

B.

EXTRAORDINARY



BUITENGEWONE

THE UNION OF SOUTH AFRICA

# Government Gazette

## Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

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CAPE TOWN, 12TH APRIL, 1957.  
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### DEPARTMENT OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

[No. 554.] [12th April, 1957.]

It is hereby notified that His Excellency the Governor-General has been pleased to assent to the following Acts, which are hereby published for general information:—

|                                                                               | PAGE |
|-------------------------------------------------------------------------------|------|
| No. 22 of 1957: National Parks and Native Trust Lands Amendment Act, 1957 ..  | 2    |
| No. 23 of 1957: Immorality Act, 1957 .. ..                                    | 4    |
| No. 24 of 1957: Official Languages (Local Authorities) Amendment Act, 1957 .. | 2    |

### HOUSE OF ASSEMBLY.

9th April, 1957.

The following Bill, having been introduced into the House of Assembly, is published in accordance with Standing Order No. 163 (1).

J. M. HUGO,  
Clerk of the House of Assembly.

|                                                      | PAGE |
|------------------------------------------------------|------|
| No. B. 58—'57: Separate University Education Bill .. | 16   |

### DEPARTEMENT VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

[No. 554.] [12 April 1957.]

Hierby word bekend gemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette, wat hierby ter algemene inligting gepubliseer word:—

|                                                                                  | BLADSY |
|----------------------------------------------------------------------------------|--------|
| No. 22 van 1957: Wysigingswet op Nasionale Parke en Naturellestuifgrond, 1957 .. | 3      |
| No. 23 van 1957: Ontugwet, 1957 .. ..                                            | 5      |
| No. 24 van 1957: Wysigingswet op Offisiële Tale (Plaaslike Owerhede), 1957 ..    | 3      |

### VOLKSRAAD.

9 April 1957.

Die volgende Wetsontwerp, ingedien in die Volksraad, word gepubliseer ingevolge artikel 163 (1) van die Reglement van Orde.

J. M. HUGO,  
Klerk van die Volksraad.

|                                                                      | BLADSY |
|----------------------------------------------------------------------|--------|
| VW. 58—'57: Wetsontwerp op Afsonderlike Universiteitsopleiding .. .. | 17     |

No. 22, 1957.]

**ACT**

**To provide for the transfer of land situated in the Kruger National Park to the South African Native Trust in exchange for certain land vested in that Trust and to amend the National Parks Act, 1926.**

(Afrikaans text signed by the Governor-General.)  
(Assented to 3rd April, 1957.)

**BE IT ENACTED** by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Transfer of land situated in the Kruger National Park to the South African Native Trust in exchange for certain land vested in that Trust.

1. As from the commencement of this Act—
  - (a) the land comprising the farms Rooiduiker No. 210 and Numbi No. 211, both situated in the district of Nelspruit, the *dominium* whereof is vested in the South African Native Trust constituted by section four of the Native Trust and Land Act, 1936 (Act No. 18 of 1936), shall vest in the State and form part of the Kruger National Park constituted by section one of the National Parks Act, 1926 (Act No. 56 of 1926);
  - (b) the land comprising the farm Daannel No. 212, situated in the said district, shall cease to be State-owned land and to form part of the said Kruger National Park and the *dominium* thereof shall become vested in the said Trust.

Amendment of section 13 of Act 56 of 1926, as amended by section 3 of Act 20 of 1935, section 10 of Act 50 of 1952 and section 16 of Act 67 of 1955.

2. Section *thirteen* of the National Parks Act, 1926, is hereby amended by the substitution in sub-section (2) for the words "at the end of each calender year" of the words "as soon as may be after the thirty-first day of March in each year".

Short title.

3. This Act shall be called the National Parks and Native Trust Lands Amendment Act, 1957.

No. 24, 1957.]

**ACT**

**To amend the South Africa Act Amendment Act, 1955.**

(Afrikaans text signed by the Governor-General.)  
(Assented to 3rd April, 1957.)

**BE IT ENACTED** by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 2 of Act 9 of 1955, as amended by section 1 of Act 10 of 1956.

1. Section *two* of the South Africa Act Amendment Act, 1955, is hereby amended by the substitution in sub-section (1) for the figures "1957" of the figures "1958".

Short Title.

2. This Act shall be called the Official Languages (Local Authorities) Amendment Act, 1957.

No. 22, 1957.]

**WET**

**Om voorsiening te maak vir die oordrag van grond geleë in die Nasionale Kruger-Wildtuin aan die Suid-Afrikaanse Naturelletrust in ruil vir sekere grond in daardie Trust gevestig en om die Wet op Nasionale Parke, 1926, te wysig.**

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 3 April 1957.)*

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

1. Vanaf die inwerkingtreding van hierdie Wet—
  - (a) gaan die grond wat bestaan uit die plase Rooiduiker No. 210 en Numbi No. 211, beide geleë in die distrik Nelspruit, en waarvan die eiendomsreg gevestig is in die Suid-Afrikaanse Naturelletrust ingestel kragtens artikel vier van die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), oor op die Staat en maak dit deel uit van die Nasionale Kruger-Wildtuin gestig kragtens artikel een van die Wet op Nasionale Parke, 1926 (Wet No. 56 van 1926);
  - (b) hou die grond wat bestaan uit die plaas Daannel No. 212, geleë in bedoelde distrik, op om Staatsgrond te wees en om deel uit te maak van bedoelde Nasionale Kruger-Wildtuin en gaan die eiendomsreg daarin oor op bedoelde Trust.
2. Artikel dertien van die Wet op Nasionale Parke, 1926, word hierby gewysig deur in sub-artikel (2) die woorde, „aan die end van elke kalenderjaar” deur die woorde „so gou doenlik na die een-en-dertigste dag van Maart in elke jaar” te vervang.
3. Hierdie Wet heet die Wysigingswet op Nasionale Parke en Naturelletrustgrond, 1957.

Oordrag van grond geleë in die Nasionale Kruger-Wildtuin aan die Suid-Afrikaanse Naturelletrust in ruil vir sekere grond in daardie Trust gevestig.

Wysiging van artikel 13 van Wet 56 van 1926, soos gewysig deur artikel 3 van Wet 20 van 1935, artikel 10 van Wet 50 van 1952 en artikel 16 van Wet 67 van 1955.

Kort titel.

No. 24, 1957.]

**WET**

**Om die Wet tot wysiging van die Suid-Afrika Wet, 1955, te wysig.**

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 3 April 1957.)*

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

1. Artikel twee van die Wet tot wysiging van die Suid-Afrika Wet, 1955, word hiermee gewysig deur in sub-artikel (1) die syfers "1957" deur die syfers "1958" te vervang.
2. Hierdie wet heet die Wysigingswet op Offisiële Tale (Plaaslike Owerhede), 1957.

Wysiging van artikel 2 van Wet 9 van 1955, soos gewysig deur artikel 1 van Wet 10 van 1956.

Kort titel.

No. 23, 1957.]

**ACT**

**To consolidate and amend the laws relating to brothels and unlawful carnal intercourse and other acts in relation thereto.**

*(English text signed by the Governor-General.)*  
*((Assented to 3rd April, 1957.))*

**BE IT ENACTED** by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

**Definitions.**

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

- (i) "brothel" includes any house or place kept or used for purposes of prostitution or for persons to visit for the purpose of having unlawful carnal intercourse or for any other lewd or indecent purpose; (ii)
- (ii) "coloured person" means any person other than a white person; (vi)
- (iii) "court" means the court or jury before whom the charge is brought; (iv)
- (iv) "house" includes a dwelling-house, building, room, out-house, shed or tent or any part thereof; (v)
- (v) "owner" includes any person who lets or sub-lets or permits the occupation of any house or place whether in his own right or that of another; (iii)
- (vi) "place" includes any field, enclosure, space, vehicle, or boat or any part thereof; (viii)
- (vii) "police officer" means any member of any police force established under the authority of any law; (ix)
- (viii) "unlawful carnal intercourse" means carnal intercourse otherwise than between husband and wife; (vii)
- (ix) "white person" means any person who in appearance obviously is or who by general acceptance and repute is a white person. (i)

**Keeping a brothel.**

**2.** Any person who keeps a brothel shall be guilty of an offence.

**Certain persons deemed to keep a brothel.**

**3.** The following persons shall for the purposes of section two be deemed to keep a brothel:

- (a) any person who resides in a brothel unless he or she proves that he or she was ignorant of the character of the house or place;
- (b) any person who manages or assists in the management of any brothel;
- (c) any person who knowingly receives the whole or any share of any moneys taken in a brothel;
- (d) any person who, being the tenant or occupier of any house or place, knowingly permits the same to be used as a brothel;
- (e) any person who, being the owner of any house or place, lets the same, or allows the same to be let, or to continue to be let, with the knowledge that such house or place is to be kept or used or is being kept or used as a brothel;
- (f) any woman found in a brothel who refuses to disclose the name and identity of the keeper or manager thereof;
- (g) any person whose wife keeps or resides in or manages or assists in the management of a brothel unless he proves that he was ignorant thereof or that he lives apart from her and did not receive the whole or any share of the moneys taken therein.

**Onus of proof.**

**4.** In prosecutions under this Act the onus of proving that a house or place is to be kept or used or is being kept or used as a brothel to the knowledge of the owner shall be on the prosecution: Provided that—

- (a) if it is established to the satisfaction of the court that, having regard to the locality and accommodation, the rent to be paid or paid for the house or place is exorbitant, the onus shall be on the accused to prove that he was ignorant that such house or place is to be kept or used or was kept or used as a brothel;

No. 23, 1957.]

# WET

**Tot samevatting en wysiging van die wetsbepalings met betrekking tot bordele en ontug en ander handeling in verband daarmee.**

(Engelse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 3 April 1957.)

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

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

- (i) „blanke”, ’n persoon wat volgens voorkoms klaarblyklik ’n blanke is of wat gewoonlik daarvoor deurgaan; (ix)
- (ii) „bordeel”, ook ’n huis of plek wat gehou of gebruik word vir doeleindes van prostitusie of vir persone om te besoek vir die doel om ontug te pleeg of vir enige ander wellustige of onsedelike doel; (i)
- (iii) „eienaar”, ook iemand wat ’n huis of plek verhuur of onderverhuur of die okkupasie daarvan toelaat, hetsy uit eie reg of namens iemand anders; (v)
- (iv) „hof”, die hof of jurie wat die aanklag verhoor; (iii)
- (v) „huis”, ook ’n woonhuis, gebou, kamer, buitehuis, skuur of tent of ’n gedeelte daarvan; (iv)
- (vi) „nie-blanke” enige ander persoon as ’n blanke; (ii)
- (vii) „ontug”, buite-egtelike vleeslike gemeenskap; (viii)
- (viii) „plek”, ook ’n veld, kamp, ruimte, voertuig, of boot, of ’n gedeelte daarvan; (vi)
- (ix) „polisiebeampte”, ’n lid van enige polisiemag kragtens een of ander wet ingestel. (vii)

**2.** Iemand wat ’n bordeel hou is aan ’n misdryf skuldig.

Die hou van ’n bordeel.

**3.** Die volgende persone word by die toepassing van artikel *twee* geag ’n bordeel te hou: Sekere persone word geag ’n bordeel te hou.

- (a) iemand wat by ’n bordeel inwoon tensy hy of sy bewys lewer dat hy of sy van die aard van die huis of plek onbewus was;
- (b) iemand wat ’n bordeel bestuur of wat met die bestuur daarvan help;
- (c) iemand wat wetens al of ’n gedeelte van die geld wat in ’n bordeel ontvang word, ontvang;
- (d) iemand wat die huurder of okkupeerder van ’n huis of plek is en wat wetens toelaat dat dit as ’n bordeel gebruik word;
- (e) iemand wat die eienaar van ’n huis of plek is en wat dit verhuur of wat toelaat dat dit verhuur word of verhuur bly, met die medewete dat die huis of plek gehou of gebruik gaan word of gehou of gebruik word as ’n bordeel;
- (f) enige vrou wat in ’n bordeel gevind word en wat weier om die naam en identiteit van die houer of bestuurder daarvan te openbaar;
- (g) iemand wie se vrou ’n bordeel hou of by ’n bordeel inwoon of dit bestuur of met die bestuur daarvan help, tensy hy bewys lewer dat hy daarvan onbewus was of dat hy afgesonderd van haar woon en dat hy nie al of ’n gedeelte van die geld wat daarin ontvang is, ontvang het nie.

**4.** By vervolgings kragtens hierdie Wet rus die bewyslas dat ’n huis of plek met die medewete van die eienaar as ’n bordeel gehou of gebruik gaan word of gehou of gebruik word op die vervolging: Met dien verstande dat— Bewyslas.

- (a) as tot bevrediging van die hof bewys word dat, met inagneming van die ligging en akkommodasie, die huurgeld wat vir die huis of plek betaal gaan word of betaal word buitensporig is, die bewyslas op die beskuldigde rus om te bewys dat hy onbewus was dat die huis of plek as ’n bordeel gehou of gebruik gaan word of gehou of gebruik is;

- (b) proof of written notice having been given to the owner by a police officer not below the rank of sergeant or by two householders living in the vicinity of the house or place that any house or place is being kept or used as a brothel, shall be conclusive proof of knowledge on his part.

Contract to let house or place for a brothel void.

5. Any contract to let any house or place to be kept or used as a brothel shall be null and void.

Use of house or place as a brothel avoids contract of letting.

6. Any contract of letting and hiring of any house or place which subsequently to the making of such contract becomes a brothel shall as from the date of such event be determined and become null and void: Provided that upon proof by the owner of his ignorance that the house or place was so kept or used he shall be entitled to recover the rent up to the date upon which he became aware that the house or place was being kept or used as a brothel.

Summary ejectment when a house or place is used as a brothel.

7. The owner of any house or place kept or used as a brothel shall be entitled to apply to the magistrate of the district in which such house or place is situated for the summary ejectment of any person who may be keeping or using such house or place as a brothel and such magistrate shall be entitled after enquiry to order the summary ejectment of such person.

Proceedings upon complaint by householders or police that a house or place is used as a brothel.

8. (1) If it appears to any magistrate on sworn information laid before him by not less than two householders of good repute that any house or place in the vicinity of the dwellings of such householders is being kept or used as a brothel or on similar information upon oath laid before him by any police officer not below the rank of sergeant, or by a welfare officer employed by the Department of Social Welfare, a local authority or a welfare organization registered under the Welfare Organizations Act, 1947 (Act No. 40 of 1947), the magistrate may—

- (a) issue a warrant for the arrest of the person alleged to be the keeper of such brothel; or
- (b) issue a warrant authorizing any police officer not below the rank of sergeant—
  - (i) to enter at any time and within such period as shall be stated in such warrant, such house or place for the purpose of ascertaining the name and identity of the keeper of such house or place;
  - (ii) to interrogate, and to demand the name and address of any person found in or upon such house or place; and
  - (iii) to demand, search for, and seize any account book, receipt, paper, document or thing likely to afford evidence of the commission by any person of an offence under this Act.

(2) Any person found in or upon such house or place who, when called upon to do so by the police officer conducting the search, refuses to furnish his name and address or furnishes a name or address which is false in any material particular or refuses to disclose the name or identity of the keeper of such house or place or to produce any book, receipt, paper, document or thing which he has in his possession or custody or under his control, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds and in default of payment to imprisonment with compulsory labour for a period not exceeding six months.

(3) The issue of a warrant under paragraph (b) of sub-section (1) shall not in any way affect the power of the magistrate to issue at any time a warrant under paragraph (a) of sub-section (1) or under any other law.

Parent or guardian procuring defilement of child or ward.

9. (1) Any person who being a parent or guardian of any female—

- (a) procures or attempts to procure such female to have unlawful carnal intercourse with any person other than the procurer; or
- (b) orders, permits, or in any way assists in bringing about, or receives any consideration for, the defilement, seduction, or prostitution of such female,

shall be guilty of an offence.

- (b) bewys dat skriftelik kennis gegee is aan die eenaar deur 'n polisiebeampte van nie benede die rang van sersant nie of deur twee huisbewoners wat in die buurt van die huis of plek woon, dat 'n huis of plek as 'n bordeel gehou of gebruik word, afdoende bewys van medewete van sy kant is.

5. Enige kontrak om 'n huis of plek te verhuur om as 'n bordeel gehou of gebruik te word, is nietig.

Kontrak om huis of plek as 'n bordeel te verhuur, nietig.

6. Enige huurkontrak van 'n huis of plek wat na die aangaan van die kontrak 'n bordeel word, word vanaf die datum van daardie gebeurtenis beëindig en nietig: Met dien verstande dat wanneer die eenaar bewys lewer dat hy onbewus was dat die huis of plek aldus gehou of gebruik is, hy geregtig is om die huurgeld in te vorder tot op die datum waarop hy bewys geword het dat die huis of plek as 'n bordeel gehou of gebruik is.

Gebruik van huis of plek as 'n bordeel vernietig huurkontrak.

7. Die eenaar van 'n huis of plek wat as 'n bordeel gehou of gebruik word, is geregtig om by die magistraat van die distrik waarin die huis of plek geleë is, aansoek te doen om die summier uitsetting van iemand wat daardie huis of plek as 'n bordeel hou of gebruik en daardie magistraat is geregtig om na ondersoek die summier uitsetting van so 'n persoon te beveel.

Summiere uitsetting wanneer 'n huis of plek as 'n bordeel gebruik word.

8. (1) As dit aan 'n magistraat blyk uit beëdigde inligting wat aan hom voorgelê is deur minstens twee huisbewoners van goeie aansien dat 'n huis of plek in die buurt van die woonhuise van daardie huisbewoners as 'n bordeel gehou of gebruik word of uit dergelike inligting wat onder eed aan hom voorgelê is deur 'n polisiebeampte van nie benede die rang van sersant nie, of deur 'n welsynsbeampte in diens van die Departement van Volkswelsyn, 'n plaaslike bestuur of 'n kragtens die Wet op Welsynsorganisasies, 1947 (Wet No. 40 van 1947), geregi-streerde welsynsorganisasie, kan die magistraat—

Stappe wanneer huisbewoners of polisie klagte indien dat 'n huis of plek as 'n bordeel gebruik word.

(a) 'n lasbrief uitreik vir die inhegtenisname van die persoon wat na beweer word die houer van die bordeel is; of

(b) 'n lasbrief uitreik wat 'n polisiebeampte van nie benede die rang van sersant nie magtig—

(i) om te eniger tyd en binne sodanige tydperk as wat in sodanige lasbrief gemeld moet word, die huis of plek te betree met die doel om die naam en identiteit van die houer van daardie huis of plek vas te stel;

(ii) om iemand wat in of op die huis of plek gevind word, te ondervra en sy naam en adres te eis; en

(iii) om enige rekeningboek, kwitansie, papier, dokument of ding wat getuienis van die pleeg deur enige persoon van 'n misdryf ingevolge hierdie Wet waarskynlik sal oplewer, te eis, te soek en in besit te neem.

(2) Iemand wat in of op bedoelde huis of plek gevind word en wat, wanneer hy deur die polisiebeampte wat die huissoeking uitvoer, versoek word om sulks te doen, weier om sy naam en adres te verskaf of 'n naam of adres verskaf wat in 'n wesenlike besonderheid vals is, of weier om die naam of identiteit van die houer van die huis of plek te openbaar of om 'n boek, kwitansie, papier, dokument, of ding wat hy in sy besit of bewaring of onder sy beheer het, voor te lê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond en by wanbetaling met gevangenisstraf met dwangarbeid vir 'n tydperk van hoogstens ses maande.

(3) Die uitreiking van 'n lasbrief kragtens paragraaf (b) van sub-artikel (1) raak nie die bevoegdheid van die magistraat om te eniger tyd 'n lasbrief kragtens paragraaf (a) van sub-artikel (1) of kragtens enige ander wetsbepaling uit te reik nie.

9. (1) Iemand wat 'n ouer of voog van 'n vrouspersoon is en wat—

Ouer of voog wat ontering van kind of pleegkind bewerkstellig.

(a) sodanige vrouspersoon verkry of probeer verkry om ontug te pleeg met 'n ander persoon as die koppelaar; of

(b) die ontering, verleiding of prostitusie van sodanige vrouspersoon beveel, of toelaat, of op enige manier help om dit te bewerkstellig, of enige vergoeding daarvoor ontvang,

is aan 'n misdryf skuldig.

(2) The term "guardian" in this section includes any person who has in law or in fact the custody or control of the female.

Procuration.

10. Any person who—

- (a) procures or attempts to procure any female to have unlawful carnal intercourse with any person other than the procurer or in any way assists in bringing about such intercourse; or
- (b) inveigles or entices any female to a brothel for the purpose of unlawful carnal intercourse or prostitution or conceals in any such house or place any female so inveigled or enticed; or
- (c) procures or attempts to procure any female to become a common prostitute; or
- (d) procures or attempts to procure any female to become an inmate of a brothel; or
- (e) applies, administers to or causes to be taken by any female any drug, intoxicating liquor, matter or thing with intent to stupefy or overpower her so as thereby to enable any person other than the procurer to have unlawful carnal intercourse with such female,

shall be guilty of an offence.

Conspiracy to defile.

11. Any person who conspires with any other person to induce any female by any false pretence or other fraudulent means to allow any male to have unlawful carnal intercourse with her, shall be guilty of an offence.

Detention for purposes of unlawful carnal intercourse.

12. (1) Any person who takes or detains any female against her will—

- (a) to or in or upon any house or place with intent that she may be unlawfully carnally known by any male, whether a particular male or not; or
- (b) to or in a brothel,

shall be guilty of an offence.

(2) Where a female is in or upon any house or place for the purpose that she may be unlawfully carnally known by any male, whether a particular male or not, or is in any brothel, she shall for the purposes of this section be deemed to have been taken thereto or to be detained therein or thereon against her will—

- (a) if she is under the age of sixteen years; or
- (b) if she, being of or above the age of sixteen years and under the age of twenty-one years, was taken or is detained against her will or against the will of her father or mother, or any person having the lawful care or charge of her.

(3) Any person shall be deemed to detain a female in or upon any house or place or in a brothel if, with intent to compel or induce her to remain in or upon such house or place or in such brothel, such person withholds from her any wearing apparel or other property to the possession of which she is entitled or which has been lent or supplied to her by such person or for the purposes of prostitution; and any such female shall be justified in taking away such wearing apparel as is necessary to enable her to leave such house or place or brothel.

Abduction.

13. (1) Any person who takes or detains or causes to be taken or detained any unmarried male or female under the age of twenty-one years out of the custody and against the will of his or her father or mother or guardian, with intent that such person or any other person, whether a particular person or not, may have unlawful carnal intercourse with such unmarried male or female, shall be guilty of an offence.

(2) The term "guardian" in this section includes any person who has in law or in fact the custody or control of the unmarried male or female.

Sexual offences with girls or boys under sixteen.

14. (1) Any male person who—

- (a) has or attempts to have unlawful carnal intercourse with a girl under the age of sixteen years; or
- (b) commits or attempts to commit with such a girl or with a boy under the age of sixteen years an immoral or indecent act; or
- (c) solicits or entices such a girl or boy to the commission of an immoral or indecent act,

shall be guilty of an offence.

(2) It shall be a sufficient defence to any charge under this section if it shall be made to appear to the court—



(2) Die uitdrukking „voog” in hierdie artikel beteken ook iemand wat die wetlike of feitelike bewaring van of beheer oor die vrouspersoon het.

**10. Iemand wat—**

- (a) 'n vrouspersoon verkry of probeer verkry om ontug Koppelaar. met enige ander persoon as die koppelaar te pleeg of wat op enige manier help om sodanige ontug te bewerkstellig; of
- (b) 'n vrouspersoon na 'n bordeel verlok of aanlok met die doel om ontug of prostitusie te pleeg of wat 'n aldus verlokke of aangelokte vrouspersoon in so 'n huis of plek versteek; of
- (c) 'n vrouspersoon verkry of probeer verkry om 'n gewone prostituut te word; of
- (d) 'n vrouspersoon verkry of probeer verkry om 'n inwoner van 'n bordeel te word; of
- (e) enige middel, bedwelmende drank, saak of ding toepas op of toedien aan 'n vrouspersoon, of haar dit laat inneem, met die opset om haar te bedwelm of oorweldig om daardeur 'n ander persoon as die koppelaar in staat te stel om ontug met daardie vrouspersoon te pleeg,

is aan 'n misdryf skuldig.

**11. Iemand wat met enige ander persoon saamsweer om 'n vrouspersoon onder valse voorwendsels of op ander bedrieglike wyse oor te haal om 'n manspersoon toe te laat om met haar ontug te pleeg, is aan 'n misdryf skuldig.** Sameswering om te ontээр.

**12. (1) Iemand wat 'n vrouspersoon teen haar wil neem of aanhou—** Aanhouding vir doeleindes van ontug.

- (a) na of in of op enige huis of plek met die opset dat 'n manspersoon, hetsy 'n bepaalde manspersoon of nie, met haar ontug kan pleeg; of
- (b) na of in 'n bordeel,

is aan 'n misdryf skuldig.

(2) Waar 'n vrouspersoon in of op 'n huis of plek is vir die doel dat 'n manspersoon, hetsy 'n bepaalde manspersoon of nie, met haar ontug kan pleeg, of in 'n bordeel is, word sy by die toepassing van hierdie artikel geag teen haar wil daarheen geneem te gewees het of daarin of daarop aangehou te word—

- (a) as sy onder die ouderdom van sestien jaar is; of
- (b) as sy sestien jaar oud of daarbo en onder die ouderdom van een-en-twintig jaar is, en sy teen haar wil geneem is of aangehou word, of teen die wil van haar vader of moeder of enige persoon wat die wettige sorg of toesig oor haar het.

(3) 'n Persoon word geag 'n vrouspersoon in of op 'n huis of plek of in 'n bordeel aan te hou as daardie persoon met die opset om haar te verplig of oor te haal om in of op die huis of plek of in die bordeel aan te bly, enige kledingstuk of ander eiendom op die besit waarvan sy geregtig is of wat aan haar geleen of verskaf is deur daardie persoon of vir die doeleindes van prostitusie, van haar weerhou; en so 'n vrouspersoon is geregtig om sodanige kledingstukke as wat nodig is om haar in staat te stel om die huis of plek of bordeel te verlaat, saam te neem.

**13. (1) Enige persoon wat 'n ongetroude mans- of vrouspersoon onder die ouderdom van een-en-twintig jaar uit die bewaring en teen die wil van sy of haar vader of moeder of voog neem of aanhou, of laat neem of aanhou, met die opset dat daardie persoon of enige ander persoon, hetsy 'n bepaalde persoon of nie, met die ongetroude mans- of vrouspersoon ontug kan pleeg, is aan 'n misdryf skuldig.** Ontvoering.

(2) Die uitdrukking „voog” in hierdie artikel beteken ook iemand wat die wetlike of feitelike bewaring van of beheer oor die ongetroude mans- of vrouspersoon het.

**14. (1) Enige manspersoon wat—**

- (a) ontug met 'n meisie onder die ouderdom van sestien jaar pleeg of probeer pleeg; of
- (b) 'n onsedelike of onbehoorlike daad met so 'n meisie of met 'n seun onder die ouderdom van sestien jaar pleeg of probeer pleeg; of
- (c) so 'n meisie of seun uitlok of aanlok om 'n onsedelike of onbehoorlike daad te pleeg,

is aan 'n misdryf skuldig.

Seksuele misdrywe met meisies of seuns onder sestien.

(2) Dit is 'n voldoende verweer teen 'n aanklag ingevolge hierdie artikel wanneer aan die hof blyk—

- (a) that the girl at the time of the commission of the offence was a prostitute, that the person so charged was at the said time under the age of twenty-one years and that it is the first occasion on which he is so charged; or
- (b) that the person so charged was at the said time under the age of sixteen years; or
- (c) that the girl or person in whose charge she was, deceived the person so charged into believing that she was over the age of sixteen years at the said time.

Sexual offences with female idiots or imbeciles.

**15. Any person who—**

- (a) has or attempts to have unlawful carnal intercourse with any female idiot or imbecile in circumstances which do not amount to rape; or
- (b) commits or attempts to commit with such a female any immoral or indecent act; or
- (c) solicits or entices such a female to the commission of any immoral or indecent act,

shall if it be proved that such person knew that such female was an idiot or imbecile, be guilty of an offence.

Sexual offences between white persons and coloured persons.

**16. (1) (a) Any white female person who—**

- (i) has or attempts to have unlawful carnal intercourse with a coloured male person; or
- (ii) commits or attempts to commit with a coloured male person any immoral or indecent act; or
- (iii) entices, solicits, or importunes any coloured male person to have unlawful carnal intercourse with her; or
- (iv) entices, solicits or importunes any coloured male person to the commission of any immoral or indecent act; and

**(b) any coloured female person who—**

- (i) has or attempts to have unlawful carnal intercourse with a white male person; or
- (ii) commits or attempts to commit with a white male person any immoral or indecent act; or
- (iii) entices, solicits, or importunes any white male person to have unlawful carnal intercourse with her; or
- (iv) entices, solicits, or importunes any white male person to the commission of any immoral or indecent act,

shall be guilty of an offence.

**(2) (a) Any white male person who—**

- (i) has or attempts to have unlawful carnal intercourse with a coloured female person; or
- (ii) commits or attempts to commit with a coloured female person any immoral or indecent act; or
- (iii) entices, solicits, or importunes any coloured female person to have unlawful carnal intercourse with him; or
- (iv) entices, solicits or importunes any coloured female person to the commission of any immoral or indecent act; and

**(b) any coloured male person who—**

- (i) has or attempts to have unlawful carnal intercourse with a white female person; or
- (ii) commits or attempts to commit with a white female person any immoral or indecent act; or
- (iii) entices, solicits, or importunes any white female person to have unlawful carnal intercourse with him; or
- (iv) entices, solicits, or importunes any white female person to the commission of any immoral or indecent act,

shall be guilty of an offence.

(3) It shall be a sufficient defence to any charge under this section if it is proved to the satisfaction of the court that the person charged at the time of the commission of the offence had reasonable cause to believe that the person with whom he or she committed the offence was a white person if the person charged is a white person, or a coloured person if the person charged is a coloured person.

Owner or occupier permitting on his premises the defilement of a female or any offence against this Act.

**17. Any person who being the owner or occupier of any house or place or having or acting or assisting in the management or control thereof knowingly permits the use of such house or place for the purpose of any offence against any provision of this Act, shall be guilty of an offence.**

- (a) dat die meisie ten tyde van die pleeg van die misdryf 'n prostituut was, dat die aldus aangeklaagde persoon op bedoelde tydstip onder die ouderdom van een-en-twintig jaar was en dat dit die eerste geleentheid is waarop hy aldus aangekla is; of
- (b) dat die aldus aangeklaagde persoon op bedoelde tydstip onder die ouderdom van sestien jaar was; of
- (c) dat die meisie of persoon in wie se sorg sy was, die aldus aangeklaagde persoon mislei het deur hom te laat glo dat sy op bedoelde tydstip bo die ouderdom van sestien jaar was.

## 15. Iemand wat—

- (a) met 'n vroulike idioot of swaksinnige ontug pleeg of probeer pleeg in omstandighede wat nie op verkragting neerkom nie; of
- (b) met so 'n vrouspersoon 'n onsedelike of onbehoorlike daad pleeg of probeer pleeg; of
- (c) so 'n vrouspersoon uitlok of aanlok om 'n onsedelike of onbehoorlike daad te pleeg,

Seksuele misdrywe met vroulike idiote of swaksinniges.

is, wanneer bewys word dat daardie persoon geweet het dat die vrouspersoon 'n idioot of swaksinnige was, aan 'n misdryf skuldig.

## 16. (1) (a) 'n Blanke vrouspersoon wat—

- (i) met 'n nie-blanke manspersoon ontug pleeg of probeer pleeg; of
- (ii) 'n onsedelike of onbehoorlike daad met 'n nie-blanke manspersoon pleeg of probeer pleeg; of
- (iii) 'n nie-blanke manspersoon aanlok, uitlok of lastig val om ontug met haar te pleeg; of
- (iv) 'n nie-blanke manspersoon aanlok, uitlok of lastig val om 'n onsedelike of onbehoorlike daad te pleeg; en

Seksuele misdrywe tussen blankes en nie-blankes.

## (b) 'n nie-blanke vrouspersoon wat—

- (i) met 'n blanke manspersoon ontug pleeg of probeer pleeg; of
- (ii) 'n onsedelike of onbehoorlike daad met 'n blanke manspersoon pleeg of probeer pleeg; of
- (iii) 'n blanke manspersoon aanlok, uitlok of lastig val om ontug met haar te pleeg; of
- (iv) 'n blanke manspersoon aanlok, uitlok of lastig val om 'n onsedelike of onbehoorlike daad te pleeg,

is aan 'n misdryf skuldig.

## (2) (a) 'n Blanke manspersoon wat—

- (i) met 'n nie-blanke vrouspersoon ontug pleeg of probeer pleeg; of
- (ii) 'n onsedelike of onbehoorlike daad met 'n nie-blanke vrouspersoon pleeg of probeer pleeg; of
- (iii) 'n nie-blanke vrouspersoon aanlok, uitlok of lastig val om ontug met hom te pleeg; of
- (iv) 'n nie-blanke vrouspersoon aanlok, uitlok of lastig val om 'n onsedelike of onbehoorlike daad te pleeg; en

## (b) 'n nie-blanke manspersoon wat—

- (i) met 'n blanke vrouspersoon ontug pleeg of probeer pleeg; of
- (ii) 'n onsedelike of onbehoorlike daad met 'n blanke vrouspersoon pleeg of probeer pleeg; of
- (iii) 'n blanke vrouspersoon aanlok, uitlok of lastig val om ontug met hom te pleeg; of
- (iv) 'n blanke vrouspersoon aanlok, uitlok of lastig val om 'n onsedelike of onbehoorlike daad te pleeg,

is aan 'n misdryf skuldig.

(3) Dit is 'n voldoende verweer teen 'n aanklag ingevolge hierdie artikel as tot bevrediging van die hof bewys word dat die aangeklaagde persoon op die tydstip toe die misdryf gepleeg is redelike grond gehad het om te glo dat die persoon met wie hy of sy die misdryf gepleeg het 'n blanke is, indien die aangeklaagde persoon 'n blanke is, of 'n nie-blanke is, indien die aangeklaagde persoon 'n nie-blanke is.

17. Iemand wat die eienaar of okkupeerder van 'n huis of plek is of wat die bestuur daarvan of beheer daarvoor het of daarin optree of daarmee help en wat wetens toelaat dat daardie huis of plek gebruik word met die doel om een of ander misdryf teen een of ander bepaling van hierdie Wet te pleeg, is aan 'n misdryf skuldig.

Eienaar of okkupeerder wat op sy perseel die ontering van 'n vrouspersoon of 'n misdryf teen hierdie Wet toelaat.

Use of drugs, etc., for purposes of defilement of females.

18. Any person who applies, administers to or causes to be taken by any female any drug, intoxicating liquor, matter or thing with intent to stupefy or overpower her so as thereby to enable him to have unlawful carnal intercourse with her, shall be guilty of an offence.

Enticing to commission of immoral acts.

19. Any person who—

- (a) entices, solicits, or importunes in any public place for immoral purposes; or
- (b) wilfully and openly exhibits himself or herself in an indecent dress or manner at any door or window or within view of any public street or place or in any place to which the public have access,

shall be guilty of an offence.

Persons living on earnings of prostitution or committing or assisting in commission of indecent acts.

20. (1) Any person who—

- (a) knowingly lives wholly or in part on the earnings of prostitution; or
- (b) in public commits any act of indecency with another person; or
- (c) in public or in private in any way assists in bringing about, or receives any consideration for, the commission by any person of any act of indecency with another person,

shall be guilty of an offence.

(2) If it is made to appear to a magistrate by information on oath that there is reason to suspect that any house is used by a female for purposes of prostitution and that any person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, the magistrate may issue a warrant authorizing any police officer not below the rank of sergeant to enter and search the house and to arrest that person.

Presumptions.

21. (1) Whenever in any prosecution under this Act the question is in issue whether any carnal intercourse between a male and a female was unlawful, such male and female shall be deemed to have been unmarried at the time of such intercourse unless the accused proves the contrary.

(2) Any person who seems in appearance obviously to be a white person or a coloured person, as the case may be, shall for the purpose of this Act be deemed to be such unless the contrary is proved.

(3) Whenever in any prosecution under this Act a person is proved to reside in a brothel or to live with or to be habitually in the company of a prostitute and has no visible means of subsistence, such person shall, unless he or she satisfies the court to the contrary, be deemed to be knowingly living wholly or in part on the earnings of prostitution.

Penalties.

22. Any person who is convicted of an offence under the provisions of this Act for which no special penalty is prescribed, shall be liable—

- (a) in the case of an offence referred to in section *two* or paragraph (a) of sub-section (1) of section *twenty* to imprisonment with compulsory labour for a period not exceeding three years with or without a fine not exceeding three hundred pounds in addition to such imprisonment, or where it is proved that the person convicted kept a brothel and that unlawful carnal intercourse took place in such brothel to his knowledge between a white female and a coloured male or between a coloured female and a white male, for a period not exceeding seven years with or without a fine not exceeding five hundred pounds in addition to such imprisonment; or
- (b) in the case of an offence referred to in sub-section (1) of section *nine* to imprisonment with compulsory labour for a period not exceeding five years, or, if the female concerned is under the age of twelve years, for life; or
- (c) in the case of an offence referred to in section *ten*, to imprisonment with compulsory labour for a period not exceeding five years, or, where it is proved that the person convicted procured or attempted to procure any white female for the purpose of having unlawful carnal intercourse with a coloured male, or any coloured female for the purpose of having unlawful carnal intercourse with a white male, for a period not exceeding seven years; or

18. Iemand wat enige middel, bedwelmende drank, saak of ding toepas op of toedien aan 'n vrouspersoon of haar dit laat inneem met die opset om haar te bedwelms of oorweldig om daardeur homself in staat te stel om ontug met haar te pleeg, is aan 'n misdryf skuldig. Gebruik van middels, ens. vir doeleindes van ontering van vrouspersone.

19. Iemand wat—  
 (a) in enige openbare plek vir onsedelike doeleindes iemand anders aanlok, uitlok of lastig val; of  
 (b) homself of haarself opsetlik en openlik vertoon in onbehoorlike kleding of op 'n onbehoorlike wyse by enige deur of venster of op enige plek waar hy of sy gesien kan word van enige publieke straat of plek of in enige plek waartoe die publiek toegang het, is aan 'n misdryf skuldig. Aanlokking tot pleeg van onsedelike dade.

20. (1) Iemand wat—  
 (a) wetens heeltemal of gedeeltelik van die opbrengs van prostitusie leef; of  
 (b) in die openbaar 'n onsedelike daad met 'n ander persoon pleeg; of  
 (c) op enige manier in die openbaar of in afsondering help om die pleeg deur 'n persoon van enige onsedelike daad met 'n ander persoon te bewerkstellig, of enige vergoeding daarvoor ontvang, is aan 'n misdryf skuldig. Persone wat van opbrengs van prostitusie leef of wat onsedelike dade pleeg of by die pleeg daarvan help.

(2) As dit aan 'n magistraat uit inligting onder eed blyk dat daar rede is om te vermoed dat 'n huis deur 'n vrouspersoon vir doeleindes van prostitusie gebruik word en dat 'n persoon wat by die huis inwoon of dit dikwels besoek heeltemal of gedeeltelik van die ontvangste van die prostituut leef, kan die magistraat 'n lasbrief uitreik wat 'n polisiebeampte van nie benede die rang van sersant nie, magtig om die huis te betree en te deursoek en om daardie persoon in hegtenis te neem.

21. (1) Wanneer in enige vervolging ingevolge hierdie Wet die vraag ter beslissing opkom of enige vleeslike gemeenskap tussen 'n manspersoon en 'n vrouspersoon onwettig was, word daardie manspersoon en vrouspersoon geag ten tyde van daardie gemeenskap ongetroud te gewees het, tensy die beskuldigde die teendeel bewys. Vermoedens.

(2) Iemand wat volgens voorkoms klaarblyklik 'n blanke of 'n nie-blanke skyn te wees, na gelang van die geval, word by die toepassing van hierdie Wet geag sulks te wees, tensy die teendeel bewys word.

(3) Wanneer in enige vervolging ingevolge hierdie Wet bewys word dat iemand by 'n bordeel inwoon of dat hy of sy saamwoon met, of gewoonlik in die geselskap is van, 'n prostituut en dat hy of sy geen sigbare middel van bestaan het nie, word so iemand, tensy hy of sy die hof van die teendeel oortuig, geag wetens heeltemal of gedeeltelik van die opbrengs van prostitusie te leef.

22. Iemand wat skuldig bevind word aan 'n misdryf ingevolge die bepalinge van hierdie Wet waarvoor geen spesiale straf voorgeskryf word nie, is strafbaar— Strafbepalings.

- (a) in die geval van 'n in artikel twee of paragraaf (a) van sub-artikel (1) van artikel twintig bedoelde misdryf, met gevangenisstraf met dwangarbeid vir 'n tydperk van hoogstens drie jaar met of sonder 'n boete van hoogstens driehonderd pond benewens bedoelde gevangenisstraf, of waar bewys word dat die veroordeelde persoon 'n bordeel gehou het en dat ontug met sy medewete in die bordeel tussen 'n blanke vrouspersoon en 'n nie-blanke manspersoon of tussen 'n nie-blanke vrouspersoon en 'n blanke manspersoon plaasgevind het, vir 'n tydperk van hoogstens sewe jaar met of sonder 'n boete van hoogstens vyfhonderd pond benewens bedoelde gevangenisstraf; of
- (b) in die geval van 'n in sub-artikel (1) van artikel nege bedoelde misdryf, met gevangenisstraf met dwangarbeid vir 'n tydperk van hoogstens vyf jaar, of, as die betrokke vrouspersoon onder die ouderdom van twaalf jaar is, vir lewenslank; of
- (c) in die geval van 'n in artikel tien bedoelde misdryf, met gevangenisstraf met dwangarbeid vir 'n tydperk van hoogstens vyf jaar, of, waar bewys word dat die veroordeelde persoon 'n blanke vrouspersoon verkry het of probeer verkry het vir die doel om met 'n nie-blanke manspersoon ontug te pleeg, of 'n nie-blanke vrouspersoon verkry het of probeer verkry het om met 'n blanke manspersoon ontug te pleeg, vir 'n tydperk van hoogstens sewe jaar; of

- (d) in the case of an offence referred to in section *eleven* or section *eighteen*, to imprisonment with compulsory labour for a period not exceeding five years; or
- (e) in the case of an offence referred to in sub-section (1) of section *twelve*, sub-section (1) of section *thirteen*, or section *sixteen*, to imprisonment with compulsory labour for a period not exceeding seven years; or
- (f) in the case of an offence referred to in sub-section (1) of section *fourteen*, or section *fifteen*, or section *seventeen* to imprisonment with compulsory labour for a period not exceeding six years with or without a fine not exceeding five hundred pounds in addition to such imprisonment; or
- (g) in the case of an offence referred to in section *nineteen* or paragraph (b) or (c) of sub-section (1) of section *twenty* to a fine not exceeding two hundred pounds or to imprisonment with compulsory labour for a period not exceeding two years or to both such fine and such imprisonment; and
- (h) where the person convicted is a male person under the age of fifty years, to a whipping not exceeding ten strokes in addition to such imprisonment and fine.

Repeal of laws. 23. The laws specified in the Schedule are hereby repealed to the extent set out in the fourth column of that Schedule.

Application of Act to the territory of South-West Africa. 24. The Governor-General may by proclamation in the *Gazette* and in the *Official Gazette* of the territory of South-West Africa, declare this Act to be in force in the said territory.

Short title. 25. This Act shall be called the Immorality Act, 1957.

#### Schedule.

(SECTION 23.)

| Province or Union. | No. and Year of Law.      | Short Title or Subject of Law.                                        | Extent of Repeal.            |
|--------------------|---------------------------|-----------------------------------------------------------------------|------------------------------|
| Cape ..            | Act No. 25 of 1893.       | The Criminal Law Amendment Act, 1893.                                 | So much as is unrepealed.    |
| .. ..              | Act No. 36 of 1902.       | The Betting Houses, Gaming Houses and Brothels Suppression Act, 1902. | Sections 22 to 36 inclusive. |
| Transvaal          | Ordinance No. 46 of 1903. | The Immorality Ordinance, 1903.                                       | So much as is unrepealed.    |
| Orange Free State. | Ordinance No. 11 of 1903. | The Suppression of Brothels and Immorality Ordinance, 1903.           | So much as is unrepealed.    |
| .. ..              | Act No. 19 of 1908.       | The Suppression of Brothels and Immorality Amendment Act, 1908.       | The whole.                   |
| Natal. ..          | Act No. 31 of 1903.       | The Criminal Law Amendment Act, 1903.                                 | The whole.                   |
| Union ..           | Act No. 3 of 1916.        | The Girls' and Mentally Defective Women Protection Act, 1916.         | The whole.                   |
| .. ..              | Act No. 5 of 1927.        | The Immorality Act, 1927.                                             | The whole.                   |
| .. ..              | Act No. 21 of 1950.       | The Immorality Amendment Act, 1950.                                   | The whole.                   |
| .. ..              | Act No. 62 of 1955.       | The General Law Amendment Act, 1955.                                  | Section 15.                  |

- (d) in die geval van 'n in artikel *elf* of artikel *agtien* bedoelde misdryf, met gevangenisstraf met dwangarbeid vir 'n tydperk van hoogstens vyf jaar; of
- (e) in die geval van 'n in sub-artikel (1) van artikel *twaalf*, sub-artikel (1) van artikel *dertien*, of artikel *sestien* bedoelde misdryf, met gevangenisstraf met dwangarbeid vir 'n tydperk van hoogstens sewe jaar; of
- (f) in die geval van 'n in sub-artikel (1) van artikel *veertien*, of artikel *vyftien* of artikel *sewentien* bedoelde misdryf, met gevangenisstraf met dwangarbeid vir 'n tydperk van hoogstens ses jaar met of sonder 'n boete van hoogstens vyfhonderd pond benewens bedoelde gevangenisstraf; of
- (g) in die geval van 'n in artikel *negentien* of paragraaf (b) of (c) van sub-artikel (1) van artikel *twintig* bedoelde misdryf, met 'n boete van hoogstens tweehonderd pond of met gevangenisstraf met dwangarbeid vir 'n tydperk van hoogstens twee jaar of met beide sodanige boete en sodanige gevangenisstraf; en
- (h) waar die veroordeelde persoon 'n manspersoon onder die ouderdom van vyftig jaar is, met lyfstraf van hoogstens tien houe benewens bedoelde gevangenisstraf en boete.

23. Die wette in die Bylae vermeld word hierby herroep in die mate in die vierde kolom van daardie Bylae uiteengesit. Herroeping van wette.

24. Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* en in die *Offisiële Koerant* van die gebied Suidwes-Afrika hierdie Wet in daardie gebied van krag verklaar. Toepassing van Wet op die gebied Suidwes-Afrika.

25. Hierdie Wet heet die Ontugwet, 1957.

Kort titel.

### Bylae.

(ARTIKEL 23.)

| Provinsie of Unie. | No. en jaar van Wet.         | Titel of onderwerp van Wet.                                             | In hoeverre herroep.                  |
|--------------------|------------------------------|-------------------------------------------------------------------------|---------------------------------------|
| Kaap ..            | Wet No. 25 van 1893.         | Die „Criminal Law Amendment Act, 1893.”                                 | Soveel as wat nog nie herroep is nie. |
| ..                 | Wet No. 36 van 1902.         | Die „Betting Houses, Gaming Houses and Brothels suppression Act, 1902”. | Artikel 22 tot en met artikel 36.     |
| Transvaal          | Ordonnansie No. 46 van 1903. | Die „Immorality Ordinance, 1903”.                                       | Soveel as wat nog nie herroep is nie. |
| Oranje-Vrystaat    | Ordonnansie No. 11 van 1903. | Die „Suppression of Brothels and Immorality Ordinance, 1903”.           | Soveel as wat nog nie herroep is nie. |
| ..                 | Wet No. 19 van 1908.         | Die „Bestrijding van Bordelen en Onzedelikheid Wijzigingswet, 1908”.    | Die geheel.                           |
| Natal ..           | Wet No. 31 van 1903.         | Die „Criminal Law Amendment Act, 1903”.                                 | Die geheel.                           |
| Unie ..            | Wet No. 3 van 1916.          | Die „Meisjes en Geestelik Gekrenkte Vrouwen Bescherminings Wet, 1916.”  | Die geheel.                           |
| ..                 | Wet No. 5 van 1927.          | Die Ontug Wet, 1927.                                                    | Die geheel.                           |
| ..                 | Wet No. 21 van 1950.         | Die Ontug-wyzigingswet, 1950.                                           | Die geheel.                           |
| ..                 | Wet No. 62 van 1955.         | Die Algemene Regswysigingswet, 1955.                                    | Artikel 15.                           |

## BILL

**To provide for the establishment, maintenance, management and control of university colleges for non-white persons; for the admission of students to and their instruction at university colleges; for the limitation of the admission of non-white students to certain university institutions; and for other incidental matters.**

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(Introduced by the MINISTER OF EDUCATION, ARTS AND SCIENCE.)

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**BE IT ENACTED** by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Interpretation of terms.

1. In this Act, unless the context otherwise indicates—
  - (i) "Bantu" means any person who for the purposes of the Population Registration Act, 1950 (Act No. 30 of 1950), is a native; (i) 5
  - (ii) "Bantu Education Account" means the account referred to in section *twenty* of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956); (ii) 10
  - (iii) "council" means the council of a university college appointed under section *five*; (x)
  - (iv) "Medical School" means the Medical School for Non-Europeans of the University of Natal; (v)
  - (v) "Minister" in any provision of this Act means the Minister to whom, or the Minister to whom acting in consultation with another Minister, the administration of that provision has been assigned by proclamation issued under section *thirty-three*; (vi) 15
  - (vi) "non-white person" means any person who is not a white person; (vii) 20
  - (vii) "Pensions Act" means the Government Service Pensions Act, 1955 (Act No. 58 of 1955); (ix)
  - (viii) "pensionable emoluments" means pensionable emoluments as defined in section *one hundred and nine* of the Pensions Act; (viii) 25
  - (ix) "prescribed" means prescribed by regulation; (xviii)
  - (x) "regulation" means any regulation made and in force under this Act; (xi)
  - (xi) "Secretary" means the Secretary of the Department of the Minister; (xii) 30
  - (xii) "senate" means the senate of a university college established under section *six*; (xiii)
  - (xiii) "this Act" includes any regulation; (iv)
  - (xiv) "university college" means any university college established under this Act for the provision of university education; (xiv) 35
  - (xv) "university education" means education of a standard equivalent to that provided by universities established by Act of Parliament; (xv) 40
  - (xvi) "University of Natal" means the university established by the University of Natal (Private) Act, 1948 (Act No. 4 of 1948); (xvi)
  - (xvii) "University of South Africa" means the university established by the University of South Africa Act, 1916 (Act No. 12 of 1916); (xvii) 45
  - (xviii) "white person" means a person who for the purposes of the Population Registration Act, 1950 (Act No. 30 of 1950), is a white person. (iii) 50

### CHAPTER I.

50

#### ESTABLISHMENT OF UNIVERSITY COLLEGES FOR NON-WHITE PERSONS.

Establishment of university colleges for Bantu persons.

2. (1) The Minister may in consultation with the Minister of Finance, out of moneys appropriated by Parliament out of the Bantu Education Account for the purpose, establish, maintain and conduct university colleges for Bantu persons. 55
- (2) The Minister may disestablish any such university college.
- (3) The establishment or disestablishment of any such university college shall be notified by notice in the *Gazette*.



# WETSONTWERP

Om voorsiening te maak vir die instelling, instandhouding en bestuur van en beheer oor universiteitskolleges vir nie-blankes; vir die toelating van studente tot en hul onderrig aan universiteitskolleges; vir die beperking van die toelating van nie-blanke studente tot sekere universiteitsinrigtings; en vir ander aangeleenthede wat daarmee in verband staan.

(Ingedien deur die MINISTER VAN ONDERWYS, KUNS EN WETENSAP.)

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

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

- (i) „Bantoe”, iemand wat vir die doeleindes van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), 'n naturel is; (i)
- 10 (ii) „Bantoe-onderwysrekening”, die in artikel *twintig* van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), bedoelde rekening; (ii)
- (iii) „blanke”, iemand wat vir die doeleindes van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), 'n blanke is; (xviii)
- 15 (iv) „hierdie Wet”, ook 'n regulasie; (xiii)
- (v) „Mediese Skool”, die Mediese Skool vir Nie-blankes van die Universiteit van Natal; (iv)
- (vi) „Minister”, in enige bepaling van hierdie Wet, die Minister aan wie, of die Minister aan wie handelende in oorleg met 'n ander Minister, die uitvoering van daardie bepaling by 'n kragtens artikel *drie-en-dertig* uitgevaardigde proklamasie opgedra is; (v)
- 20 (vii) „nie-blanke”, iemand wat nie 'n blanke is nie; (vi)
- (viii) „pensioengewende verdienste”, pensioengewende verdienste soos omskryf in artikel *honderd-en-nege* van die Pensioenwet; (viii)
- 25 (ix) „Pensioenwet”, die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955); (vii)
- (x) „raad”, die raad van 'n universiteitskollege kragtens artikel *vyf* ingestel; (iii)
- 30 (xi) „regulasie”, enige regulasie uitgevaardig en van krag ingevolge hierdie Wet; (xi)
- (xii) „Sekretaris”, die Sekretaris van die Departement van die Minister; (xi)
- 35 (xiii) „senaat”, die senaat van 'n universiteitskollege kragtens artikel *ses* ingestel; (xii)
- (xiv) „universiteitskollege”, 'n universiteitskollege wat kragtens hierdie Wet ingestel is vir die voorsiening van universiteitsopleiding; (xiv)
- 40 (xv) „universiteitsopleiding”, opleiding van 'n standaard wat gelykstaan met dié wat voorsien word deur universiteite wat by Parlements wet ingestel is; (xv)
- (xvi) „Universiteit van Natal”, die universiteit wat by die Private Wet op die Universiteit van Natal, 1948 (Wet No. 4 van 1948), ingestel is; (xvi)
- 45 (xvii) „Universiteit van Suid-Afrika”, die universiteit wat by die „Universiteit van Zuid Afrika Wet, 1916” (Wet No. 12 van 1916), ingestel is; (xvii)
- (xviii) „voorgeskrif”, by regulasie voorgeskryf. (ix)

50

## HOOFSTUK I.

### DIE INSTELLING VAN UNIVERSITEITSKOLLEGES VIR NIE-BLANKES.

2. (1) Die Minister kan in oorleg met die Minister van Finansies uit gelde wat deur die Parlement uit die Bantoe-  
55 kolleges vir Bantoes instel, in stand hou en bestuur. Instelling van universiteitskolleges vir Bantoes.
- (2) Die Minister kan so 'n universiteitskollege afskaf.
- (3) Die instelling of afskaffing van so 'n universiteitskollege word by kennisgewing in die *Staatskoerant* bekend gemaak.

at the matriculation examination or at an examination recognized for the purpose by the Matriculation Board; or

- (b) he is a graduate of a university or has been admitted by such university to the status of graduate; and 5  
 (c) he has complied with such other conditions as may be prescribed.

(2) Every person registered as a student of a university college shall renew his registration annually so long as he continues to be a student thereof and shall in respect of such renewal comply 10 with such conditions as may be prescribed.

(3) A student of a university college who fails to satisfy the minimum requirements of study may be refused permission to renew his registration as a student of any university college.

(4) The Minister may in his discretion limit the number of 15 students who may be permitted to register for any course.

Refusal of admission as student.

11. Subject to the provisions of this Act relating to the prohibition of tests of religious belief, the Minister may refuse admittance to any person who applies for admission as a student of a university college if he considers it to be in the 20 interests of the university college concerned to do so.

Discipline.

12. A student of a university college shall be subject to such disciplinary provisions as may be prescribed.

Power to require students to reside at approved places of residence and to determine the place at which students shall receive instruction.

13. (1) The Minister may require a student to reside for the periods during which a university college is in session, at a place 25 of residence approved for the purpose by him.

(2) The Minister may determine at which place a student shall attend for the purpose of receiving instruction.

Prohibition of tests of religious belief.

14. No test of religious belief shall be imposed on any person as a condition of his becoming or continuing to be a professor, 30 lecturer, teacher or student of a university college, or of his holding any office or receiving any emolument, or exercising any privilege therein, nor shall any preference be given to or advantage be withheld from any person on the ground of his religious belief. 35

Prohibition of registration or attendance of white persons as students.

15. No white person shall register with or attend any university college as a student.

Financial and other assistance to Bantu students.

16. (1) The Minister may out of moneys appropriated by Parliament out of the Bantu Education Account for the purpose and subject to such conditions as may be prescribed in con- 40 sultation with the Minister of Finance, grant to any Bantu student such financial or other material assistance or both such financial and other material assistance as he may determine.

(2) The Minister may out of moneys appropriated by Parliament for the purpose and subject to such conditions as may be 45 prescribed in consultation with the Minister of Finance, grant to any Bantu student admitted to the Medical School such financial or other material assistance or both such financial and other material assistance as he may determine.

(3) Any moneys recovered from a Bantu in respect of a loan 50 or bursary granted to him under sub-section (1) shall be paid into the Bantu Education Account.

Financial and other assistance to non-white students other than Bantu students.

17. The Minister may, out of moneys appropriated by Parliament for the purpose and subject to such conditions as may be prescribed in consultation with the Minister of Finance, grant 55 to any non-white student other than a Bantu student such financial or other material assistance or both such financial and other material assistance as he may determine.

Examinations.

18. The examinations of the university colleges for degrees, diplomas and certificates shall be the examinations of the 60 University of South Africa.

Degrees, diplomas and certificates.

19. The degrees, diplomas and certificates for which students at any university college may be prepared shall be those of the University of South Africa.

- Matrikulasieraad vir dié doel erken word, as 'n voorvereiste vir toelating tot enige besondere kursus aan 'n universiteitskollege kan voorskryf; of
- 5 (b) hy 'n gegradueerde van 'n universiteit is of tot die status van 'n gegradueerde deur so 'n universiteit toegelaat is; en
- (c) hy voldoen het aan die ander voorwaardes wat voorgeskryf word.
- (2) Elke persoon wat as 'n student van 'n universiteitskollege ingeskryf word, moet solank hy 'n student van die universiteitskollege bly, sy inskrywing jaarliks hernuwe en moet ten opsigte van sodanige hernuwing aan die voorwaardes wat voorgeskryf word, voldoen.
- 15 (3) Aan 'n student van 'n universiteitskollege wat versuim om aan die minimum-studievereistes te voldoen, kan toestemming om sy inskrywing as student van 'n universiteitskollege te hernuwe, geweier word.
- (4) Die Minister kan na goeddunke die aantal studente wat toegelaat kan word om vir 'n kursus in te skryf, beperk.
- 20 **11.** Behoudens die bepalings van hierdie Wet met betrekking tot die verbod op godsdiensttoetse, kan die Minister die toelating van enige persoon wat aansoek doen om toelating as student van 'n universiteitskollege weier indien hy dit in die belang van die betrokke universiteitskollege beskou om dit te doen.
- 25 **12.** 'n Student van 'n universiteitskollege is onderworpe aan sodanige tugbepalings as wat voorgeskryf word.
- 13.** (1) Die Minister kan vereis dat 'n student gedurende die tydperke wanneer 'n universiteitskollege in sessie is by 'n verblyfplek inwoon wat vir die doel deur hom goedgekeur is.
- 30 (2) Die Minister kan bepaal by watter plek 'n student onderrig moet ontvang.
- 14.** Niemand mag aan 'n toets aangaande sy godsdiensonderwerp word nie as voorwaarde om 'n professor, lektor, dosent of student van 'n universiteitskollege te word of te bly, of om daarin 'n amp te beklee of besoldiging te ontvang of 'n voorreg uit te oefen, en aan niemand mag enige voorkeur gegee word of van niemand mag enige voordeel weerhou word, op grond van sy godsdiensonderwerp.
- 35 **15.** Geen blanke mag hom by enige universiteitskollege as student laat inskryf of dit as student bywoon nie.
- 40 **16.** (1) Die Minister kan uit gelde wat deur die Parlement uit die Bantoe-onderwysrekening vir dié doel bewillig word en onderworpe aan die voorwaardes wat in oorleg met die Minister van Finansies voorgeskryf word, aan enige Bantoe-student sodanige finansiële of ander materiële hulp of beide sodanige finansiële en ander materiële hulp verleen as wat hy bepaal.
- (2) Die Minister kan uit gelde wat deur die Parlement vir dié doel bewillig word en onderworpe aan die voorwaardes wat in oorleg met die Minister van Finansies voorgeskryf word, aan enige Bantoe-student wat toegelaat is tot die Mediese Skool, sodanige finansiële of ander materiële hulp of beide sodanige finansiële en ander materiële hulp verleen as wat hy bepaal.
- 50 (3) Gelde wat van 'n Bantoe ingevorder word ten opsigte van 'n lening of beurs wat kragtens sub-artikel (1) aan hom toegestaan is, word in die Bantoe-onderwysrekening inbetaal.
- 17.** Die Minister kan uit gelde wat deur die Parlement vir dié doel bewillig word en onderworpe aan die voorwaardes wat in oorleg met die Minister van Finansies voorgeskryf word, aan enige ander nie-blanke student as 'n Bantoe-student sodanige finansiële of ander materiële hulp of beide sodanige finansiële en ander materiële hulp verleen as wat hy bepaal.
- 60 **18.** Die eksamens van die universiteitskolleges vir grade, diplomas en sertifikate is die eksamens van die Universiteit van Suid-Afrika.
- 65 **19.** Die grade, diplomas en sertifikate waarvoor studente aan 'n universiteitskollege voorberei kan word, is dié van die Universiteit van Suid-Afrika.

Weiering van toelating as student.

Tug.

Bevoegdheid om te vereis dat studente by goedgekeurde verblyfplekke inwoon en om te bepaal waar die studente onderrig moet ontvang.

Verbod op godsdiensttoetse.

Verbod op inskrywing of bywoning van blankes as studente.

Finansiële en ander bystand aan Bantoe-studente.

Finansiële en ander bystand aan nie-blanke studente behalwe Bantoe-studente.

Eksamens.

Grade, diplomas en sertifikate.

## CHAPTER II.

## PROVISIONS IN RESPECT OF STAFF.

- Determination of establishment and appointment of staff.** 20. (1) The establishment at any university college shall be determined by the Minister and shall be divided into the following categories: 5
- (a) posts for the teaching staff;
  - (b) posts for the administrative and clerical staff; and
  - (c) such other posts as the Minister may deem necessary.
- (2) The power to appoint, promote, transfer or discharge persons employed at a university college shall, subject to the provisions of this Act, be vested in the Minister who may delegate any or all of the said powers to the Secretary: Provided that in respect of any post designated by the Minister any such appointment, promotion, transfer or discharge may be effected by an officer of his Department deputed thereto, either generally or specially in a particular case, by the Minister. 10 15
- Conditions of service.** 21. Notwithstanding anything to the contrary in any law contained but subject to the provisions of this Act, the conditions of service and leave and other privileges of all persons appointed permanently or temporarily on the staff of a university college shall be as prescribed and their scales of salary and allowances shall be as determined by the Minister after consultation with the Public Service Commission. 20
- Pension rights and retirement benefits.** 22. Notwithstanding anything to the contrary contained in any law, any person appointed permanently on the staff of a university college shall in respect of pension and retirement benefits be dealt with as if he were appointed to a post in the public service. 25
- Transfer of persons employed at university colleges.** 23. Every person employed at a university college may be transferred from any post in which he is employed to any other post at the same university college or at any other university college, whether or not such transfer is to a post of a lower grade: Provided that upon transfer such a person shall not suffer any reduction in his pensionable emoluments without his consent, unless the transfer is in consequence of a degradation imposed under section *twenty-six* or in terms of section *twenty-seven*: Provided further that a person who has been transferred to a post of a lower grade without reduction of pensionable emoluments shall be transferred to a post of the grade to which his salary is appropriate as soon as a suitable vacancy occurs. 30 35 40
- Discharge of persons appointed permanently.** 24. Every person appointed permanently on the staff of a university college may be discharged by the Minister—
- (a) on account of attaining the pensionable age;
  - (b) in the case of a female member of the staff, on her marriage; 45
  - (c) on account of continued ill-health;
  - (d) owing to the abolition of his post or to any reduction in or re-organization or re-adjustment of the staff of the university college at which he is employed;
  - (e) if in the opinion of the Minister his discharge will facilitate improvements in the organization of the university college at which he is employed by which greater efficiency or economy will be effected; 50
  - (f) on account of any unfitness or incapacity described in section *twenty-seven*; or 55
  - (g) on account of any misconduct defined in section *twenty-five*.
- Definition of misconduct.** 25. Any person appointed permanently on the staff of a university college shall be guilty of misconduct and may be dealt with in accordance with the provisions of section *twenty-six* if he— 60
- (a) contravenes any provision of this Act or fails to comply with any provision thereof with which it is his duty to comply; or
  - (b) disobeys, disregards or makes wilful default in carrying out a lawful order given to him by a person having authority to give the same, or by word or conduct displays insubordination; or
  - (c) is negligent or indolent in the discharge of his duties; or
  - (d) is or becomes inefficient or incompetent in the discharge of his duties from causes within his own control; or 70

## HOOFSTUK II.

## BEPALINGS TEN OPSIGTE VAN PERSONEEL.

20. (1) Die diensstaat by enige universiteitskollege word deur die Minister bepaal en word ingedeel in die volgende 5 kategorieë: Bepaling van diensstaat en aanstelling van personeel.
- (a) poste vir die doserende personeel;
- (b) poste vir die administratiewe en klerklike personeel; en
- (c) sodanige ander poste as wat die Minister nodig ag.
- 10 (2) Die bevoegdheid om persone wat by 'n universiteitskollege in diens geneem word of is aan te stel, te bevorder, te verplaas of te ontslaan, berus, behoudens die bepalings van hierdie Wet, by die Minister wat enige van of al die bedoelde bevoegdhede aan die Sekretaris kan delegeer: Met dien verstande dat met betrekking tot enige pos wat deur die Minister 15 aangewys word, so 'n aanstelling, bevordering, verplasing of ontslag bewerkstellig kan word deur 'n beampte van sy Departement wat òf in die algemeen òf spesiaal in 'n besondere geval deur die Minister daartoe gemagtig is.
- 20 21. Ondanks andersluidende wetsbepalings maar behoudens die bepalings van hierdie Wet, is die diensvoorwaardes en verloff- en ander voorregte van alle persone wat in die personeel van 'n universiteitskollege vas of tydelik aangestel is, soos voorgeskryf, en is hulle salarisskale en toelaes soos deur die Minister 25 na oorlegpleging met die Staatsdienskommissie bepaal. Diensvoorwaardes.
22. Ondanks andersluidende wetsbepalings word met iemand wat in die personeel van 'n universiteitskollege vas aangestel is ten opsigte van pensioen- en uitdienstredingsvoordele ge- 30 handel asof hy in 'n pos in die staatsdiens aangestel is. Pensioenregte en uitdienstredingsvoordele.
- 30 23. Elke persoon wat by 'n universiteitskollege in diens is, kan verplaas word van 'n pos waarin hy diens doen na enige ander pos by dieselfde universiteitskollege of by enige ander universiteitskollege, hetsy daardie verplasing na 'n pos van 'n 35 laer graad is al dan nie: Met dien verstande dat by verplasing so 'n persoon se pensioengewende verdienste nie sonder sy toestemming verminder mag word nie, tensy die verplasing geskied as gevolg van 'n degradering wat kragtens artikel *ses-en-twintig* of ingevolge artikel *sewe-en-twintig* opgelê word: Met dien verstande voorts dat iemand wat na 'n pos van 'n 40 laer graad sonder vermindering van pensioengewende verdienste verplaas is, na 'n pos van 'n graad wat by sy salaris pas, verplaas moet word sodra 'n geskikte vakature ontstaan. Verplasing van persone in diens by universiteitskolleges.
24. Elke persoon wat in die personeel van 'n universiteitskollege vas aangestel is, kan deur die Minister ontslaan word— 45 (a) weens bereiking van die pensioenleef tyd; (b) in die geval van 'n vroulike lid van die personeel, as sy in die huwelik tree; (c) weens aanhoudende swak gesondheid; 50 (d) weens die afskaffing van sy pos of enige vermindering in of herorganisasie of heraanpassing van die personeel van die universiteitskollege waar hy in diens is; (e) indien sy ontslag na die oordeel van die Minister verbeterings in die organisasie van die universiteitskollege waar hy in diens is, sal vergemaklik waardeur 55 groter doeltreffendheid of besparing bewerkstellig sal word; (f) weens enige ongeskiktheid of onbekwaamheid soos in artikel *sewe-en-twintig* beskryf; of 60 (g) weens enige wangedrag soos in artikel *vyf-en-twintig* omskryf. Ontslag van persone wat vas aangestel is.
25. Elke persoon wat in die personeel van 'n universiteitskollege vas aangestel is, is skuldig aan wangedrag en daar kan ooreenkomstig die bepalings van artikel *ses-en-twintig* met hom 65 gehandel word, as hy— (a) 'n bepaling van hierdie Wet oortree of versuim om te voldoen aan 'n bepaling daarvan waaraan dit sy plig is om te voldoen; of (b) 'n wettige bevel aan hom gegee deur iemand wat die bevoegdheid het om dit te gee, nie gehoorsaam nie, veronagsaam of opsetlik nie uitvoer nie, of deur 70 woord of gedrag hom aan insubordinasie skuldig maak; of (c) nalatig of traag is in die vervulling van sy pligte; of 75 (d) weens oorsake binne sy eie beheer, onbekwaam of onbevoeg is of word vir die vervulling van sy pligte; of Omskrywing van wangedrag.

- (e) conducts himself in a disgraceful, improper or unbecoming manner, or whilst on duty shows gross discourtesy to any person; or
- (f) uses intoxicants or stupefying drugs excessively; or
- (g) becomes insolvent, or compromises with his creditors, or has a decree of civil imprisonment made against him by any court of law, unless he can show that his insolvency, compromise, or civil imprisonment, has been occasioned by unavoidable misfortune; or
- (h) becomes pecuniarily embarrassed, if such pecuniary embarrassment is occasioned by imprudence or other reprehensible cause and is prejudicial to the faithful performance of his duties; or
- (i) accepts without the approval of the Minister in respect of the performance of his duties any commission, fee, or reward, pecuniary or otherwise (not being the emoluments payable to him in respect of his duties), or demands such commission, fee or reward, or fails to report to the Secretary the offer of any such commission, fee or reward; or
- (j) discloses, otherwise than in the discharge of his duties, confidential information acquired in the course thereof, or uses for any purpose other than for the discharge of his official duties confidential information gained by or conveyed to him through his connection with the Government service, notwithstanding that he does not disclose such information; or
- (k) misappropriates or improperly uses any property of the Government in circumstances which do not constitute a criminal offence; or
- (l) commits a criminal offence; or
- (m) absents himself from his university college or duty without leave or valid cause; or
- (n) publicly comments adversely upon the administration of any department of the Government or of any province or of the territory of South-West Africa; or
- (o) with a view to obtaining any privilege or advantage in relation to his official position or his duties, or to causing prejudice or injury to any Government department or the Government, makes an incorrect or false statement, knowing the same to be incorrect or false;
- (p) does, or causes, or permits to be done, or connives at, any act which is prejudicial to the administration, discipline or efficiency, of any university college, Government department, office or institution in the public service; or
- (q) propagates any idea or takes part in or identifies himself with any propaganda or activity or acts in a manner calculated—
  - (i) to cause or promote antagonism amongst any section of the population of the Union against any other section of the population of the Union; or
  - (ii) to impede, obstruct or undermine the activities of any Government department.

Procedure to be followed on charge of misconduct.

26. (1) When a person is accused of misconduct as defined in section *twenty-five*, the Secretary or any other person who has been authorized thereto by him, may charge that person in writing under his hand with that misconduct.

(2) The person who signs the charge shall cause it to be sent by post in a registered letter or to be delivered to the person charged, or to be left at his last known place of residence.

(3) The charge shall contain or shall be accompanied by a direction calling upon the person charged to transmit or deliver, within a reasonable period specified in the direction, to a person likewise specified, a written admission or denial of the charge and, if he so desires, a written explanation of the misconduct charged.

(4) The Minister, or if authorized thereto by the Minister either specially in a particular case or generally, the Secretary or any other officer in his Department, may at any time before or after he has been charged under this section, suspend the person accused of misconduct from duty.

(5) A person who has been suspended from duty as aforesaid shall not be entitled to any emoluments for the period of his

- (e) hom op skandelige, onbehoorlike of onbetaamlike wyse gedra of, terwyl hy diens doen, hom uiters onbeleef jeens 'n persoon betoon; of
- 5 (f) buitensporig gebruik maak van sterk drank of bedwel-  
mende middels; of
- (g) insolvent word, of met sy skuldeisers 'n akkoord aan-  
gaan, of tot siviele gyseling deur 'n geregshof gevonniss  
word, tensy hy kan aantoon dat sy insolvensie, akkoord  
10 of siviele gyseling deur onvermydelike teenspoed  
veroorzaak is; of
- (h) in geldelike moeilikhede geraak, indien daardie gelde-  
like moeilikhede die gevolg is van onversigtigheid of  
ander afkeurenswaardige oorsaak, en tot nadeel strek  
van die getroue uitvoering van sy pligte; of
- 15 (i) sonder die goedkeuring van die Minister ten opsigte  
van die uitvoering van sy pligte 'n kommissie, geld,  
of beloning van geldelike of ander aard (wat nie die  
besoldiging aan hom betaalbaar ten opsigte van sy  
pligte is nie) aanneem, of so 'n kommissie, geld of  
20 beloning eis, of versuim om aan die Sekretaris die  
aanbod van so 'n kommissie, geld of beloning te  
rapporteer; of
- (j) anders as in die vervulling van sy pligte vertroulike  
inligting deur hom in die loop van sy diens verkry,  
25 openbaar maak, of vir enige ander doel as vir die  
vervulling van sy amptelike pligte gebruik maak van  
vertroulike inligting deur hom ingewin of aan hom  
oorgedra as gevolg van sy verband met die Regerings-  
diens, nieteenstaande dat hy nie sodanige inligting  
30 openbaar maak nie; of
- (k) homself regeringseiendom toeëien of daarvan on-  
behoorlik gebruik maak onder omstandighede wat  
geen kriminele misdryf uitmaak nie; of
- (l) 'n kriminele misdryf pleeg; of
- 35 (m) van sy universiteitskollege of diens sonder verlof of  
gegronde rede wegbly; of
- (n) in die openbaar kritiek uitoefen aangaande die ad-  
ministrasie van 'n staatsdepartement of van 'n pro-  
vinsie of van die gebied Suidwes-Afrika; of
- 40 (o) met die doel om 'n voorreg of voordeel met betrekking  
tot sy amptelike posisie of sy pligte te verkry, of om  
nadeel of skade aan enige staatsdepartement of die  
Regering te berokken, 'n onjuiste of onware verklaring  
doen, terwyl hy weet dat dit onjuis of onwaar is; of
- 45 (p) 'n handeling wat tot nadeel strek van die administrasie,  
tug of doeltreffendheid van 'n universiteitskollege,  
staatsdepartement, kantoor of inrigting in die staats-  
diens verrig, laat verrig of die verrigting daarvan  
toelaat of dit oogluikend toelaat; of
- 50 (q) enige idee propageer of deelneem aan of hom vereensel-  
wig met enige propaganda of bedrywigheid of op 'n  
wyse optree wat bereken is—
- (i) om by enige deel van die bevolking van die Unie  
'n vyandelike gesindheid teenoor enige ander deel  
55 van die bevolking van die Unie te verwek of te  
bevorder; of
- (ii) om die werksaamhede van 'n staatsdepartement  
te belemmer, te dwarsboom of te ondermyn.

26. (1) Wanneer iemand van wangedrag soos in artikel vyf-  
60 *en-twintig* omskryf, beskuldig word, kan die Sekretaris of iemand  
anders wat deur hom daartoe gemagtig is, daardie persoon  
skriftelik onder sy handtekening van daardie wangedrag  
aankla.

(2) Die persoon wat die aanklag onderteken, laat dit aan  
65 die aangeklaagde persoon deur die pos in 'n aangetekende brief  
stuur of oorhandig of by sy laaste bekende woonplek afgee.

(3) Die aanklag bevat of gaan vergesel van 'n aansegging  
waardeur die aangeklaagde persoon aangesê word om binne 'n  
redelike in die aansegging vermelde tydperk, 'n skriftelike  
70 erkenning of ontkenning van die aanklag en, indien hy so  
verkies, 'n skriftelike verduideliking van die ten laste gelegde  
wangedrag aan 'n insgelyks vermelde persoon te stuur of te  
oorhandig.

(4) Die Minister, of indien deur die Minister hetsy spesiaal  
75 in 'n bepaalde geval of in die algemeen daartoe gemagtig, die  
Sekretaris, of 'n ander beampte in sy Departement, kan te  
eniger tyd voor of nadat hy kragtens hierdie artikel aangekla  
is, die persoon wat van wangedrag beskuldig word in sy diens  
skors.

80 (5) Iemand wat soos voormeld in sy diens geskors is, is nie  
op enige besoldiging gedurende die tydperk van sy skorsing

Procedure wat  
gevolg moet word  
by aanklag van  
wangedrag.

suspension, but the Minister may, in his discretion, order payment to the said person of the whole or a portion of his emoluments.

(6) If no charge under this section is preferred against a person who has been suspended from duty, he shall be allowed to resume duty and be paid his full emoluments for the period of his suspension. 5

(7) The person who authorized the suspension may at any time cancel the suspension, but such cancellation shall in no way affect the prosecution of the charge. 10

(8) If the person charged admits the charge, he shall be deemed to be guilty of the misconduct with which he was charged.

(9) If the person charged denies the charge or fails to comply with the direction referred to in sub-section (3), the Secretary shall appoint a suitable person to enquire into the charge: 15  
Provided that when a principal, professor or lecturer is charged, the Secretary shall in addition appoint two assessors, one of whom shall be a professor at a university or university college whose function shall be to advise and assist the person who is to hold the enquiry. 20

(10) The person who is to hold the enquiry shall, in consultation with the person who signed the charge, fix the time and place of the enquiry, and the person who signed the charge shall give the person charged reasonable notice of the time and place so fixed. 25

(11) If the person who is to hold the enquiry has reason to believe that any person is able to give evidence or to produce a book, document or article which will be relevant to the enquiry, he may, either on his own initiative or at the request of any person interested in the enquiry, summon the person in question 30  
by a summons under his hand to attend the enquiry at a time and place specified in the summons and to give evidence or to produce the book, document or article in question thereat, and at the enquiry the person holding it may administer an oath to, or accept an affirmation from, any person present thereat. 35

(12) Subject to the provisions of sub-section (13), any person who—

(a) after having been summoned as aforesaid fails, without reasonable excuse, to attend the enquiry or to bring with him a book, document or article in accordance 40  
with the summons, or absents himself from the enquiry before its conclusion without having been excused by the person holding the enquiry from further attendance; or

(b) when present at the enquiry, refuses to be sworn or to 45  
affirm as a witness or refuses without sufficient cause to answer fully and to the best of his knowledge any relevant question lawfully put to him, or to produce any book, document or article which he was summoned to produce; or 50

(c) hinders or intimidates any person taking part in the enquiry or giving evidence thereat,

shall be guilty of an offence and liable on conviction to a fine not exceeding twenty pounds.

(13) At the enquiry no person shall be obliged to answer a 55  
question if the answer to that question may render him liable to a criminal prosecution, and no person shall produce any book, document or article at the enquiry if any Minister of State has stated in writing that the production of that book, document or article at the enquiry would be contrary to the 60  
public interest.

(14) Any person who, while giving evidence at the enquiry on oath or after having made an affirmation, makes a material statement relevant to the enquiry which he knows to be false or which he does not believe to be true, shall be deemed to be 65  
guilty of perjury.

(15) The person who signed the charge may authorize any person to attend the enquiry, to adduce evidence and arguments in support of the charge and to cross-examine any person called as a witness for the defence. 70

(16) At the enquiry the person charged may be present and be heard either personally or by a representative, cross-examine any person called as a witness in support of the charge, inspect any book, document or article produced in evidence, give evidence himself and call any other person as a witness. 75



geregtig nie, maar die Minister kan na goeë dunde gelas dat aan bedoelde persoon sy hele besoldiging of 'n gedeelte daarvan uitbetaal word.

5 (6) Indien geen aanklag kragtens hierdie artikel teen 'n persoon wat in sy diens geskors is, ingebring word nie, word hy toegelaat om weer diens te hervat en word sy volle besoldiging vir die tydperk van sy skorsing aan hom betaal.

(7) Die persoon wat die skorsing gemagtig het, kan te eniger tyd die skorsing intrek, maar daardie intrekking raak hoege-  
10 naamd nie die voortsetting van die aanklag nie.

(8) Indien die aangeklaagde persoon die aanklag erken, word hy geag skuldig te wees aan die wangedrag wat hom ten laste gelê is.

(9) Indien die aangeklaagde persoon die aanklag ontken of  
15 versuim om aan die in sub-artikel (3) bedoelde aansegging gevolg te gee, stel die Sekretaris 'n geskikte persoon aan om die aanklag te ondersoek: Met dien verstande dat wanneer 'n prinsipaal, professor of lektor aangekla word, die Sekretaris ook twee assessore aanstel, een van wie 'n professor aan 'n  
20 universiteit of universiteitskollege moet wees, wie se funksie is om die persoon wat die ondersoek moet hou, van advies te dien en behulpsaam te wees.

(10) Die persoon wat die ondersoek moet hou, bepaal in oorleg met die persoon wat die aanklag onderteken het, die  
25 tyd en plek van die ondersoek, en die persoon wat die aanklag onderteken het, gee aan die aangeklaagde persoon redelike kennisgewing van die aldus bepaalde tyd en plek.

(11) Indien die persoon wat die ondersoek moet hou, rede het om te vermoed dat iemand in staat is om getuie af te  
30 lê of om 'n boek, dokument of voorwerp voor te lê wat by die ondersoek ter sake sal wees, kan hy, hetsy uit eie beweging of op versoek van iemand wat by die ondersoek belang het, die betrokke persoon deur middel van 'n deur hom onder-  
35 tekende dagvaarding dagvaar om die ondersoek op 'n tyd en plek in die dagvaarding vermeld by te woon en om aldaar getuie af te lê, of die betrokke boek, dokument of voorwerp voor te lê, en by die ondersoek kan die persoon wat dit hou enigeen wat aldaar aanwesig is 'n eed oplê of 'n bevestiging van hom aanneem.

40 (12) Behoudens die bepalings van sub-artikel (13), is iemand wat—

(a) nadat hy soos voormeld gedagvaar is, sonder redelike verontskuldiging versuim om ooreenkomstig die dag-  
45 vaarding die ondersoek by te woon of 'n boek, dokument of voorwerp saam te bring, of van die ondersoek wegbly voordat dit voltooi is, sonder dat die persoon wat die ondersoek hou hom van verdere bywoning vrygestel het; of

(b) wanneer hy by die ondersoek teenwoordig is, weier om as 'n getuie 'n eed af te lê of om te bevestig of  
50 sonder voldoende rede weier om enige vraag wat ter sake is en wettig aan hom gestel is, volledig en na sy beste wete te beantwoord, of om 'n boek, dokument of voorwerp voor te lê wat hy gedagvaar is om voor te lê; of

(c) iemand wat aan die ondersoek deelneem of aldaar getuie af lê, hinder of intimideer,  
aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens twintig pond.

60 (13) By die ondersoek is niemand verplig om 'n vraag te beantwoord indien die antwoord op daardie vraag hom aan 'n strafregtelike vervolging kan blootstel nie, en niemand mag 'n boek, dokument of voorwerp by die ondersoek voorlê nie indien 'n Staatsminister skriftelik verklaar het dat die voor-  
65 legging van daardie boek, dokument of voorwerp by die ondersoek teen die openbare belang sal wees.

(14) Iemand wat, terwyl hy by die ondersoek onder eed of nadat hy bevestig het getuie af lê, 'n verklaring van wesenlike belang doen wat by die ondersoek ter sake is, en wat hy  
70 weet vals is of wat hy nie glo waar te wees nie, word geag skuldig te wees aan meened.

(15) Die persoon wat die aanklag onderteken het, kan enige persoon magtig om die ondersoek by te woon, om die aanklag deur bewyse en argumente te staaf en om iemand wat as  
75 verdedigingsgetuie opgeroep word onder kruisverhoor te neem.

(16) By die ondersoek kan die aangeklaagde persoon teenwoordig wees en of persoonlik of deur 'n verteenwoordiger sy saak voordra, iemand wat opgeroep is as getuie tot staving van die aanklag onder kruisverhoor neem, 'n boek, dokument of  
80 voorwerp wat as bewysstuk voorgelê word insien, self getuie af lê en enigeemand anders as getuie oproep.

(17) The person holding the enquiry shall keep a record of the proceedings at the enquiry and of all evidence given thereat.

(18) If the person charged fails to attend either personally or by a representative, the enquiry may be held in his absence.

(19) If the misconduct set forth in the charge amounts to an offence of which the person charged has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall be sufficient proof that he committed the said offence, unless he was pardoned or unless the conviction has been set aside by a superior court: Provided that it shall be competent for the person charged to adduce evidence that he was in fact wrongly convicted.

(20) At the conclusion of the enquiry, the person holding it shall find whether the person charged is guilty or not guilty of the misconduct with which he was charged, and shall inform the person charged of his finding. He shall report the result of the enquiry to the Secretary

(21) If the person charged was suspended from duty and the person holding the enquiry has found that he is not guilty of the misconduct with which he was charged, the first-mentioned person shall be reinstated in his post and be paid full emoluments for the period of his suspension

(22) If the person holding the enquiry has found the person charged guilty of misconduct, the latter may, within a period of fourteen days as from the date upon which he was informed of the finding, appeal therefrom to the Minister by delivering or forwarding by post to the Secretary a written notice of appeal wherein are set forth fully the grounds upon which the appeal is based.

(23) If the person holding the enquiry has made a finding in terms of sub-section (22), he shall forward to the Secretary the record of the proceedings at the enquiry, any documentary evidence admitted thereat, a statement of his finding and his reasons therefor, and any observations on the case which he may desire to offer.

(24) If the person found guilty of misconduct has noted an appeal, the Secretary shall furnish the appellant with a copy of the reasons for the finding against which the appeal is brought.

(25) If the person found guilty applies to the Secretary for a copy of the record of the proceedings at the enquiry and of any documents admitted in evidence thereat, within a period of fourteen days as from the date upon which he received a copy of the reasons for the finding or, if he lodged no appeal, within a period of twenty-one days as from the date upon which he was informed of the finding, the Secretary shall furnish him with such copies.

(26) The appellant may, within a period of fourteen days as from the date upon which he received the copy of the record of the proceedings, or if he did not apply for a copy of the record, within a period of twenty-one days as from the date upon which he received the copy of the reasons for the finding, submit to the Minister written representations in support of his appeal. Such written representations shall be delivered or forwarded by post to the Secretary.

(27) The Secretary shall submit to the Minister the record of the proceedings at the enquiry, all documents in his possession which relate to the enquiry or appeal, and his recommendation thereon.

(28) After consideration of the aforesaid record and documents, the Minister may allow the appeal wholly or in part and set aside or modify the finding, or dismiss the appeal and confirm the finding wholly or in part, or the Minister may, before arriving at a final decision on the appeal, remit any question in connection with the enquiry to the person who held the enquiry, and direct him to report thereon or to hold a further enquiry and arrive at a finding thereon.

(29) If the Minister has directed the holding of a further enquiry, the provisions of sub-sections (10) to (18), both inclusive, shall apply in connection with the further enquiry.

(30) When the Minister has arrived at a final decision on an appeal, that decision shall be conveyed in writing to the appellant.

(31) If the Minister allows the appeal of an appellant who was suspended from duty, such an appellant shall be reinstated

(17) Die persoon wat die ondersoek hou, notuleer die verrigtinge by die ondersoek en alle getuienis wat aldaar afgeleë word.

5 (18) Indien die aangeklaagde persoon versuim om of persoonlik of deur 'n verteenwoordiger aanwesig te wees, kan die ondersoek in sy afwesigheid gehou word.

10 (19) Indien die in die aanklag vermelde wangedrag 'n misdryf uitmaak, waaraan 'n geregshof die aangeklaagde persoon skuldig bevind het, dien 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof as voldoende bewys dat hy bedoelde misdryf gepleeg het, tensy hom gracie verleen is of tensy die skuldigbevinding deur 'n hoër hof ter syde gestel is: Met dien verstande dat dit die aangeklaagde persoon vrystaan om getuienis aan te voer dat

15 hy inderdaad ten onregte skuldig bevind is.  
(20) Aan die einde van die ondersoek beslis die persoon wat die ondersoek hou of die aangeklaagde persoon skuldig of onskuldig is aan die wangedrag waarvan hy aangekla is, en verwittig hy die aangeklaagde persoon van sy beslissing. Hy

20 rapporteer die uitslag van die ondersoek aan die Sekretaris.  
(21) Indien die aangeklaagde persoon in sy diens geskors is, en die persoon wat die ondersoek hou, beslis het dat hy onskuldig is aan die wangedrag waarvan hy aangekla is, word die eersgenoemde persoon in sy pos herstel en word sy volle

25 besoldiging vir die tydperk van sy skorsing aan hom betaal.  
(22) Indien die persoon wat die ondersoek hou die aangeklaagde persoon aan wangedrag skuldig bevind het, kan laasgenoemde binne 'n tydperk van veertien dae vanaf die dag waarop hy van die beslissing verwittig is, daarteen by die

30 Minister appelleer deur 'n skriftelike kennisgewing van appèl, waarin die redes waarop die appèl gegrond is volledig uiteengesit word, aan die Sekretaris te oorhandig of deur die pos te stuur.  
(23) Indien die persoon wat die ondersoek hou in die sin

35 van sub-artikel (22) beslis het, stuur hy aan die Sekretaris die notule van die verrigtinge by die ondersoek, die bewysstukke wat aldaar toegelaat is, 'n optekening van sy beslissing en sy redes daarvoor en enige opmerkings oor die saak wat hy wenslik ag.

40 (24) Indien die persoon wat aan wangedrag skuldig bevind is appèl aangeteken het, verstrek die Sekretaris aan die appellant 'n afskrif van die redes vir die beslissing waarteen geappelleer word.  
(25) Indien die persoon wat skuldig bevind is, binne 'n

45 tydperk van veertien dae vanaf die dag waarop hy 'n afskrif van die redes vir die beslissing ontvang het of, as hy geen appèl aangeteken het nie, binne 'n tydperk van een-en-twintig dae vanaf die dag waarop hy van die beslissing verwittig is, by die Sekretaris aansoek doen om 'n afskrif van die notule

50 van die verrigtinge by die ondersoek en van enige dokumente wat as bewysstukke aldaar toegelaat is, verstrek die Sekretaris aan hom daardie afskrifte.  
(26) Die appellant kan binne 'n tydperk van veertien dae

55 vanaf die dag waarop hy 'n afskrif van die notule van die verrigtinge ontvang het, of as hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne 'n tydperk van een-en-twintig dae vanaf die dag waarop hy 'n afskrif van die redes vir die beslissing ontvang het, aan die Minister skriftelike verdoë ter

60 ondersteuning van sy appèl voorlê. Die skriftelike verdoë moet aan die Sekretaris oorhandig of deur die pos gestuur word.  
(27) Die Sekretaris lê die notule van die verrigtinge by die ondersoek, alle dokumente in sy besit wat op die ondersoek of appèl betrekking het, en sy aanbeveling daaromtrent aan die

65 Minister voor.  
(28) Na oorweging van voormelde notule en dokumente kan die Minister die appèl in sy geheel of gedeeltelik toestaan en die beslissing ter syde stel of wysig, of die appèl afwys en die beslissing in sy geheel of gedeeltelik bekragtig, of kan die

70 Minister, voordat hy oor die appèl tot 'n finale beslissing geraak, een of ander vraag in verband met die ondersoek terugverwys na die persoon wat die ondersoek gehou het en hom gelas om daarvoor verslag te doen, of om 'n verdere ondersoek te hou en daarvoor te beslis.

75 (29) Indien die Minister die hou van 'n verdere ondersoek gelas het, is die bepalings van sub-artikels (10) tot en met (18) van toepassing in verband met die verdere ondersoek.  
(30) Wanneer die Minister oor die appèl tot 'n finale beslissing geraak het, word sy beslissing skriftelik aan die appellant meegedeel.

80 (31) Indien die Minister die appèl van 'n appellant wat in sy diens geskors is, toestaan, word so 'n appellant in sy pos

in his post and be paid his full emoluments for the period of his suspension.

(32) If the person charged has admitted the charge in terms of sub-section (8), or if the record and documents referred to in sub-section (23) have in terms of that sub-section been forwarded to the Secretary and no appeal has been noted against the finding or if the Minister has dismissed the appeal, wholly or in part, the Secretary shall determine whether in his opinion the misconduct which the said person admitted or of which he was found guilty is or is not of a serious nature.

(33) In determining whether the misconduct in question is or is not of a serious nature, the Secretary shall give due regard to the probable effect of the misconduct on the tone and efficiency of the university college at which the person charged was employed when the misconduct occurred, and on the students of such university college.

(34) If the Secretary has determined that the misconduct which the person charged has admitted or of which he has been found guilty is not of a serious nature, he may recommend that the Minister—

(a) caution or reprimand the said person; or

(b) impose upon him a fine not exceeding five pounds;

and the Minister may thereupon adopt the course recommended or the other course which the Secretary could lawfully have recommended under this sub-section.

(35) If the Secretary has determined that the misconduct which the person charged has admitted or of which he has been found guilty is of a serious nature, he may recommend that the Minister—

(a) caution or reprimand the said person; or

(b) impose upon him a fine not exceeding one hundred pounds, which may be recovered in such instalments as the Minister may determine by deduction from his emoluments; or

(c) reduce his salary or his grade or both his salary and his grade to an extent recommended; or

(d) discharge him from the service of the Government or call upon him to resign therefrom as from a date to be specified by the Minister;

and the Minister may thereupon adopt the course recommended or any other course which the Secretary could lawfully have recommended under this sub-section.

(36) If a person who is under suspension from duty under sub-section (4) is dealt with in accordance with sub-section (34) or paragraph (a), (b) or (c) of sub-section (35), he shall be reinstated in the post which he held at the time of his suspension and be paid his full emoluments for the period of his suspension: Provided that if his grade is reduced in terms of the said paragraph (c) he shall be reinstated in the service of the Government at the university college concerned in a post of the reduced grade and be paid for the period of his suspension the emoluments of that post; but if emoluments in excess of the emoluments of that post were, during his suspension, paid to him under sub-section (5), he shall not be obliged to refund the excess.

(37) If a person who was called upon to resign from the service of the Government in terms of sub-section (35) fails so to resign, he shall be deemed to have been discharged from such service on the date upon which he was called upon to resign.

Inefficient employees.

27. (1) If, at any time, after due enquiry, it is found that any person appointed permanently on the staff of a university college is unfitted for, or is incapable of performing efficiently, the duties of his post from causes not within his own control and not attributable to the performance of his official duties, the Minister may appoint such person to a post of a lower grade and reduce his annual salary to the maximum of such lower grade, or may discharge such person from the service of the Government.

(2) The provisions of section *twenty-six* shall apply *mutatis mutandis* to any enquiry referred to in sub-section (1).

### CHAPTER III.

#### GENERAL PROVISIONS.

Interim limitation on the registration or attendance of non-white persons as students of certain universities.

28. As from the 1st January, 1958, no non-white person who was not registered as a student of a university established by Act of Parliament, other than the University of South Africa, shall register with or attend any such university as a student without the written consent of the Minister: Provided

herstel en word sy volle besoldiging vir die tydperk van sy skorsing aan hom betaal.

(32) Indien die aangeklaagde persoon die aanklag volgens sub-artikel (8) erken het of indien die notule en dokumente in sub-artikel (23) bedoel, ingevolge daardie sub-artikel aan die Sekretaris gestuur is, en daar geen appèl teen die beslissing aangeteken is nie, of indien die Minister die appèl in sy geheel of gedeeltelik afgewys het, bepaal die Sekretaris of die wangedrag wat die aangeklaagde erken het of waaraan hy skuldig bevind is, na sy oordeel van ernstige aard is al dan nie.

(33) By die bepaling of die betrokke wangedrag van ernstige aard is al dan nie, neem die Sekretaris die waarskynlike uitwerking van die wangedrag op die gees en doeltreffendheid van die universiteitskollege waar die aangeklaagde persoon in diens was toe die wangedrag plaasgevind het, en op die studente van daardie universiteitskollege, behoorlik in aanmerking.

(34) Indien die Sekretaris bepaal het dat die wangedrag wat die aangeklaagde persoon erken het of waaraan hy skuldig bevind is, nie van ernstige aard is nie, kan hy aanbeveel dat die Minister—

(a) bedoelde persoon waarsku of berispe; of

(b) hom 'n boete van hoogstens vyf pond oplê;

en daarop kan die Minister handel volgens die aanbeveling of die ander weg inslaan wat die Sekretaris wettiglik kragtens hierdie sub-artikel sou kon aanbeveel het.

(35) Indien die Sekretaris bepaal het dat die wangedrag wat die aangeklaagde persoon erken het of waaraan hy skuldig bevind is, van ernstige aard is, kan hy aanbeveel dat die Minister—

(a) bedoelde persoon waarsku of berispe; of

(b) hom 'n boete oplê van hoogstens honderd pond wat in sodanige paaielemente as wat die Minister vasstel, verhaal kan word deur aftrekking van sy besoldiging; of

(c) sy salaris of sy graad of beide sy salaris en sy graad verlaag in 'n mate wat aanbeveel word; of

(d) hom uit die diens van die Regering ontslaan of hom aansê om daaruit te bedank vanaf 'n datum deur die Minister vermeld te word;

en daarop kan die Minister handel volgens die aanbeveling of enige ander weg inslaan wat die Sekretaris wettiglik kragtens hierdie sub-artikel sou kon aanbeveel het.

(36) Indien met iemand wat onder skorsing in sy diens kragtens sub-artikel (4) staan, ooreenkomstig sub-artikel (34) of paragraaf (a), (b) of (c) van sub-artikel (35) gehandel word, word hy in die pos wat hy op die tydstip van sy skorsing beklee het herstel, en word sy volle besoldiging vir die tydperk van sy skorsing aan hom betaal: Met dien verstande dat, indien sy graad ingevolge bedoelde paragraaf (c) verlaag word, hy in die diens van die Regering by die betrokke universiteitskollege herstel word in 'n pos van die verlaagde graad en dat vir die tydperk van sy skorsing die besoldiging verbonde aan daardie pos aan hom betaal word; maar indien gedurende sy skorsing 'n hoër besoldiging as die besoldiging verbonde aan daardie pos kragtens sub-artikel (5) aan hom uitbetaal is, hy nie verplig is om die verskil terug te betaal nie.

(37) Indien iemand wat ingevolge sub-artikel (35) aangesê is om uit die diens van die Regering te bedank, versuim om aldus te bedank, word hy geag uit daardie diens ontslaan te gewees het op die dag waarop hy aangesê is om te bedank.

27. (1) Indien te eniger tyd na behoorlike ondersoek bevind word dat iemand wat in die personeel van 'n universiteitskollege vas aangestel is, ongeskik is vir die pligte aan sy pos verbonde of nie in staat is om dit op bekwame wyse uit te voer nie weens oorsake wat buite sy eie beheer is en nie aan die uitvoering van sy amptelike pligte toe te skryf is nie, kan die Minister daardie persoon in 'n pos van 'n laer graad aanstel en sy jaarlikse salaris tot die maksimum vir so 'n laer graad verminder, of kan hy daardie persoon uit die diens van die Regering ontslaan.

Onbekwame personeel.

(2) Die bepaling van artikel *ses-en-twintig* is *mutatis mutandis* op 'n in sub-artikel (1) bedoelde ondersoek van toepassing.

### HOOFTUK III.

#### ALGEMENE BEPALINGS.

28. Vanaf 1 Januarie 1958 mag geen nie-blanke wat nie vir die voorafgaande akademiese jaar as student van 'n by Parlements-wet ingestelde universiteit, behalwe die Universiteit van Suid-Afrika, ingeskryf was nie, hom as student by so 'n universiteit laat inskryf of dit as student bywoon sonder die skriftelike Tussentydse beperking op die inskrywing of bywoning van nie-blankes as studente van sekere universiteite.

that this section shall not apply to non-white persons in respect of their registration and attendance as students at the Medical School.

Prohibition of registration or attendance of non-white persons as students of certain universities.

29. (1) Notwithstanding the provisions of section *twenty-eight*, as from a date to be fixed by the Governor-General by proclamation in the *Gazette*, no non-white person shall register with or attend any university established by Act of Parliament, other than the University of South Africa, as a student: Provided that the provisions of this sub-section shall not be construed as preventing any non-white person who is registered as a student at a university other than the University of South Africa, on the said date or who was so registered for the academic year which preceded the said date, from completing at that university the course of study or training for the degree, diploma or certificate for which he is or was so registered.

(2) Different dates may be fixed under sub-section (1) in respect of—

- (a) different universities;
- (b) separate faculties and departments within a university;
- (c) Bantu persons; and
- (d) non-white persons other than Bantu.

Fees.

30. (1) The fees payable to any university college shall be as prescribed.

(2) The fees payable to any university college under the control of the Minister of Native Affairs shall be paid into the Bantu Education Account.

Regulations.

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

- (a) the establishment, maintenance, management and control of university colleges and the disestablishment of such colleges;
- (b) the functions, powers, duties and procedure at meetings of a council;
- (c) the period of office, the appointment, termination of appointment and resignation of members of a council and the payment of reasonable travelling and subsistence allowances to such members: Provided that the regulations in regard to such travelling and subsistence allowances shall be made in consultation with the Minister of Finance;
- (d) the constitution, functions, powers, duties and procedure at meetings of a body established under paragraph (c) of section *four*;
- (e) the conditions for admission, and tuition, boarding and other fees;
- (f) the faculties and departments and the courses of instruction and training at each university college;
- (g) the constitution and functions of boards of faculties;
- (h) the admission of students to, the control of students at, and the discharge of students from university colleges;
- (i) the financial and other material assistance to students;
- (j) the appointment, grading, promotion, transfer, discharge, discipline, conduct, powers, duties, hours of attendance, leave and other privileges, and the conditions of service including the occupation of official quarters, of persons appointed permanently or temporarily on the staff of a university college;
- (k) the circumstances in which medical examinations shall be required for the purposes of any particular provision of this Act;
- (l) any matter which by this Act is required or permitted to be prescribed;
- (m) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved, the generality of the power conferred by this paragraph not being limited by the provisions of the preceding paragraphs.

(2) Different regulations may be made in respect of different university colleges and in respect of different persons or groups, classes or races of persons employed thereat.

Delegation of Minister's powers.

32. The Minister may delegate to the Secretary or to any other senior officer in his Department any or all of the rights, duties, powers, authorities and functions conferred or imposed

toestemming van die Minister nie: Met dien verstande dat hierdie artikel nie op nie-blankes van toepassing is nie ten opsigte van hul inskrywing en bywoning as studente aan die Mediese Skool.

- 5 29. (1) Nieteenstaande die bepalings van artikel *agt-en-*  
*twentig* mag, vanaf 'n datum wat deur die Goewerneur-generaal  
by proklamasie in die *Staatskoerant* vasgestel word, geen nie-  
blanke hom as student by 'n by Parlements-wet ingestelde  
universiteit, behalwe die Universiteit van Suid-Afrika, laat  
10 inskryf of dit as student bywoon nie: Met dien verstande dat  
die bepalings van hierdie sub-artikel nie so uitgelê word nie  
dat dit 'n nie-blanke wat op bedoelde datum as student by 'n  
ander universiteit as die Universiteit van Suid-Afrika ingeskryf  
is of wat aldus ingeskryf was vir die akademiese jaar wat  
15 bedoelde datum voorafgegaan het, verhinder om aan daardie  
universiteit die studie- of opleidingskursus vir die graad,  
diploma of sertifikaat waarvoor hy aldus ingeskryf is of was,  
te voltooi.
- (2) Verskillende datums kan kragtens sub-artikel (1) vas-  
20 gestel word ten opsigte van—  
(a) verskillende universiteite;  
(b) afsonderlike fakulteite en departemente binne 'n  
universiteit;  
(c) Bantoes; en  
25 (d) ander nie-blankes as Bantoes.

Verbod op  
inskrywing of by-  
woning van nie-  
blankes as studente  
van sekere  
universiteite.

30. (1) Die gelde betaalbaar aan 'n universiteitskollege is Gelde.  
soos voorgeskryf.  
(2) Die gelde betaalbaar aan enige universiteitskollege onder  
beheer van die Minister van Naturellesake, word in die Bantoe-  
30 onderwysrekening inbetaal.

31. (1) Die Minister kan regulasies uitvaardig met betrek- Regulasies.  
king tot—  
(a) die instelling, instandhouding en bestuur van en beheer  
oor universiteitskolleges en die afskaffing van sodanige  
35 kolleges;  
(b) die werksaamhede, bevoegdhede, pligte en prosedure by  
vergaderings van 'n raad;  
(c) die ampstermyn, aanstelling, beëindiging van aanstel-  
ling en bedanking van raadslede en die betaling van  
40 redelike reis- en verblyftoelaes aan sodanige lede:  
Met dien verstande dat die regulasies met betrekking  
tot die reis- en verblyftoelaes uitgevaardig word in  
oorleg met die Minister van Finansies;  
(d) die samestelling, werksaamhede, bevoegdhede, pligte  
45 en prosedure by vergaderings van 'n liggaam kragtens  
paragraaf (c) van artikel vier ingestel;  
(e) die voorwaardes van toelating, en klas-, losies- en ander  
gelde;  
(f) die fakulteite en departemente en kursusse van onder-  
50 wys en opleiding aan elke universiteitskollege;  
(g) die samestelling en werksaamhede van fakulteitsrade;  
(h) die toelating van studente tot, die beheer van studente  
aan en die ontslag van studente uit universiteits-  
kolleges;  
55 (i) die finansiële en ander materiële hulp aan studente;  
(j) die aanstelling, gradering, bevordering, verplasing,  
ontslag, tug, gedrag, bevoegdhede, pligte, diensure,  
verlof- en ander voorregte, en die diensvoorwaardes  
60 met inbegrip van die bewoning van amptelike kwar-  
tiere, van persone wat vas of tydelik in die personeel  
van 'n universiteitskollege aangestel is;  
(k) die omstandighede waaronder mediese ondersoek  
vereis word by die toepassing van enige besondere  
65 bepaling van hierdie Wet;  
(l) enige aangeleentheid wat kragtens hierdie Wet voor-  
geskryf moet of kan word;  
(m) oor die algemeen, alle aangeleenthede wat hy nodig  
of dienstig ag om voor te skryf ten einde die doel-  
70 eindes van hierdie Wet te verwesenlik. Die algemeen-  
heid van die bevoegdheid wat by hierdie paragraaf  
verleen word, word nie deur die bepalings van die  
voorafgaande paragrawe beperk nie.

- (2) Verskillende regulasies kan ten opsigte van verskillende  
universiteitskolleges en ten opsigte van verskillende persone of  
75 groepe of klasse persone of rasse aldaar in diens uitgevaardig  
word.

32. Die Minister kan aan die Sekretaris of aan enige ander senior beampte in sy Departement enige van of al die regte, bevoegdhede van  
pligte, bevoegdhede, magte en werksaamhede kragtens sub- Minister.

upon or entrusted to him by sub-sections (3) and (4) of section *ten*, sections *thirteen*, *sixteen*, *seventeen* and *twenty-three*, and paragraphs (a) and (b) of section *twenty-four*.

Administration of Act to be assigned and prescribed by proclamation.

33. (1) The Governor-General may by proclamation in the *Gazette* assign the administration of the provisions of this Act to any Minister, or partly to one Minister and partly to another Minister, or any part thereof for certain purposes to one Minister and for other purposes to another Minister; and may in such proclamation prescribe the powers and functions which shall be exercised and performed by the several Ministers; and may further prescribe that any power or duty conferred or imposed by this Act upon a Minister shall be exercised or performed by one Minister acting in consultation with another Minister.

(2) The Governor-General may from time to time vary or amend any such proclamation.

Power to expropriate land for university college purposes.

34. The Minister may in consultation with the Minister of Finance expropriate any land required for or in connection with a university college, and the Expropriation of Lands and Arbitration Clauses Proclamation, 1902 (Proclamation No. 5 of 1902), of the Transvaal, shall, *mutatis mutandis*, apply to any such expropriation in any part of the Union.

Penalties.

35. Any person who contravenes any provision of section *fifteen*, *twenty-eight* or *twenty-nine*, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment for a period not exceeding six months.

Repeal and amendment of laws.

36. The laws mentioned in the Schedule to this Act are hereby repealed or amended to the extent set forth in the third column of that Schedule.

Short title.

37. This Act shall be called the Separate University Education Act, 1957.

#### Schedule.

(Section 36)

#### LAWS AMENDED OR REPEALED.

| No. and year of law. | Short title.                                                   | Extent of amendment or repeal.                                                                                                                                                                                                                                                                                           |
|----------------------|----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Act No. 38 of 1945.  | The Financial Relations Consolidation and Amendment Act, 1945. | In section <i>seventeen</i> , the substitution in paragraph (b) of sub-section (1) for the words "University College of Fort Hare" of the words "university college presently known as the University College of Fort Hare and other university colleges established under the Separate University Education Act, 1957;" |
| Act No. 23 of 1956.  | The Exchequer and Audit Act, 1956.                             | In section <i>twenty</i> , the insertion after the expression "Bantu Education Act, 1953 (Act No. 27 of 1953)" of the expression "and of the Separate University Education Act, 1957;"                                                                                                                                   |



artikels (3) en (4) van artikel *tien*, artikels *dertien*, *sestien*, *sewentien* en *drie-en-twintig*, en paragrawe (a) en (b) van artikel *vier-en-twintig* aan hom verleen of opgelê of toevertrou, delegeer.

5 33. (1) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* die uitvoering van die bepalings van hierdie Wet opgedra aan enige Minister of gedeeltelik aan een Minister en gedeeltelik aan 'n ander Minister of enige deel daarvan vir sekere doeleindes aan een Minister en vir ander doeleindes aan 'n ander Minister; en kan in so 'n proklamasie die bevoegdhede en werksaamhede voorskryf wat uitgeoefen en verrig moet word deur die onderskeie Ministers; en kan verder voorskryf dat 'n bevoegdheid of plig wat by hierdie Wet aan 'n Minister verleen of opgelê word, uitgeoefen of uitgevoer word deur 15 een Minister handelende in oorleg met 'n ander Minister.  
(2) Die Goewerneur-generaal kan van tyd tot tyd so 'n proklamasie verander of wysig.

Uitvoering van Wet opgedra en voorgeskrywe by proklamasie.

20 34. Die Minister kan in oorleg met die Minister van Finansies enige grond wat vir of in verband met 'n universiteitskollege benodig word, onteien, en die „Expropriation of Lands and Arbitration Clauses Proclamation 1902” (Proklamasie No. 5 van 1902) van Transvaal, is *mutatis mutandis* op elke sodanige onteiening in enige deel van die Unie van toepassing.

Bevoegdheid om grond vir doeleindes van universiteitskolleges te onteien.

25 35. Enige persoon wat enige bepaling van artikel *vyftien*, *agt-en-twintig* of *nege-en-twintig* oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Strafbepalings.

30 36. Die wette in die Bylae by hierdie Wet vermeld, word hierby in die mate in die derde kolom van daardie Bylae aangedui, herroep of gewysig.

Herroeping en wysiging van wette.

37. Hierdie Wet heet die Wet op Afsonderlike Universiteitsopleiding, 1957.

Kort titel.

**Bylae.**

(Artikel 36)

**WETTE GEWYSIG OF HERROEP.**

| No. en Jaar          | Kort titel.                                                        | Omvang van wysiging of herroeping.                                                                                                                                                                                                                                                                                                                 |
|----------------------|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Wet No. 38 van 1945. | Die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945. | In artikel <i>sewentien</i> , die vervanging in paragraaf (b) van sub-artikel (1) van die woorde „Universiteitskollege van Fort Hare” deur die woorde „universiteitskollege tans bekend as die Universiteitskollege van Fort Hare en ander universiteitskolleges wat kragtens die Wet op Afsonderlike Universiteitsopleiding, 1957, ingestel is;”. |
| Wet No. 23 van 1956. | Die Skatkis- en Ouditwet, 1956.                                    | In artikel <i>twintig</i> , die invoeging na die uitdrukking „Wet op Bantoeonderwys, 1953 (Wet No. 47 van 1953)”, van die uitdrukking „en van die Wet op Afsonderlike Universiteitsopleiding, 1957.”.                                                                                                                                              |