its name.

(4) The state herald may, subject to the provisions of section 19 and with the consent of the committee, delete any heraldic representation, name, special name or uniform if he is satisfied that the official or municipal authority, association or institution in whose name it has been registered no longer exists.

(5) Any person in whose name a family coat of arms has been registered may apply to the bureau for the registration, upon his death, with or without differencing, of that family coat of arms in the name of any of his descendants, or in the name of any other person who bears the same family name.

(6) Any descendant of any person who lawfully bears or bore a particular family coat of arms, or any adopted child, as defined in the Children's Act, 1960 (Act No. 33 of 1960), of such person bearing the same lawfully conferred family name as that person, may apply to the bureau for the registration, with or without differencing, of that family coat of arms in his name.

(7) Any person may apply to the bureau for the issue to him of a certificate by the state herald stating that the representation to which the certificate relates is a true representation of the family coat of arms lawfully borne by any person mentioned therein.

[(3)] (8) An application for registration of a heraldic representation, name, special name or uni-

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form of **[van]** om 'n wysiging of die skrapping van 'n geregistreerde heraldiese voorstelling, naam, spesiale naam of uniform, of 'n appèl ingevolge artikel 9, word by die buro ingedien in die vorm wat die staatsheraldikus bepaal en gaan vergesel van die dokumente en ontwerpe wat die staatsheraldikus bepaal en die **[voorgeskrewe]** gelde wat die Minister met die instemming van die Minister van Finansies bepaal.".

Vervanging van artikel 7B van Wet 18 van 1962, soos ingevoeg deur artikel 7 van Wet 54 van 1969.

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

„Besware. **7B.** 'n Amptelike of munisipale owerheid, vereniging, inrigting of persoon wat teen die registrasie van 'n heraldiese voorstelling, naam, spesiale naam of uniform of teen die wysiging of skrapping van 'n geregistreerde heraldiese voorstelling, naam, spesiale naam of uniform beswaar wil aanteken op grond daarvan dat so 'n registrasie, **[of]** wysiging of skrapping inbreuk sal maak op regte wat hom wettiglik toekom, dien so 'n beswaar by die buro in op die wyse en binne die tydperk wat die buro by kennisgewing in die *Staatskoerant* bepaal.".

Wysiging van artikel 8 van Wet 18 van 1962, soos vervang deur artikel 8 van Wet 54 van 1969.

7. Artikel 8 van die Hoofwet word hierby gewysig—

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

"(1) Indien 'n aansoek in die vorm is wat die staatsheraldikus kragtens artikel 7 bepaal het, kan **[die staatsheraldikus]** hy, behoudens die bepalings van artikel 19, die aansoek goedkeur of afwys, of kan hy dit na die komitee verwys: Met dien verstande dat indien enige beswaar teen die registrasie van die betrokke heraldiese voorstelling, naam, spesiale naam of uniform of teen die betrokke wysiging of skrapping van 'n geregistreerde heraldiese voorstelling, naam, spesiale naam of uniform ingedien word, hy die aansoek na die **[raad]** komitee moet verwys.";

(b) deur subartikels (2) en (3) te skrap; en

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

"(4) *(a)* 'n Aansoek om registrasie of wysiging kan deur die staatsheraldikus afgewys word indien—

[*(a)*] (i) **[die ontwerp van]** die heraldiese voorstelling (behalwe 'n familiewapen), naam, spesiale naam of uniform soortgelyk is aan 'n **[ontwerp]** heraldiese voorstelling, naam, spesiale naam of uniform of 'n wesenlike gedeelte **[van 'n ontwerp]** daarvan wat by kopiereg, **[of]** hierdie Wet of 'n ander wet beskerm word **[en skriftelike toestemming vir die gebruik van die ontwerp of daardie wesenlike gedeelte nie van die eienaar verkry is nie;**

***(b)*]** (ii) die ontwerp van die heraldiese voorstelling nie in ooreenstemming met die beginsels en reëls van die heraldiek is nie;

[*(c)*] (iii) die aansoek nie aan die bepalings van hierdie Wet voldoen nie of in ander opsigte gebrekkig is;

[*(d)*] (iv) die verdere inligting of besonderhede in artikel 8B bedoel, nie verstrek word nie.

(b) By die oorweging van 'n aansoek in artikel 7 (7) bedoel—

(i) kan die staatsheraldikus van die aansoeker vereis dat hy bewys lewer van die juistheid van die bewering waarop die aansoek betrekking het;

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form or **[of]** for any amendment or the deletion of a registered heraldic representation, name, special name or uniform or an appeal in terms of section 9 shall be made to the bureau in the form determined by the state herald and shall be accompanied by the documents and designs determined by the state herald and the **[prescribed]** fees determined by the Minister with the concurrence of the Minister of Finance.".

Substitution of section 7B of Act 18 of 1962, as inserted by section 7 of Act 54 of 1969.

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

"Objections. **7B.** Any official or municipal authority, association, institution or person wishing to object to the registration of any heraldic representation, name, special name or uniform or to the amendment or deletion of a registered heraldic representation, name, special name or uniform on the grounds that such registration, **[or]** amendment or deletion would encroach upon rights to which it or he is legally entitled, shall lodge such objection with the bureau in such manner and within such period as the bureau may by notice in the *Gazette* determine.".

Amendment of section 8 of Act 18 of 1962, as substituted by section 8 of Act 54 of 1969.

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

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

"(1) If an application is in the form determined by the state herald under section 7, **[the state herald]** he may, subject to the provisions of section 19, approve or reject the application, or may refer it to the committee: Provided that if any objection is lodged against the registration of the heraldic representation, name, special name or uniform concerned, or against the amendment or deletion concerned of any registered heraldic representation, name, special name or uniform, he shall refer the application to the **[council]** committee.";

(b) by the deletion of subsections (2) and (3); and

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

"(4) *(a)* An application for registration or amendment may be rejected by the state herald if—

[*(a)*] (i) **[the design of]** the heraldic representation (except a family coat of arms) **[be]** is similar to a **[design]** heraldic representation, name, special name or uniform or any material part **[of a design]** thereof protected by copyright, **[or]** this Act or any other law **[and permission in writing for the use of such design or such material part has not been obtained from the owner thereof;**

***(b)*]** (ii) the design of the heraldic representation does not accord with the principles and rules of heraldry;

[*(c)*] (iii) the application does not comply with the provisions of this Act or is defective in other respects; or

[*(d)*] (iv) the further information or particulars referred to in section 8B are not furnished.

(b) When considering an application referred to in section 7 (7)—

(i) the state herald may require the applicant to submit proof of the correctness of the allegation to which the application applies;

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(ii) moet die staatsheraldikus die feit (indien dit bewys word) in ag neem dat die betrokke voorstelling 'n voorstelling is van die familiewapen wat deur 'n bevoegde gesag aan 'n persoon met die betrokke familienaam toegeken is of wat wettig deur so 'n persoon gevoer is.".

Vervanging van artikel 8A van Wet 18 van 1962, soos ingevoeg deur artikel 9 van Wet 54 van 1969.

8. Artikel 8A van die Hoofwet word hierby deur die volgende artikel vervang:

„Oorweging van aansoeke deur komitee.

8A. (1) Wanneer 'n aansoek of 'n aansoek tesame met 'n beswaar deur die staatsheraldikus na die komitee **[of die raad]** verwys word, kan die komitee **[of die raad]**, behoudens die bepalings van artikel 19, die aansoek goedkeur of **[dit]** die beswaar handhaaf en die aansoek afwys.

[(2) Indien die komitee van oordeel is dat 'n aansoek wat aldus na hom verwys is, nie goedgekeur behoort te word nie, kan hy die aansoek na die raad verwys.

(3) Die raad kan, behoudens die bepalings van artikel 19, so 'n aansoek goedkeur of afwys.

(4)] (2) Die bepalings van artikel 8 (4) is **[op]** by die oorweging van 'n aansoek deur die komitee **[of die raad]** van toepassing.

[(5) Indien die komitee of die raad 'n aansoek goedkeur, skryf die buro in die register die besonderhede wat die staatsheraldikus bepaal, in ten opsigte van die betrokke heraldiese voorstelling, naam, spesiale naam of uniform, en gee die buro in die *Staatskoerant* kennis van die registrasie en reik hy aan die betrokke aansoeker 'n sertifikaat van registrasie uit.]".

Vervanging van artikel 9 van Wet 18 van 1962, soos vervang deur artikel 10 van Wet 54 van 1969.

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

„Appèl teen beslissing van staatsheraldikus of komitee.

9. (1) Indien 'n aansoek—

(a) deur die staatsheraldikus of die komitee afgewys word, kan die aansoeker,

(b) deur die komitee goedgekeur word, kan enige persoon wat ingevolge artikel 7B 'n beswaar ingedien het,

binne ses weke nadat die buro hom daarvan in kennis gestel het, skriftelik en met vermelding **[ten genoeë van die raad]** van die gronde van appèl, teen die afwysing van sy aansoek of beswaar na die raad appelleer, en die raad kan behoudens die bepalings van artikel 19 die appèl handhaaf en, in die geval van 'n appèl—

(i) deur bedoelde aansoeker, die betrokke aansoek goedkeur;

(ii) deur bedoelde beswaarmaker, die betrokke aansoek afwys; of

die appèl verwerp.

(2) By die verhoor van so 'n appèl teen die afwysing van 'n aansoek **[deur]** of beswaar mag die staatsheraldikus **[moet hy homself rekuseer]** nie aan die besluit deelneem nie.

[(3) Indien 'n aansoek op appèl deur die raad goedgekeur word, skryf die buro in die register die besonderhede wat die staatsheraldikus bepaal, in ten opsigte van die betrokke heraldiese voorstelling, naam, spesiale naam of uniform of die wysiging daarvan, en gee die buro in die *Staatskoerant* kennis van die registrasie en reik hy aan die appèllant 'n sertifikaat van registrasie uit.]".

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(ii) the state herald shall take into consideration the fact (if it is proved) that the representation concerned is a representation of a family coat of arms which was granted by a competent authority to a person with the family name in question or which was lawfully borne by any such person.".

Substitution of section 8A of Act 18 of 1962, as inserted by section 9 of Act 54 of 1969.

8. The following section is hereby substituted for section 8A of the principal Act:

"Consideration of applications by committee.

8A. (1) Whenever an application or an application together with an objection is referred to the committee **[or the council]** by the state herald, the committee **[or the council]** may, subject to the provisions of section 19, approve the application or uphold the objection and reject **[it]** the application.

[(2) If the committee is of opinion that an application so referred to it ought not to be approved, it may refer the application to the council.

(3) The council may, subject to the provisions of section 19, approve such application or reject it.

(4)]. (2) The provisions of section 8 (4) shall apply to the consideration of an application by the committee **[or the council]**.

[(5) If the committee or the council approves an application, the bureau shall enter in the register the particulars determined by the state herald, in respect of the heraldic representation, name, special name or uniform concerned, and the bureau shall give notice in the *Gazette* of the registration and issue to the applicant concerned a certificate of registration.].

Substitution of section 9 of Act 18 of 1962, as substituted by section 10 of Act 54 of 1969.

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

"Appeal against decision of state herald or committee.

9. (1) If an application—

(a) is rejected by the state herald or the committee, the applicant,

(b) is approved by the committee, any person who in terms of section 7B lodged an objection,

may within six weeks after the bureau has informed him thereof, appeal to the council in writing and specifying **[to the satisfaction of the council]** the grounds of appeal against the rejection of his application or objection, and the council may subject to the provisions of section 19 uphold the appeal and, in the case of an appeal—

(i) by such applicant, approve the application concerned;

(ii) by such objector, refuse the application concerned, or

may reject the appeal.

(2) At the hearing of any such appeal against the rejection **[by the state herald]** of an application or objection, **[he shall recuse himself]** the state herald shall not take part in the decision.

[(3) If an application is approved by the council on appeal, the bureau shall enter in the register the particulars determined by the state herald, in respect of the heraldic representation, name, special name or uniform concerned or the amendment thereof, and the bureau shall give notice, in the *Gazette*, of the registration and issue to the appellant a certificate of registration.]".

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Invoeging van artikel 10 in Wet 18 van 1962.

10. Die volgende artikel word hierby in die Hoofwet na artikel 9 ingevoeg:

„Registrasie, wysiging of skrapping van heraldiese voorstelling, naam, spesiale naam of uniform.

10. Indien 'n aansoek om die registrasie, wysiging of skrapping van 'n heraldiese voorstelling, naam, spesiale naam of uniform deur die staatsheraldikus, komitee of raad goedgekeur word—

(a) skryf die buro, in die geval van 'n aansoek om registrasie, die besonderhede wat die staatsheraldikus bepaal ten opsigte van daardie heraldiese voorstelling, naam, spesiale naam of uniform in die register en gee die buro in die *Staatskoerant* kennis van die registrasie en reik hy aan die aansoeker 'n sertifikaat van registrasie uit in die vorm wat die staatsheraldikus bepaal;

(b) skrap die buro, in die geval van 'n aansoek om skrapping, die betrokke besonderhede en gee hy in die *Staatskoerant* daarvan kennis:

Met dien verstande dat in die geval van die goedkeuring van so 'n aansoek deur die staatsheraldikus of komitee, bedoelde inskrywing nie gedoen of die skrapping nie gemaak en sodanige kennisgewing nie gegee word nie indien 'n appèl ingevolge artikel 9 aangeteken is en die appèl nog nie afgehandel is nie.".

Herroeping van artikel 14 van Wet 18 van 1962, soos vervang deur artikel 12 van Wet 54 van 1969.

11. Artikel 14 van die Hoofwet word hierby herroep.

Vervanging van artikel 17 van Wet 18 van 1962, soos vervang deur artikel 13 van Wet 54 van 1969.

12. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

„Inligting uit register.

17. Die buro kan op versoek van—

(a) enigiemand en **[by]** teen betaling van die gelde wat die Minister in oorleg met die Minister van Finansies bepaal, 'n uittreksel uit die register of 'n weergawe van 'n geregistreerde heraldiese voorstelling, naam, spesiale naam of uniform aan daardie persoon verstrek;

(b) die eienaar van 'n heraldiese voorstelling, naam, spesiale naam of uniform, en met die goedkeuring van die raad, 'n duplikaat van die betrokke sertifikaat van registrasie uitreik teen betaling van die gelde wat die Minister in oorleg met die Minister van Finansies bepaal.".

Wysiging van artikel 21 van Wet 18 van 1962, soos vervang deur artikel 18 van Wet 54 van 1969.

13. Artikel 21 van die Hoofwet word hierby gewysig deur paragraaf (i) deur die volgende paragraaf te vervang:

„(i) 'n bedrag van hoogstens **[honderd]** duisend rand, en so 'n hof kan sonder bewys van enige skade en benewens die koste van die geding, die bedrag toeken, die genoemde som nie te bowe gaande nie, wat aan hom onder die omstandighede van die geval redelik voorkom; of".

Vervanging van artikel 22 van Wet 18 van 1962, soos vervang deur artikel 19 van Wet 54 van 1969.

14. Artikel 22 van die Hoofwet word hierby deur die volgende artikel vervang:

„Strafbepaling vir misbruik van geregistreerde voorstellings, name, spesiale name of uniforms.

22. Iemand wat—

(a) sonder die skriftelike toestemming van die amptelike of munisipale owerheid op wie se naam 'n amptelike of munisipale heraldiese voorstelling geregistreer staan, of sonder 'n ander wettige rede, so 'n heraldiese voorstelling of 'n wesenlike deel daarvan of 'n replika of weergawe daarvan of 'n nabootsing daarvan wat redeli-

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

Insertion of section 10 in Act 18 of 1962.

"Registration, amendment or deletion of heraldic representation, name, special name or uniform.

10. If an application for the registration, amendment or deletion of a heraldic representation, name, special name or uniform is approved by the state herald, committee or council—

(a) the bureau shall, in the case of an application for registration, enter in the register the particulars determined by the state herald in respect of that heraldic representation, name, special name or uniform, and the bureau shall give notice in the *Gazette* of the registration and issue to the applicant a certificate of registration in the form determined by the state herald;

(b) the bureau shall, in the case of an application for deletion, delete the particulars concerned and give notice thereof in the *Gazette*:

Provided that in the case of the approval of any such application by the state herald or committee, such entry shall not be made or such deletion shall not be effected and such notice shall not be given if an appeal has been lodged in terms of section 9 and such appeal has not yet been disposed of.".

11. Section 14 of the principal Act is hereby repealed.

Repeal of section 14 of Act 18 of 1962, as substituted by section 12 of Act 54 of 1969.

12. The following section is hereby substituted for section 17 of the principal Act:

Substitution of section 17 of Act 18 of 1962, as substituted by section 13 of Act 54 of 1969.

"Information from register.

17. The bureau may at the request of —

(a) any person and on payment of the fees **[fixed]** determined by the Minister in consultation with the Minister of Finance, furnish such person with an extract from the register or a reproduction of a registered heraldic representation, name, special name or uniform;

(b) the owner of any heraldic representation, name, special name or uniform, and with the approval of the council, issue to such person a duplicate of the certificate of registration concerned, on payment of the fees determined by the Minister in consultation with the Minister of Finance."

13. Section 21 of the principal Act is hereby amended by the substitution for paragraph (i) of the following paragraph:

Amendment of section 21 of Act 18 of 1962, as substituted by section 18 of Act 54 of 1969.

"(i) an amount not exceeding one **[hundred]** thousand rand, and such court may without proof of any damages, and in addition to the cost of the action, award such amount, not exceeding the said amount, as may in the circumstances of the case appear to it to be reasonable; or".

14. The following section is hereby substituted for section 22 of the principal Act:

Substitution of section 22 of Act 18 of 1962, as substituted by section 19 of Act 54 of 1969.

"Penalties for misuse of registered representations, names, special names or uniforms.

22. Any person who—

(a) without the written permission of the official or municipal authority in whose name any official or municipal heraldic representation has been registered, or without any other lawful reason, sells, barters or uses for gain or trades in such heraldic representation or any material part

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kerwys daarmee verwar kan word, verkoop, verkwansel, vir gewin gebruik of daarmee handel dryf; of

(b) 'n naam, spesiale naam of afkorting daarvan of 'n uniform op so 'n wyse gebruik dat daar redelikerwys afgelei sou kon word dat hy die eienaar of regmatige gebruiker daarvan of 'n lid van 'n besondere vereniging of inrigting is, terwyl hy inderdaad nie sodanige eienaar, gebruiker of lid is nie,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[vyfhonderd]** duisend rand.".

Vervanging van artikel 23 van Wet 18 van 1962.

15. Artikel 23 van die Hoofwet word hierby deur die volgende artikel vervang:

„Strafbepaling vir valse inskrywings.

23. Iemand wat met die wete dat dit vals is—

(a) 'n valse inskrywing in die register maak of laat maak;

(b) 'n geskrif wat valslik 'n afskrif van 'n inskrywing in die register heet te wees, maak of laat maak;

(c) so 'n inskrywing of afskrif daarvan as getuienis voorlê of aanbied of laat voorlê of aanbied; of

(d) 'n valse verklaring of voorstelling maak met die doel om die staatsheraldikus, die komitee of die raad in die uitvoering van die bepalings van hierdie Wet te mislei,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[tweehonderd]** duisend rand of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens een jaar.".

Invoeging van artikel 23A in Wet 18 van 1962.

16. Die volgende artikel word hierby in die Hoofwet na artikel 23 ingevoeg:

„Strafbepaling vir maak van sekere bewerings in verband met familiewapens.

23A. Iemand wat in verband met die verskaffing deur hom van enige voorstelling beweer dat dit 'n ware voorstelling is van die familiewapen wat wettig gevoer is of sou kon word deur 'n persoon met 'n bepaalde familienaam, terwyl hy nie beskik oor 'n sertifikaat soos bedoel in artikel 7 (7) waardeur sy bewering gestaaf word nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met daardie boete sowel as met daardie gevangenisstraf.".

Wysiging van artikel 25 van Wet 18 van 1962, soos vervang deur artikel 20 van Wet 54 van 1969.

17. Artikel 25 van die Hoofwet word hierby gewysig—

(a) deur paragraaf *(a)* van subartikel (1) te skrap; en

(b) deur subartikel (3) te skrap.

Kort titel.

18. Hierdie Wet heet die Heraldiekwysigingswet, 1980.

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thereof or any replica or reproduction thereof or any imitation thereof which might reasonably be confused therewith; or

(*b*) uses a registered name, special name or an abbreviation thereof or a uniform in such a manner that it could reasonably be inferred that he is the owner or lawful user thereof or that he is a member of an association or institution, while in fact he is not such owner, user or member,

shall be guilty of an offence and liable on conviction to a fine not exceeding **[five hundred]** one thousand rand.''.

15. The following section is hereby substituted for section 23 of the principal Act: *Substitution of section 23 of Act 18 of 1962.*

''Penalty for false entries.

23. Any person who, knowing the same to be false—

(*a*) makes or causes to be made a false entry in the register;

(*b*) makes or causes to be made any document falsely purporting to be a copy of an entry in the register;

(*c*) produces or tenders or causes to be produced or tendered as evidence any such entry or copy thereof; or

(*d*) makes any false statement or representation for the purpose of deceiving the state herald, the committee or the council in the execution of the provisions of this Act,

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

16. The following section is hereby inserted in the principal Act after section 23: *Insertion of section 23A in Act 18 of 1962.*

''Penalty for making certain allegations in connection with family coats of arms.

23A. Any person who in connection with the furnishing by him of any representation alleges it to be a true representation of a family coat of arms which was or could have been lawfully borne by any person with a particular family name, while he does not have at his disposal a certificate as contemplated in section 7 (7) corroborating his allegation, shall be guilty of an offence, and liable on conviction to a fine not exceeding one thousand rand or in default of payment to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.''.

17. Section 25 of the principal Act is hereby amended— *Amendment of section 25 of Act 18 of 1962, as substituted by section 20 of Act 54 of 1969.*

(*a*) by the deletion of paragraph (*a*) of subsection (1); and

(*b*) by the deletion of subsection (3).

18. This Act shall be called the Heraldry Amendment Act, 1980. *Short title.*