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DEPARTMENT OF THE PRIME MINISTER.

o. 1034.] [3rd July, 1959.

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

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1034.] [3 Julie 1959.

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:—

No. 53, 1959.]

ACT

To provide for the construction and equipment of a line of railway between Sishen and Hotazel in the Province of the Cape of Good Hope, and for matters incidental thereto.

(*English text signed by the Governor-General.*)
(*Assented to 26th June*, 1959.)

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:—

Construction and equipment of line of railway between Sishen and Hotazel.

1. (1) The Governor-General may, as soon after the commencement of this Act as to him may seem expedient, cause to be constructed and equipped, upon a gauge of three feet six inches, a line of railway of the length of approximately forty and one quarter miles between Sishen and Hotazel in the Province of the Cape of Good Hope, at a gross cost not exceeding one million two hundred and thirty-two thousand and forty-five pounds.

(2) The powers by this section conferred shall include powers to construct and equip all sidings, stations, buildings and other appurtenances necessary for or incidental to the proper working of the said line of railway.

(3) The expression "construct and equip" shall include "maintain" while the line is in course of construction and equipment.

Cost of construction and equipment.

2. The cost of the construction and equipment authorized by section *one* shall be defrayed out of any loan raised by the Governor-General under the authority of law and appropriated for that purpose by Parliament, or out of any other moneys so appropriated.

Powers incidental to construction and equipment.

3. In respect of the construction and equipment of the said line of railway, the Governor-General shall have the powers conferred by the Railway Expropriation Act, 1955 (Act No. 37 of 1955), but subject to the obligations imposed by that Act: Provided that the width of the land taken shall not exceed one hundred Cape feet for the construction of the line, together with such additional land as may be required for the slopes, cuttings, drainage, stations, approach roads and other works and matters which may be necessary for the purpose of the line.

Ratification of certain agreement relating to line of railway from Sishen to Hotazel.

4. The agreement concluded on the eighth day of June, 1959, between the Government of the Union in its Railways and Harbours Administration (hereinafter called "the Administration"), and South African Manganese, Limited, a copy of which is set out in the Schedule to this Act, is hereby ratified and confirmed, and the Administration is hereby empowered to do all such things as may be necessary to give effect to the said Agreement.

Short title.

5. This Act shall be called the Railway Construction Act, 1959.

No. 53, 1959.]

WET

Om voorsiening te maak vir die aanleg en toerusting van 'n spoorlyn tussen Sishen en Hotazel in die Provinsie Kaap die Goeie Hoop en vir aangeleenthede wat daarmee in verband staan.

(*Engelse teks deur die Goewerneur-generaal geteken.*)
(*Goedgekeur op 26 Junie* 1959.)

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

Aanleg en toerusting van spoorlyn tussen Sishen en Hotazel.

1. (1) Die Goewerneur-generaal kan, so spoedig na die inwerkingtreding van hierdie Wet as wat hy doenlik ag, 'n spoorlyn van 'n spoorwydte van drie voet ses duim en 'n lengte van ongeveer veertig-en-'n-kwartmyl tussen Sishen en Hotazel, in die Provinsie Kaap die Goeie Hoop, laat aanlê en toerus teen 'n bruto koste van hoogstens eenmiljoen tweehonderd twee-en-dertigduisend vyf-en-veertig pond.

(2) Die bevoegdhede deur hierdie artikel verleen, sluit in bevoegdhede om alle sylyne, stasies, geboue en ander toebehore wat vir die behoorlike eksploitasie van die gemelde spoorlyn nodig is of daarmee in verband staan, aan te lê en toe te rus.

(3) Die uitdrukking „aanlê en toerus" omvat „in stand hou" onderwyl die lyn aangelê en toegerus word.

Koste van aanleg en toerusting.

2. Die deur artikel *een* gemagtigde koste van die aanleg en toerusting word bestry uit 'n lening deur die Goewerneur-generaal kragtens wetlike magtiging aangegaan en vir daardie doel deur die Parlement bewillig, of uit ander aldus bewilligde gelde.

Bevoegdhede in verband met aanleg en toerusting.

3. Ten opsigte van die aanleg en toerusting van gemelde spoorlyn het die Goewerneur-generaal die bevoegdhede verleen deur die Spoorwegonteieningswet, 1955 (Wet No. 37 van 1955), maar onderhewig aan die verpligtings deur bedoelde Wet opgelê: Met dien verstande dat die breedte van die grond wat geneem word, nie meer mag wees nie as honderd Kaapse voet vir die aanbou van die lyn, met soveel bykomende grond as wat nodig mag wees vir die hellings, deurgrawings, dreinering, stasies, toegangspaaie en ander werke en aangeleenthede wat vir die doeleindes van die lyn nodig mag wees.

Bekragtiging van sekere ooreenkoms met betrekking tot die spoorlyn van Sishen na Hotazel.

4. Die ooreenkoms aangegaan op die agtste dag van Junie 1959 tussen die Regering van die Unie in sy Administrasie van Spoorweë en Hawens (hieronder „die Administrasie" genoem) en South African Manganese, Limited, 'n vertaling waarvan in die Bylae by hierdie Wet opgeneem is, word hierby bekragtig en bevestig, en die Administrasie word hierby gemagtig om alle handelings te verrig wat nodig is om aan genoemde ooreenkoms uitvoering te gee.

Kort titel.

5. Hierdie Wet heet die Spoorwegaanlegwet, 1959.

Schedule.

MEMORANDUM OF AGREEMENT BETWEEN THE GOVERNMENT OF THE UNION IN ITS RAILWAYS AND HARBOURS ADMINISTRATION, OF THE ONE PART, AND SOUTH AFRICAN MANGANESE, LIMITED, OF THE OTHER PART.

MEMORANDUM OF AGREEMENT made and entered into between the GOVERNMENT OF THE UNION OF SOUTH AFRICA in its RAILWAYS AND HARBOURS ADMINISTRATION (hereinafter referred to as "the Administration"), herein represented by the MINISTER OF TRANSPORT of the Union of South Africa, of the one part, and SOUTH AFRICAN MANGANESE, LIMITED, being a public company duly registered under the Companies Act, 1926 (hereinafter referred to as "the Company"), of the other part.

WHEREAS the Company has petitioned the Administration to construct, equip, maintain and work a line of railway of a gauge of three feet six inches from Sishen (the terminus of the branch line from Kamfersdam) to a new terminal point on the farm Hotazel in the Division of Kuruman, Province of the Cape of Good Hope, a distance of approximately forty and one quarter miles (hereinafter termed "the railway") for the purpose of conveying traffic to and from an area in which the Company is carrying on, or is otherwise interested in, certain mining operations;

AND WHEREAS the Administration has agreed, if and when authorized by Parliament to do so, to construct, equip, maintain and work the railway, subject to the terms and conditions hereinafter set forth;

NOW, THEREFORE, the parties do hereby agree as follows:

1. Pending the approval and sanction of Parliament, which the Administration proposes to seek as soon as may be practicable after the execution of this Agreement, the obligations of the Administration under this Agreement shall be taken to be provisional only. Should the construction of the railway not be authorized by Parliament within a period of twelve months from the date hereof, this Agreement shall terminate, unless renewed by mutual consent.

2. After the commencement of an Act of Parliament authorizing the construction and equipment of the railway and ratifying and confirming this Agreement, and subject to an appropriation by Parliament of funds for the purpose, the Administration shall proceed with all reasonable expedition to construct and equip the railway: Provided that the Administration shall not be liable for any delay in completing the construction and equipment of the railway owing to any cause whatever over which the Administration has no control.

3. (1) Subject to the approval of Parliament, the Administration shall provide the money necessary for the construction and equipment of the railway estimated to amount to approximately one million two hundred and thirty-two thousand and forty-five pounds (£1,232,045) excluding rolling stock.

(2) The route of the railway and the sites of stations and sidings shall be approximately as shown on the plan appended hereto and signed by both parties: Provided that the Administration may, after consultation with the Company, modify, for engineering exigencies only, the route of the railway and the sites of stations and sidings, subject to any limitation imposed by the statutory authority under which the railway is constructed.

4. (1) The railway shall be constructed and equipped according to the standards adopted by the Administration for other lines of similar type, and shall be constructed with S.A.R. rails of a weight of not less than eighty-one pounds per yard.

(2) For the purpose of this Agreement the cost of construction and equipment of the railway shall comprise all items of expenditure, including interest, chargeable to the railway in accordance with the Administration's usual accounting practice, but excluding the capital cost of locomotives, other rolling stock and any equipment used in connection with rolling stock in the working of the railway after completion.

5. (1) When the railway has been completed and has been certified by the Administration's Chief Civil Engineer as being ready for the conveyance of public traffic, it shall forthwith be opened by the Administration for the conveyance of public traffic.

(2) Subject to the provisions of clause 6, the fares, charges and rates for the conveyance of passengers, parcels, livestock and goods of any description, and for the services incidental thereto, shall be those fixed by the Administration from time to time and applicable generally over its railway system.

(3) Nothing contained in this Agreement shall be deemed to diminish or restrict in any way the Administration's statutory power to fix and alter rates and fares.

6. (1) The Company undertakes, subject to the provisions hereinafter set forth, to hold itself liable for and to pay to the Administration for every ton of 2,000 lbs. of manganese ore, iron ore or other base-mineral traffic consigned by it or on its behalf over the railway or any portion thereof, a special surcharge of ten shillings (10s. 0d) over and above the normal tariff prescribed from time to time in the Official Railway Tariff Book for the conveyance of any such commodity over the Administration's railway system generally. The moneys accruing to the Administration from such special surcharge shall be dealt with in the manner hereinafter provided.

(2) If at any time during the course of a financial year it appears to the Administration that the total tonnage of manganese ore, iron ore and other base-mineral traffic which is likely to be consigned over the railway or any portion thereof during that year by the Company and by the other senders referred to in clause 10, falls short of the tonnage required to produce an amount of two hundred and sixteen thousand pounds (£216,000) in the form of the aforementioned special surcharge, the Administration may, after consultation with the Company, increase the said special surcharge to an amount (not exceeding twenty shillings

Bylae.

VERTALING VAN MEMORANDUM VAN OOREENKOMS TUSSEN DIE REGERING VAN DIE UNIE IN SY ADMINISTRASIE VAN SPOORWEË EN HAWENS, VAN DIE EEN KANT, EN SOUTH AFRICAN MANGANESE, LIMITED, VAN DIE ANDER KANT.

MEMORANDUM VAN OOREENKOMS aangegaan tussen die REGERING VAN DIE UNIE VAN SUID-AFRIKA in sy ADMINISTRASIE VAN SPOORWEË EN HAWENS (hierna „die Administrasie" genoem), hierin verteenwoordig deur die MINISTER VAN VERVOER van die Unie van Suid-Afrika, van die een kant, en SOUTH AFRICAN MANGANESE, LIMITED, 'n openbare maatskappy behoorlik geregistreer kragtens die Maatskappywet, 1926 (hierna „die Maatskappy" genoem), van die ander kant.

NADEMAAL die Maatskappy die Administrasie versoek het om 'n spoorlyn met 'n spoorwydte van drie voet ses duim van Sishen (die eindpunt van die taklyn van Kamfersdam) na 'n nuwe eindpunt op die plaas Hotazel in die afdeling Kuruman, in die provinsie Kaap die Goeie Hoop, 'n afstand van ongeveer veertig-en-'n-kwartmyl (hierna „die spoorlyn" genoem) aan te lê, uit te rus, in stand te hou en te eksploiteer vir die vervoer van verkeer na en van 'n gebied waarin die Maatskappy sekere mynbouwerksaamhede uitvoer of waarby hy andersins belang het;

EN NADEMAAL die Administrasie ingestem het, indien en wanneer deur die Parlement daartoe gemagtig, om die spoorlyn aan te lê, uit te rus, in stand te hou en te eksploiteer, onderworpe aan die bepalings en voorwaardes hierna uiteengesit;

DERHALWE kom die genoemde partye hierby as volg ooreen:

1. Hangende die goedkeuring en magtiging van die Parlement, wat die Administrasie voornemens is om aan te vra so spoedig doenlik nadat hierdie ooreenkoms gesluit is, word die verpligtings van die Administrasie kragtens hierdie ooreenkoms slegs as voorlopig beskou. As die aanleg van die spoorlyn nie binne 'n tydperk van twaalf maande na ondertekening hiervan deur die Parlement goedgekeur word nie, verval hierdie ooreenkoms tensy dit met wedersydse toestemming hernuwe word.

2. Na die inwerkingtreding van 'n Parlementswet wat die aanlê en uitrus van die spoorlyn magtig en hierdie ooreenkoms bekragtig, en onderworpe daaraan dat die Parlement fondse vir die doel beskikbaar stel, moet die Administrasie met alle redelike spoed voortgaan om die spoorlyn aan te lê en uit te rus: Met dien verstande dat die Administrasie nie aanspreeklik is vir vertraging met die voltooiing van die aanleg en met die uitrus van die spoorlyn weens enige oorsaak hoegenaamd waaroor hy geen beheer het nie.

3. (1) Onderworpe aan die goedkeuring van die Parlement verskaf die Administrasie die nodige geld vir die aanlê en uitrus van die spoorlyn waarvan die koste volgens raming ongeveer eenmiljoen tweehonderd twee-en-dertigduisend vyf-en-veertig pond (£1,232,045) sal bedra, met uitsondering van rollende materiaal.

(2) Die roete van die spoorlyn en die ligging van stasies en sylyne moet nagenoeg wees soos aangetoon op die bygaande plan wat deur beide partye onderteken is: Met dien verstande dat die Administrasie, na oorlegpleging met die Maatskappy, die roete van die spoorlyn en die ligging van stasies en sylyne kan wysig slegs om aan die vereistes van ingenieurswerk te voldoen, onderworpe aan enige beperking opgelê deur die wetteregtelike magtiging waarkragtens die spoorlyn aangelê word.

4. (1) Die spoorlyn moet aangelê en uitgerus word ooreenkomstig die standaarde wat deur die Administrasie vir soortgelyke lyne aanvaar is, en moet gebou word met S.A.S.-spoorstawe van 'n gewig van minstens een-en-tagtig pond per jaart.

(2) Vir die doel van hierdie ooreenkoms sluit die koste van die aanlê en uitrus van die spoorlyn alle uitgaweposte in, met inbegrip van rente, wat ooreenkomstig die Administrasie se gewone rekeninggebruik teen die spoorlyn in rekening gebring word, maar uitgesonderd die kapitaalkoste van lokomotiewe, ander rollende materiaal en uitrusting wat in verband met rollende materiaal gebruik word in die eksploitasie van die spoorlyn nadat dit voltooi is.

5. (1) Nadat die spoorlyn voltooi is en die Administrasie se Siviele Hoofingenieur gesertifiseer het dat dit gereed is vir die vervoer van openbare verkeer, moet dit onverwyld deur die Administrasie oopgestel word vir die vervoer van openbare verkeer.

(2) Onderworpe aan die bepalings van klousule 6 is die reisgeld, koste en tariewe vir die vervoer van passasiers, pakkette, lewende hawe en alle soorte goedere en vir aanverwante dienste dieselfde as wat die Administrasie van tyd tot tyd vasstel en wat in die algemeen op sy spoorweë van toepassing is.

(3) Geen bepaling in hierdie ooreenkoms word geag hoegenaamd aan die Administrasie se wetteregtelike bevoegdheid om tariewe en reisgeld vas te stel en te verander afbreuk te doen of dit te beperk nie.

6. (1) Onderworpe aan die bepalings hierna uiteengesit, onderneem die Maatskappy om vir elke ton van 2,000 lb. mangaanerts, ystererts of ander onedele delfstowwe wat deur of ten behoewe van hom oor die spoorlyn of 'n gedeelte daarvan versend word, aanspreeklik te wees vir 'n spesiale ekstrakoste van tien sjielings (10s. 0d.) en om dié spesiale ekstrakoste aan die Administrasie te betaal benewens die gewone tarief wat van tyd tot tyd in die Offisiële Spoorwegtariefboek voorgeskryf word vir die vervoer van sodanige goedere oor die Administrasie se spoorweë in die algemeen. Die gelde wat die Administrasie uit sodanige spesiale ekstrakoste toeval, moet aangewend word soos hierna uiteengesit.

(2) Indien dit te eniger tyd in die loop van 'n boekjaar vir die Administrasie blyk dat die totale tonnemaat mangaanerts, ystererts en ander onedele delfstowwe wat waarskynlik gedurende daardie jaar deur die Maatskappy en die ander afsenders genoem in klousule 10, oor die spoorlyn of 'n gedeelte daarvan versend sal word, nie die tonnemaat haal wat nodig is om 'n bedrag van tweehonderd-en-sestienduisend pond (£216,000) by wyse van die voormelde spesiale ekstrakoste op te lewer nie, kan die Administrasie na oorlegpleging met die Maatskappy die spesiale ekstrakoste verhoog tot 'n bedrag van hoogstens twintig sjie-

(20s. 0d.) per ton) which will, as nearly as may be, produce in the aggregate the aforementioned sum of two hundred and sixteen thousand pounds during that year. Such increased surcharge shall become effective with respect to all consignments offered for conveyance on or after a date prospectively fixed by the Administration by notice in writing to the Company, and shall remain in force for the unexpired portion of the financial year in question.

7. (1) From the date of opening of the railway for public traffic and for each financial year thereafter for as long as is required in terms of clause 9 of this Agreement, the Administration shall prepare and maintain accounts to indicate the results of working the railway, and a copy of each annual statement shall be supplied to the Company at its office in Johannesburg as soon as practicable after the close of each financial year. The accounts shall be prepared in accordance with the Administration's usual accounting practice and the annual statement shall give particulars of revenue and expenditure and shall indicate the rates of depreciation and interest charges applied on the capital cost of construction and equipment: Provided that for the purpose of calculating such working results, any amount derived from the aforementioned special surcharge paid by the Company and the other senders referred to in clause 10, shall not be regarded as forming part of the revenue earned by the railway, and provided further that for the said purpose any amount by which the Administration has, in terms of clause 8, reimbursed itself for the capital cost of construction and equipment of the railway, shall be taken into account to the extent that interest charges shall be raised only on the remaining balance of the said capital cost.

(2) If the results of the working of the railway in any one year, calculated as provided in sub-clause (1) of this clause, show a surplus, the Company shall have no claim to receive payment thereof but such surplus shall be retained by the Administration and shall be applied towards making good, as far as may be, any loss that may be sustained in the working of the railway in any subsequent year.

(3) If the results of the working of the railway in any one year show a loss, as assessed by the Administration in accordance with its usual accounting practice, such loss shall be defrayed—

(*a*) from any surplus that resulted from the working of the railway in any previous year, to the extent to which such surplus has not already been applied towards making good a loss sustained in any other year, and if such surplus is not sufficient to defray such loss in full, then

(*b*) from the moneys theretofore paid to the Administration by the Company and the other senders referred to in clause 10 by way of the aforementioned special surcharge, to the extent to which such moneys have not already been applied towards making good a loss sustained in any previous year or in reimbursement of capital expenditure as provided for in clause 8.

In the event that the moneys referred to in paragraphs (*a*) and (*b*) above are insufficient to defray the full amount of such loss, the Company undertakes to make good the difference to the Administration within thirty (30) days after it has been notified by the Administration of the amount of such difference.

(4) The depreciation charges referred to in sub-clause (1) of this clause shall be assessed at the normal rates applicable to the Administration's assets, and the interest charges referred to in sub-clause (2) of clause 4 and sub-clause (1) of this clause shall be assessed at the average rate determined by the Administration in accordance with its usual procedure and shall not be specifically loaded against the railway.

8. If the full amount of any loss sustained by the Administration in the working of the railway during any financial year has been defrayed in terms of sub-clause (3) of clause 7, so much of any moneys theretofore paid to the Administration in the form of the aforementioned special surcharge by the Company and the other senders referred to in clause 10, as has not been utilized for the purpose of defraying such loss, shall be applied by the Administration to reimburse itself to that extent for the capital cost of construction and equipment of the railway.

9. (1) Notwithstanding that in accordance with clause 8, the Administration may have reimbursed itself the full capital cost of construction and equipment of the railway, the liability of the Company and the other senders referred to in clause 10 for the payment of the aforementioned special surcharge shall continue until such time as a further amount of four hundred and fifty thousand pounds (£450,000), after making provision for any working losses in terms of sub-clause (3) of clause 7, has accrued to the Administration therefrom, the intention being that this amount shall serve as an indemnity to the Administration against any losses that may thereafter be sustained in the working of the railway. It is agreed, however, that even if no such losses be in fact sustained, the Company shall have no claim to repayment of any portion of the said amount.

(2) As soon as practicable after it shall have appeared from the monthly accounts pertaining to the working of the railway, that the aforesaid net amount of four hundred and fifty thousand pounds has accrued to it, the Administration shall notify the Company that the payment of the special surcharge shall be discontinued as from a date to be specified in the notice, which date shall coincide with the date of withdrawal of the surcharge imposed in the Official Railway Tariff Book upon other senders in terms of clause 10.

(3) As soon as practicable after the preparation of the statement showing the working results of the railway for the financial year in which the said surcharge is withdrawn as aforesaid, the Administration shall repay to the Company and the other senders referred to in clause 10, the balance of the amount (after deduction of any working loss which may be brought to account in terms of sub-clause (3) of clause 7) that was paid by them by way of surcharge over and above the said net sum of four hundred and fifty thousand pounds (£450,000). Such repayment shall be made to the Company and the other senders afore-

lings (20s. 0d.) per ton, wat so na as moontlik die totale voormelde bedrag van tweehonderd-en-sestienduisend pond gedurende daardie jaar sal oplewer. Sodanige verhoogde ekstrakoste sal in werking tree ten aansien van alle besendings wat vir vervoer aangebied word op of na 'n datum wat vooruit deur die Administrasie bepaal word by wyse van skriftelike kennisgewing aan die Maatskappy, en bly van krag vir die onverstreke tydperk van die betrokke boekjaar.

7. (1) Van die datum waarop die spoorlyn vir openbare verkeer oopgestel word en vir elke daaropvolgende boekjaar solank as wat dit ooreenkomstig klousule 9 van hierdie ooreenkoms nodig is, moet die Administrasie rekenings opstel en hou om die bedryfsresultate van die spoorlyn aan te toon, en 'n afskrif van elke jaarstaat moet so spoedig doenlik na die afsluiting van elke boekjaar aan die Maatskappy op sy kantoor in Johannesburg verstrek word. Die rekenings moet opgestel word ooreenkomstig die Administrasie se gewone rekeninggebruik, en die jaarstaat moet besonderhede verstrek van inkomste en uitgawe, en die waardeverminderingstarief asook die rentekoste aantoon wat op die kapitaalkoste van die aanlê en uitrus toegepas word: Met dien verstande dat, vir die doel van die berekening van sodanige bedryfsresultate, 'n bedrag wat verkry word uit die voormelde spesiale ekstrakoste wat betaal word deur die Maatskappy en die ander afsenders genoem in klousule 10, nie beskou moet word as deel van die inkomste wat deur die spoorlyn verdien is nie; en met dien verstande voorts dat vir die gemelde doel 'n bedrag waarmee die Administrasie homself kragtens klousule 8 vergoed het vir die kapitaalkoste van die aanlê en uitrus van die spoorlyn, in dié mate in aanmerking geneem moet word dat rentekoste slegs op die restant van die genoemde kapitaalkoste gehef moet word.

(2) As die bedryfsresultate van die spoorlyn vir een of ander boekjaar, bereken soos bepaal in sub-klousule (1) van hierdie klousule, 'n surplus toon, het die Maatskappy geen aanspraak daarop nie, maar sodanige surplus word deur die Administrasie behou en aangewend om sover moontlik enige verlies te bestry wat gedurende 'n daaropvolgende jaar in die eksploitasie van die spoorlyn gely mag word.

(3) Indien die bedryfsresultate van die spoorlyn vir een of ander boekjaar 'n verlies toon, soos deur die Administrasie bereken ooreenkomstig sy gewone rekeninggebruik, moet sodanige verlies bestry word—

(*a*) uit 'n surplus wat gedurende 'n vorige boekjaar uit die eksploitasie van die spoorlyn ontstaan het, vir sover sodanige surplus nie alreeds aangewend is om 'n verlies vir 'n ander jaar te bestry nie; en indien sodanige surplus nie voldoende is om die verlies ten volle te bestry nie, dan

(*b*) uit die gelde wat vroeër deur die Maatskappy en die ander afsenders genoem in klousule 10, aan die Administrasie betaal is by wyse van die voormelde spesiale ekstrakoste, vir sover sodanige geld nie alreeds gebruik is nie om 'n verlies te bestry wat in 'n vorige jaar gely is, of vir die terugbetaling van die kapitaaluitgawe soos in klousule 8 bepaal.

As die gelde in paragrawe (*a*) en (*b*) hierbo bedoel, nie voldoende is om sodanige verlies ten volle te bestry nie, onderneem die Maatskappy om die verskil aan die Administrasie te betaal binne dertig (30) dae na die datum waarop die Maatskappy deur die Administrasie van die bedrag van sodanige verskil in kennis gestel is.

(4) Die waardeverminderingskoste genoem in sub-klousule (1) van hierdie klousule, moet bereken word teen die gewone skaal wat op die Administrasie se bates van toepassing is, en die rentekoste gemeld in sub-klousule (2) van klousule 4 en sub-klousule (1) van hierdie klousule, moet bereken word teen die gemiddelde koers wat deur die Administrasie bepaal word ooreenkomstig die gewone prosedure, en moet nie spesifiek teen die spoorlyn verhoog word nie.

8. As die volle bedrag van 'n verlies wat die Administrasie gedurende 'n boekjaar met die eksploitasie van die spoorlyn gely het, ooreenkomstig die bepalings van sub-klousule (3) van klousule 7 bestry is, moet daardie gedeelte van die gelde vroeër deur die Maatskappy en die ander afsenders genoem in klousule 10 by wyse van die voormelde spesiale ekstrakoste aan die Administrasie betaal wat nie gebruik is om sodanige verlies te bestry nie, deur die Administrasie aangewend word om homself in daardie mate te vergoed vir die kapitaalkoste van die aanlê en uitrus van die spoorlyn.

9. (1) Al het die Administrasie hom ook ooreenkomstig klousule 8 die volle kapitaalkoste van die aanlê en uitrus van die spoorlyn vergoed, duur die aanspreeklikheid van die Maatskappy en die ander afsenders genoem in klousule 10 vir die betaling van die voormelde spesiale ekstrakoste voort totdat 'n verdere bedrag van vierhonderd-en-vyftigduisend pond (£450,000) die Administrasie daaruit toegeval het nadat voorsiening gemaak is vir die bestryding van bedryfsverliese ooreenkomstig sub-klousule (3) van klousule 7. Terwyl dit die bedoeling van die partye is dat hierdie bedrag moet dien om die Administrasie te vrywaar teen verliese wat daarna met die eksploitasie van die spoorlyn gely mag word, word daar nietemin ooreengekom dat, selfs al word sodanige verliese nie gely nie, die Maatskappy geen aanspraak op die terugbetaling van enige gedeelte van die genoemde bedrag het nie.

(2) So spoedig doenlik nadat dit uit die maandelikse rekenings met betrekking tot die eksploitasie van die spoorlyn blyk dat die voormelde netto bedrag van vierhonderd-en-vyftigduisend pond die Administrasie toegeval het, moet die Administrasie die Maatskappy in kennis stel dat die betaling van die spesiale ekstrakoste gestaak moet word vanaf 'n datum wat in die kennisgewing aangedui moet word, en hierdie datum moet saamval met die datum van opheffing van die ekstrakoste wat kragtens die Offisiële Spoorwegtariefboek op ander afsenders van toepassing is soos bepaal in klousule 10.

(3) So spoedig doenlik nadat die staat opgestel is wat die bedryfsresultate van die spoorlyn toon vir die boekjaar waarin die genoemde ekstrakoste opgehef is soos voormeld, moet die Administrasie aan die Maatskappy en die ander afsenders genoem in klousule 10, die saldo terugbetaal van die bedrag (na aftrekking van alle bedryfsverliese wat ooreenkomstig sub-klousule (3) van klousule 7 in rekening gebring mag word) wat hulle aan ekstrakoste meer betaal het as die gemelde netto bedrag van vierhonderd-en-vyftigduisend pond (£450,000). Sodanige terugbetaling geskied aan die Maatskappy en die ander betrokke afsenders

mentioned *pro rata* to the tonnage of traffic, on which the said special surcharge was levied, that was consigned by each of them after the date on which (or, if it is not possible to determine the exact date, then after the end of the month in which) the aforesaid net sum of four hundred and fifty thousand pounds had accrued to the Administration.

(4) As from the end of the financial year in which the special surcharge is withdrawn as aforesaid, no further obligation shall rest upon the Administration to prepare and maintain the financial statements referred to in clause 7, or to consult the Company in terms of clause 12, nor shall any further liability attach to the Company to compensate the Administration for any losses thereafter sustained in the working of the railway.

10. The Administration undertakes that during such time as the Company remains bound to pay the special surcharge of ten shillings per ton, or any higher surcharge referred to in sub-clause (2) of clause 6, it will make provision in the Official Railway Tariff Book for the payment of a like surcharge on all manganese ore, iron ore or other base-mineral traffic consigned over the railway or any portion thereof by any other senders, and that all moneys derived from such surcharge will be dealt with as provided in clauses 7, 8 and 9 of this Agreement.

11. Nothing in this Agreement contained shall be construed as authorizing or requiring the Administration to levy the special surcharge referred to in clause 6 on any base-mineral traffic consigned over the railway or any portion thereof—

(*a*) by the Administration or by any person (including the Company) acting on the instructions of the Administration, if such traffic is intended for use by the Administration for the purposes of its functions or undertaking, whether in connection with the working of the railway or otherwise;

(*b*) by any person (including the Company) if such traffic is intended for use by any contractor, or by any sub-contractor to such contractor, in the carrying out of any work, whether on the railway or elsewhere, which such contractor has undertaken to carry out for or on behalf of the Administration.

12. There shall be no restriction on the running powers of the Administration in respect of any class of traffic whatever over the railway, and the Administration may construct any line or lines of railway and consent to the construction of private sidings in continuation of or as a branch from the railway: Provided that before constructing any such line of railway or consenting to the construction of any such private siding, the Administration shall consult the Company and shall take into consideration any representations that the Company may make with respect thereto.

SIGNED for and on behalf of the UNION GOVERNMENT in its Railways and Harbours Administration at Cape Town on this the 8th day of June, 1959.

As Witnesses:

1. (Sgd.) P. J. CONRADIE.
2. (Sgd.) D. M. J. BUTLER.

(Sgd.) B. J. SCHOEMAN,
Minister of Transport.

SIGNED for and on behalf of SOUTH AFRICAN MANGANESE, LIMITED, at Pretoria on this the 4th day of June, 1959, under the authority of a resolution of the Board of Directors dated the 2nd day of June, 1959.

As Witnesses:

1. (Sgd.) C. J. DANNHAUSER.

(Sgd.) R. DYASON,
Director, South African Manganese, Limited.

2. (Sgd.) P. GOWDY.

(Sgd.) G. N. SMETHERHAM,
African Metals Corporation, Limited. Secretaries.
Directors.

op 'n *pro rata*-grondslag volgens die tonnemaat verkeer, waarop die gemelde spesiale ekstrakoste gehef is, wat deur elkeen van hulle versend is ná die datum waarop (of, indien dit nie moontlik is om die juiste datum vas te stel nie, dan ná die end van die maand waarin) die gemelde netto bedrag van vierhonderd-en-vyftigduisend pond die Administrasie toegeval het.

(4) Vanaf die end van die boekjaar waarin die spesiale ekstrakoste opgehef word soos hierbo bepaal, is die Administrasie nie langer verplig om die finansiële state genoem in klousule 7, op te stel en te hou nie, of om die Maatskappy ooreenkomstig klousule 12 te raadpleeg nie, en is die Maatskappy ook nie langer daarvoor aanspreeklik om die Administrasie vir verliese te vergoed wat daarna in die eksploitasie van die spoorlyn gely word nie.

10. Die Administrasie onderneem om so lank as wat die Maatskappy onder verpligting bly om die spesiale ekstrakoste van tien sjielings per ton, of 'n hoër ekstrakoste soos genoem in sub-klousule (2) van klousule 6, te betaal, voorsiening in die Offisiële Spoorwegtariefboek te maak vir die betaling van 'n dergelike ekstrakoste op alle mangaanerts, ystererts of ander onedele delfstowwe wat deur ander afsenders oor die spoorlyn of 'n gedeelte daarvan versend word, en dat alle gelde wat uit sodanige ekstrakoste verkry word, volgens voorskrif van klousules 7, 8 en 9 van hierdie ooreenkoms bestee sal word.

11. Geen bepaling in hierdie ooreenkoms moet vertolk word nie asof dit die Administrasie magtig of van hom vereis om die spesiale ekstrakoste genoem in klousule 6, te hef op onedele delfstowwe wat oor die spoorlyn of 'n gedeelte daarvan versend word—

(*a*) deur die Administrasie of deur 'n persoon (met inbegrip van die Maatskappy) wat handel in opdrag van die Administrasie, as sodanige verkeer bedoel is vir gebruik deur die Administrasie vir die doel van sy funksies of onderneming, hetsy in verband met die eksploitasie van die spoorlyn of andersins;

(*b*) deur enige persoon (met inbegrip van die Maatskappy) as sodanige verkeer bedoel is vir gebruik deur 'n kontrakteur, of deur 'n subkontrakteur van so 'n kontrakteur, in die uitvoering van werk, hetsy op die spoorlyn of elders, wat so 'n kontrakteur onderneem het om vir of ten behoewe van die Administrasie uit te voer.

12. Daar rus geen beperking op die Administrasie se bedryfsbevoegdheid ten opsigte van enige soort verkeer hoegenaamd oor die spoorlyn nie, en die Administrasie kan enige spoorlyn of -lyne aanlê en toestemming verleen vir die aanlê van private sylyne as 'n verlenging of vertakking van die spoorlyn: Met dien verstande dat alvorens sodanige spoorlyne aan te lê of toestemming vir die aanlê van sodanige private sylyne te verleen, die Administrasie die Maatskappy moet raadpleeg en alle vertoë in aanmerking moet neem wat die Maatskappy in verband daarmee mag indien.

GETEKEN namens en ten behoewe van die UNIEREGERING in sy Administrasie van Spoorweë en Hawens in Kaapstad op die 8ste dag van Junie 1959.

Getuies:

1. (Get.) P. J. CONRADIE.

2. (Get.) D. M. J. BUTLER.

(Get.) B. J. SCHOEMAN,
Minister van Vervoer.

GETEKEN namens en ten behoewe van SOUTH AFRICAN MANGANESE, LIMITED, in Pretoria op die 4de dag van Junie 1959, kragtens 'n besluit van die Raad van Direkteure gedateer die 2de dag van Junie 1959.

Getuies:

1. (Get.) C. J. DANNHAUSER.

2. (Get.) P. GOWDY.

1. (Get.) R. DYASON,
Direkteur, South African Manganese, Limited.

2. (Get.) G. N. SMETHERHAM,
African Metals Corporation, Limited. Sekretarisse.

Direkteure.

No. 54, 1959.]

ACT

To Consolidate the laws relating to "Die Suid-Afrikaanse Akademie vir Wetenskap en Kuns".

(*Afrikaans text signed by the Governor-General.*)
(*Assented to 26th June*, 1959.)

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) "Academy" means "Die Suid-Afrikaanse Akademie vir Wetenskap en Kuns" referred to in section *two*; (i)
(ii) "council" means the council of the Academy elected in accordance with the rules; (iii)
(iii) "general meeting" means a general meeting of the members of the Academy lawfully constituted and acting in accordance with the rules; (ii)
(iv) "rule" means a rule made under this Act. (iv)

Corporate capacity of the Academy.

2. The institution incorporated by the "Zuidafrikaanse Akademie voor Taal, Letteren en Kunst (Private) Act, 1921" (Act No. 23 of 1921), and known as "Die Suid-Afrikaanse Akademie vir Wetenskap en Kuns" shall, under that name, continue to exist as a body corporate with perpetual succession and capable of suing and being sued in its corporate name.

Members of the Academy.

3. (1) The members of the Academy shall, subject to the rules, be elected from persons who are interested in the objects of the Academy.

(2) All persons who, immediately prior to the commencement of this Act, were members of the Academy shall be deemed to have been duly elected in accordance with the rules.

Objects of the Academy.

4. The objects of the Academy shall be the maintenance and promotion of the Afrikaans and the Dutch languages and literature and of science and South African history, archaeology and art.

Powers of the Academy.

5. (1) The Academy may, in order to give effect to the purposes of this Act—

(*a*) acquire any rights and privileges which it considers necessary or convenient for the purpose of achieving its objects;
(*b*) make donations for promoting its objects;
(*c*) purchase, take on lease or in exchange, hire or otherwise acquire any movable or immovable property, and erect any building required to achieve its objects;
(*d*) invest its funds upon such security as it may from time to time determine;
(*e*) raise or borrow money in such manner as it deems fit, including by mortgage bonds or by the issue of debentures secured by mortgage bonds upon all or any of its property, both present and future, but against no other security than the assets of the Academy;
(*f*) sell, hire out, improve, lease, mortgage, dispose of or alienate or otherwise deal with all or any of the property of the Academy;
(*g*) appoint, fix the remuneration of and discharge officers of the Academy; and
(*h*) do all such things as are conducive to the attainment of its objects.

(2) The Academy may, subject to the provisions of this Act, make rules as to—

(*a*) the number of members of the Academy;
(*b*) the election of new members of the Academy;

No. 54, 1959.]

WET

Tot samevatting van die wetsbepalings met betrekking tot Die Suid-Afrikaanse Akademie vir Wetenskap en Kuns.

(*Afrikaanse teks deur die Goewerneur-generaal geteken.*)
(*Goedgekeur op* 26 *Junie* 1959.)

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

Woord-omskrywing.

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

(i) „Akademie", Die Suid-Afrikaanse Akademie vir Wetenskap en Kuns in artikel *twee* vermeld; (i)

(ii) „algemene vergadering", 'n algemene vergadering van die lede van die Akademie wat wettiglik saamgestel is en ooreenkomstig die statute optree; (iii)

(iii) „raad", die volgens die satute verkose raad van die Akademie; (ii)

(iv) „statuut", 'n kragtens hierdie Wet uitgevaardigde statuut. (iv)

Regspersoonlikheid van die Akademie.

2. Die instelling wat by die „Zuidafrikaanse Akademie voor Taal, Letteren en Kunst (Private) Wet, 1921" (Wet No. 23 van 1921), met regspersoonlikheid beklee is, en wat bekend staan as Die Suid-Afrikaanse Akademie vir Wetenskap en Kuns, hou aan om, onder daardie naam, voort te bestaan as 'n regspersoon met ewigdurende regsopvolging en met bevoegdheid om in sy naam as regspersoon as eiser en verweerder in regte op te tree.

Lede van die Akademie.

3. (1) Die lede van die Akademie word, behoudens die statute, gekies uit persone wat belangstel in die oogmerke van die Akademie.

(2) Al die persone wat onmiddellik voor die inwerkingtreding van hierdie Wet lede van die Akademie was, word geag behoorlik ooreenkomstig die statute verkies te gewees het.

Oogmerke van die Akademie.

4. Die oogmerke van die Akademie is: die handhawing en bevordering van die Afrikaanse en die Hollandse taal en letterkunde, en van die wetenskap en die Suid-Afrikaanse geskiedenis, oudheidkunde en kuns.

Bevoegdhede van die Akademie.

5. (1) Die Akademie kan, ten einde aan die doel van hierdie Wet gevolg te gee—

(*a*) enige regte en voorregte verkry wat hy vir die bereiking van sy oogmerke nodig of nuttig ag;

(*b*) skenkings maak met die doel om sy oogmerke te bevorder;

(*c*) enige roerende of onroerende goed koop, in pag of in ruil neem, huur of op ander wyse verkry, en enige gebou wat vir die bereiking van sy oogmerke nodig is, oprig;

(*d*) sy fondse belê teen die sekuriteit waarop hy van tyd tot tyd mag besluit;

(*e*) geld opneem of leen op sodanige wyse as wat hy goed dink, insluitende deur middel van verbande of die uitgifte van obligasies wat versekureer is deur verbande oor al sy eiendom, sowel bestaande as toekomstige, of enige deel daarvan, maar teen geen ander sekuriteit as die bates van die Akademie nie;

(*f*) die eiendom van die Akademie of enige deel daarvan, verkoop, verbeter, verhuur, met verband beswaar, van die hand sit of vervreem of op ander wyse daaroor beskik;

(*g*) beamptes van die Akademie aanstel, hulle besoldiging vasstel en hulle ontslaan; en

(*h*) alles doen wat vir die bereiking van sy oogmerke bevorderlik is.

(2) Die Akademie kan, behoudens die bepalings van hierdie Wet, statute uitvaardig betreffende—

(*a*) die getal lede van die Akademie;

(*b*) die verkiesing van nuwe lede van die Akademie;

(*c*) the quorum and procedure at a general meeting;
(*d*) the constitution of the council;
(*e*) the election of members of the council;
(*f*) the terms of office of members of the council,

and generally for the better carrying into effect of the objects of the Academy.

(3) No rule shall be of force unless and until it has been approved by the Governor-General and published in the *Gazette*.

Head Office of the Academy.

6. The head office of the Academy shall be at Pretoria or at such other place in the Union as the Academy in general meeting may from time to time determine.

Management and control of affairs and property vested in the council.

7. (1) The management and the control of the affairs of the Academy and of the movable and immovable property belonging to or accruing to the Academy shall be vested in the council: Provided that no agreement for the purchase, sale, exchange or mortgage of any immovable property or for the erection of any building or for the disposal or alienation of the library of the Academy shall be binding unless and until confirmed by the vote of two-thirds of the members of the Academy who are present at a general meeting.

(2) Any order, notice or other document which is required to be executed by the council shall be deemed to have been properly executed if it is signed by the chairman or the vice-chairman or a member of the council authorized thereto by a special resolution of the council.

Repeal of Acts 23 of 1921 and 8 of 1942.

8. (1) Subject to the provisions of sub-sections (2) and (3), the "Zuidafrikaanse Akademie voor Taal, Letteren en Kunst (Private) Act, 1921", and the "Suid-Afrikaanse Akademie vir Wetenskap en Kuns (Private) Act, 1942", are hereby repealed.

(2) Anything done under or by virtue of any provision of a law repealed by sub-section (1) shall be deemed to have been done under or by virtue of the corresponding provision of this Act.

(3) The provisions of the proviso to section *ten* of the "Zuidafrikaanse Akademie voor Taal, Letteren en Kunst (Private) Act, 1921", shall continue to apply with reference to the funds referred to in that proviso as if that Act had not been repealed.

Short title.

9. This Act shall be called the Suid-Afrikaanse Akademie vir Wetenskap en Kuns Act, 1959.

(*c*) die kworum en prosedure by 'n algemene vergadering;
(*d*) die samestelling van die raad;
(*e*) die verkiesing van lede van die raad;
(*f*) die ampsduur van lede van die raad,

en in die algemeen om beter gevolg te kan gee aan die oogmerke van die Akademie.

(3) Geen statuut is van krag tensy en totdat dit deur die Goewerneur-generaal goedgekeur en in die *Staatskoerant* afgekondig is nie.

Hoofkantoor van die Akademie.

6. Die hoofkantoor van die Akademie is op Pretoria of op sodanige ander plek in die Unie as wat die Akademie by algemene vergadering van tyd tot tyd mag bepaal.

Bestuur van en beheer oor sake en eiendom berus by die raad.

7. (1) Die bestuur van en die beheer oor die sake van die Akademie en die roerende en onroerende goed wat aan die Akademie behoort of toeval, berus by die raad: Met dien verstande dat geen ooreenkoms vir die koop, verkoop, ruil of met verband beswaar van onroerende goed of vir die oprigting van 'n gebou of vir die van die hand sit of vervreemding van die biblioteek van die Akademie bindend sal wees nie tensy en totdat dit deur die stemme van twee-derdes van die lede van die Akademie wat by 'n algemene vergadering aanwesig is, bekragtig word.

(2) Enige order, kennisgewing of ander stuk wat deur die raad verly moet word, word geag behoorlik verly te gewees het as dit deur die voorsitter of die ondervoorsitter of 'n lid van die raad wat deur 'n spesiale besluit van die raad daartoe gemagtig is, onderteken is.

Herroeping van Wette 23 van 1921 en 8 van 1942.

8. (1) Behoudens die bepalings van sub-artikels (2) en (3), word die „Zuidafrikaanse Akademie voor Taal, Letteren en Kunst (Private) Wet, 1921", en die Private Wet op die Suid-Afrikaanse Akademie vir Wetenskap en Kuns, 1942, hierby herroep.

(2) Enigiets gedoen kragtens of uit hoofde van 'n bepaling van 'n wet by sub-artikel (1) herroep, word geag kragtens of uit hoofde van die ooreenstemmende bepaling van hierdie Wet gedoen te gewees het.

(3) Die bepalings van die voorbehoudsbepaling by artikel *tien* van die „Zuidafrikaanse Akademie voor Taal, Letteren en Kunst (Private) Wet, 1921", hou aan om van toepassing te wees met betrekking tot die in daardie voorbehoudsbepaling bedoelde fondse asof daardie Wet nie herroep was nie.

Kort titel.

9. Hierdie Wet heet die Wet op die Suid-Afrikaanse Akademie vir Wetenskap en Kuns, 1959.

No. 55, 1959.]

ACT

To consolidate the laws providing for the establishment of a commission and of Native councils with a view to facilitating the administration of Native affairs.

(*English text signed by the Governor-General.*)
(*Assented to 26th June*, 1959.)

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) "commission" means the Native Affairs Commission established in terms of section *two*; (i)

(ii) "local council" means a local council established in terms of section *five*; (iii)

(iii) "Minister" means the Minister of Bantu Administration and Development. (ii)

Establishment of Native Affairs Commission.

2. (1) The Governor-General may establish a commission to be known as the Native Affairs Commission.

(2) The commission shall consist of the Minister who shall be chairman, or alternatively to him, a fit and proper person designated by the said Minister to be deputy chairman in his absence from any meeting of the commission, of the administrator of the territory of South-West Africa, and of not less than three nor more than five other members.

(3) The names of the members of the commission shall be published in the *Gazette*.

(4) Notwithstanding anything to the contrary in the South Africa Act, 1909, a member of either House of Parliament may be appointed a member of the commission and though he receives remuneration as such he shall not thereby be deemed to hold an office of profit under the Crown within the Union.

(5) The chairman or the deputy chairman when presiding at a meeting of the commission shall have a deliberative as well as a casting vote.

Functions and duties of commission.

3. (1) The functions and duties of the commission shall include the consideration of any matter relating to the general conduct of the administration of Native affairs, or to legislation in so far as it may affect the Native population (other than matters of departmental administration), and the submission to the Minister of its recommendations on any such matter.

(2) The commission shall also consider, and make recommendations with regard to, any matter of administrative routine submitted to it by direction of the Minister.

(3) The Minister may in his discretion and subject to such conditions as he may deem fit, assign to a member of the commission any of the powers, duties or functions conferred or imposed upon him under any law.

Divergence of view between commission and Minister or Governor-General and between members of commission.

4. (1) If in regard to any matter the Minister does not accept the recommendation of the commission or takes any action contrary thereto, the commission may require that such matter, together with a memorandum of its views thereon, be submitted to the Governor-General, and thereupon, if the Governor-General does not accept the commission's recommendation the commission may request that all papers relative to the matter be laid before both Houses of Parliament, and if such request is made the Minister shall lay such papers before both Houses.

(2) Where a question has been decided by the casting vote of the chairman or the deputy chairman at any meeting of the commission, any member who dissented from the decision of the commission may request that his views, as stated by him in

No. 55, 1959.]

WET

Tot samevatting van die wette wat voorsiening maak vir die instelling van 'n kommissie en Naturellerade ten einde die administrasie van Naturellesake te vergemaklik.

(*Engelse teks deur die Goewerneur-generaal geteken.*)
(*Goedgekeur op* 26 *Junie* 1959.)

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

Woordbepalings.

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

(i) „kommissie" die Naturellesakekommissie wat ingevolge artikel *twee* ingestel is; (i)

(ii) „Minister" die Minister van Bantoe-administrasie en -ontwikkeling; (iii)

(iii) „plaaslike raad" 'n plaaslike raad wat ingevolge artikel *vyf* ingestel is. (ii)

Instelling van Naturellesake-kommissie.

2. (1) Die Goewerneur-generaal kan 'n kommissie met die naam die Naturellesakekommissie instel.

(2) Die kommissie moet bestaan uit die Minister wat die voorsitter sal wees, of, in sy plek, 'n geskikte persoon wat deur genoemde Minister aangewys word om by sy afwesigheid van 'n vergadering van die kommissie as plaasvervangende voorsitter op te tree, die Administrateur van die gebied Suidwes-Afrika en nie minder as drie of meer as vyf ander lede nie.

(3) Die name van die lede van die kommissie moet in die *Staatskoerant* gepubliseer word.

(4) Ondanks andersluidende bepalings van die „Zuid-Afrika Wet, 1909", kan 'n lid van enige Huis van die Parlement as 'n lid van die kommissie aangestel word, en hoewel hy as sodanig vergoeding ontvang, word hy nie daardeur geag 'n winsbetrekking onder die Kroon in die Unie te beklee nie.

(5) Wanneer die voorsitter of plaasvervangende voorsitter op 'n vergadering van die kommissie voorsit, het hy 'n beraadslagende sowel as 'n beslissende stem.

Werksaamhede en pligte van kommissie.

3. (1) Die werksaamhede en pligte van die kommissie sluit in die oorweging van enige aangeleentheid betreffende die algemene behartiging van die administrasie van Naturellesake of betreffende wetgewing vir sover dit die Naturellebevolking raak (uitgesonderd aangeleenthede van departementele administrasie), en die voorlegging aan die Minister van sy aanbevelings ten opsigte van enige sodanige aangeleentheid.

(2) Die kommissie moet ook enige kwessie van administratiewe roetine wat op las van die Minister aan hom voorgelê word, oorweeg en aanbevelings daaromtrent doen.

(3) Die Minister kan na goeddunke en onderworpe aan die voorwaardes wat hy goedvind, 'n bevoegdheid, plig of funksie wat kragtens 'n wet aan hom verleen of opgedra is, aan 'n lid van die kommissie oordra.

Verskil van mening tussen kommissie en Minister of Goewerneur-generaal en tussen lede van kommissie.

4. (1) Indien die Minister met betrekking tot 'n aangeleentheid nie die aanbeveling van die kommissie aanvaar nie of stappe doen wat in stryd daarmee is, kan die kommissie eis dat dié aangeleentheid tesame met 'n memorandum van die kommissie se beskouings daaroor, aan die Goewerneur-generaal voorgelê word, en indien die Goewerneur-generaal daarop nie die kommissie se aanbeveling aanvaar nie, kan die kommissie versoek dat alle stukke met betrekking tot die aangeleentheid aan beide Huise van die Parlement voorgelê word, en indien so 'n versoek gerig word, moet die Minister dié stukke aan beide Huise voorlê.

(2) Indien 'n saak op 'n vergadering van die kommissie deur die beslissende stem van die voorsitter of plaasvervangende voorsitter beslis is, kan 'n lid wat nie met die beslissing van die kommissie ingestem het nie, versoek dat sy beskouings soos skriftelik deur hom uiteengesit, aangeteken en aan beide Huise

writing, shall be recorded and laid before both Houses of Parliament, and if such request is made, the Minister shall lay the record of such member's views before both Houses.

Establishment of local councils for Native areas.

5. (1) The Governor-General may on the recommendation of the commission establish a local council for the whole or any portion of any Native area which has been or may hereafter be set aside as such by Parliament, or for any area adjoining any existing Native area, which the Governor-General may by proclamation in the *Gazette* declare to be a Native area for the purposes of this section.

(2) Each local council shall consist of such number of members, and shall exercise control over such area, as may be prescribed by the Governor-General by proclamation in the *Gazette*.

(3) All the members of a local council shall be Natives, but the Minister may designate an officer in the public service to preside at the meetings of any such council and generally to act in an advisory capacity in regard to it.

Powers of local councils.

6. (1) A local council may, within the area for which it is established, provide—

(*a*) for the construction and maintenance of roads, drains, dams and furrows and for the prevention of erosion;

(*b*) for an improved water supply;

(*c*) for the suppression of diseases of stock by the construction and maintenance of dipping tanks and in any other manner whatsoever;

(*d*) for the destruction of noxious weeds;

(*e*) for a suitable system of sanitation;

(*f*) for the establishment of hospitals;

(*g*) for improvement in methods of agriculture;

(*h*) for afforestation;

(*i*) for educational facilities,

and generally for any such purposes which can be regarded as proper to local administration, as may be committed to it by direction of the Governor-General.

(2) A local council may acquire and hold land or an interest in land for carrying out any of the purposes mentioned in sub-section (1), or for any purpose committed to it under that sub-section.

Duties of local councils.

7. Each local council shall advise the commission in regard to any matter in so far as it may affect the general interests of the Natives represented by such council, and shall furnish its views upon any matter upon which the Minister or the commission may request its advice.

Bye-laws by local councils.

8. (1) Each local council may make bye-laws in regard to any matter referred to in, or committed to it under, section *six*, and may prescribe the fees which shall be payable for any service rendered, or the rates which shall be payable by any specified class of persons in respect of services made available by such council.

(2) No bye-law made under sub-section (1) shall be of force and effect until it has been approved by the Governor-General and published in the *Gazette*, and the Governor-General may, before approving a bye-law, amend it or add to it other bye-laws, or rescind existing bye-laws.

(3) If a local council fails to make bye-laws in regard to any matter referred to in sub-section (1), or to prescribe fees payable for any service rendered by such council or rates payable by any specified class of persons in respect of services made available by such council, the Minister may, after a local enquiry held in public by an officer in the public service designated by him for that purpose, at which the local council concerned shall be entitled to be heard, by notice in writing require such local council to make bye-laws in respect of any such matter or to prescribe such fees or rates, and if that local council fails to make such bye-laws or prescribe such fees or rates, or to submit such bye-laws for the approval of the Governor-General under sub-section (2), within a period of six months from the date of the notice, the Minister may himself make such bye-laws or prescribe such fees or rates.

van die Parlement voorgelê word, en indien so 'n versoek gerig word, moet die Minister die aantekening van die beskouings van dié lid aan beide Huise voorlê.

Instelling van plaaslike rade vir Naturellegebiede.

5. (1) Die Goewerneur-generaal kan op aanbeveling van die kommissie 'n plaaslike raad instel vir 'n hele of 'n gedeelte van 'n Naturellegebied wat as sodanig deur die Parlement afgesonder is of hierna afgesonder word, of vir 'n gebied wat aan 'n bestaande Naturellegebied grens en wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* vir die doeleindes van hierdie artikel as 'n Naturellegebied verklaar.

(2) Elke plaaslike raad moet bestaan uit die aantal lede en moet beheer uitoefen oor die gebied deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* voorgeskryf.

(3) Al die lede van 'n plaaslike raad moet Naturelle wees, maar die Minister kan 'n beampte in die Staatsdiens aanwys om op die vergaderings van so 'n raad voor te sit en om oor die algemeen in 'n raadgewende hoedanigheid met betrekking tot dié raad op te tree.

Bevoegdhede van plaaslike rade.

6. (1) 'n Plaaslike raad kan, binne die gebied waarvoor dit ingestel is, voorsiening maak vir—

(*a*) die maak en instandhouding van paaie, afvoerslote, damme en vore, en vir die voorkoming van erosie;
(*b*) 'n verbeterde watervoorraad;
(*c*) die bestryding van veesiektes deur die oprigting en instandhouding van dipbakke en op enige ander wyse hoegenaamd;
(*d*) die uitroeiing van skadelike onkruid;
(*e*) 'n doelmatige sanitêre stelsel;
(*f*) die oprigting van hospitale;
(*g*) verbetering van landboumetodes;
(*h*) bosaanplanting;
(*i*) opvoedkundige fasiliteite,

en oor die algemeen vir dié doeleindes wat as behorende by plaaslike administrasie beskou kan word en op las van die Goewerneur-generaal daaraan opgedra word.

(2) 'n Plaaslike raad kan grond of 'n belang in grond verkry en besit vir die uitvoering van 'n doel in sub-artikel (1) vermeld, of vir 'n doel kragtens daardie sub-artikel daaraan opgedra.

Pligte van plaaslike rade.

7. Elke plaaslike raad moet die kommissie van advies dien met betrekking tot enige aangeleentheid vir sover dit die algemene belange van die Naturelle raak wat deur sodanige raad verteenwoordig word, en moet sy beskouings verstrek oor enige aangeleentheid waaroor die Minister of die kommissie sy advies verlang.

Verordeninge deur plaaslike rade.

8. (1) Elke plaaslike raad kan verordeninge uitvaardig met betrekking tot 'n aangeleentheid vermeld in, of aan hom opgedra kragtens, artikel *ses* en kan die gelde voorskryf wat betaalbaar is vir gelewerde dienste, of die belastings voorskryf wat betaalbaar is deur 'n bepaalde klas persone ten opsigte van dienste deur so 'n raad beskikbaar gestel.

(2) Geen verordening kragtens sub-artikel (1) uitgevaardig is van krag en regsgeldig nie alvorens dit deur die Goewerneur-generaal goedgekeur en in die *Staatskoerant* gepubliseer is, en alvorens die Goewerneur-generaal 'n verordening goedkeur, kan hy dit wysig of ander verordeninge daarby voeg, of bestaande verordeninge herroep.

(3) Indien 'n plaaslike raad versuim om verordeninge uit te vaardig met betrekking tot 'n aangeleentheid in sub-artikel (1) vermeld, of om gelde voor te skryf wat betaalbaar is vir 'n diens deur dié raad gelewer, of om belastings voor te skryf wat betaalbaar is deur 'n bepaalde klas persone ten opsigte van dienste deur dié raad beskikbaar gestel, kan die Minister, nadat 'n plaaslike ondersoek in die openbaar gehou is deur 'n beampte in die Staatsdiens wat deur hom vir dié doel aangewys is, waarby die betrokke plaaslike raad geregtig is om aangehoor te word, by skriftelike kennisgewing eis dat daardie plaaslike raad verordeninge uitvaardig ten opsigte van enige sodanige aangeleentheid of sodanige gelde of belastings voorskryf, en indien daardie plaaslike raad versuim om sodanige verordeninge uit te vaardig of om sodanige gelde of belastings voor te skryf, of om sodanige verordeninge vir goedkeuring deur die Goewerneur-generaal kragtens sub-artikel (2) voor te lê binne 'n tydperk van ses maande van die datum van die kennisgewing, kan die Minister self sodanige verordeninge uitvaardig of sodanige gelde of belastings voorskryf.

(4) Any bye-law made or fee or rate prescribed by the Minister under sub-section (3), shall be deemed to have been made or prescribed, as the case may be, by the local council concerned.

(5) Every prosecution for a contravention of a bye-law made under sub-section (1) shall be at the instance of the Crown.

(6) Any fine imposed and recovered for a contravention of a bye-law made under sub-section (1) shall be paid over to the local council concerned.

Rating by local councils.

9. (1) Each local council may levy a rate not exceeding one pound in any one year upon each adult male Native ordinarily resident within the area for which it is established.

(2) If any Native on whom such rate is leviable is liable to any direct tax payable to the State and specially imposed upon Natives, such tax shall be abated by the amount of the rate levied under sub-section (1).

Revenue of local councils.

10. The revenue of each local council shall be—

(*a*) any amounts collected as a rate levied under sub-section (1) of section *nine*;

(*b*) all fees collected under any bye-law;

(*c*) all fines recovered for a contravention of any bye-law; and

(*d*) donations or grants of public moneys.

Legal process.

11. Any local council may in any legal proceedings in a court of law sue or be sued in the name of its chairman *nomine officii*.

Imposition of restrictions upon powers of certain local councils.

12. (1) If the commission reports to the Governor-General that in its opinion the condition or the stage of development of the inhabitants of any area for which it is proposed to establish a local council, is such that the exercise by such council of any powers under section *six* or *nine* should be subject to the approval of the Minister, the Governor-General may, in any proclamation under section *five* establishing such council, declare that all decisions of such council in the exercise of any such powers shall be subject to the approval of the Minister.

(2) Every decision of any such council shall be submitted by the chairman thereof for the consideration of the Minister, who shall give such directions concerning it as he deems fit.

(3) Such council shall carry out such directions of the Minister.

Withdrawal of restrictions on powers of local council.

13. On the recommendation of the commission the Governor-General may by proclamation in the *Gazette* withdraw in respect of any local council any restriction imposed in terms of section *twelve* upon the exercise of powers conferred upon such council by section *six* or *nine*.

Establishment of general councils.

14. (1) Whenever it appears that any of the powers conferred by this Act upon local councils can, in any two or more areas for which local councils have been established, be more advantageously exercised by a body with jurisdiction over all those areas, the Governor-General may, upon the recommendation of the commission, establish such a body to be called the general council of such areas.

(2) Such general council shall consist of such number of representatives from each of the said local councils as the Governor-General, upon the advice of the commission, may determine, but the Minister may designate an officer in the public service to act as chairman of such general council.

(3) The chairman of each of the said local councils shall, if required by the Minister to do so, attend the meetings of the general council in an advisory capacity.

(4) The general council so established shall have in respect of the areas for which it is established such of the powers conferred by this Act upon local councils as the Governor-General, upon the advice of the commission, may allocate to it, and, subject to such allocation, the provisions of sections *six* to *eleven*, inclusive, and paragraph (*b*) of section *fifteen* shall apply *mutatis mutandis* in respect of such a general council.

(5) The local councils within the area of a general council to which any of the powers conferred by this Act are allocated in terms of sub-section (4) shall, as from the date of such allocation, cease to exercise such powers as have been so allocated.

(4) 'n Verordening uitgevaardig of gelde of belastings voorgeskryf deur die Minister kragtens sub-artikel (3), word, na gelang van die geval, geag deur die betrokke plaaslike raad uitgevaardig of voorgeskryf te gewees het.

(5) Elke vervolging weens 'n oortreding van 'n verordening kragtens sub-artikel (1) uitgevaardig, moet op aandrang van die Kroon geskied.

(6) 'n Boete opgelê en ingevorder weens 'n oortreding van 'n verordening wat kragtens sub-artikel (1) uitgevaardig is, moet aan die betrokke plaaslike raad oorbetaal word.

Heffing van belasting deur plaaslike rade.

9. (1) Elke plaaslike raad kan 'n belasting van hoogstens 'n pond per jaar hef op elke volwasse Naturelleman wat gewoonlik woonagtig is in die gebied waarvoor dié raad ingestel is.

(2) Indien 'n Naturel op wie sodanige belasting gehef kan word, onderhewig is aan direkte belasting wat aan die Staat betaalbaar is en Naturelle spesiaal opgelê is, moet sodanige belasting verminder word met die bedrag van die belasting wat kragtens sub-artikel (1) gehef is.

Inkomste van plaaslike rade.

10. Die inkomste van elke plaaslike raad bestaan uit—

(*a*) die bedrae as belasting ingesamel wat kragtens sub-artikel (1) van artikel *nege* gehef is;

(*b*) alle gelde kragtens 'n verordening ingesamel;

(*c*) alle boetes ingevorder weens 'n oortreding van 'n verordening; en

(*d*) skenkings of toekennings van Staatsgelde.

Regsgedinge.

11. 'n Plaaslike raad kan in 'n regsgeding in 'n geregshof in die naam van sy voorsitter *nomine officii* as eiser of verweerder optree.

Oplegging van beperkings op bevoegdhede van sekere plaaslike rade.

12. (1) Indien die kommissie aan die Goewerneur-generaal verslag doen dat, volgens die oordeel van die kommissie, die toestand of trap van ontwikkeling van die inwoners van 'n gebied waarvoor die instelling van 'n plaaslike raad beoog word, sodanig is dat die uitoefening van bevoegdhede kragtens artikel *ses* of *nege* deur sodanige raad, aan die goedkeuring van die Minister onderworpe moet wees, kan die Goewerneur-generaal, in 'n proklamasie kragtens artikel *vyf*, waarby sodanige raad ingestel word, verklaar dat alle besluite van dié raad by die uitoefening van sodanige bevoegdhede aan die goedkeuring van die Minister onderworpe moet wees.

(2) Elke besluit van sodanige raad moet deur die voorsitter daarvan vir oorweging deur die Minister voorgelê word, wat dié opdragte daaromtrent moet uitreik wat hy goedvind.

(3) So 'n raad moet sodanige opdragte van die Minister uitvoer.

Intrekking van beperkings op bevoegdhede van plaaslike rade.

13. Op aanbeveling van die kommissie kan die Goewerneur-generaal, ten opsigte van 'n plaaslike raad, by proklamasie in die *Staatskoerant* enige beperking intrek wat ingevolge artikel *twaalf* gelê is op die uitoefening van bevoegdhede wat by artikel *ses* of *nege* aan sodanige raad verleen is.

Instelling van algemene rade.

14. (1) Wanneer dit blyk dat 'n bevoegdheid wat deur hierdie Wet aan plaaslike rade verleen is, in twee of meer gebiede waarvoor plaaslike rade ingestel is, voordeliger uitgeoefen kan word deur 'n liggaam met regsbevoegdheid in al daardie gebiede, kan die Goewerneur-generaal, op aanbeveling van die kommissie, so 'n liggaam instel wat die algemene raad vir sodanige gebiede moet heet.

(2) So 'n algemene raad moet bestaan uit die aantal verteenwoordigers van elk van genoemde plaaslike rade wat die Goewerneur-generaal op advies van die kommissie bepaal, maar die Minister kan 'n beampte in die Staatsdiens aanwys om as voorsitter van sodanige algemene raad op te tree.

(3) Die voorsitter van elk van genoemde plaaslike rade moet, indien dit deur die Minister vereis word, die vergaderings van die algemene raad in 'n raadgewende hoedanigheid bywoon.

(4) Die algemene raad aldus ingestel, het ten opsigte van die gebiede waarvoor dit ingestel is, sodanige van die bevoegdhede wat deur hierdie Wet aan plaaslike rade verleen is, as wat die Goewerneur-generaal op advies van die kommissie daaraan toeken, en die bepalings van artikels *ses* tot en met *elf* en paragraaf (*b*) van artikel *vyftien*, is, onderworpe aan sodanige toekenning, *mutatis mutandis* ten opsigte van sodanige algemene raad van toepassing.

(5) Die plaaslike rade binne die gebied van 'n algemene raad waaraan van die bevoegdhede wat deur hierdie Wet verleen is, ingevolge sub-artikel (4) toegeken is, hou vanaf die datum van sodanige toekenning op om die bevoegdhede wat aldus toegeken is, uit te oefen.

(6) The District Council established under section *thirty-eight* of the Glen Grey Act, 1894 (Act No. 25 of 1894 of the Cape of Good Hope), shall be deemed to be a local council for the purposes of this section.

Regulations.

15. The Governor-General may make regulations—

(*a*) prescribing the procedure at meetings of the commission, the conduct of its business, the qualifications of its members, their remuneration, the period for which they shall hold office and the appointment of alternative members, and generally for giving effect to the purposes of sections *two*, *three* and *four*; and

(*b*) applying either generally or in particular areas—

(i) providing for the consultation of the inhabitants of areas for which a local council is to be established, and for the selection or election of members of such councils;

(ii) providing for the periods of office and remuneration of such members;

(iii) prescribing the procedure of local councils and the conduct of their business;

(iv) providing for the appointment and duties of officers of local councils;

(v) prescribing the method according to which rates and fees shall be collected and brought to account, the exemptions which may be allowed, and the penalties to be imposed on persons failing to pay such rates and fees,

and generally for the better carrying out of any provision of this Act relating to local councils.

Penalties.

16. Any person contravening any bye-law or regulation made under this Act shall be liable on conviction to a fine not exceeding five pounds or, in default of payment, to imprisonment for a period not exceeding one month.

Repeal of laws.

17. (1) Subject to the provisions of sub-section (2), the laws specified in the Schedule are hereby repealed to the extent set out in the third column thereof.

(2) Anything done under any provision of a law repealed by sub-section (1), shall be deemed to have been done under the corresponding provision of this Act.

Short title.

18. This Act shall be called the Native Affairs Act, 1959.

Schedule.

LAWS REPEALED.

No. and year of Law.	Title.	Extent of Repeal.
Act No. 23 of 1920.	Native Affairs Act, 1920.	The whole.
Act No. 27 of 1926.	Native Affairs Act, 1920, Amendment Act, 1926.	The whole.
Act No. 15 of 1927.	Native Affairs Act, 1920, Further Amendment Act, 1927.	The whole.
Act No. 56 of 1949.	Native Laws Amendment Act, 1949.	Section *seventeen*.
Act No. 68 of 1951.	Bantu Authorities Act, 1951.	That part of the Schedule which amends the Native Affairs Act, 1920 (Act No. 23 of 1920).
Act No. 56 of 1954.	South-West Africa Native Affairs Administration Act, 1954.	Section *seven*.

(6) Die Distriksraad wat kragtens artikel *agt-en-dertig* van die „Glen Grey Act, 1894" (Wet No. 25 van 1894 van die Kaap die Goeie Hoop) ingestel is, word by die toepassing van hierdie artikel geag 'n plaaslike raad te wees.

Regulasies.

15. Die Goewerneur-generaal kan regulasies uitvaardig—

(*a*) wat die prosedure op vergaderings van die kommissie, die verrigting van sy werksaamhede, die kwalifikasies van sy lede, hul vergoeding, hul ampstermyn en die aanstelling van plaasvervangende lede voorskryf, en, oor die algemeen, om aan die doeleindes van artikels *twee*, *drie* en *vier* gevolg te gee; en

(*b*) wat òf oor die algemeen òf in besondere gebiede van toepassing is, en—

(i) wat voorsiening maak vir die raadpleging van die inwoners van gebiede waarvoor 'n plaaslike raad ingestel gaan word, en vir die keuring of verkiesing van lede van sodanige rade;

(ii) wat vir die ampstermyn en vergoeding van sodanige lede voorsiening maak;

(iii) wat die prosedure van plaaslike rade en die verrigting van hul werksaamhede voorskryf;

(iv) wat vir die aanstelling en pligte van beamptes van plaaslike rade voorsiening maak;

(v) wat die wyse voorskryf waarvolgens belastings en gelde ingesamel en rekenskap daarvan gegee moet word, die vrystellings wat toegelaat mag word, en die boetes wat persone opgelê moet word wat versuim om sodanige belastings en gelde te betaal,

en oor die algemeen vir die beter uitvoering van die bepalings van hierdie Wet betreffende plaaslike rade.

Strawwe.

16. Iemand wat 'n verordening of regulasie wat kragtens hierdie Wet uitgevaardig is, oortree, is by skuldigbevinding strafbaar met 'n boete van hoogstens vyf pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens 'n maand.

Herroeping van wette.

17. (1) Behoudens die bepalings van sub-artikel (2) word die Wette in die Bylae vermeld, in die mate in die derde kolom daarvan aangedui, hierby herroep.

(2) Enigiets gedoen kragtens 'n bepaling van 'n wet by sub-artikel (1) herroep, word geag kragtens die ooreenstemmende bepaling van hierdie Wet gedoen te gewees het.

Kort titel.

18. Hierdie Wet heet die Wet op Naturellesake, 1959.

Bylae.

WETTE HERROEP.

No. en jaar van Wet.	Titel.	Omvang van herroeping.
Wet No. 23 van 1920.	„Naturellezaken Wet, 1920".	Die geheel.
Wet No. 27 van 1926.	Naturellesake Wet 1920 Wysigingswet, 1926.	Die geheel.
Wet No. 15 van 1927.	Naturellesake Wet, 1920, Verder Wysigings Wet, 1927.	Die geheel.
Wet No. 56 van 1949.	Wet tot Wysiging van die Wette op Naturelle, 1949.	Artikel *sewentien*.
Wet No. 68 van 1951.	Wet op Bantoe-owerhede, 1951.	Dié deel van die Bylae wat die „Naturellezaken Wet, 1920" (Wet No. 23 van 1920) wysig.
Wet No. 56 van 1954.	Wet op die Administrasie van Naturellesake in Suidwes-Afrika, 1954.	Artikel *sewe*.

No. 57, 1959.]

ACT

To consolidate and amend the laws relating to the theft of stock and produce.

(*English text signed by the Governor-General.*)
(*Assented to 27th June*, 1959.)

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) "Minister" means the Minister of Justice; (i)

(ii) "non-European" means a person other than a white person as defined in section *one* of the Population Registration Act, 1950 (Act No. 30 of 1950); (ii)

(iii) "produce" means the whole or any part of any skins, hides or horns of stock, and any wool, mohair or ostrich feathers; (iv)

(iv) "public sale" means a sale effected—

(*a*) at any public market; or

(*b*) by any shopkeeper during the hours when his shop may in terms of any law remain open for the transaction of business; or

(*c*) by a duly licensed auctioneer at a public auction; or

(*d*) in pursuance of an order of a competent court; (iii)

(v) "stock" means any horse, mule, ass, bull, cow, ox, heifer, calf, sheep, goat, pig, poultry, domesticated ostrich, domesticated game or the carcase or portion of the carcase of any such stock; (v)

(vi) "sufficient fence" means any wire fence, or any other fence, wall or hedge through which no stock could pass without breaking it, or any natural boundary through or across which no sheep would ordinarily pass. (vi)

Failure to give satisfactory account of possession of stock or produce.

2. Any person who is found in possession of stock or produce in regard to which there is reasonable suspicion that it has been stolen and is unable to give a satisfactory account of such possession shall be guilty of an offence.

Absence of reasonable cause for believing stock or produce properly acquired.

3. Any person who in any manner, otherwise than at a public sale, acquires or receives into his possession from any other person stolen stock or stolen produce without having reasonable cause, proof of which shall be on such firstmentioned person, for believing, at the time of such acquisition or receipt, that such stock or produce is the property of the person from whom he acquires or receives it or that such person has been duly authorized by the owner thereof to deal with it or dispose of it shall be guilty of an offence.

Entering enclosed land or kraal, shed, stable or other walled place with intent to steal stock or produce.

4. (1) Any person who in any manner enters any land enclosed on all sides with a sufficient fence or any kraal, shed, stable or other walled place with intent to steal any stock or produce on such land or in such kraal, shed, stable or other walled place, shall be guilty of an offence.

(2) When any person is charged with a contravention of sub-section (1) the onus shall be upon him to prove that he had no intention to steal any such stock or produce unless he was found proceeding along any road or thoroughfare traversing such land.

Delivery of stock or produce between sunset and sunrise.

5. Any person who for purposes of trade makes or accepts delivery between the hours of sunset and sunrise of any stock or produce sold or purchased or otherwise disposed of or acquired by him in any other manner than at a public sale shall be guilty of an offence.

No. 57, 1959.]

WET

Tot samevatting en wysiging van die wette met betrekking tot diefstal van vee en produkte.

(*Engelse teks deur die Goewerneur-generaal geteken.*)
(*Goedgekeur op 27 Junie* 1959.)

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

Woordbepaling.

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

(i) „Minister" die Minister van Justisie; (i)

(ii) „nie-blanke" 'n persoon wat nie 'n blanke soos omskryf in artikel *een* van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), is nie; (ii)

(iii) „openbare verkoping" 'n verkoping wat bewerkstellig is—

(*a*) by 'n openbare mark; of

(*b*) deur 'n winkelier gedurende die ure wanneer sy winkel ingevolge enige wetsbepaling kan oopbly vir die doen van sake; of

(*c*) deur 'n behoorlik gelisensieerde afslaer by 'n openbare veiling; of

(*d*) uit hoofde van 'n bevel uitgereik deur 'n bevoegde hof; (iv)

(iv) „produkte" hele of enige gedeeltes van velle, huide of horings van vee, en enige wol, bokhaar of volstruisvere; (iii)

(v) „vee" enige perd, muil, esel, bul, koei, os, vers, kalf, skaap, bok, vark, pluimvee, volstruis wat 'n huisdier is, wild wat huisdiere is of die karkas of gedeelte van die karkas van enige sodanige vee; (v)

(vi) „voldoende omheining" enige draadheining of enige ander heining, muur of heg waardeur geen vee kan gaan sonder om dit te breek nie of enige natuurlike grens waardeur of waaroor geen skaap gewoonlik sal gaan nie. (vi)

Versuim om voldoende rekenskap van besit van vee of produkte te gee.

2. Iemand wat in besit van vee of produkte gevind word ten aansien waarvan daar redelike verdenking bestaan dat dit gesteel is en nie in staat is om voldoende rekenskap van sodanige besit te gee nie, is aan 'n misdryf skuldig.

Afwesigheid van redelike gronde om aan te neem dat vee of produkte wettiglik verkry is.

3. Iemand wat op enige wyse, behalwe by 'n openbare verkoping, gesteelde vee of gesteelde produkte van iemand anders verkry of in sy besit ontvang sonder om redelike gronde, waarvan die bewyslas op eersgenoemde persoon rus, daarvoor te hê om ten tyde van sodanige verkryging of ontvangs aan te neem dat die vee of produkte die eiendom is van die persoon van wie hy dit verkry of ontvang of dat daardie persoon deur die eienaar daarvan behoorlik gemagtig is om daaroor te beskik of om dit van die hand te sit, is aan 'n misdryf skuldig.

Betreding van omheinde grond of kraal, skuur, stal of ander ommuurde plek met die doel om vee of produkte te steel.

4. (1) Iemand wat op enige wyse grond wat aan alle kante met 'n voldoende omheining toe is of 'n kraal, skuur, stal of ander ommuurde plek betree met die doel om enige vee of produkte op daardie grond of in daardie kraal, skuur, stal of ander ommuurde plek te steel, is aan 'n misdryf skuldig.

(2) Wanneer iemand weens 'n oortreding van sub-artikel (1) aangekla word, rus die bewyslas op hom om te bewys dat hy nie die bedoeling gehad het om sodanige vee of produkte te steel nie tensy hy gevind was terwyl hy gegaan het langs 'n pad of deurgang wat oor sodanige grond gaan.

Aflewering van vee of produkte tussen sonsondergang en sonsopgang.

5. Iemand wat vir handelsdoeleindes tussen die ure van sonsondergang en sonsopgang enige vee of produkte aflewer of in ontvangs neem wat deur hom op 'n ander wyse verkoop of gekoop of anders van die hand gesit of verkry is dan by 'n openbare verkoping, is aan 'n misdryf skuldig.

Document of identification to be furnished by person who disposes of stock.

6. (1) Any person (including any auctioneer, agent or market master but excluding any non-European who is not the registered owner of any land) who sells, barters, gives or in any other manner disposes of any stock to any other person shall at the time of delivery to such other person of the stock so sold, bartered, given or disposed of, furnish such other person with a document (hereinafter called a document of identification)—

(*a*) stating—

(i) his full name and address and, if the stock was sold, bartered, given or disposed of on behalf of some other person, also the name and address of such other person;

(ii) such particulars in regard to such stock as may be required to be stated therein in terms of any regulation made under section *sixteen*;

(*b*) certifying that such stock is his property or that he is duly authorized by the owner thereof to deal with or dispose of it.

(2) No person to whom any stock has been sold, bartered, given or otherwise disposed of and to whom a document of identification is required to be furnished in terms of sub-section (1) shall take delivery of such stock without obtaining such document at the time of delivery.

(3) Any person to whom a document of identification has been furnished in terms of sub-section (1) shall retain it in his possession for a period of at least three months.

(4) Any person may within the said three months demand an inspection of such document, and upon such demand the person having possession of such document shall produce it for inspection to the person making the demand.

(5) Any person who—

(*a*) contravenes or fails to comply with any provision of this section;

(*b*) fails to comply with any demand made under sub-section (4); or

(*c*) wilfully makes any false statement in a document of identification,

shall be guilty of an offence.

(6) Any person who delivers any stock to an auctioneer, agent or market master for the purpose of sale or disposal in any other manner, shall, for the purposes of this section, be deemed to have disposed of such stock to such auctioneer, agent or market master.

Acquisition of stock or produce from certain persons whose places of residence are unknown.

7. (1) Any person who in any manner (otherwise than at a public sale) acquires or receives into his possession or any auctioneer, agent or market master who receives into his possession for the purpose of sale, from any non-European who is not, to his knowledge, the registered owner of any land or from any person who has no known place of residence, any stock or produce without obtaining at the time of delivery of such stock or produce to him a certificate, issued not more than thirty days before the delivery, from—

(*a*) (in the case of such non-European) the employer, chief or headman of such non-European, a justice of the peace, a policeman of or above the rank of sergeant, a dipping foreman, a stock inspector or two residents of substantial means of the neighbourhood in which the transaction takes place; or

(*b*) (in the case of such other person) a justice of the peace, a policeman of or above the rank of sergeant, two residents of substantial means of the neighbourhood in which the transaction takes place or the person from whom such other person purchased or acquired such stock or produce,

giving a description of the stock or produce and certifying that to the best of his or their knowledge and belief such non-European or other person is entitled to dispose of or deal with such stock or produce, shall be guilty of an offence.

(2) Any person who has obtained such a certificate shall retain it in his possession for a period of at least three months.

(3) Any person may within the said three months demand an inspection of such certificate, and upon such demand the person having possession of such certificate shall produce it for inspection to the person making the demand.

(4) Any person who fails to comply with the provisions of sub-section (2) or any demand made under sub-section (3) or who wilfully makes any false statement in a certificate referred to in sub-section (1) shall be guilty of an offence.

Dokument van identifikasie moet verstrek word deur iemand wat vee van die hand sit.

6. (1) Enige persoon (met inbegrip van 'n afslaer, agent of markmeester, maar uitgesonderd enige nie-blanke wat nie die geregistreerde eienaar van enige grond is nie wat vee aan iemand anders verkoop, verruil, gee of op 'n ander wyse van die hand sit, moet ten tyde van die aflewering aan daardie ander persoon van die vee aldus verkoop, verruil, gegee of van die hand gesit, aan daardie ander persoon 'n dokument (hieronder 'n dokument van identifikasie genoem) verstrek—

(*a*) waarin vermeld word—

(i) sy volle naam en adres en, indien die vee ten behoewe van iemand anders verkoop, verruil, gegee of van die hand gesit is, ook die naam en adres van daardie ander persoon;

(ii) sodanige besonderhede met betrekking tot daardie vee as wat ingevolge 'n kragtens artikel *sestien* uitgevaardigde regulasie daarin vermeld moet word;

(*b*) waarby gesertifiseer word dat bedoelde vee sy eiendom is of dat hy behoorlik deur die eienaar daarvan gemagtig is om daaroor te beskik.

(2) Niemand aan wie vee verkoop, verruil, gegee of op 'n ander wyse van die hand gesit is en aan wie ingevolge sub-artikel (1) 'n dokument van identifikasie verstrek moet word, mag aflewering van daardie vee aanvaar sonder om bedoelde dokument ten tyde van die aflewering te verkry nie.

(3) Iemand aan wie ingevolge sub-artikel (1) 'n dokument van identifikasie verstrek is, moet dit vir 'n tydperk van minstens drie maande in sy besit hou.

(4) Enige persoon kan gedurende bedoelde drie maande insae van sodanige dokument eis, en waar aldus geëis word, moet die persoon wat daardie dokument in sy besit het, dit ter insae oorlê aan die persoon wat dit eis.

(5) Iemand wat—

(*a*) 'n bepaling van hierdie artikel oortree of versuim om daaraan te voldoen;

(*b*) versuim om aan 'n eis ingevolge sub-artikel (4) te voldoen; of

(*c*) in 'n dokument van identifikasie opsetlik 'n valse verklaring maak,

is aan 'n misdryf skuldig.

(6) Iemand wat aan 'n afslaer, agent of markmeester vee lewer om verkoop of op 'n ander wyse van die hand gesit te word, word, by die toepassing van hierdie artikel, geag daardie vee aan bedoelde afslaer, agent of markmeester van die hand te gesit het.

Verkryging van vee of produkte van sekere nie-blankes of persone wie se woonplekke onbekend is.

7. (1) Iemand wat op enige wyse (behalwe by 'n openbare verkoping) vee of produkte verkry of in sy besit ontvang, of 'n afslaer, agent of markmeester wat vee of produkte vir verkoop in sy besit ontvang, van 'n nie-blanke wat nie, tot sy kennis, die geregistreerde eienaar van enige grond is nie of van enige persoon wat nie 'n bekende woonplek het nie, sonder om ten tyde van die lewering aan hom van daardie vee of produkte 'n sertifikaat, binne dertig dae voor die lewering uitgereik, te verkry—

(*a*) in die geval van so 'n nie-blanke van die werkgewer, kaptein of hoofman van die nie-blanke, 'n vrederegter, 'n polisiebeampte van of bo die rang van sersant, 'n dipbakvoorman, 'n vee-inspekteur, of twee redelik vermoënde inwoners in die omgewing waar die transaksie plaasvind; of

(*b*) in die geval van so 'n ander persoon, van 'n vrederegter, 'n polisiebeampte van of bo die rang van sersant, twee redelik vermoënde inwoners in die omgewing waar die transaksie plaasvind, of die persoon van wie daardie ander persoon die vee of produkte gekoop of verkry het,

waarin 'n beskrywing van die vee of produkte gegee word en gesertifiseer word dat, volgens sy of hulle hele kennis en oortuiging, bedoelde nie-blanke of ander persoon geregtig is om daardie vee of produkte van die hand te sit of om daaroor te beskik, is aan 'n misdryf skuldig.

(2) Iemand wat so 'n sertifikaat verkry het, moet dit vir 'n tydperk van minstens drie maande in sy besit hou.

(3) Enige persoon kan gedurende bedoelde drie maande insae van sodanige sertifikaat eis, en waar aldus geëis word, moet die persoon wat daardie sertifikaat in sy besit het, dit ter insae oorlê aan die persoon wat dit eis.

(4) Iemand wat versuim om aan die bepalings van sub-artikel (2) of aan 'n eis ingevolge sub-artikel (3) te voldoen, of wat in 'n in sub-artikel (1) vermelde sertifikaat opsetlik 'n valse verklaring maak, is aan 'n misdryf skuldig.

Stock or produce driven, conveyed or transported on or along public roads.

8. (1) No persons shall drive, convey or transport any stock or produce of which he is not the owner on or along any public road unless he has in his possession a certificate (hereinafter called a removal certificate) issued to him by the owner of such stock or produce or the duly authorized agent of such owner, in which is stated—

(*a*) the name and address of the person who issued the certificate;
(*b*) the name and address of the owner of such stock or produce;
(*c*) such particulars in regard to such stock or produce as may be required to be stated therein in terms of any regulation made under section *sixteen*;
(*d*) the place from which and the place to which such stock or produce is being driven, conveyed or transported;
(*e*) the name of the driver, conveyer or transporter; and
(*f*) the date of issue thereof:

Provided that the provisions of this sub-section shall not apply in respect of any stock or produce which is being driven, conveyed or transported, with the consent of the owner thereof or his duly authorized agent, on or along such portion of any public road as traverses land which belongs to or is occupied by such owner or agent.

(2) No person shall cause or permit any stock or produce belonging to him to be driven, conveyed or transported by any other person on or along any public road without furnishing him with a removal certificate which he is required to have in terms of sub-section (1).

(3) Any justice of the peace, policeman, or owner, lessee or occupier of land may demand from any person who is required in terms of sub-section (1) to have in his possession a removal certificate, an inspection of such certificate, and upon such demand the person having possession of such certificate shall produce it for inspection to the person making the demand.

(4) No person who is or was employed by an owner or occupier of any land shall remove any stock or produce owned by him or under his control from any land owned or occupied by such owner or occupier unless he is in possession of a document furnished by such owner or occupier, the agent of such owner or occupier, or a policeman on a date not more than seven days before the removal, which date shall be stated in the document, giving a description of such stock or produce and certifying that he was to the best knowledge and belief of the person furnishing the document entitled to remove such stock or produce on the said date.

(5) Any owner or occupier of land, or any agent of such owner or occupier, shall, when requested to do so by any person who is or was in the employ of such owner or occupier and who is in possession on land owned or occupied by such owner or occupier of any stock or produce which he desires to remove therefrom, forthwith furnish him with any document which he may require in terms of sub-section (4).

(6) Any person who has obtained such a document as is referred to in sub-section (4) shall retain it in his possession for a period of at least one month.

(7) Any justice of the peace, policeman, or owner, lessee or occupier of land may within the said month demand an inspection of such document, and upon such demand the person having possession of such certificate shall produce it for inspection to the person making the demand; and

(8) Any person who—
(*a*) contravenes or fails to comply with any provision of this section;
(*b*) fails to comply with any demand made under sub-section (3) or (7);
(*c*) wilfully makes any false statement in a removal certificate or a document furnished in terms of sub-section (5); or
(*d*) falsely declares that he is the owner of stock or produce which is being driven, conveyed or transported by him on or along any public road,

shall be guilty of an offence.

Arrest and search without warrant.

9. (1) Any person may, without warrant, arrest any other person upon reasonable suspicion that such other person has committed the offence mentioned in section *two* or *four*.

Vee of produkte op of langs publieke paaie gedryf, vervoer of getransporteer.

8. (1) Niemand mag vee of produkte waarvan hy nie die eienaar is nie, op of langs 'n publieke pad dryf, vervoer of transporteer nie tensy hy in besit is van 'n sertifikaat (hieronder 'n verwyderingsertifikaat genoem) wat deur die eienaar van daardie vee of produkte of die behoorlik gemagtigde agent van die eienaar aan hom uitgereik is, waarin vermeld word—

(*a*) die naam en adres van die persoon wat die sertifikaat uitgereik het;

(*b*) die naam en adres van die eienaar van daardie vee of produkte;

(*c*) sodanige besonderhede met betrekking tot daardie vee of produkte as wat ingevolge 'n kragtens artikel *sestien* uitgevaardigde regulasie daarin vermeld moet word;

(*d*) die plek waarvandaan en plek waarheen daardie vee of produkte gedryf, vervoer of getransporteer word;

(*e*) die naam van die drywer, vervoerder of transporteerder; en

(*f*) die datum van uitreiking daarvan:

Met dien verstande dat die bepalings van hierdie sub-artikel nie van toepassing is nie ten opsigte van vee of produkte wat met die toestemming van die eienaar daarvan of sy behoorlik gemagtigde agent op of langs 'n deel van 'n publieke pad wat gaan oor grond wat aan die eienaar of agent behoort of wat deur hom geokkupeer word, gedryf, vervoer of getransporteer word.

(2) Niemand mag vee of produkte wat aan hom behoort deur 'n ander persoon op of langs 'n publieke pad laat dryf, vervoer of transporteer nie of hom toelaat om dit te doen nie, sonder om aan hom 'n verwyderingsertifikaat wat hy ingevolge sub-artikel (1) moet besit, te verstrek.

(3) Enige vrederegter, polisiebeampte, of eienaar, huurder of okkupeerder van grond kan van iemand wat ingevolge sub-artikel (1) verplig is om 'n verwyderingsertifikaat in sy besit te hê, insae van daardie sertifikaat eis, en waar aldus geëis word, moet die persoon wat daardie sertifikaat in sy besit het, dit ter insae oorlê aan die persoon wat dit eis.

(4) Niemand wat by 'n eienaar of okkupeerder van grond in diens is of was, mag vee of produkte wat sy eiendom of onde sy beheer is, van grond wat die eiendom is van of geokkupeer word deur sodanige eienaar of okkupeerder verwyder nie, tensy hy in besit is van 'n dokument wat deur sodanige eienaar of okkupeerder, die agent van sodanige eienaar of okkupeerder, of 'n polisiebeampte verstrek is op 'n datum hoogstens sewe dae voor die verwydering, welke datum in die dokument vermeld moet wees, waarin 'n beskrywing van die vee of produkte gegee word en gesertifiseer word dat hy, volgens die hele kennis en oortuiging van die persoon wat die dokument verstrek, op bedoelde datum geregtig was om sodanige vee of produkte te verwyder.

(5) 'n Eienaar of okkupeerder van grond, of 'n agent van sodanige eienaar of okkupeerder moet, wanneer hy deur iemand wat in die diens van sodanige eienaar of okkupeerder is of was en wat op grond wat die eiendom is van of geokkupeer word deur sodanige eienaar of okkupeerder, in besit is van vee of produkte wat hy daarvandaan wil verwyder, versoek word om dit te doen, onverwyld aan hom enige dokument verstrek wat hy ingevolge sub-artikel (4) nodig het.

(6) Iemand wat 'n in sub-artikel (4) bedoelde dokument verkry het, moet dit vir 'n tydperk van minstens een maand in sy besit hou.

(7) 'n Vrederegter, polisiebeampte, of eienaar, huurder of okkupeerder van grond kan gedurende bedoelde maand insae van sodanige dokument eis, en waar aldus geëis word, moet die persoon wat daardie dokument in sy besit het, dit ter insae oorlê aan die persoon wat dit eis.

(8) Iemand wat—

(*a*) 'n bepaling van hierdie artikel oortree of versuim om daaraan te voldoen;

(*b*) versuim om aan 'n eis ingevolge sub-artikel (3) of (7) te voldoen;

(*c*) in 'n verwyderingsertifikaat of 'n dokument ingevolge sub-artikel (5) verstrek opsetlik 'n valse verklaring maak; of

(*d*) valslik verklaar dat hy die eienaar is van vee of produkte wat op of langs 'n publieke pad deur hom gedryf, vervoer of getransporteer word,

is aan 'n misdryf skuldig.

Inhegtenisneming en visentering sonder lasbrief.

9. (1) Enige persoon kan enige ander persoon sonder lasbrief in hegtenis neem op grond van 'n redelike verdenking dat daardie ander persoon die in artikel *twee* of *vier* vermelde misdryf geploeg het.

(2) Whenever any justice of the peace, policeman, or owner, lessee or occupier of land reasonably suspects that any person has in or under any receptacle or covering or in or upon any vehicle any stock or produce in regard to which an offence has been committed, such justice of the peace, policeman, owner, lessee or occupier may without warrant search such receptacle or vehicle and remove such covering, and if he thereupon finds any stock or produce in regard to which he reasonably suspects an offence to have been committed, he may without warrant arrest such person and seize such vehicle or receptacle and shall as soon as possible convey such person and the stock or produce so found and the vehicle or receptacle so seized to a police station or charge office.

Malicious arrest and search.

10. (1) Any person who, under colour of this Act, wrongfully and maliciously or without probable cause arrests any other person or effects any search shall be guilty of an offence.

(2) On any charge under this section the onus of proof that the arrest or search which is the subject of the charge was not wrongful and malicious or without probable cause shall be upon the accused.

(3) Nothing in this section contained shall be construed as taking away or diminishing any civil right or liability in respect of a wrongful or malicious arrest.

Verdicts on a charge of theft of stock or produce.

11. (1) Any person who is charged with the theft of stock or produce may be found guilty of—

(*a*) the theft of or an attempt to commit the theft of such stock or produce; or

(*b*) receiving such stock or produce knowing the same to have been stolen; or

(*c*) inciting, instigating, commanding or procuring another person—

(i) to steal such stock or produce; or

(ii) to receive such stock or produce; or

(*d*) knowingly disposing of, or knowingly assisting in the disposal of, stock or produce which has been stolen or which has been received with knowledge of it having been stolen; or

(*e*) contravening section *two* or *three*.

(2) Any person charged with the theft of stock or produce belonging to a particular person may be found guilty of any of the offences mentioned in sub-section (1), notwithstanding the fact that the prosecution has failed to prove that such stock or produce actually did belong to such particular person.

Act applicable in all cases where charge is one of theft of stock or produce.

12. The provisions of this Act shall apply in every case where an accused is indicted, summoned or charged in respect of the theft of stock or produce, notwithstanding the fact that this Act is not referred to in the indictment, summons or charge.

Jurisdiction of magistrates' courts in respect of punishments.

13. Notwithstanding anything to the contrary contained in any other law, magistrates' courts shall have jurisdiction to impose—

(*a*) in the case of a first conviction for any offence mentioned in paragraph (*a*), (*b*), (*c*) or (*d*) of sub-section (1) of section *eleven*—

(i) imprisonment for any period not exceeding two years; or

(ii) imprisonment with spare diet or solitary confinement or both for any period not exceeding six months; or

(iii) whipping not exceeding ten strokes; or

(iv) both such whipping and imprisonment for any period not exceeding two years; or

(v) a fine not exceeding five hundred pounds; or

(vi) both such fine and imprisonment for any period not exceeding two years;

(*b*) in the case of a second or subsequent conviction for any such offence—

(i) imprisonment for any period not exceeding three years; or

(ii) whipping not exceeding ten strokes; or

(iii) both such whipping and imprisonment for any period not exceeding three years;

(*c*) any penalty prescribed by section *fourteen*.

(2) Wanneer 'n vrederegter, polisiebeampte, of eienaar, huurder of okkupeerder van grond redelike verdenking het dat iemand vee of produkte ten aansien waarvan 'n misdryf gepleeg is, in of onder 'n houer of bedekking of in of op 'n voertuig het, kan daardie vrederegter, polisiebeampte of eienaar, huurder of okkupeerder sonder lasbrief bedoelde houer of voertuig visenteer en bedoelde bedekking verwyder, en indien hy dan vee of produkte vind ten aansien waarvan hy redelike verdenking het dat 'n oortreding gepleeg is, kan hy sonder lasbrief so iemand in hegtenis neem en op bedoelde voertuig of houer beslag lê en moet hy bedoelde persoon en die vee of produkte aldus gevind en die voertuig of houer waarop aldus beslag gelê is, so spoedig moontlik na 'n polisiestasie of aanklagkantoor neem.

Kwaadwillige inhegtenisneming en visentering.

10. (1) Iemand wat onder voorwendsel van hierdie Wet, wederregtelik en kwaadwilliglik of sonder waarskynlike gronde iemand anders in hegtenis neem of 'n visentering uitvoer, is aan 'n misdryf skuldig.

(2) By 'n aanklag ingevolge hierdie artikel rus die bewyslas op die beskuldigde om te bewys dat die inhegtenisneming of visentering wat die onderwerp van die aanklag uitmaak nie wederregtelik en kwaadwilliglik of sonder waarskynlike gronde was nie.

(3) Geen bepaling van hierdie artikel word so uitgelê dat dit enige siviele reg of aanspreeklikheid ten opsigte van 'n wederregtelike of kwaadwillige inhegtenisneming wegneem of verminder nie.

Uitsprake op 'n aanklag van diefstal van vee of produkte.

11. (1) Iemand wat aangekla word weens diefstal van vee of produkte kan skuldig bevind word—

(*a*) aan diefstal of poging tot diefstal van daardie vee of produkte; of

(*b*) aan ontvangs van daardie vee of produkte wetende dat dit gesteel is; of

(*c*) daaraan dat hy iemand anders uitgelok, opgehits, gelas of oorgehaal het—

(i) om daardie vee of produkte te steel; of

(ii) om daardie vee of produkte te ontvang; of

(*d*) daaraan dat hy vee of produkte wat gesteel is of wat ontvang is met die wete dat dit gesteel is, wetens van die hand gesit het of dat hy wetens behulpsaam was by die van die hand setting daarvan; of

(*e*) aan oortreding van artikel *twee* of *drie*.

(2) Iemand wat aangekla word weens diefstal van vee of produkte behorende aan 'n bepaalde persoon kan skuldig bevind word aan enigeen van die misdrywe in sub-artikel (1) genoem, nieteenstaande die feit dat die vervolging nie bewys het dat daardie vee of produkte werklik aan daardie bepaalde persoon behoort nie.

Wet van toepassing in alle gevalle waar aanklag een is van diefstal van vee of produkte.

12. Die bepalings van hierdie Wet is van toepassing in elke geval waar 'n beskuldigde aangekla of gedagvaar word ten opsigte van diefstal van vee of produkte, nieteenstaande die feit dat hierdie Wet nie in die akte van beskuldiging, dagvaarding of aanklag vermeld word nie.

Regsbevoegdheid van landdroshowe ten opsigte van strawwe.

13. Ondanks andersluidende wetsbepalings is 'n landdroshof regsbevoeg tot die oplegging—

(*a*) in die geval van 'n eerste veroordeling weens 'n misdryf in paragraaf (*a*), (*b*), (*c*) of (*d*) van sub-artikel (1) van artikel *elf* genoem, van—

(i) gevangenisstraf vir 'n tydperk van hoogstens twee jaar; of

(ii) gevangenisstraf met skraal rantsoen of alleenopsluiting of beide vir 'n tydperk van hoogstens ses maande; of

(iii) lyfstraf van hoogstens tien houe; of

(iv) beide sodanige lyfstraf en gevangenisstraf vir 'n tydperk van hoogstens twee jaar; of

(v) 'n boete van hoogstens vyfhonderd pond; of

(vi) beide sodanige boete en gevangenisstraf vir 'n tydperk van hoogstens twee jaar;

(*b*) in die geval van 'n tweede of latere veroordeling weens enige sodanige misdryf, van—

(i) gevangenisstraf vir 'n tydperk van hoogstens drie jaar; of

(ii) lyfstraf van hoogstens tien houe; of

(iii) beide sodanige lyfstraf en gevangenisstraf vir 'n tydperk van hoogstens drie jaar;

(*c*) van enige straf deur artikel *veertien* voorgeskryf.

Penalty where not otherwise provided for.

14. Any person who is convicted of an offence under this Act for which no penalty is otherwise provided shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

Fine in addition to sentence in certain cases.

15. (1) In all cases of a conviction for any offence mentioned in paragraph (*a*), (*b*), (*c*) or (*d*) of sub-section (1) of section *eleven* in which—

(*a*) the court is satisfied that the stock or produce which forms the subject matter of the charge is the property of some particular person;

(*b*) such stock or produce has not been recovered, or, if recovered, is worth less than its market value at the time of the theft; and

(*c*) the owner of such stock or produce does not apply under the provisions of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), for compensation,

the court shall, in addition to any sentence which it may have imposed upon a person convicted of any such offence, who is twenty-one years of age or older—

(i) if the stock or produce has not been recovered, sentence the said person to a fine not exceeding the market value of the stock or produce at the time when it was stolen; or

(ii) if the stock or produce has been recovered and is worth less than its market value at the time when it was stolen, sentence the said person to a fine not exceeding the difference between the said market value and the value of the stock or produce when it was recovered,

and in either case the court shall sentence the said person to a term of imprisonment not exceeding twelve months, if the said fine is not paid or is not recovered under sub-section (2), and if the court has imposed that sentence in addition to any other sentence of imprisonment which it imposed for any such offence as aforesaid, the said person shall serve the additional sentence after the expiration of the said other sentence except where the execution of that other sentence has been suspended in which case he shall commence to serve the additional sentence forthwith: Provided that, if the convicted person or any other person acting on behalf of the convicted person has compensated the owner of the stolen stock or produce in any way for its loss or depreciation, a fine imposed under paragraph (i) shall not exceed the amount (if any) by which the compensation fell short of the said market value, and a fine imposed under paragraph (ii) shall not exceed the amount (if any) by which the compensation fell short of the said difference.

(2) Such fine may be recovered in the manner provided by section *three hundred and thirty-seven* of the Criminal Procedure Act, 1955, and any amount so recovered shall be paid to the owner of the stolen stock or produce subject to the said owner giving security *de restituendo* in case the judgment of the said court is reversed on appeal or review.

(3) The provisions of this section shall not apply in the case of any person sentenced to whipping without imprisonment, unless it is proved that such person has the means of satisfying any fine imposed thereunder.

Regulations.

16. The Minister may make regulations as to the particulars to be stated—

(*a*) in regard to stock in the document of identification referred to in section *six*;

(*b*) in regard to stock or produce in the removal certificate referred to in section *eight*.

Provisions of Act may be made applicable in respect of farm produce not mentioned in definition of produce.

17. (1) The Minister may by notice in the *Gazette* declare that any or all of the provisions of this Act relating to produce shall also apply, either generally or in any area specified in the notice or any area other than an area so specified, in respect of any such class of farm produce not mentioned in the definition of "produce" in section *one* as is specified in the notice.

(2) The Minister may in like manner amend or repeal any such notice.

Straf waar nie andersins voorgeskryf nie.

14. Iemand wat veroordeel word weens 'n misdryf ingevolge hierdie Wet waarvoor geen straf andersins voorgeskryf is nie, is strafbaar met 'n boete van hoogstens honderd pond of met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met beide daardie boete en daardie gevangenisstraf.

Boete benewens straf in sekere gevalle.

15. (1) In alle gevalle van 'n veroordeling weens 'n misdryf in paragraaf (*a*), (*b*), (*c*) of (*d*) van sub-artikel (1) van artikel *elf* genoem waarin—

(*a*) die hof oortuig is dat die vee of produkte wat die onderwerp van die aanklag uitmaak die eiendom van 'n bepaalde persoon is;

(*b*) sodanige vee of produkte nie terruggevind is nie, of, indien teruggevind, minder werd is dan die markwaarde daarvan ten tyde van die diefstal; en

(*c*) die eienaar van sodanige vee of produkte nie kragtens die bepalings van die Strafproseswet, 1955 (Wet No. 56 van 1955), aansoek om skadevergoeding doen nie,

moet die hof, benewens enige straf wat hy mag opgelê het aan 'n persoon wat weens so 'n misdryf veroordeel is en wat een-en-twintig jaar oud of ouer is—

(i) indien die vee of produkte nie teruggevind is nie, bedoelde persoon vonnis tot 'n boete van hoogstens die markwaarde van die vee of produkte toe dit gesteel is; of

(ii) indien die vee of produkte teruggevind is en dit minder werd is dan die markwaarde daarvan toe dit gesteel is, bedoelde persoon vonnis tot 'n boete van hoogstens die verskil tussen bedoelde markwaarde en die waarde van die vee of produkte toe dit teruggekry is,

en in beide gevalle moet die hof bedoelde persoon vonnis tot 'n termyn van gevangenisstraf van hoogstens twaalf maande indien voormelde boete nie betaal word nie of nie kragtens sub-artikel (2) verhaal word nie, en indien die hof daardie straf opgelê het bo en behalwe enige ander vonnis van gevangenisstraf wat hy vir enige sodanige misdryf soos voormeld opgelê het, moet bedoelde persoon die bykomende straf uitdien na verstryking van bedoelde ander straf behalwe waar die tenuitvoerlegging van daardie ander straf opgeskort is, in welke geval hy die bykomende straf onverwyld moet begin uitdien: Met dien verstande dat, indien die veroordeelde persoon of enige ander persoon wat namens die veroordeelde persoon handel, die eienaar van die gesteelde vee of produkte op enige wyse vergoed het vir die verlies of waardevermindering daarvan, 'n boete kragtens paragraaf (i) opgelê nie die bedrag (indien enige) wat die skadevergoeding minder is dan die bedoelde markwaarde, mag oorskry nie, en 'n boete kragtens paragraaf (ii) opgelê nie die bedrag (indien enige) wat die skadevergoeding minder is dan die bedoelde verskil mag oorskry nie.

(2) Sodanige boete kan verhaal word op die wyse bepaal deur artikel *driehonderd sewe-en-dertig* van die Strafproseswet, 1955, en enige bedrag aldus verhaal word aan die eienaar van die gesteelde vee of produkte betaal teen verstrekking van sekuriteit *de restituendo* deur bedoelde eienaar ingeval die uitspraak van bedoelde hof by appèl of hersiening tersyde gestel word.

(3) Die bepalings van hierdie artikel is nie van toepassing nie in die geval van iemand wat tot lyfstraf sonder gevangenisstraf gevonnis word, tensy dit bewys word dat so iemand die middele besit om 'n boete daarkragtens opgelê, te betaal.

Regulasies.

16. Die Minister kan regulasies uitvaardig met betrekking tot die besonderhede wat vermeld moet word—

(*a*) ten opsigte van vee in die in artikel *ses* bedoelde dokument van identifikasie;

(*b*) ten opsigte van vee of produkte in die in artikel *agt* bedoelde verwyderingsertifikaat.

Bepalings van Wet kan ten aansien van boerderyprodukte wat nie in die omskrywing van produkte genoem is nie, van toepassing gemaak word.

17. (1) Die Minister kan by kennisgewing in die *Staatskoerant* verklaar dat enige van of al die bepalings van hierdie Wet betreffende produkte ook van toepassing is, òf algemeen òf in 'n in die kennisgewing bepaalde gebied of 'n ander gebied dan 'n aldus bepaalde gebied, ten aansien van enige klas boerderyproduk in die kennisgewing vermeld wat nie in die omskrywing van „produkte" in artikel *een* genoem word nie.

(2) Die Minister kan so 'n kennisgewing op dergelike wyse wysig of herroep.

Application of sections 5, 6, 7 and 8.

18. (1) The Minister may by notice in the *Gazette* exclude from the operation of any or all of the provisions of sections *five*, *six*, *seven* and *eight*—

(*a*) any area specified in the notice or any area other than an area so specified; or

(*b*) any stock or produce or class of stock or produce either generally or in respect of any area specified in the notice or any area other than an area so specified.

(2) The Minister may by notice in the *Gazette*, and on such conditions as he deems fit, exempt any person or class of persons specified in the notice, either generally or under such circumstances or in respect of such stock or produce or class of stock or produce as may be specified in the notice, from compliance with any or all of the provisions of sections *five*, *six*, *seven* and *eight*.

(3) The Minister may by notice in the *Gazette* amend or repeal any notice issued in terms of this section.

Certain provisions of Transkeian Territories Penal Code may be made applicable in certain areas.

19. The Governor-General may by proclamation in the *Gazette* extend the operation of the provisions of sections *two hundred*, *two hundred and one* and *two hundred and two* of the Native Territories Penal Code (Act No. 24 of 1886 of the Cape of Good Hope) as read with the Transkeian Territories Penal Code Amendment Act, 1898 (Act No. 41 of 1898 of the Cape of Good Hope) to any area within a released area or scheduled native area as defined in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), specified in the proclamation, and may in like manner amend or repeal any such proclamation.

Repeal or amendment of laws.

20. The laws specified in the Schedule are hereby repealed or amended to the extent set out in the fourth column of the Schedule.

Short title and date of commencement.

21. This Act shall be called the Stock Theft Act, 1959, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

Toepassing van artikels 5, 6, 7 en 8.

18. (1) Die Minister kan by kennisgewing in die *Staatskoerant*,

(*a*) enige in die kennisgewing vermelde gebied of enige ander gebied dan 'n aldus vermelde gebied; of

(*b*) enige vee of produkte of klas van vee of produkte òf algemeen òf ten opsigte van 'n in die kennisgewing vermelde gebied of 'n ander gebied dan 'n aldus vermelde gebied,

van die toepassing van enige van of al die bepalings van artikels *vyf*, *ses*, *sewe* en *agt* uitsluit.

(2) Die Minister kan by kennisgewing in die *Staatskoerant*, en op die voorwaardes wat hy goedvind, enige in die kennisgewing vermelde persoon of klas van persone òf algemeen òf onder sulke omstandighede òf ten opsigte van sodanige vee of produkte of klas van vee of produkte as wat in die kennisgewing vermeld word, van voldoening aan enigeen van of al die bepalings van artikels *vyf*, *ses*, *sewe* en *agt* vrystel.

(3) Die Minister kan by kennisgewing in die *Staatskoerant* enige ingevolge hierdie artikel uitgevaardigde kennisgewing wysig of intrek.

Sekere bepalings van die strafkode van die Transkeigebied kan in sekere gebiede toegepas word.

19. Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* die toepassing van die bepalings van artikels *tweehonderd*, *tweehonderd-en-een*, en *tweehonderd-en-twee* van die „Native Territories Penal Code" (Wet No. 24 van 1886 van die Kaap die Goeie Hoop), soos uitgelê met inagneming van die „Transkeian Territories Penal Code Amendment Act, 1898" (Wet No. 41 van 1898 van die Kaap die Goeie Hoop), uitbrei tot enige in die proklamasie vermelde gebied binne 'n oopgestelde gebied of afgesonderde naturellegebied soos in die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), omskryf, en kan so 'n proklamasie op dergelike wyse wysig of herroep.

Herroeping of wysiging van wette.

20. Die wette in die Bylae genoem word hiermee herroep of gewysig in die mate in die vierde kolom van die Bylae aangedui.

Kort titel en datum van inwerkingtreding.

21. Hierdie Wet heet die Wet op Veediefstal, 1959, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

Schedule.

LAWS REPEALED OR AMENDED.

Province or Union.	Number and date of law.	Title or subject of law.	Extent of repeal or amendment.
Cape of Good Hope.	Act No. 14 of 1870.	The Cattle Removal Act, 1870.	The repeal of the whole.
Cape of Good Hope.	Act No. 12 of 1885.	Cattle and Stock Definitions Amendment Act, 1885.	The repeal of the whole.
Cape of Good Hope.	Act No. 20 of 1889.	The Cattle Removal Amendment Act, 1889.	The repeal of the whole.
Cape of Good Hope.	Act No. 12 of 1891.	The Cattle Removal Amendment Act, 1891.	The repeal of the whole.
Cape of Good Hope.	Act No. 7 of 1896.	The Cattle Removal Acts Extension Act, 1896.	The repeal of the whole.
Natal	Act No. 1 of 1899.	Cattle Stealing Act, 1898.	The repeal of sections *six* to *thirty-three*, inclusive, and section *thirty-six*; the deletion in section *thirty-seven* of the words "and the passes therein referred to"; and the deletion in section *thirty-eight* of the words "together with the passes".
Natal	Act No. 41 of 1905.	To amend the Cattle Stealing Act, 1898.	The repeal of section *five*.
Orange Free State.	Chapter CXXXIV of Law Book.	To provide against Theft of Hides, Mohair, Wool and Ostrich Feathers.	The repeal of the whole.
Orange Free State.	Law No. 4 of 1895.	Law Supplementing and Amending Part 2 of Chapter CXXXIII of the Law Book.	The repeal of sections *three* to *seven*, inclusive.
Transvaal ..	Ordinance No. 6 of 1904.	Stock Theft Ordinance, 1904.	The repeal of sections *twenty-eight*, *twenty-nine* and *thirty*.
Union ..	Act No. 26 of 1923.	Stock Theft Act, 1923.	The repeal of the whole.
Union ..	Act No. 16 of 1942.	Stock Theft Amendment Act, 1942.	The repeal of the whole.
Union ..	Act No. 68 of 1957.	General Law Amendment Act, 1957.	The repeal of section *twenty-eight*.

Bylae.

WETTE HERROEP OF GEWYSIG.

Provinsie of Unie.	Nommer en datum van Wet.	Titel of onderwerp van Wet.	Omvang van herroeping of wysiging.
Kaap die Goeie Hoop.	Wet No. 14 van 1870.	„The Cattle Removal Act, 1870".	Herroeping van die geheel.
Kaap die Goeie Hoop.	Wet No. 12 van 1885.	„Cattle and Stock Definitions Amendment Act, 1885".	Herroeping van die geheel.
Kaap die Goeie Hoop.	Wet No. 20 van 1889.	„The Cattle Removal Amendment Act, 1889".	Herroeping van die geheel.
Kaap die Goeie Hoop.	Wet No. 12 van 1891.	„The Cattle Removal Amendment Act, 1891".	Herroeping van die geheel.
Kaap die Goeie Hoop.	Wet No. 7 van 1896.	„The Cattle Removal Acts Extension Act, 1896".	Herroeping van die geheel.
Natal	Wet No. 1 van 1899.	„Cattle Stealing Act, 1898".	Herroeping van artikels *ses* tot en met *drie-en-dertig* en artikel *ses-en-dertig*; die skrapping in artikel *sewe-en-dertig* van die woorde „and the passes therein referred to"; en die skrapping in artikel *agt-en-dertig* van die woorde „together with the passes".
Natal	Wet No. 41 van 1905.	„To amend the Cattle Stealing Act, 1898".	Herroeping van artikel *vyf*.
Oranje-Vrystaat.	Hoofstuk CXXXIV van Wetboek.	„Tot tegengaan van diefstal van Vellen, Bokhaar, Wol en Vogelstruisveeren".	Herroeping van die geheel.
Oranje-Vrystaat.	Wet No. 4 van 1895.	„Wet tot Aanvulling en Wijziging van Afdeling 2, Hoofdstuk CXXXIII van het Wetboek".	Herroeping van artikels *drie* tot en met *sewe*.
Transvaal ..	Ordonnansie No. 6 van 1904.	„Stock Theft Ordinance, 1904".	Herroeping van artikels *agt-en-twintig*, *negeen-twintig* en *dertig*.
Unie	Wet No. 26 van 1923.	„Veediefstal Wet, 1923".	Herroeping van die geheel.
Unie	Wet No. 16 van 1942.	Veediefstalwysigingswet, 1942.	Herroeping van die geheel.
Unie	Wet No. 68 van 1957.	Algemene Regswysigingswet, 1957.	Herroeping van artikel *agt-en-twintig*.

No. 58, 1959.]

ACT

To provide for the holding of inquests in cases of deaths or alleged deaths apparently occurring from other than natural causes and for matters incidental thereto, and to repeal the Fire Inquests Act, 1883 (Cape of Good Hope) and the Fire Inquests Law, 1884 (Natal).

(*Afrikaans text signed by the Governor-General.*)
(*Assented to 27th June*, 1959.)

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) "magistrate" includes an additional magistrate and an assistant magistrate and, in relation to the area in the territory of South-West Africa beyond the Police Zone, as defined in section *three* of the Prohibited Areas Proclamation, 1928 (Proclamation No. 26 of 1928), of the said territory, a native commissioner, an assistant native commissioner and an officer in charge of native affairs; (ii)

(ii) "Minister" means the Minister of Justice; (iii)

(iii) "policeman" includes any member of a force established under any law for the carrying out of police powers, duties and functions; (iv)

(iv) "public prosecutor" means a public prosecutor attached to the magistrate's court of the district wherein an inquest is held or to be held under this Act; (v)

(v) "this Act" includes any regulation made thereunder. (i)

Duty to report deaths.

2. (1) Any person who has reason to believe that any other person has died and that death was due to other than natural causes, shall as soon as possible report accordingly to a policeman, unless he has reason to believe that a report has been or will be made by any other person.

(2) Any person who contravenes or fails to comply with the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

Investigation of circumstances of certain deaths.

3. (1) Subject to the provisions of any other law providing for an investigation of the circumstances of any death, any policeman who has reason to believe that any person has died and that such person has died from other than natural causes, shall investigate or cause to be investigated the circumstances of the death or alleged death.

(2) If the body of such person is available, any magistrate to whom the death is reported shall, if he deems it expedient in the interests of justice, cause it to be examined by the district surgeon or any other medical practitioner who may, if he deems it necessary for the purpose of ascertaining with greater certainty the cause of death, make or cause to be made an examination of any internal organ or any part or any of the contents of the body, or of any other substance or thing.

(3) For the purposes of any examination mentioned in sub-section (2)—

(*a*) any part or internal organ or any of the contents of a body may be removed therefrom;

(*b*) a body or any part, internal organ or any of the contents of a body so removed therefrom may be removed to any place.

(4) A body which has already been interred may, with the written permission of the magistrate or the attorney-general within whose area of jurisdiction it has been interred, be disinterred for the purpose of any examination mentioned in sub-section (2).

No. 58, 1959.]

WET

Om voorsiening te maak vir die instel van geregtelike ondersoeke by sterfgevalle of beweerde sterfgevalle wat vermoedelik toe te skryf is aan ander as natuurlike oorsake en vir aangeleenthede wat daarmee in verband staan, en om die „Fire Inquests Act, 1883" (Kaap die Goeie Hoop) en die „Fire Inquests Law, 1884" (Natal) te herroep.

(*Afrikaanse teks deur die Goewerneur-generaal geteken.*)
(*Goedgekeur op 27 Junie* 1959.)

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

Woordbepaling.

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

(i) „hierdie Wet" ook 'n regulasie daarkragtens uitgevaardig; (v)

(ii) „landdros" ook 'n addisionele landdros en 'n assistent-landdros en, met betrekking tot die streek in die gebied Suidwes-Afrika buite die Polisiesone, soos in artikel *drie* van die Verbode Gebiede Proklamasie, 1928 (Proklamasie No. 26 van 1928), van bedoelde gebied omskryf, 'n naturellekommissaris, 'n assistent-naturellekommissaris en 'n amptenaar belas met naturelle-aangeleenthede; (i).

(iii) „Minister" die Minister van Justisie; (ii)

(iv) „polisiebeampte" ook 'n lid van 'n mag by wet ingestel ter uitvoering van die bevoegdhede, pligte en werksaamhede van polisie; (iii)

(v) „staatsaanklaer" 'n staatsaanklaer verbonde aan die landdroshof van die distrik waarin 'n geregtelike doodsondersoek ingevolge hierdie Wet gehou word of staan te word. (iv)

Verpligte aanmelding van sterfgevalle.

2. (1) Iemand wat rede het om te vermoed dat iemand anders gesterf het en dat die sterfte toe te skryf was aan ander as natuurlike oorsake moet so spoedig doenlik by 'n polisiebeampte dienooreenkomstig verslag doen, tensy hy rede het om te vermoed dat 'n verslag deur iemand anders gedoen is of gedoen gaan word.

(2) Iemand wat die bepalings van sub-artikel (1) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond.

Ondersoek na omstandighede van sekere sterfgevalle.

3. (1) Behoudens ander wetsbepalings wat voorsiening maak vir 'n ondersoek na die omstandighede van 'n sterfgeval, moet 'n polisiebeampte wat rede het om te vermoed dat iemand gesterf het en dat daardie persoon weens ander as natuurlike oorsake gesterf het, na die omstandighede van die sterfgeval of beweerde sterfgeval ondersoek instel of laat instel.

(2) Indien die lyk van daardie persoon beskikbaar is, moet 'n landdros by wie die sterfgeval aangemeld word, as hy dit in belang van die regspleging dienstig ag, dit laat ondersoek deur die distriksgeneesheer of 'n ander geneesheer wat, as hy dit nodig ag ten einde die oorsaak van dood met groter sekerheid vas te stel, 'n ondersoek kan uitvoer of laat uitvoer van enige inwendige orgaan of enige deel of enige inhoudsdeel van die lyk, of van enige ander stof of voorwerp.

(3) Vir die doeleindes van 'n ondersoek in sub-artikel (2) genoem—

(*a*) kan enige deel of inwendige orgaan of inhoudsdeel van 'n lyk daarvan verwyder word;

(*b*) kan 'n lyk of 'n deel, inwendige orgaan of inhoudsdeel daarvan wat aldus verwyder is, na enige plek verwyder word.

(4) 'n Lyk wat alreeds begrawe is, kan met skriftelike vergunning van die landdros of die prokureur-generaal binne wie se regsgebied dit begrawe is, opgegrawe word vir die doel van 'n ondersoek wat in sub-artikel (2) genoem word.

(5) At any examination conducted by a medical practitioner in terms of sub-section (2), no person other than—

(*a*) a policeman; or

(*b*) any other medical practitioner nominated by any person who satisfies the magistrate within whose area of jurisdiction such examination takes place, that he has a substantial and peculiar interest in the issue of the examination,

shall be present without the consent of such magistrate or the medical practititioner conducting the examination.

(6) Any person who contravenes the provisions of sub-section (5), or who hinders or obstructs a medical practitioner, a policeman or any person acting on the instructions of a medical practitioner or policeman in carrying out his powers or duties under this section, 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 or to such imprisonment without the option of a fine.

Report to public prosecutor.

4. The policeman investigating the circumstances of the death or alleged death of any person shall submit a report thereon, together with all relevant statements, documents and information, to the public prosecutor, who may, if he deems it necessary, call for any additional information regarding the death.

When inquest to be held.

5. (1) If criminal proceedings are not instituted in connection with the death, or alleged death, the public prosecutor shall submit the statements, documents and information mentioned in section *four* to the magistrate.

(2) If on the information submitted to him in terms of sub-section (1) it appears to the magistrate that a death has occurred and that such death was not due to natural causes, he shall proceed to hold an inquest as to the circumstances and cause of the death.

Magistrate who is to hold inquest.

6. An inquest shall be held by the magistrate of the district in which the death is alleged to have occurred, or in case of any doubt or dispute as to such district or whenever the Minister or any person authorized thereto by him deems it expedient, by any magistrate designated by the Minister or person so authorized.

Notice of inquest to be given.

7. Except in cases where the spouse or a near adult relative of the alleged deceased person is being subpoenaed as a witness, the magistrate who is to hold an inquest shall cause reasonable notice thereof to be given to such spouse or relative, provided the spouse or relative is available and the giving of such notice will not, in the opinion of the magistrate, unduly delay the holding of the inquest.

Witnesses and evidence at inquests.

8. (1) The magistrate who is to hold or holds an inquest may cause to be subpoenaed any person to give evidence or to produce any document or thing at the inquest.

(2) Save as is otherwise provided in this Act, the laws governing criminal trials in magistrates' courts shall *mutatis mutandis* apply to securing the attendance of witnesses at an inquest, their examination, the recording of evidence given by them, the payment of allowances to them and the production of documents and things.

Assessors at inquests.

9. (1) A magistrate may with the approval of the Minister or any person acting under the authority of the Minister, summon to his assistance any person who has, or any two persons who have, in his opinion, skill in any matter which may have to be considered at an inquest, to sit with him at the inquest as assessor or assessors for the purpose of advising him on any such matter.

(2) Any such assessor may put such questions to a witness giving evidence at the inquest as the magistrate may allow.

(3) No such assessor shall have a voice in any decision at the inquest or in the finding to be recorded in terms of section *sixteen*.

(4) If any such assessor is not a person in the full-time employment of the State, he shall be entitled to a refund of any reasonable expenditure which he may have necessarily incurred in connection with his attendance at the inquest and to such remuneration for his services as assessor as he would

(5) By 'n ondersoek wat deur 'n geneesheer ingevolge sub-artikel (2) uitgevoer word, mag niemand behalwe—

(*a*) 'n polisiebeampte; of

(*b*) 'n ander geneesheer aangewys deur iemand wat die landdros binne wie se regsgebied daardie ondersoek plaasvind, oortuig dat hy 'n wesenlike en besondere belang in die uitslag van die ondersoek het,

aanwesig wees nie sonder die toestemming van daardie landdros of die geneesheer wat die ondersoek uitvoer.

(6) Iemand wat die bepalings van sub-artikel (5) oortree of wat 'n geneesheer, 'n polisiebeampte of iemand wat in opdrag van 'n geneesheer of polisiebeampte handel, by die uitvoering van sy bevoegdhede of pligte kragtens hierdie artikel hinder of belemmer, 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 of met sodanige gevangenisstraf sonder die keuse van 'n boete.

Verslag aan staatsaanklaer.

4. Die polisiebeampte wat ondersoek instel na die omstandighede van die dood of beweerde dood van iemand, moet 'n verslag daaroor, tesame met alle ter sake dienende verklarings, stukke en inligting voorlê aan die staatsaanklaer wat, indien hy dit nodig ag, verdere inligting insake die sterfgeval kan aanvra.

Wanneer geregtelike doodsondersoek gehou moet word.

5. (1) Indien 'n strafgeding in verband met die sterfgeval of beweerde sterfgeval nie ingestel word nie, moet die staatsaanklaer die verklarings, stukke en inligting in artikel *vier* genoem aan die landdros voorlê.

(2) Indien dit na die mening van die landdros op grond van die inligting ingevolge sub-artikel (1) aan hom voorgelê, blyk dat 'n sterfgeval voorgekom het en dat daardie sterfgeval nie aan natuurlike oorsake toe te skryf is nie, moet hy 'n geregtelike ondersoek instel na die omstandighede en oorsaak van die sterfte.

Landdros wat geregtelike doodsondersoek moet instel.

6. 'n Geregtelike doodsondersoek moet ingestel word deur die landdros van die distrik waarin die sterfgeval na bewering voorgekom het, of in geval van twyfel of 'n geskil aangaande daardie distrik of wanneer die Minister of iemand deur hom daartoe gemagtig dit dienstig ag, deur 'n landdros wat aangewys is deur die Minister of aldus gemagtigde persoon.

Kennis moet van geregtelike doodsondersoek gegee word.

7. Behalwe in gevalle waar die eggenoot of 'n naverwante volwasse bloedverwant van die beweerde oorledene as getuie gedagvaar word, moet die landdros wat 'n geregtelike ondersoek staan waar te neem redelike kennis daarvan laat gee aan daardie eggenoot of bloedverwant, mits die eggenoot of bloedverwant beskikbaar is en die gee van sodanige kennis volgens die oordeel van die landdros die instel van die ondersoek nie buitensporig sal vertraag nie.

Getuies en getuienis by geregtelike doodsondersoeke.

8. (1) Die landdros wat 'n geregtelike doodsondersoek waarneem of staan waar te neem, kan enigiemand laat dagvaar om by die ondersoek getuienis af te lê of om 'n dokument of saak voor te lê.

(2) Behoudens andersluidende bepalings van hierdie Wet, is die wetsbepalings aangaande strafverhore in landdroshowe *mutatis mutandis* van toepassing op die oproeping van getuies by 'n geregtelike doodsondersoek, hul ondervraging, die afneem van die getuienis deur hulle afgelê, die betaling van toelaes aan hulle en die voorlegging van dokumente en sake.

Assessore by geregtelike doodsondersoeke.

9. (1) 'n Landdros kan met goedkeuring van die Minister of iemand wat op gesag van die Minister handel, een of twee persone wat na sy mening bedrewe is in een of ander onderwerp wat moontlik by 'n geregtelike doodsondersoek oorweeg sal moet word, aansê om hom by te staan en om met hom as assessor of assessore by die ondersoek sitting te neem ten einde hom aangaande sodanige onderwerp van advies te dien.

(2) So 'n assessor kan 'n getuie wat by die ondersoek getuienis aflê die vrae stel wat die landdros toelaat.

(3) Geen sodanige assessor het enige seggenskap by die ondersoek of by die bevinding wat kragtens artikel *sestien* opgeteken moet word nie.

(4) Indien so 'n assessor nie iemand in voltydse diens van die Staat is nie, is hy geregtig op terugbetaling van alle redelike uitgawe wat hy noodwendig in verband met sy bywoning van die ondersoek aangegaan het en op die besoldiging vir sy dienste

be entitled to receive if he were an assessor acting at a criminal trial in a magistrate's court.

When inquest to be held in public.

10. Unless the giving of oral evidence is dispensed with under this Act, an inquest shall be held in public: Provided that the magistrate holding the inquest may in his discretion exclude from the place where the inquest is held any person whose presence thereat is, in his opinion, not necessary or desirable.

Examination of witnesses.

11. (1) The public prosecutor or any person designated by the magistrate holding an inquest to act in his stead may examine any witness giving evidence at such inquest.

(2) Any other person who satisfies the magistrate that he has a substantial and peculiar interest in the issue of the inquest may personally or by counsel or attorney put such questions to a witness giving evidence at the inquest as the magistrate may allow.

Adjournment of inquest, and continuation by different magistrate.

12. (1) An inquest may, if it is necessary or expedient, be adjourned at any time.

(2) An inquest commenced by any magistrate who through absence, death or incapacity becomes unable to continue such inquest, may be continued by any other magistrate as if the inquest had been commenced by such other magistrate, who may cause any person who has already given evidence at the inquest to be subpoenaed to give evidence as if he had not before so given evidence.

Affidavits and interrogatories.

13 (1) Upon production by any person, any document purporting to be an affidavit made by any person in connection with any death or alleged death in respect of which an inquest is held, shall at the discretion of the magistrate holding the inquest be admissible in proof of the facts stated therein.

(2) The magistrate may in his discretion cause the person who made such affidavit to be subpoenaed to give oral evidence at the inquest or may cause written interrogatories to be submitted to him for reply, and such interrogatories and any reply thereto purporting to be a reply from such person shall likewise be admissible in evidence at the inquest.

Copies of records of inquiries.

14. Upon production by any person, any document purporting to be a copy of the record of any inquiry referred to in sub-section (1) of section *twenty-three* and purporting to be certified as a true copy of such record by any person describing himself as the holder of a public office, shall at the discretion of the magistrate holding an inquest in respect of the death which was the subject of such inquiry, be admissible in evidence at the inquest.

Taking evidence on commission.

15. (1) Whenever in the course of any inquest proceedings it appears to the magistrate holding the inquest that the examination of a witness is necessary and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which in the circumstances would be unreasonable, the magistrate may dispense with such attendance and may appoint a person to be a commissioner to take the evidence of such witness, whether within the Union or the territory of South-West Africa or elsewhere, in regard to such matters or facts as the magistrate may indicate, and thereupon the provisions of sub-section (2) of section *two hundred and thirty-five* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply.

(2) Any person mentioned in sub-section (2) of section *eleven* may appear before the person so appointed by counsel or attorney or in person and may examine the said witness.

(3) The evidence recorded in terms of this section shall be admissible in evidence at the inquest.

Finding.

16. (1) If in the case of an inquest where the body of the person concerned is alleged to have been destroyed or where no body has been found or recovered, the evidence proves beyond a reasonable doubt that a death has occurred, the magistrate holding such inquest shall record a finding accordingly, and thereupon the provisions of sub-section (2) shall apply.

as assessor waarop hy geregtig sou wees as hy 'n assessor was wat by 'n strafverhoor in 'n landdroshof optree.

Wanneer geregtelike doodsondersoek in die openbaar moet geskied.

10. Tensy daar van die aflê van mondelinge getuienis kragtens hierdie Wet afgesien word, moet 'n geregtelike doodsondersoek in die openbaar geskied: Met dien verstande dat die landdros wat die ondersoek waarneem, na goeddunke van die plek waar die ondersoek geskied iemand wie se aanwesigheid aldaar volgens sy oordeel nie nodig of wenslik is nie, kan uitsluit.

Ondervraging van getuies.

11. (1) Die staatsaanklaer of iemand wat deur die landdros wat 'n geregtelike doodsondersoek waarneem, aangewys word om in sy plek op te tree, kan 'n getuie wat by daardie ondersoek getuienis aflê, ondervra.

(2) Enigiemand anders wat die landdros oortuig dat hy 'n wesenlike en besondere belang in die uitslag van die ondersoek het, kan persoonlik of deur middel van 'n advokaat of prokureur die vrae wat die landdros toelaat, stel aan 'n getuie wat by die ondersoek getuienis aflê.

Verdaging van geregtelike doodsondersoek, en voortsetting deur ander landdros.

12. (1) 'n Geregtelike doodsondersoek kan indien nodig of dienstig te eniger tyd verdaag word.

(2) 'n Geregtelike doodsondersoek wat begin is deur 'n landdros wat weens afwesigheid, dood of onbekwaamheid onbevoeg raak om die ondersoek voort te sit, kan voortgesit word deur 'n ander landdros asof die ondersoek begin is deur daardie ander landdros, wat iemand wat alreeds by die ondersoek getuienis afgelê het, kan laat dagvaar om getuienis af te lê asof hy nie voorheen aldus getuienis afgelê het nie.

Beëdigde verklarings en vraagpunte.

13. (1) 'n Geskrif wat 'n beëdigde verklaring heet te wees deur iemand afgelê in verband met 'n sterfgeval of beweerde sterfgeval ten opsigte waarvan 'n geregtelike doodsondersoek ingestel word, is, by voorlegging deur enigiemand, na goeddunke van die landdros wat die ondersoek waarneem, toelaatbaar as bewys van die daarin vermelde feite.

(2) Die landdros kan na goeddunke die persoon wat die beëdigde verklaring afgelê het, laat dagvaar om mondelinge getuienis by die ondersoek af te lê of kan skriftelike vraagpunte aan hom vir beantwoording laat voorlê, en daardie vraagpunte en enige antwoord daarop wat 'n antwoord van bedoelde persoon heet te wees, is insgelyks as getuienis by die ondersoek toelaatbaar.

Afskrifte van notule van ondersoeke.

14. 'n Geskrif wat 'n afskrif van die notule van 'n ondersoek in sub-artikel (1) van artikel *drie-en-twintig* vermeld, heet te wees en wat as ware afskrif van daardie notule gesertifiseer heet te wees deur iemand wat homself as bekleër van 'n openbare amp beskrywe, is by voorlegging deur enigiemand, na goeddunke van die landdros wat 'n geregtelike ondersoek waarneem ten opsigte van die sterfgeval wat die onderwerp van eersgenoemde ondersoek uitgemaak het, as getuienis by die geregtelike doodsondersoek toelaatbaar.

Afneem van getuienis by wyse van kommissie.

15. (1) Wanneer dit gedurende 'n geregtelike doodsondersoek na die mening van die landdros wat die ondersoek waarneem, blyk dat die ondervraging van 'n getuie noodsaaklik is en dat die aanwesigheid van daardie getuie nie verkry kan word sonder sodanige vertraging, onkoste of ongerief as wat in die omstandighede onredelik sou wees nie, kan die landdros van sodanige aanwesigheid afsien en iemand as kommissaris aanstel om die getuienis van daardie getuie, hetsy in die Unie of die gebied Suidwes-Afrika of elders, af te neem met betrekking tot die aangeleenthede of feite wat die landdros aandui, en daarop is die bepalings van sub-artikel (2) van artikel *tweehonderd vyf-en-dertig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), *mutatis mutandis* van toepassing.

(2) Iemand in sub-artikel (2) van artikel *elf* genoem, kan voor die aldus aangestelde persoon deur middel van 'n advokaat of prokureur of in eie persoon verskyn en kan bedoelde getuie ondervra.

(3) Die getuienis wat ingevolge hierdie artikel afgeneem word, is as getuienis by die ondersoek toelaatbaar.

Bevinding.

16. (1) Indien in die geval van 'n geregtelike doodsondersoek waar die lyk van die betrokke persoon na bewering vernietig is of waar geen lyk gevind of teruggevind is nie, die getuienis bo redelike twyfel bewys dat 'n sterfgeval voorgekom het, moet die landdros wat die ondersoek waarneem 'n bevinding dienooreenkomstig aanteken, waarna die bepalings van sub-artikel (2) van toepassing is.

(2) The magistrate holding an inquest shall record a finding upon the inquest—

(*a*) as to the identity of the deceased person;
(*b*) as to the cause or likely cause of death;
(*c*) as to the date of the death;
(*d*) as to whether the death was brough about by any act or omission involving or amounting to an offence on the part of any person.

(3) If the magistrate is unable to record any such finding, he shall record that fact.

Submission of record to attorney-general.

17. (1) Upon the determination of an inquest the magistrate concerned shall cause the record of the proceedings to be submitted to the attorney-general within whose area of jurisdiction the inquest was held.

(2) The attorney-general may at any time after the receipt of the record direct the magistrate to re-open the inquest and take further evidence generally or in respect of any particular matter or to cause an examination or further examination of a dead body or of any part, internal organ or any of the contents thereof to be made and, if necessary, to cause such body to be disinterred for the purpose of the examination, and the provisions of sub-section (3) of section *three* shall apply to such examination.

Certain findings on review equivalent to orders that death should be presumed.

18. (1) Whenever a magistrate has in the case of an inquest referred to in sub-section (1) of section *sixteen* recorded a finding in regard to the matters mentioned in that sub-section and in paragraphs (*a*) and (*c*) of sub-section (2) of that section, the attorney-general shall, subject to the provisions of section *seventeen*, submit the record of such inquest, together with any comment which he may wish to make, to any provincial or local division of the Supreme Court of South Africa having jurisdiction in the area wherein the inquest was held or, if the inquest was held in the territory of South-West Africa, to the High Court of South-West Africa, for review by the court or a judge thereof.

(2) Such finding, if confirmed on such review, or, if corrected on review, as so corrected, shall have the same effect as if it were an order granted by such court or such judge that the death of the deceased person concerned should be presumed in accordance with such finding.

(3) Nothing in this Act contained shall affect the right of any person to apply to any competent court for an order that the death of any person should be presumed, or the right of any competent court or any judge thereof to grant any such order.

Inquest records.

19. (1) When the record of any inquest which has been submitted under this Act to an attorney-general or a court is no longer required by such attorney-general or court for the purposes of this Act, it shall be returned to the magistrate concerned.

(2) Such record shall be deemed to form part of the records of the magistrate's court of the district wherein the inquest was held.

Offences in connection with inquests.

20. (1) The provisions of section *one hundred and eight* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), shall *mutatis mutandis* apply in respect of inquest proceedings as if such proceedings were proceedings of a court contemplated in that section.

(2) Any person who at an inquest gives false evidence knowing it to be false, or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

Inquest not to prevent institution of criminal proceedings.

21. (1) Nothing in this Act contained shall be construed as preventing the institution of criminal proceedings against any person, or as preventing any person authorized thereto from issuing a warrant for the arrest of or arresting any person, in connection with any death, whether or not an inquest has commenced in respect of such death.

(2) Whenever it comes to the knowledge of the magistrate concerned that criminal proceedings are being or to be instituted in connection with any death in respect of which inquest proceedings may have been instituted, he shall stop such inquest proceedings.

(2) Die landdros wat 'n geregtelike doodsondersoek waarneem, moet met betrekking tot die ondersoek 'n bevinding aanteken—

(*a*) omtrent die identiteit van die oorledene;
(*b*) omtrent die oorsaak of waarskynlike oorsaak van dood;
(*c*) omtrent die datum van die sterfgeval;
(*d*) of die dood veroorsaak is deur 'n handeling of versuim wat 'n misdryf aan die kant van iemand insluit of uitmaak.

(3) Indien die landdros nie in staat is om enige sodanige bevinding aan te teken nie, moet hy dié feit boekstaaf.

Voorlegging van notule aan prokureur-generaal.

17. (1) By beëindiging van 'n geregtelike doodsondersoek moet die betrokke landdros die notule van die verrigtinge laat voorlê aan die prokureur-generaal binne wie se regsgebied die ondersoek ingestel is.

(2) Die prokureur-generaal kan te eniger tyd na ontvangs van die notule die landdros gelas om die geregtelike doodsondersoek te heropen en om verdere getuienis oor die algemeen of ten opsigte van 'n bepaalde aangeleentheid af te neem, of om 'n lyk of 'n deel, inwendige orgaan of inhoudsdeel daarvan te laat ondersoek of verder te laat ondersoek en indien nodig, daardie lyk te laat opgrawe vir die doel van die ondersoek, en die bepalings van sub-artikel (3) van artikel *drie* is op sodanige ondersoek van toepassing.

Sekere bevindings na hersiening gelyk aan bevele dat dood vermoed word.

18. (1) Wanneer in die geval van 'n geregtelike doodsondersoek wat in sub-artikel (1) van artikel *sestien* vermeld word, 'n landdros 'n bevinding omtrent die aangeleenthede in daardie sub-artikel en in paragrawe (*a*) en (*c*) van sub-artikel (2) van daardie artikel vermeld, aangeteken het, moet die prokureur-generaal, behoudens die bepalings van artikel *sewentien*, die notule van die ondersoek, tesame met die kommentaar wat hy te lewer het, aan 'n provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika wat regsbevoeg is in die gebied waarin die ondersoek ingestel is of, indien die ondersoek in die gebied Suidwes-Afrika ingestel is, aan die Hoë Hof van Suidwes-Afrika, voorlê vir hersiening deur die hof of 'n regter daarvan.

(2) Daardie bevinding, indien dit by die hersiening bekragtig word of, indien dit by hersiening verbeter is, soos aldus verbeter, het dieselfde uitwerking asof dit 'n bevel was, deur daardie hof of daardie regter uitgereik, dat die dood van die betrokke oorledene ooreenkomstig daardie bevinding vermoed word.

(3) Die bepalings van hierdie Wet raak nie iemand se reg om by 'n bevoegde hof aansoek te doen om 'n bevel dat 'n persoon se dood vermoed word nie, of die reg van 'n bevoegde hof of 'n regter daarvan om so 'n bevel uit te reik nie.

Notule van geregtelike doodsondersoeke.

19. (1) Wanneer die notule van 'n geregtelike doodsondersoek wat ingevolge hierdie Wet aan 'n prokureur-generaal of 'n hof voorgelê is, nie meer deur daardie prokureur-generaal of hof vir die doeleindes van hierdie Wet benodig word nie, moet dit aan die betrokke landdros terugbesorg word.

(2) Sodanige notule word geag deel uit te maak van die stukke van die landdroshof van die distrik waarin die ondersoek ingestel is.

Misdrywe in verband met geregtelike doodsondersoeke.

20. (1) Die bepalings van artikel *honderd-en-agt* van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), is *mutatis mutandis* van toepassing ten opsigte van verrigtinge in verband met 'n geregtelike doodsondersoek asof daardie verrigtinge die verrigtinge was van 'n hof in daardie artikel beoog.

(2) Iemand wat by 'n geregtelike doodsondersoek valse getuienis aflê, met die wete dat dit vals is of terwyl hy nie weet of glo dat dit juis is nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens vir meineed voorgeskryf is.

Geregtelike doodsondersoek belet nie die instel van strafregtelike stappe nie.

21. (1) Die bepalings van hierdie Wet word nie so uitgelê nie dat hulle die instel van 'n strafgeding teen iemand belet, of dat hulle 'n daartoe gemagtigde persoon belet om 'n lasbrief vir die inhegtenisneming van iemand uit te reik of om iemand in hegtenis te neem, in verband met 'n sterfgeval, hetsy 'n geregtelike ondersoek ten opsigte van daardie sterfgeval 'n aanvang geneem het al dan nie.

(2) Wanneer die betrokke landdros te wete kom dat 'n strafgeding ingestel word of staan te word in verband met 'n sterfgeval ten opsigte waarvan stappe in verband met 'n geregtelike doodsondersoek gedoen is, moet hy sodanige stappe staak.

Regulations.

22. The Minister may make regulations prescribing forms to be used for the purposes of this Act and generally for the better carrying out of the objects and purposes of this Act.

Savings.

23. (1) Nothing in this Act contained shall be construed as affecting the provisions of section *eighty-six* of the Prisons Act, 1959 (Act No. 8 of 1959), or of any other law prescribing an inquiry into an accident attended with loss of human life.

(2) Any such enquiry may be held jointly with an inquest under this Act.

(3) Notwithstanding anything to the contrary in any other law contained, the magistrate shall preside at, and the provisions of this Act shall *mutatis mutandis* apply to, any such joint inquest and inquiry, but any report required to be made in terms of any other law shall be so made.

Repeal of laws.

24. The Fire Inquests Act, 1883 (Act No. 33 of 1883), of the Cape of Good Hope, the Fire Inquests Law, 1884 (Law No. 5 of 1884), of Natal, the Inquests Proclamation, 1920 (Proclamation No. 9 of 1920), of the territory of South-West Africa, the Inquests Amendment Proclamation, 1940 (Proclamation No. 32 of 1940), of the said territory and the Inquests Act, 1919 (Act No. 12 of 1919), are hereby repealed: Provided that the said laws shall continue to apply in respect of any inquest or fire inquest, as the case may be, which at the commencement of this Act has already commenced thereunder or for the holding of which any steps have already been taken thereunder at the commencement of this Act.

Application of Act to South-West Africa.

25. This Act shall apply also in the territory of South-West Africa, including the area known as the Eastern Caprivi Zipfel and described in the Eastern Caprivi Zipfel Administration Proclamation, 1939 (Governor-General's Proclamation No. 147 of 1939), and in relation to all persons in the portion of the said territory known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923 of the said territory.

Short title and date of commencement.

26. This Act shall be called the Inquests Act, 1959, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

Regulasies.

22. Die Minister kan regulasies uitvaardig waarby vorms wat gebruik moet word vir die doeleindes van hierdie Wet voorgeskryf word, en oor die algemeen vir beter uitvoering van die oogmerke en doeleindes van hierdie Wet.

Voorbehoude.

23. (1) Die bepalings van hierdie Wet word nie so uitgelê nie dat hulle die bepalings raak van artikel *ses-en-tagtig* van die Wet op Gevangenisse, 1959 (Wet No. 8 van 1959), of van 'n ander wet wat 'n ondersoek voorskryf in verband met 'n ongeluk wat met verlies van menselewens gepaard gaan.

(2) So 'n ondersoek en 'n geregtelike doodsondersoek ingevolge hierdie Wet kan gesamentlik ingestel word.

(3) Ondanks andersluidende wetsbepalings, moet die landdros voorsit by, en is die bepalings van hierdie Wet *mutatis mutandis* van toepassing op, so 'n gesamentlike geregtelike doodsondersoek en ondersoek, maar 'n verslag wat volgens voorskrif van 'n ander wet uitgebring moet word, moet aldus uitgebring word.

Herroeping van Wette.

24. Die „Fire Inquests Act, 1883" (Wet No. 33 van 1883), van die Kaap die Goeie Hoop, die „Fire Inquests Law, 1884" (Wet No. 5 van 1884), van Natal, die „Lijkschouwing Proclamatie, 1920" (Proklamasie No. 9 van 1920), van die gebied Suidwes-Afrika, die Lykskouing-wysigingsproklamasie, 1940 (Proklamasie No. 32 van 1940), van bedoelde gebied en die „Wet op Lijkschouwingen 1919" (Wet No. 12 van 1919), word hierby herroep: Met dien verstande dat gemelde wette van toepassing bly ten opsigte van 'n geregtelike doodsondersoek of, na gelang van die geval, 'n geregtelike brandondersoek wat daarkragtens by die inwerkingtreding van hierdie Wet alreeds 'n aanvang geneem het of vir die instel waarvan stappe daarkragtens by die inwerkingtreding van hierdie Wet alreeds gedoen is.

Toepassing van Wet op Suidwes-Afrika.

25. Hierdie Wet is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die streek bekend as die Oostelike Caprivi Zipfel en beskryf in die Proklamasie op die Administrasie van die Oostelike Caprivi Zipfel, 1939 (Goewerneur-generaal se Proklamasie No. 147 van 1939), en met betrekking tot alle persone in die deel van bedoelde gebied wat bekend staan as die „Rehoboth Gebiet" en wat in die Eerste Bylae by Proklamasie No. 28 van 1923 van bedoelde gebied omskryf word.

Kort titel en datum van inwerkingtreding.

26. Hierdie Wet heet die Wet op Geregtelike Doodsondersoeke, 1959, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

No. 59, 1959.]

ACT

To consolidate and amend the laws relating to the Supreme Court of South Africa and to provide for matters incidental thereto.

(*English text signed by the Governor-General.*)
(*Assented to 27th June*, 1959.)

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) "Chief Justice" means the Chief Justice of South Africa; (iv)

(ii) "civil summons" means any summons whereby civil proceedings are commenced, and includes any rule *nisi*, notice of motion or petition the object of which is to require the appearance before the court out of which it is issued of any person against whom relief is sought in such proceedings or of any person who is interested in resisting the grant of such relief; (ix)

(iii) "defendant" includes any respondent or other party against whom relief is sought in civil proceedings; (xi)

(iv) "division" means a division of the Supreme Court; (i)

(v) "full court" means a court consisting of two or more judges; (xii)

(vi) "inferior court" means any court (other than the court of a division) which is required to keep a record of its proceedings, and includes a magistrate or other officer holding a preparatory examination into an alleged offence; (vi)

(vii) "Minister" means the Minister of Justice; (vii)

(viii) "plaintiff" includes any petitioner or other party who seeks relief in civil proceedings; (ii)

(ix) "provincial division" includes the Eastern Cape division and the South-West Africa division; (viii)

(x) "registrar" includes an assistant registrar; (iii)

(xi) "Supreme Court" means the Supreme Court of South Africa; (v)

(xii) "Union" includes the territory of South-West Africa. (x)

(2) Any reference in any law to the Eastern Districts Local Division of the Supreme Court of South Africa shall be construed as a reference to the Eastern Cape Division.

Constitution of Supreme Court of South Africa.

2. There shall be a Supreme Court of South Africa which shall consist of the several divisions mentioned in the First Schedule.

Constitution of divisions.

3. (1) The appellate division shall consist of the Chief Justice of South Africa and so many judges of appeal as the Governor-General may from time to time determine.

(2) A provincial division shall consist of a judge president and so many judges as the Governor-General may from time to time determine.

(3) The Griqualand West local division shall consist of so many judges as the Governor-General may from time to time determine, either with or without a judge president, as the Governor-General may deem fit.

(4) Any court of the Durban and Coast or the Witwatersrand local division shall be presided over by a judge of the provincial division which has concurrent jurisdiction in the area of the local division concerned.

(5) A judge of a provincial or local division may upon the request of the Minister act as a judge of any other such division in the place of any judge of that division or in addition to the judges of that division.

Seats of divisions.

4. (1) The seats of the several divisions shall be in the places specified in respect of those divisions in the second column of the First Schedule.

No. 59, 1959.]

WET

Tot samevatting en wysiging van die wetsbepalings op die Hooggeregshof van Suid-Afrika, en om vir daarmee in verband staande aangeleenthede voorsiening te maak.

(*Engelse teks deur die Goewerneur-generaal geteken.*)
(*Goedgekeur op 27 Junie* 1959.)

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

Woordomskrywing

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

(i) „afdeling" 'n afdeling van die Hooggeregshof; (iv)
(ii) „eiser" ook 'n petisionaris of ander party wat in 'n siviele geding om regshulp aansoek doen; (viii)
(iii) „griffier" ook 'n assistent-griffier; (x)
(iv) „Hoofregter" die Hoofregter van Suid-Afrika; (i)
(v) „Hooggeregshof" die Hooggeregshof van Suid-Afrika; (xi)
(vi) „laerhof" 'n hof (wat nie 'n hof van 'n afdeling is nie) wat notule van sy verrigtings moet hou, en ook 'n landdros of ander beampte wat 'n voorlopige ondersoek in verband met 'n beweerde misdryf hou; (vi)
(vii) „Minister" die Minister van Justisie; (vii)
(viii) „provinsiale afdeling" ook die Oos-Kaapse afdeling en die Suidwes-Afrika-afdeling; (ix)
(ix) „siviele dagvaarding" 'n dagvaarding waarmee 'n siviele geding begin word, en ook 'n bevel *nisi*, kennisgewing van mosie of petisie wat ten doel het om die verskyning voor die hof waardeur dit uitgereik is, te vereis van iemand teen wie regshulp in so 'n geding versoek word, of van iemand wat daarby belang het om hom teen die verlening van bedoelde regshulp te verweer; (ii)
(x) „Unie" ook die gebied Suidwes-Afrika; (xii)
(xi) „verweerder" ook 'n respondent of ander party teen wie in 'n siviele geding om regshulp aansoek gedoen word; (iii)
(xii) „volle hof" 'n hof wat uit twee of meer regters bestaan. (v)

(2) 'n Verwysing in enige wetsbepaling na die Plaaslike Afdeling Oostelike Distrikte van die Hooggeregshof van Suid-Afrika word as 'n verwysing na die Oos-Kaapse afdeling uitgelê.

Samestelling van Hooggeregshof van Suid-Afrika.

2. Daar is 'n Hooggeregshof van Suid-Afrika wat bestaan uit die onderskeie afdelings in die Eerste Bylae vermeld.

Samestelling van afdelings.

3. (1) Die appèlafdeling bestaan uit die Hoofregter van Suid-Afrika en soveel appèlregters as wat die Goewerneur-generaal van tyd tot tyd bepaal.

(2) 'n Provinsiale afdeling bestaan uit 'n regter-president en soveel regters as wat die Goewerneur-generaal van tyd tot tyd bepaal.

(3) Die plaaslike afdeling Griekwaland-Wes bestaan uit soveel regters as wat die Goewerneur-generaal van tyd tot tyd bepaal, met of sonder 'n regter-president, al na die Goewerneur-generaal goedvind.

(4) 'n Hof van die plaaslike afdeling Durban en Kus of die Witwatersrandse plaaslike afdeling word gehou voor 'n regter van die provinsiale afdeling wat in die gebied van die betrokke plaaslike afdeling konkurrente jurisdiksie het.

(5) 'n Regter van 'n provinsiale of plaaslike afdeling kan op versoek van die Minister as 'n regter van 'n ander sodanige afdeling dien in die plek van 'n regter van daardie afdeling of benewens die regters van daardie afdeling.

Setels van afdelings.

4. (1) Die setels van die onderskeie afdelings is op die plekke ten opsigte van daardie afdelings in die tweede kolom van die Eerste Bylae vermeld.

(2) Whenever on application made to the appellate division at Bloemfontein by a party to any appeal which is pending in that division, it appears to the said division that by reason of the existence of exceptional circumstances it is expedient to hold its sitting for the hearing of that appeal at a place elsewhere than in Bloemfontein, the said division may hold such sitting at that place accordingly.

Scope and execution of process of appellate division.

5. The process of the appellate division shall run throughout the Union, and its judgments and orders shall have force and effect in the area of jurisdiction of every other division and shall be executed in any such area in like manner as if they were original judgments or orders of that division.

Areas of jurisdiction of provincial and local divisions.

6. (1) Save as provided in this Act or any other law, a provincial or local division shall have jurisdiction in the area specified in respect of that division in the third column of the First Schedule.

(2) The provincial divisions of the Transvaal, Natal and the Cape of Good Hope shall exercise concurrent jurisdiction in the areas of jurisdiction of the Witwatersrand, the Durban and Coast and the Griqualand West local divisions respectively, and the provincial division of the Cape of Good Hope shall, subject to the provisions of sub-section (3), until the thirty-first day of December, 1961, exercise concurrent jurisdiction in civil matters in the area of jurisdiction of the Eastern Cape division.

(3) A plaintiff residing in the area of jurisdiction of the Eastern Cape division may at all times institute an action in the court of the Cape of Good Hope provincial division against a defendant residing in that area on any cause of action arising in that area, but no action shall be so instituted unless either the leave of the court of the Eastern Cape division has been obtained or the parties to the action have in writing agreed that it be instituted in the Cape of Good Hope provincial division.

(4) The Governor-General may by proclamation in the *Gazette* amend the First Schedule by excluding from the area of jurisdiction of a division any area included therein or by including therein any additional area.

Circuit local divisions.

7. (1) The judge president of a provincial division may by notice in the *Gazette* divide the area under the jurisdiction of that division (excluding, in the case of the Cape of Good Hope provincial division, that portion of the area in question in which the Griqualand West local division exercises jurisdiction) into circuit districts, and may from time to time by like notice alter the boundaries of any such district.

(2) In each such district there shall be held at least twice in every year and at such times and places as may be determined by the judge president concerned, a court which shall be presided over by a judge of the division in which that district is situated.

(3) Any such court shall be known as the circuit local division for the district in question and shall for all purposes be deemed to be a local division.

(4) The provisions of this section shall *mutatis mutandis* apply with reference to the Griqualand West local division as if that local division were a provincial division, and for the purpose of the application of the said provisions the references in sub-sections (1) and (2) to the judge president of a provincial division shall be construed as references to the judge president of that local division or, where a judge president has not been appointed, to the senior judge appointed to such division in terms of sub-section (1) of section *ten*.

Disposal of records and execution of judgments of circuit courts.

8. (1) Within thirty days after the termination of the sittings of any circuit local division, the registrar thereof shall, subject to any directions of the presiding judge, transmit all records in connection with the proceedings in that division to the registrar of the provincial or local division concerned to be filed of record as records of that division.

(2) Any judgment, order, decree or sentence of a circuit local division, may, subject to any applicable rules for the time being in force, be carried into execution by means of process of that division or of the provincial or local division concerned.

Removal of proceedings from one division to another.

9. (1) If any civil cause, proceeding or matter has been instituted in any provincial or local division, and it is made to appear to the court concerned that the same may be more conveniently or more fitly heard or determined in another

(2) Wanneer dit op 'n aansoek aan die appèlafdeling te Bloemfontein gerig deur 'n party by 'n appèl wat in daardie afdeling aanhangig is, vir daardie afdeling blyk dat dit weens die aanwesigheid van buitengewone omstandighede raadsaam is om sy sitting vir die verhoor van daardie appèl op 'n plek elders as in Bloemfontein te hou, kan daardie afdeling bedoelde sitting dienooreenkomstig op daardie plek hou.

Strekking en ten-uitvoerlegging van proses van appèlafdeling.

5. Die proses van die appèlafdeling geld dwarsdeur die Unie, en sy vonnisse en bevele het regskrag in die regsgebied van elke ander afdeling en word aldaar ten uitvoer gelê op dieselfde wyse asof dit oorspronklike vonnisse of bevele van daardie afdeling was.

Regsgebiede van provinsiale en plaaslike afdelings.

6. (1) 'n Provinsiale of plaaslike afdeling het, behoudens die bepalings van hierdie Wet of ander wetsbepalings, jurisdiksie in die gebied ten opsigte van daardie afdeling in die derde kolom van die Eerste Bylae vermeld.

(2) Die provinsiale afdelings van Transvaal, Natal en die Kaap die Goeie Hoop oefen onderskeidelik konkurrente jurisdiksie uit in die regsgebiede van die plaaslike afdelings van die Witwatersrand, Durban en Kus en Griekwaland-Wes, en die provinsiale afdeling van die Kaap die Goeie Hoop oefen behoudens die bepalings van sub-artikel (3), tot die een-en-dertigste dag van Desember 1961 konkurrente jurisdiksie in siviele gedinge uit in die regsgebied van die Oos-Kaapse afdeling.

(3) 'n Eiser wat binne die regsgebied van die Oos-Kaapse afdeling woon, kan te alle tye 'n aksie in die hof van die provinsiale afdeling van die Kaap die Goeie Hoop instel teen 'n verweerder wat in daardie gebied woon op 'n eisoorsaak wat in daardie gebied ontstaan, maar geen aksie word aldus ingestel nie tensy òf verlof van die hof van die Oos-Kaapse afdeling verkry is òf die partye by die aksie skriftelik ooreengekom het dat dit in die provinsiale afdeling van die Kaap die Goeie Hoop ingestel word.

(4) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* die Eerste Bylae wysig deur 'n gebied wat binne die regsgebied van 'n afdeling val daarvan uit te sluit of 'n addisionele gebied daarby in te sluit.

Rondgaande plaaslike afdelings.

7. (1) Die regter-president van 'n provinsiale afdeling kan by kennisgewing in die *Staatskoerant* die regsgebied van daardie afdeling (met uitsondering, in die geval van die provinsiale afdeling van die Kaap die Goeie Hoop, van daardie gedeelte van die betrokke gebied waarin die plaaslike afdeling Griekwaland-Wes jurisdiksie uitoefen) in rondgangdistrikte indeel, en kan van tyd tot tyd by dergelike kennisgewing die grense van so 'n distrik verander.

(2) Daar moet in elk van bedoelde distrikte minstens twee maal in elke jaar en op die tye en plekke wat die betrokke regter-president bepaal, 'n hof voor 'n regter van die afdeling waarin daardie distrik geleë is, gehou word.

(3) So 'n hof staan bekend as die rondgaande plaaslike afdeling vir die betrokke distrik, en word vir alle doeleindes 'n plaaslike afdeling geag.

(4) Die bepalings van hierdie artikel geld *mutatis mutandis* met betrekking tot die plaaslike afdeling Griekwaland-Wes asof daardie plaaslike afdeling 'n provinsiale afdeling was, en by die toepassing van bedoelde bepalings word die verwysings in sub-artikels (1) en (2) na die regter-president van 'n provinsiale afdeling uitgelê as verwysings na die regter-president van daardie plaaslike afdeling of, waar 'n regter-president nie aangestel is nie, na die senior regter kragtens sub-artikel (1) van artikel *tien* ten opsigte van bedoelde afdeling aangestel.

Beskikking oor stukke en ten-uitvoerlegging van vonnisse van rondgaande howe.

8. (1) Binne dertig dae na die beëindiging van die sittings van 'n rondgaande plaaslike afdeling moet die griffier daarvan, onderworpe aan die opdrag van die voorsittende regter, alle stukke in verband met die verrigtings in daardie afdeling aan die griffier van die betrokke provinsiale of plaaslike afdeling stuur om as stukke van daardie afdeling opgeberg te word.

(2) 'n Uitspraak, order, bevel of vonnis van 'n rondgaande plaaslike afdeling kan, behoudens enige toepaslike reëls wat van tyd tot tyd van krag is, deur middel van die proses van daardie afdeling of van die betrokke provinsiale of plaaslike afdeling ten uitvoer gelê word.

Oorplasing van verrigtings van een afdeling na 'n ander.

9. (1) Indien 'n siviele geding of verrigtinge of 'n saak in 'n provinsiale of plaaslike afdeling aanhangig gemaak is, en dit vir die betrokke hof blyk dat dit met groter gerief of gepastheid in 'n ander afdeling verhoor of beslis kan word, kan daardie hof,

division, that court may, upon application by any party thereto and after hearing all other parties thereto, order such cause, proceeding or matter to be removed to that other division.

(2) An order for removal under sub-section (1) shall be transmitted to the registrar of the division to which the removal is ordered, and upon the receipt of such order that division may hear and determine the cause, proceeding or matter in question and shall in that event apply the practice governing the division in which it was instituted and the law according to which that division would but for the removal have heard and determined such cause, proceeding or matter.

Appointment, remuneration and tenure of office of judges.

10. (1) (*a*) The Chief Justice, the judges of appeal, the judges president and all other judges of the Supreme Court shall be fit and proper persons appointed by the Governor-General under his hand and the Great Seal of the Union of South Africa, and shall receive such remuneration as may be prescribed by Parliament, and their remuneration shall not be reduced during their continuance in office.

(*b*) An appointment under this sub-section may in the case of a person then holding office in an acting capacity by virtue of any appointment under sub-section (3) or (4), be made with retrospective effect from the commencement of the period during which he so held office, or, where he has so held office for two or more periods which together constitute a single uninterrupted period, from the commencement of the first of such periods.

(*c*) No person shall be appointed as a judge or an acting judge of the South-West Africa division except after consultation with the Administrator of the territory of South-West Africa.

(2) (*a*) Any person appointed under sub-section (1) shall before commencing to exercise the functions of his office take an oath or make an affirmation, which shall be subscribed by him, in the form set out below, namely—

"I.....do hereby swear/solemnly and
(full name)
sincerely affirm and declare that I will in my capacity as a judge of the Supreme Court of South Africa administer justice to all persons alike without fear, favour or prejudice and in accordance with the law and customs of the Union of South Africa or (in the case of a judge of the South-West Africa division) of the territory of South-West Africa.".

(*b*) Any such oath or affirmation shall be taken or made before the senior available judge of the division concerned who shall at the foot thereof endorse a statement of the fact that it was taken or made before him and of the date on which it was so taken or made and append his signature thereto.

(3) Whenever it is for any reason expedient that a person be appointed to act as a judge of any division in the place of any judge of that division or in addition to the judges of that division or in any vacancy in that division, the Governor-General may appoint some fit and proper person so to act for such period as the Governor-General may determine.

(4) The Minister may in the circumstances mentioned in sub-section (3) appoint some fit and proper person to act as provided in that sub-section for any period not exceeding one month.

(5) No person other than a judge or former judge of the Supreme Court shall be appointed to act as the Chief Justice or as a judge of appeal.

(6) Any appointment made under this section shall be deemed to have been made also in respect of any period during which the person appointed is necessarily engaged in connection with the disposal of any proceedings in which he has taken part as a judge and which have not been disposed of at the termination of the period for which he was appointed or, having been disposed of before or after such termination, are re-opened.

(7) The Chief Justice, a judge of appeal or any other judge of the Supreme Court shall not be removed from office except by the Governor-General upon an address from both Houses of Parliament in the same session praying for such removal on the ground of misbehaviour or incapacity.

(8) The provisions of sub-sections (2) and (7) shall apply also in respect of a person appointed under sub-section (3) or (4), and the provisions of paragraph (*a*) of sub-section (1) relating

op aansoek van 'n party daarby en nadat al die ander partye daarby aangehoor is, gelas dat die geding, verrigtinge of saak na daardie ander afdeling oorgeplaas word.

(2) 'n Oorplasingsbevel kragtens sub-artikel (1) word gestuur aan die griffier van die afdeling waarheen die oorplasing beveel word, en by ontvangs van daardie bevel kan bedoelde afdeling die betrokke geding, verrigtinge of saak verhoor en daaroor beslis en moet hy in dié geval die praktyk wat geld in die afdeling waarin dit aanhangig gemaak was, en die wetsbepalings waarvolgens daardie afdeling by ontstentenis van die oorplasing bedoelde geding, verrigtinge of saak sou verhoor en daaroor sou beslis het, toepas.

Aanstelling, besoldiging en ampsduur van regters.

10. (1) (*a*) Die Hoofregter, die appèlregters, die regterspresident en alle ander regters van die Hooggeregshof moet geskikte persone wees wat die Goewerneur-generaal onder sy hand en die Grootseël van die Unie van Suid-Afrika aanstel, en ontvang die besoldiging wat die Parlement voorskryf en wat nie solank hulle die amp beklee, verminder mag word nie.

(*b*) 'n Aanstelling kragtens hierdie sub-artikel kan, in die geval van iemand wat dan uit hoofde van 'n aanstelling kragtens sub-artikel (3) of (4) in waarnemende hoedanigheid dien, terugwerkend gemaak word vanaf die begin van die tydperk wat hy aldus gedien het, of, waar hy vir twee of meer tydperke wat tesame 'n enkele ononderbroke tydperk uitmaak, aldus gedien het, vanaf die begin van die eerste van daardie tydperke.

(*c*) Niemand word as 'n regter of waarnemende regter van die Suidwes-Afrika-afdeling aangestel nie, dan alleen na oorlegpleging met die Administrateur van die gebied Suidwes-Afrika.

(2) (*a*) Iemand wat kragtens sub-artikel (1) aangestel word, moet voordat hy sy ampswerksaamhede begin uitvoer 'n eed of plegtige verklaring aflê, wat deur hom onderteken moet word, in onderstaande vorm, te wete—

„Ek.....verklaar hierby onder eed/
(volle naam)

plegtig en opreg dat ek in my hoedanigheid as 'n regter van die Hooggeregshof van Suid-Afrika aan alle persone op gelyke voet reg sal laat geskied sonder vrees, begunstiging of vooroordeel en ooreenkomstig die reg en gebruike van die Unie van Suid-Afrika of (in die geval van 'n regter van die Suidwes-Afrika-afdeling) van die gebied Suidwes-Afrika.".

(*b*) So 'n eed of plegtige verklaring moet afgelê word voor die senior beskikbare regter van die betrokke afdeling wat daaronder 'n verklaring moet endosseer dat dit voor hom afgelê is, en die datum van aflegging daarvan moet vermeld en dit moet onderteken.

(3) Wanneer dit om een of ander rede raadsaam is dat iemand aangestel word om as 'n regter van 'n afdeling op te tree in die plek van 'n regter van daardie afdeling of bo en behalwe die regters van daardie afdeling of in 'n vakature in daardie afdeling, kan die Goewerneur-generaal 'n geskikte persoon aanstel om aldus op te tree vir die tydperk wat die Goewerneur-generaal bepaal.

(4) Die Minister kan onder die omstandighede in sub-artikel (3) genoem, 'n geskikte persoon aanstel om vir 'n tydperk van hoogstens een maand op te tree soos in daardie sub-artikel bepaal.

(5) Niemand anders as 'n regter of 'n gewese regter van die Hooggeregshof word aangestel om as Hoofregter of as 'n appèlregter op te tree nie.

(6) 'n Aanstelling kragtens hierdie artikel gemaak, word geag ook gemaak te wees ten opsigte van enige tydperk gedurende welke die aangestelde persoon hom noodsaaklikerwys besig hou in verband met die afhandeling van verrigtings waaraan hy as regter deelgeneem het en wat by beëindiging van die tydperk waarvoor hy aangestel is, nog nie afgehandel is nie, of wat, nadat dit voor of na sodanige beëindiging afgehandel is, heropen word.

(7) Die Hoofregter, 'n appèlregter of 'n ander regter van die Hooggeregshof word nie van sy amp onthef nie behalwe deur die Goewerneur-generaal op 'n adres van beide Huise van die Parlement in dieselfde sessie waarin op grond van wangedrag of onbekwaamheid om die ontheffing gevra word.

(8) Die bepalings van sub-artikels (2) en (7) is ook van toepassing ten opsigte van iemand kragtens sub-artikel (3) of (4) aangestel, en die bepalings van paragraaf (*a*) van sub-artikel (1) met betrekking tot die besoldiging van 'n in daardie paragraaf

to the remuneration of any judge referred to in that paragraph shall apply also in respect of a person so appointed to act in the capacity of such a judge.

Judge not to hold any other office of profit.

11. No judge of the Supreme Court shall without the consent of the Governor-General accept, hold or perform any other office of profit or receive in respect of any service any fees, emoluments or other remuneration apart from his salary and any allowances which may be payable to him in his capacity as such a judge.

Constitution of court of appellate division.

12. (1) The quorum of the appellate division shall, subject to the provisions of sub-section (2), be five judges in civil matters and in criminal matters arising out of proceedings instituted before a special criminal court constituted under section *one hundred and twelve* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), and three judges in other criminal matters: Provided that—

(*a*) an application under sub-section (2) of section *four* shall be heard and determined by the Chief Justice and two judges of appeal;

(*b*) on the hearing of an appeal, whether criminal or civil, in which the validity of an Act of Parliament (which includes any instrument which purports to be and has been assented to by the Governor-General as such an Act) is in question, eleven judges of the appellate division shall form a quorum;

(*c*) whenever it appears to the Chief Justice or, in his absence, the senior available judge of the appellate division that any matter, not being a matter referred to in paragraph (*b*), which is being heard before a court of that division should in view of its importance be heard before a court consisting of a larger number of judges, he may direct that the hearing be discontinued and commenced anew before a court consisting of so many judges as he may determine.

(2) The judgment of the majority of the judges of any court of the appellate division shall be the judgment of the court and where there is no judgment to which a majority of such judges agree, the hearing shall be adjourned and commenced *de novo* before a new court constituted in such manner as the Chief Justice or, in his absence, the senior available judge of the appellate division may determine.

(3) If at any stage during the hearing of an appeal one or more of the judges die or retire or become otherwise incapable of acting or are absent, the hearing shall, where the remaining judges constitute a majority of the judges before whom the hearing was commenced, proceed before such remaining judges, and the judgments of a majority of such remaining judges which are in agreement shall, if that majority is also a majority of the judges before whom the hearing was commenced, be the judgment of the court, and in any other case the appeal shall be heard *de novo*.

(4) No judge shall sit at the hearing of an appeal against a judgment or order given in a case which was heard before him.

(5) During any period which may be fixed by rule of court as a vacation of the appellate division, one judge thereof shall have power and jurisdiction to hear and determine applications for leave to appeal or for leave to proceed in *forma pauperis* or for any interlocutory order.

Constitution of courts of provincial or local divisions.

13. (1) (*a*) Save as provided in this Act or any other law, the court of a provincial or local division shall, when sitting as a court of first instance for the hearing of any civil matter, be constituted before a single judge of the division concerned: Provided that the judge president or, in his absence, the senior available judge of any division may at any time direct that any matter be heard by a full court consisting of so many judges as he may determine.

(*b*) A single judge of a division may at any time discontinue the hearing of any matter which is being heard before him and refer it for hearing to the full court of the appropriate division.

(2) (*a*) The court of a provincial or local division shall, except where it is in terms of any law required or permitted to be otherwise constituted, for the hearing of any appeal be constituted before not less than two

bedoelde regter is ook van toepassing ten opsigte van 'n persoon aldus aangestel om in die hoedanigheid van so 'n regter op te tree.

Regter beklee geen ander winsbetrekking nie.

11. Geen regter van die Hooggeregshof mag sonder toestemming van die Goewerneur-generaal 'n ander winsbetrekking aanvaar of beklee of daarin dien of ten opsigte van enige diens enige gelde, emolumente of ander besoldiging benewens sy salaris en enige toelaes wat in sy hoedanigheid as so 'n regter aan hom betaalbaar mag wees, ontvang nie.

Samestelling van appèlafdeling.

12. (1) Die kworum van die appèlafdeling is, behoudens die bepalings van sub-artikel (2), vyf regters vir siviele aangeleenthede en vir strafregtelike aangeleenthede wat uit verrigtings ingestel voor 'n spesiale strafhof saamgestel ingevolge artikel *honderd-en-twaalf* van die Strafproseswet, 1955 (Wet No. 56 van 1955) ontstaan, en drie regters vir ander strafregtelike aangeleenthede: Met dien verstande dat—

(*a*) 'n aansoek ingevolge sub-artikel (2) van artikel *vier* deur die Hoofregter en twee appèlregters verhoor en beslis moet word;

(*b*) by die verhoor van 'n appèl, hetsy van strafregtelike of siviele aard, waarin die regsgeldigheid van 'n Wet van die Parlement (waarby inbegrepe is 'n akte wat so 'n Wet heet te wees en waaraan die Goewerneur-generaal sy goedkeuring as so 'n Wet verleen het) in geskil is, elf regters van die appèlafdeling 'n kworum uitmaak;

(*c*) wanneer dit vir die Hoofregter of, in sy afwesigheid, die senior beskikbare regter van die appèlafdeling blyk dat 'n saak, uitgesonderd 'n saak in paragraaf (*b*) bedoel, wat voor 'n hof van daardie afdeling verhoor word, weens die belangrikheid daarvan deur 'n hof wat uit meer regters bestaan, verhoor behoort te word, hy kan gelas dat die verhoor gestaak word en dat opnuut daarmee begin word voor 'n hof bestaande uit soveel regters as wat hy bepaal.

(2) Die uitspraak van die meerderheid van die regters van 'n hof van die appèlafdeling is die uitspraak van die hof, en waar daar nie 'n uitspraak is waarmee 'n meerderheid van daardie regters instem nie, word die verhoor verdaag en *de novo* begin voor 'n nuwe hof saamgestel op die wyse wat die Hoofregter of, in sy afwesigheid, die senior beskikbare regter van die appèlafdeling bepaal.

(3) Indien te eniger tyd gedurende die verhoor van 'n appèl een of meer van die regters te sterwe kom of aftree of andersins onbekwaam word om op te tree of afwesig is, word die verhoor, waar die oorblywende regters 'n meerderheid uitmaak van die regters voor wie die verhoor begin het, voor daardie oorblywende regters voortgesit, en is die uitsprake van 'n meerderheid van daardie oorblywende regters wat met mekaar ooreenstem, indien daardie meerderheid ook 'n meerderheid is van die regters voor wie die verhoor begin het, die uitspraak van die hof, en in enige ander geval word die appèl *de novo* verhoor.

(4) Geen regter neem sitting by die verhoor van 'n appèl teen 'n uitspraak gelewer of bevel gegee in 'n saak wat voor hom verhoor is nie.

(5) Gedurende 'n tydperk wat by hofreël as 'n vakansietydperk van die appèlafdeling bepaal word, is een regter daarvan bevoeg om aansoeke om verlof tot appèl of om *in forma pauperis* 'n geding te voer of om 'n interlokutore bevel te verhoor en te beslis.

Samestelling van howe van provinsiale of plaaslike afdelings.

13. (1) (*a*) Behoudens die bepalings van hierdie Wet of ander wetsbepalings, word die hof van 'n provinsiale of plaaslike afdeling, wanneer hy as 'n hof van eerste instansie vir die verhoor van 'n siviele aangeleentheid sit, voor 'n enkele regter van die betrokke afdeling saamgestel: Met dien verstande dat die regterpresident of in sy afwesigheid die senior beskikbare regter van 'n afdeling te eniger tyd kan gelas dat 'n aangeleentheid verhoor word deur 'n volle hof wat bestaan uit soveel regters as wat hy bepaal.

(*b*) 'n Enkele regter van 'n afdeling kan te eniger tyd die verhoor van 'n aangeleentheid wat voor hom verhoor word, staak en dit vir verhoor na die volle hof van die gepaste afdeling verwys.

(2) (*a*) Die hof van 'n provinsiale of plaaslike afdeling word, behalwe waar dit ingevolge een of ander wetsbepaling anders saamgestel moet of kan word, vir die verhoor van 'n appèl voor minstens twee regters saamgestel:

judges: Provided that an appeal from an inferior court to the South-West Africa division may be heard and determined by a single judge of that division.

(*b*) No judge shall sit at the hearing of an appeal against a judgment or order given in a case which was heard before him.

(3) Whenever it appears to the judge president or, in his absence, the senior available judge of any division that any matter which is being heard before a court of that division should in view of its importance be heard before a court consisting of a larger number of judges, he may direct that the hearing be discontinued and commenced anew before a court consisting of so many judges as he may determine.

(4) For the hearing of any criminal case as a court of first instance, the court of a provincial or local division shall be constituted in the manner prescribed in the applicable law relating to procedure in criminal matters.

(5) During any period which may by rule of court be fixed as a vacation of any division, one judge thereof, shall, notwithstanding anything contained in this Act or any other law, be competent to exercise all the powers, jurisdiction and authority of a court of such division.

More than one court of a division may sit at the same time.

14. A division may at any time sit in so many courts constituted in the manner provided in this Act as the available judges may allow.

Nature of courts and seals.

15. (1) Any court of a division shall be a court of record.

(2) Every division shall have for use as occasion may require, a seal of such design as may in the case of each division be prescribed by the Governor-General by proclamation in the *Gazette*.

(3) Any such seal shall be kept in the custody of the registrar of the division concerned.

Proceedings to be carried on in open court.

16. Save as is otherwise provided in any law, all proceedings in any court of a division shall, except in so far as any such court may in special cases otherwise direct, be carried on in open court.

Manner of arriving at decisions in courts of provincial or local divisions.

17. (1) Save as otherwise provided in this Act or any other law, the judgment of the majority of the judges of the full court of a provincial or local division shall be the judgment of the court, and where the judgments of a majority of the judges of any such court are not in agreement, the hearing shall be adjourned and commenced *de novo* before a new court constituted in such manner as the judge president or, in his absence, the senior available judge of the division concerned may determine.

(2) If at any stage during the hearing of any matter by a full court, any judge of such court dies or retires or is otherwise incapable of acting or is absent, the hearing shall, if the remaining judges constitute a majority of the judges before whom it was commenced, proceed before such remaining judges, and if such remaining judges do not constitute such a majority, or if only one judge remains, the hearing shall be commenced *de novo*, unless all the parties to the proceedings agree unconditionally in writing to accept the decision of the majority of such remaining judges or of such one remaining judge as the decision of the court.

(3) The provisions of sub-section (1) shall *mutatis mutandis* apply whenever in the circumstances set out in sub-section (2) a hearing proceeds before two or more judges.

Certified copies of court records admissible as evidence.

18. Whenever a judgment, decree, order or other record of the court of a division is required to be proved or inspected or referred to in any manner, a copy of such judgment, decree, order or other record duly certified as such by the registrar of that division under its seal shall be *prima facie* evidence thereof without proof of the authenticity of such registrar's signature.

Persons over whom and matters in relation to which provincial and local divisions have jurisdiction.

19. (1) A provincial or local division shall have jurisdiction in and over all persons residing or being in and all causes arising and all offences triable within its area of jurisdiction and in all other matters of which it may according to law take cognizance, and shall, subject to the provisions of sub-section (2), in addition to any powers or jurisdiction which may be vested in it by law, have power—

Met dien verstande dat 'n appèl van 'n laerhof na die Suidwes-Afrika-afdeling deur 'n enkele regter van daardie afdeling verhoor en beslis kan word.

(*b*) 'n Regter sit nie by die verhoor van 'n appèl teen 'n uitspraak of bevel gegee in 'n saak wat voor hom verhoor is nie.

(3) Wanneer dit vir die regter-president of, in sy afwesigheid, die senior beskikbare regter van 'n afdeling blyk dat 'n saak wat voor 'n hof van daardie afdeling verhoor word, weens die belangrikheid daarvan deur 'n hof wat uit meer regters bestaan, verhoor behoort te word, kan hy gelas dat die verhoor gestaak word en dat opnuut daarmee begin word voor 'n hof bestaande uit soveel regters as wat hy bepaal.

(4) Vir die verhoor van 'n strafsaak as 'n hof van eerste instansie word die hof van 'n provinsiale of plaaslike afdeling saamgestel op die wyse in die toepaslike wetsbepalings op prosedure in strafregtelike aangeleenthede voorgeskryf.

(5) Gedurende enige tydperk wat by hofreël as 'n vakansietydperk van 'n afdeling bepaal is, is een regter daarvan, ondanks enigiets in hierdie Wet of ander wetsbepalings vervat, bevoeg om al die bevoegdhede, jurisdiksie en gesag van 'n hof van daardie afdeling uit te oefen.

Meer as een hof van 'n afdeling kan terselfdertyd sit.

14. 'n Afdeling kan te eniger tyd in soveel volgens voorskrif van hierdie Wet saamgestelde howe sittings hou as wat die beskikbare regters mag toelaat.

Aard van howe en seëls.

15. (1) Elke hof van 'n afdeling is 'n notulerende hof.

(2) Elke afdeling moet 'n seël vir gebruik na vereiste van omstandighede hê waarvan die ontwerp in die geval van elke afdeling deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* voorgeskryf word.

(3) So 'n seël word in die bewaring van die griffier van die betrokke afdeling gehou.

Verrigtinge vind in ope hof plaas

16. Behoudens andersluidende wetsbepalings word alle verrigtinge in 'n hof van 'n afdeling, behalwe vir sover so 'n hof in spesiale gevalle anders gelas, in ope hof gevoer.

Wyse waarop in howe van provinsiale of plaaslike afdelings tot beslissings geraak word.

17. (1) Behoudens andersluidende bepalings van hierdie Wet of 'n ander wet, is die uitspraak van die meerderheid van die regters van die volle hof van 'n provinsiale of plaaslike afdeling, die uitspraak van die hof, en waar die uitsprake van 'n meerderheid van die regters van so 'n hof nie met mekaar ooreenstem nie, word die verhoor verdaag en *de novo* begin voor 'n nuwe hof saamgestel op die wyse wat die regter-president of, in sy afwesigheid, die senior beskikbare regter van die betrokke afdeling bepaal.

(2) Indien op enige stadium gedurende die verhoor van 'n aangeleentheid deur 'n volle hof, 'n regter van daardie hof te sterwe kom of aftree of andersins onbekwaam word om op te tree of afwesig is, word die verhoor, indien die oorblywende regters 'n meerderheid uitmaak van die regters voor wie dit begin het, voor daardie oorblywende regters voortgesit, en indien daardie oorblywende regters nie so 'n meerderheid uitmaak nie, of indien slegs een regter oorbly, word die verhoor *de novo* begin, tensy al die partye by die verrigtings skriftelik en onvoorwaardelik ooreenkom om die beslissing van die meerderheid van bedoelde oorblywende regters of van bedoelde enkele oorblywende regter as die beslissing van die hof te aanvaar.

(3) Die bepalings van sub-artikel (1) is *mutatis mutandis* van toepassing wanneer 'n verhoor onder die omstandighede in sub-artikel (2) uiteengesit, voor twee of meer regters voortgesit word.

Gersertifiseerde afskrifte van hofstukke as getuienis toelaatbaar.

18. Wanneer 'n uitspraak, bevel, order of ander stukke van die hof van 'n afdeling bewys of geïnspekteer moet word of daar op enige wyse daarna verwys moet word, is 'n afskrif van so 'n uitspraak, bevel, order of ander stuk wat behoorlik deur die griffier van daardie afdeling onder die seël daarvan as sodanig gesertifiseer is, *prima facie* bewys daarvan sonder bewys van die egtheid van die handtekening van bedoelde griffier.

Persone oor wie en aangeleenthede met betrekking waartoe provinsiale en plaaslike afdelings regsbevoeg is.

19. (1) 'n Provinsiale of plaaslike afdeling besit regsbevoegdheid in en oor alle persone wat binne sy regsgebied woon of is en alle gedinge wat daar ontstaan en alle misdrywe wat aldaar bereg kan word en alle ander aangeleenthede wat regtens deur hom beregbaar is, en is, behoudens die bepalings van subartikel (2), en afgesien van enige bevoegdheid of jurisdiksie regtens aan hom verleen, bevoeg—

(*a*) to hear and determine appeals from all inferior courts within its area of jurisdiction;
(*b*) to review the proceedings of all such courts;
(*c*) in its discretion, and at the instance of any interested person, to enquire into and determine any existing, future or contingent right or obligation, notwithstanding that such person cannot claim any relief consequential upon the determination.

(2) No appeal jurisdiction or review jurisdiction under sub-section (1) shall be exercised by any local division other than the Griqualand West local division.

(3) The provisions of this section shall not be construed as in any way limiting the powers of a provincial or local division as existing at the commencement of this Act, or as depriving any such division of any jurisdiction which could lawfully be exercised by it at such commencement.

Appeals to Supreme Court in general.

20. (1) An appeal from a judgment or order of the court of a provincial or local division in any civil proceedings may be made—

(*a*) in the case of a judgment or order given or made by a single judge of any division, other than the South-West Africa division, on application by way of motion or petition or on summons for provisional sentence or in a trial case in which the defendant is in default or as to costs only which by law are left to the discretion of the court, to the full court of the division concerned or where that division is a local division to the full court of the provincial division which exercises concurrent jurisdiction in the area of jurisdiction of such local division; and
(*b*) in any other case, including an appeal against a judgment or order given or made on appeal, to the appellate division.

(2) The following provisions shall apply in connection with appeals under sub-section (1), namely—

(*a*) the right of appeal shall not be limited by reason only of the value of the matter in dispute or the amount claimed or awarded in the suit or by reason only of the fact that the matter in dispute is incapable of being valued in money;
(*b*) no judgment or order given or made by consent or as to costs only which by law are left to the discretion of the court and no interlocutory order shall be subject to appeal save with the leave of the court by which the judgment was given or the order was made; and
(*c*) the right of appeal shall be subject to the provisions of any law which specifically limits that right.

(3) Whenever the parties to any civil proceedings in connection with which an appeal may be made as provided in paragraph (*a*) of sub-section (1), lodge with the registrar of the division from whose judgment or order the appeal is to be made, notice in writing of their consent to the appeal being heard and determined by the appellate division, the said division shall have jurisdiction, provided any leave required under paragraph (*b*) of sub-section (2) has been granted, to hear and determine the appeal without an intermediate appeal having first been heard and determined by the appropriate provincial or local division.

(4) Nothing in this section shall affect the provisions of any other law relating to appeals from decisions of inferior courts in civil matters.

Appeals to appellate division.

21. (1) In addition to any jurisdiction conferred upon it by this Act or any other law, the appellate division shall, subject to the provisions of this section and any other law, have jurisdiction to hear and determine an appeal from any decision of the court of a provincial or local division.

(2) (*a*) There shall be no appeal to the appellate division against any judgment or order referred to in paragraph (*a*) of sub-section (1) of section *twenty* given or made by a judge of the South-West Africa division, or on any decision given by any division on appeal to it, except with the leave of the court against whose decision the appeal is to be made: Provided that where such leave has been refused, the appellate division may, on application made to it, grant such leave, and may vary any order as to costs made by the court concerned in refusing leave.

(*b*) Any leave required under paragraph (*a*) may be given subject to such conditions, including a condition 80

(*a*) om appèlle van alle laerhowe binne sy regsgebied te verhoor en te beslis;
(*b*) om die verrigtinge van alle sodanige howe te hersien;
(*c*) om na goeddunke, en indien deur 'n belanghebbende daartoe genader, enige bestaande, toekomstige of voorwaardelike reg of verpligting te ondersoek en te bepaal, al het so iemand nie regtens enige aanspraak op verligting uit hoofde van die bepaling nie.

(2) Geen appèlbevoegdheid of hersieningsbevoegdheid ingevolge sub-artikel (1) word deur 'n ander plaaslike afdeling as die plaaslike afdeling Griekwaland-Wes uitgeoefen nie.

(3) Die bepalings van hierdie artikel word nie so uitgelê dat dit op enigerlei wyse die bevoegdhede van 'n provinsiale of plaaslike afdeling, soos dit by die inwerkingtreding van hierdie Wet bestaan, beperk, of so 'n afdeling van regsbevoegdheid wat hy wettiglik by bedoelde inwerkingtreding kon uitoefen, onthef nie.

Appèlle na Hooggeregshof in die algemeen.

20. (1) 'n Appèl teen 'n uitspraak of bevel van die hof van 'n provinsiale of plaaslike afdeling in 'n siviele geding kan aangeteken word—

(*a*) in die geval van 'n uitspraak of bevel gegee deur 'n enkele regter van 'n ander afdeling as die Suidwes-Afrika-afdeling, op aansoek by wyse van mosie of petisie of op dagvaarding vir provisionele vonnis of in 'n verhoorsaak waar die verweerder in verstek is of slegs in verband met koste wat regtens by die diskresie van die hof berus, na die volle hof van die betrokke afdeling, of waar daardie afdeling 'n plaaslike afdeling is, na die volle hof van die provinsiale afdeling wat konkurrente jurisdiksie in die regsgebied van bedoelde plaaslike afdeling uitoefen; en
(*b*) in enige ander geval, met inbegrip van 'n appèl teen 'n uitspraak of bevel op appèl gegee, na die appèlafdeling.

(2) Die volgende bepalings geld in verband met appèlle ingevolge sub-artikel (1), te wete—

(*a*) die reg van appèl is nie beperk bloot op grond van die waarde van die saak in geskil of die bedrag in die geding geëis of toegeken of bloot op grond dat die saak in geskil nie in geld bereken kan word nie;
(*b*) geen uitspraak of bevel by toestemming gegee of wat slegs betrekking het op koste wat regtens by die diskresie van die hof berus, en geen interlokutore bevel is aan appèl onderhewig nie, behalwe met verlof van die hof wat die uitspraak of bevel gegee het; en
(*c*) die reg van appèl is onderworpe aan enige wetsbepalings waarby daardie reg uitdruklik beperk word.

(3) Wanneer die partye by 'n siviele geding in verband waarmee ooreenkomstig paragraaf (*a*) van sub-artikel (1) appèl aangeteken kan word, by die griffier van die afdeling teen die uitspraak of bevel waarvan appèl aangeteken staan te word, 'n skriftelike kennisgewing indien waarby hulle toestem dat die appèl deur die appèlafdeling verhoor en beslis word, is daardie afdeling regsbevoeg, mits enige ingevolge paragraaf (*b*) van sub-artikel (2) vereiste verlof toegestaan is, om die appèl te verhoor en te beslis sonder dat vooraf eers 'n appèl deur die gepaste provinsiale of plaaslike afdeling verhoor en beslis is.

(4) Die bepalings van hierdie artikel maak nie op ander wetsbepalings betreffende appèlle teen beslissings van laerhowe in siviele aangeleenthede inbreuk nie.

Appèlle na appèlafdeling.

21. (1) Benewens enige regsbevoegdheid deur hierdie Wet of ander wetsbepalings aan hom verleen, is die appèlafdeling regsbevoeg, behoudens die bepalings van hierdie artikel en enige ander wetsbepaling, om 'n appèl teen enige beslissing van die hof van 'n provinsiale of plaaslike afdeling te verhoor en te beslis.

(2) (*a*) Daar is geen appèl na die appèlafdeling teen 'n uitspraak of bevel in paragraaf (*a*) van sub-artikel (1) van artikel *twintig* bedoel, wat deur 'n regter van die Suidwes-Afrika-afdeling gegee is, of teen 'n beslissing wat deur enige afdeling op appèl na hom gegee is nie, behalwe met verlof van die hof teen die beslissing waarvan die appèl aangeteken staan te word: Met dien verstande dat waar sodanige verlof geweier is, die appèlafdeling op aansoek aan hom gerig sodanige verlof kan verleen en enige bevel deur die betrokke hof by die weiering van verlof met betrekking tot koste uitgevaardig, kan wysig.
(*b*) Verlof ingevolge paragraaf (*a*) vereis, kan verleen word onderworpe aan die voorwaardes, met inbegrip van 'n

that the applicant shall pay the costs of the appeal, as may be determined by the court from which the appeal is to be made or by the appellate division, according to whether leave is given by such court or by the said division.

(3) (*a*) An application to the appellate division under sub-section (2) shall be submitted by petition addressed to the Chief Justice within twenty-one days, or such longer period as may on good cause be allowed, after the special leave of the court against whose decision the relevant appeal is to be made was refused.

(*b*) The petition may be considered by the Chief Justice or by any other judge of the appellate division to whom it may be referred by the Chief Justice.

(*c*) The Chief Justice or other judge considering the petition may order that the application be argued before him at a time and place appointed, and may, whether or not he has so ordered—

(i) grant or refuse the application; or

(ii) refer the application to the appellate division for consideration, whether upon argument or otherwise,

and where an application has been so referred to the appellate division, that division may thereupon grant or refuse the application.

(*d*) The decision of the Chief Justice or other judge or of the appellate division, as the case may be, to grant or refuse the application shall be final.

(*e*) Notice of the date fixed for the hearing of any application under this sub-section, and of the place appointed for such hearing under paragraph (*c*), shall be given to the applicant and the respondent by the registrar of the appellate division.

(4) If in any civil matter leave to appeal is granted under sub-section (2) or (3), the court granting such leave may order the appellant to find security for the costs of the appeal in such an amount as may be determined by the registrar, and may fix the time within which such security is to be found.

Powers of court on hearing of appeals.

22. The appellate division or a provincial or local division shall have power—

(*a*) on the hearing of an appeal to receive further evidence, either orally or by deposition before a person appointed by such division, or to remit the case to the court of first instance, or the court whose judgment is the subject of the appeal, for further hearing, with such instructions as regards the taking of further evidence or otherwise as to the division concerned seems necessary; and

(*b*) to confirm, amend or set aside the judgment or order which is the subject of the appeal and to give any judgment or make any order which the circumstances may require.

Exclusion of appeal to Queen-in-Council.

23. There shall be no appeal to the Queen-in-Council against any judgment or order of any court in the Union.

Grounds of review of proceedings of inferior courts.

24. (1) The grounds upon which the proceedings of any inferior court may be brought under review before a provincial or local division are—

(*a*) absence of jurisdiction on the part of the court;

(*b*) interest in the cause, bias, malice or corruption on the part of the presiding judicial officer;

(*c*) gross irregularity in the proceedings; and

(*d*) the admission of inadmissible or incompetent evidence or the rejection of admissible or competent evidence.

(2) Nothing in this section shall affect the provisions of any other law relating to the review of proceedings in inferior courts.

Service of civil summons outside area of jurisdiction of division by which it was issued.

25. (1) A civil summons issued out of the court of any division may, subject to the provisions of this Act, be served in any part of the Union which is outside the jurisdiction of that court, upon a defendant who resides or is for the time being within the Union and is, in respect of the proceedings in which the summons is issued, subject to the jurisdiction of that court.

(2) (*a*) Whenever a plaintiff desires that a civil summons issued as aforesaid shall be served as aforesaid on such a defendant, such plaintiff shall in addition to

voorwaarde dat die applikant die koste van die appèl moet betaal, wat die hof vanwaar die appèl aangeteken staan te word of die appèlafdeling, na gelang verlof deur daardie hof of deur bedoelde afdeling verleen word, mag bepaal.

(3) (*a*) 'n Aansoek by die appèlafdeling ingevolge sub-artikel (2) moet voorgelê word by petisie aan die Hoofregter gerig binne een-en-twintig dae, of so 'n langer tydperk as wat op goeie gronde toegelaat mag word, nadat verlof deur die hof vanwaar die betrokke appèl aangeteken staan te word, geweier is.

(*b*) Die petisie kan oorweeg word deur die Hoofregter of deur 'n ander regter van die appèlafdeling na wie die Hoofregter dit mag verwys.

(*c*) Die Hoofregter of ander regter wat die petisie oorweeg, kan gelas dat die aansoek op 'n bepaalde tyd en plek voor hom beredeneer word, en kan, hetsy hy aldus gelas het al dan nie—

(i) die aansoek weier of toestaan; of

(ii) die aansoek na die appèlafdeling verwys vir oorweging, hetsy na beredenering of andersins,

en waar 'n aansoek aldus na die appèlafdeling verwys is, kan daardie afdeling die aansoek daarop toestaan of weier.

(*d*) Die beslissing van die Hoofregter of ander regter of van die appèlafdeling, al na die geval, om die aansoek toe te staan of te weier, is afdoende.

(*e*) Daar word deur die griffier van die appèlafdeling van die datum vir die verhoor van 'n aansoek ingevolge hierdie sub-artikel vasgestel, en van die plek ingevolge paragraaf (*c*) vir die verhoor vasgestel, aan die applikant en die respondent kennis gegee.

(4) Indien in 'n siviele geding verlof tot appèl kragtens sub-artikel (2) of (3) verleen word, kan die hof wat die verlof verleen die applikant gelas om vir die koste van die appèl sekerheid te stel tot 'n bedrag wat die griffier bepaal, en die tyd vasstel waarin die sekerheid gestel moet word.

Bevoegdhede van hof by verhoor van appèlle.

22. Die appèlafdeling of 'n provinsiale of plaaslike afdeling is bevoeg—

(*a*) om by die verhoor van 'n appèl verdere getuienis te ontvang, hetsy mondeling of by verklaring voor iemand deur bedoelde afdeling aangestel, of om die saak vir verder verhoor na die hof van eerste instansie, of die hof waarvan die uitspraak die onderwerp van die appèl is, terug te verwys, met 'n opdrag wat betref die afneem van verdere getuienis of andersins soos vir die betrokke afdeling nodig blyk; en

(*b*) om die uitspraak of bevel wat die onderwerp van die appèl is, te bevestig, te wysig of ter syde te stel, en om enige uitspraak te gee of bevel uit te vaardig wat die omstandighede vereis.

Uitsluiting van appèl na Koningin-in-rade.

23. Daar is geen appèl na die Koningin-in-rade teen 'n uitspraak of bevel van 'n hof in die Unie nie.

Gronde vir hersiening van verrigtings van laerhowe.

24. (1) Die gronde waarop die verrigtings van 'n laerhof voor 'n provinsiale of plaaslike afdeling in hersiening gebring kan word, is—

(*a*) gebrek aan regsbevoegdheid van die hof;

(*b*) belang by die geding, vooroordeel, kwaadwilligheid of korrupsie by die voorsittende regterlike beampte;

(*c*) growwe onreëlmatigheid in verband met die verrigtings; en

(*d*) die toelating van ontoelaatbare of onbevoegde getuienis of die verwerping van toelaatbare of bevoegde getuienis.

(2) Die bepalings van hierdie artikel het geen uitwerking op ander wetsbepalings met betrekking tot die hersiening van verrigtings van laerhowe nie.

Bestelling van siviele dagvaarding buite regsgebied van afdeling wat dit uitgereik het.

25. (1) 'n Siviele dagvaarding wat uit die hof van 'n afdeling uitgereik is, kan, onderworpe aan die bepalings van hierdie Wet, in enige deel van die Unie wat buite die regsgebied van daardie hof val, bestel word aan 'n verweerder wat in die Unie woon of dan in die Unie is, en wat ten opsigte van die verrigtings in verband waarmee die dagvaarding uitgereik word, aan die regsbevoegdheid van daardie hof onderworpe is.

(2) (*a*) Wanneer 'n eiser verlang dat 'n siviele dagvaarding wat soos voormeld uitgereik is, soos voormeld aan so 'n verweerder bestel moet word, moet daardie eiser, benewens enige ander endossement of kennis-

any other endorsement or notice required by law or rule or order of court endorse upon the summons the words—

"This.....is to be served upon..... in the manner prescribed by law (or rule of court or order of court) in the area of jurisdiction of the .....Court.".

(*b*) If by law or rule or order of court an appearance is required to be entered to any such summons, the plaintiff concerned shall further endorse thereon the words—

"Your appearance to this.....must give an address (not being a post office box or post restante) within.....miles of the court at..... whereat pleadings, notices and other documents connected with the present proceedings against you may be served.".

(*c*) The registrar concerned shall fill in the appropriate words in every blank space in the endorsements aforesaid.

(3) A civil summons bearing the endorsements required by this section shall, if it is otherwise in accordance with the law or rules of court governing the court out of which the summons was issued, be effectively served when it has been served by the deputy sheriff at the place where the service is required, who shall in the service of the summons be governed by the law or rules of court in force at the place where the summons is to be served.

(4) The service of a civil summons in accordance with this section shall have the same effect as if the summons had been served upon the defendant within the jurisdiction of the court out of which it was issued.

Execution of process of provincial or local division in areas of other divisions.

26. The registrar of a provincial or local division shall, if thereto requested by any party in whose favour a judgment or order has been given or made by any other provincial or local division, and subject to the deposit with him of the original or a certified copy of such judgment or order, and upon proof by affidavit by that party or his duly authorized agent that the same remains unsatisfied, issue a writ or other process for the execution of such judgment or order, and thereupon such writ or other process shall be executed in like manner as if it had been issued on a judgment or order of the division of which he is registrar.

Time allowed for appearance.

27. The time allowed for entering an appearance to a civil summons served in accordance with the provisions of section *twenty-five* shall be not less than—

(*a*) twenty-one days if the summons is to be served at a place more than one hundred miles from the court out of which it was issued; and

(*b*) fourteen days in any other case.

Prohibition on attachment to found jurisdiction or arrest where defendant resides within the Union.

28. (1) No attachment of person or property to found jurisdiction shall be ordered by a court of any division against a person who is resident in the Union.

(2) No writ shall be issued out of any such court in or in connection with civil proceedings instituted or to be instituted for the arrest of a person residing within the Union to secure his appearance as a defendant in those proceedings, by reason only that such person has departed or is about to depart to a place outside the jurisdiction of that court but within the Union.

Circumstances in which security for costs shall not be required.

29. When a person residing within the Union is a plaintiff in civil proceedings in the court of any division, the area of jurisdiction whereof does not extend to the place where he resides, he shall not by reason only of that fact be required to give security for costs in those proceedings.

Manner of securing attendance of witnesses in civil proceedings and penalties for non-attendance.

30. (1) A party to civil proceedings before the court of any division in which the attendance of witnesses is required may procure the attendance of any witness in the manner provided for in the rules of court.

(2) Whenever any person subpoenaed to attend any civil proceedings as a witness fails without reasonable excuse to obey the subpoena and it appears from the return of the proper officer or from evidence given under oath that the subpoena was served upon the person to whom it is directed and that his reasonable expenses calculated in accordance with the tariff framed under sub-section (1) of section *forty-two* have

gewing wat volgens 'n wetsbepaling of hofreël of hofbevel vereis word, op die dagvaarding die volgende woorde endosseer:

„Hierdie.....moet bestel word aan .....op die wyse by wet (of hofreël of hofbevel) voorgeskryf in die regsgebied van die .....Hof.".

(*b*) Indien daar volgens wet of hofreël of hofbevel op so 'n dagvaarding verskyning aangeteken moet word, endosseer die betrokke eiser ook daarop die woorde—

„By aantekening van verskyning op hierdie .....moet u 'n adres (wat nie 'n posbus of 'n poste restante-adres is nie) binne..... myl van die hof te.....aangee waar pleitstukke, kennisgewings en ander stukke in verband met hierdie verrigtings teen u bestel kan word.".

(*c*) Die betrokke griffier moet die gepaste woorde op al die plekke waar ruimte gelaat is in voormelde endossemente invul.

(3) 'n Siviele dagvaarding waarop die by hierdie artikel vereiste endossemente voorkom, is, indien dit andersins volgens die wetsbepalings of hofreëls is wat geld vir die hof waaruit die dagvaarding uitgereik is, behoorlik bestel wanneer dit deur die adjunk-balju bestel is op die plek waar bestelling vereis word, en die adjunk-balju is by bestelling van die dagvaarding gebonde aan die wetsbepalings of hofreëls van krag op die plek waar die dagvaarding bestel moet word.

(4) Die bestelling van 'n siviele dagvaarding ooreenkomstig hierdie artikel het dieselfde uitwerking asof die dagvaarding aan die verweerder bestel is binne die regsgebied van die hof waaruit dit uitgereik is.

Tenuitvoerlegging van proses van provinsiale of plaaslike afdeling in gebiede van ander afdelings.

26. Die griffier van 'n provinsiale of plaaslike afdeling moet, indien daartoe versoek deur 'n party ten gunste van wie deur 'n ander provinsiale of plaaslike afdeling 'n uitspraak gegee of bevel uitgevaardig is, en onderworpe aan die oorlegging aan hom van die oorspronklike of 'n gewaarmerkte afskrif van bedoelde uitspraak of bevel, en by bewys by beëdigde verklaring deur daardie party of sy behoorlik gemagtigde verteenwoordiger dat aan die uitspraak of bevel nie voldoen is nie, 'n lasbrief of ander prosesstuk vir die tenuitvoerlegging van daardie uitspraak of bevel uitreik, en daarop word so 'n lasbrief of ander prosesstuk ten uitvoer gelê op dieselfde wyse asof dit uitgevaardig was ingevolge 'n uitspraak of bevel van die afdeling waarvan hy die griffier is.

Tyd toegelaat om verskyning aan te teken.

27. Die tydperk toegelaat om in verband met 'n siviele dagvaarding wat ooreenkomstig artikel *vyf-en-twintig* bestel is, verskyning aan te teken, moet nie minder wees nie as—

(*a*) een-en-twintig dae indien die dagvaarding bestel moet word op 'n plek meer as honderd myl vanaf die hof waaruit dit uitgereik is; en

(*b*) veertien dae in enige ander geval.

Verbod op arres of beslaglegging om jurisdiksie te vestig waar verweerder in Unie woon.

28. (1) Geen inhegtenisname van die persoon of beslaglegging op eiendom om jurisdiksie te vestig, word teen iemand wat in die Unie woon deur die hof van 'n afdeling beveel nie.

(2) Geen lasbrief word in of in verband met 'n siviele geding wat ingestel is of staan te word, uit so 'n hof uitgereik vir die inhegtenisname van iemand wat in die Unie woon, ten einde sy verskyning as 'n verweerder by daardie verrigtings te verseker nie, bloot op grond dat so iemand na 'n plek buite die regsgebied van daardie hof maar binne die Unie vertrek het of op die punt staan om daarheen te vertrek.

Omstandighede waarin sekerheidstelling vir koste nie vereis word nie.

29. Wanneer iemand wat in die Unie woon, 'n eiser is in 'n siviele geding voor 'n hof van 'n afdeling waarvan die regsgebied nie die plek waar hy woon, insluit nie, word nie bloot uit hoofde daarvan sekerheid vir koste in daardie geding van hom geëis nie.

Manier om verskyning van getuies in siviele gedinge te verseker en strawwe vir versuim om te verskyn.

30. (1) 'n Party by 'n siviele geding voor die hof van 'n afdeling in verband waarmee die aanwesigheid van getuies vereis word, kan die aanwesigheid van 'n getuie verkry op die wyse in die hofreëls bepaal.

(2) Wanneer iemand wat gedagvaar is om as 'n getuie by 'n siviele geding aanwesig te wees, sonder redelike verskoning versuim om die dagvaarding te gehoorsaam en dit uit die relaas van die bevoegde beampte of uit getuienis onder eed afgelê, blyk dat die dagvaarding bestel is aan die persoon aan wie dit gerig is en dat sy redelike uitgawes, bereken ooreenkomstig die tarief kragtens sub-artikel (1) van artikel *twee-en-veertig*

been paid or offered to him, or that he is evading service, or if any person who has attended in obedience to a subpoena fails to remain in attendance, the court in which the said proceedings are conducted, may issue a warrant directing that he be arrested and brought before the court at a time and place stated in the warrant or as soon thereafter as possible.

(3) A person arrested under any such warrant may be detained thereunder before the court which issued it or in any gaol or lock-up or other place of detention or in the custody of the person who is in charge of him with a view to securing his presence as a witness at the said proceedings: Provided that the court may release him on a recognizance with or without sureties for his appearance to give evidence as required and for his appearance at the enquiry referred to in sub-section (4).

(4) The court may in a summary manner enquire into such person's evasion of the service of the subpoena or failure to obey the subpoena or to remain in attendance, and may, unless it is proved that such person has a reasonable excuse for such evasion or failure, sentence him to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months.

(5) Any sentence imposed by the court under sub-section (4) shall be enforced and shall be subject to appeal as if it were a sentence imposed in a criminal case.

(6) If a person who has entered into any recognizance for his appearance to give evidence at such proceedings or for his appearance at an enquiry referred to in sub-section (4) fails so to appear, he may, apart from the forfeiture of his recognizance, be dealt with as if he had failed to obey a subpoena to attend such proceedings or appear at such enquiry.

Manner in which witness may be dealt with on refusal to give evidence or produce documents.

31. (1) Whenever any person who appears either in obedience to a subpoena or by virtue of a warrant issued under section *thirty* or is present and is verbally required by the court to give evidence in any civil proceedings, refuses to be sworn or to make an affirmation, or, having been sworn or having made an affirmation, refuses to answer such questions as are put to him, or refuses or fails to produce any document or thing which he is required to produce, without any just excuse for such refusal or failure, the court may adjourn the proceedings for any period not exceeding eight days and may, in the meantime, by warrant commit the person so refusing or failing to gaol unless he sooner consents to do what is required of him.

(2) If any person referred to in sub-section (1) again refuses at the resumed hearing of the proceedings to do what is so required of him, the court may again adjourn the proceedings and commit him for a like period and so again from time to time until such person consents to do what is required of him.

(3) Nothing in this section contained shall prevent the court from giving judgment in any case or otherwise disposing of the proceedings according to any other sufficient evidence taken.

(4) No person shall be bound to produce any document or thing not specified or otherwise sufficiently described in the subpoena unless he actually has it in court.

(5) When a subpoena is issued to procure the attendance of a judicial officer to give evidence or to produce any book, paper or document in any civil proceedings, and it appears—

(*a*) that he is unable to give any evidence or to produce any book, paper or document which would be relevant to any issue in such proceedings; or

(*b*) that such book, paper or document could properly be produced by some other person; or

(*c*) that the compelling of his attendance would be an abuse of the process of the court,

the court may, notwithstanding anything in this section contained, after reasonable notice by the registrar to the party who sued out the subpoena and after hearing that party in chambers if he appears, make an order cancelling such subpoena.

voorgeskryf, aan hom betaal of aangebied is, of dat hy bestelling van die dagvaarding ontwyk, of indien iemand wat ter voldoening aan 'n dagvaarding opgedaag het, versuim om aanwesig te bly, kan die hof waarin die geding gevoer word 'n lasbrief uitreik waarby gelas word dat hy in hegtenis geneem en op 'n tyd en plek in die lasbrief vermeld of so spoedig moontlik daarna voor die hof gebring word.

(3) Iemand wat ingevolge so 'n lasbrief in hegtenis geneem word, kan daaronder aangehou word voor die hof wat dit uitgereik het of in 'n tronk of opsluitplek of ander aanhoudingsplek of in die bewaring van die persoon wat hom in bewaring het, ten einde sy aanwesigheid as 'n getuie by die betrokke geding te verseker: Met dien verstande dat die hof hom onder borgakte met of sonder borge vir sy verskyning om getuienis af te lê soos vereis en vir sy verskyning by die in sub-artikel (4) bedoelde ondersoek kan vrylaat.

(4) Die hof kan summier ondersoek instel na so iemand se ontwyking van bestelling van die dagvaarding of versuim om die dagvaarding te gehoorsaam of om aanwesig te bly, en kan, tensy bewys word dat so iemand 'n redelike verskoning vir die ontwyking of versuim het, hom vonnis tot 'n boete van hoogstens vyf-en-twintig pond of tot gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(5) 'n Vonnis ingevolge sub-artikel (4) deur die hof opgelê, word ten uitvoer gelê en is onderhewig aan appèl asof dit 'n vonnis is wat in 'n strafsaak opgelê is.

(6) Indien iemand wat 'n borgakte aangegaan het om te verskyn ten einde in so 'n geding getuienis af te lê of om by 'n in sub-artikel (4) bedoelde ondersoek te verskyn, versuim om aldus te verskyn, kan daar, afgesien van die verbeurdverklaring van sy borggeld, met betrekking tot hom gehandel word asof hy versuim het om 'n dagvaarding om by bedoelde geding aanwesig te wees, te gehoorsaam of om by bedoelde ondersoek te verskyn.

Wyse waarop met getuie gehandel kan word by weiering om getuienis af te lê of stukke oor te lê.

31. (1) Wanneer iemand wat òf ter voldoening aan 'n dagvaarding òf ingevolge 'n kragtens artikel *dertig* uitgereikte lasbrief verskyn of aanwesig is en deur die hof mondeling verlang word om in 'n siviele geding getuienis af te lê, weier om 'n eed of plegtige verklaring af te lê of nadat hy 'n eed of plegtige verklaring afgelê het, weier om die vrae te beantwoord wat aan hom gestel word, of weier of versuim om 'n stuk of saak oor te lê waarvan die oorlegging van hom vereis word, sonder dat daar grondige rede vir die weiering of versuim bestaan, kan die hof die verrigtings vir 'n tydperk van hoogstens agt dae verdaag en kan hy die persoon wat aldus weier of versuim intussen by lasbrief gevange sit tensy hy eerder instem om te doen wat van hom verlang word.

(2) Indien 'n in sub-artikel (1) bedoelde persoon by die hervatting van die verhoor van die geding weer weier om te doen wat aldus van hom verlang word, kan die hof weer eens die verrigtings verdaag en hom vir 'n dergelike tydperk gevange sit en dit van tyd tot tyd herhaal totdat bedoelde persoon instem om te doen wat van hom verlang word.

(3) Die bepalings van hierdie artikel belet nie die hof om in enige saak uitspraak te gee of die verrigtings andersins af te handel op grond van ander voldoende getuienis wat afgeneem is nie.

(4) Niemand is verplig om 'n stuk of saak oor te lê wat nie in die dagvaarding vermeld of andersins genoegsaam beskryf is nie, tensy hy dit werklik in die hof het.

(5) Wanneer 'n dagvaarding uitgereik word om die aanwesigheid van 'n regterlike beampte te verky om in 'n siviele geding getuienis af te lê of 'n boek, stuk of dokument oor te lê, en dit blyk—

(*a*) dat hy nie in staat is om getuienis te lewer of 'n boek, stuk of dokument oor te lê wat by 'n geskilpunt in die geding ter sake sou wees nie; of

(*b*) dat so 'n boek, stuk of dokument gevoeglik deur iemand anders oorgelê sou kon word; of

(*c*) dat om hom te verplig om aanwesig te wees op misbruik van geregtelike proses sou neerkom,

kan die hof, ondanks enigiets in hierdie artikel vervat, na redelike kennisgewing deur die griffier aan die party wat die dagvaarding uitgeneem het en nadat daardie party in kamers aangehoor is indien hy verskyn, 'n bevel uitvaardig waarby die dagvaarding gekanselleer word.

Examination by interrogatories of persons whose evidence is required in civil cases.

32. (1) The court of a provincial or local division may in connection with any civil proceedings pending before it, order that the evidence of a person who resides or is for the time being outside the area of jurisdiction of that court be taken by means of interrogatories.

(2) Whenever an order is made under sub-section (1), the registrar of the court shall certify that fact and transmit a copy of his certificate to a commissioner of the court, together with any interrogatories duly and lawfully framed which it is desired to put to the said person and the fees and the amount of the expenses payable to the said person for his appearance as hereinafter provided.

(3) Upon receipt of the certificate, interrogatories and amounts aforesaid, the commissioner shall summon the said person to appear before him, and upon his appearance shall take his evidence as if he were a witness in a civil case in the said court, and shall put to him the interrogatories aforesaid with any other questions calculated to obtain full and true answers to the said interrogatories and shall take down or cause to be taken down the evidence so obtained, and shall transmit the same, certified as correct, to the registrar of the court wherein the civil proceedings in question are pending.

(4) The commissioner shall further transmit to the said registrar a certificate showing the amount paid to the person concerned in respect of the expenses of his appearance, and the cost of the issue and service of the process for summoning such person before him.

(5) Any person summoned to appear as in this section provided who without reasonable excuse fails to appear at the time and place mentioned in the summons, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months.

(6) Any interrogatories taken and certified under the provisions of this section shall, subject to all lawful exceptions, be received as evidence in the civil proceedings aforesaid.

Manner of dealing with commissions rogatoire, letters of request and documents for service originating from foreign countries.

33. (1) Whenever a commission rogatoire or letter of request received from any State or territory or court outside the Union, is transmitted to the registrar of a provincial or local division by the Secretary for Justice, together with a translation in English or Afrikaans if the original is in any other language, and an intimation that the Minister considers it desirable that effect should be given thereto without requiring an application to be made to such division by the agents, if any, of the parties to the action or matter, the registrar shall submit the same to a judge in chambers in order to give effect to such commission rogatoire or letter of request.

(2) Whenever a request for the service on a person in the Union of any civil process or citation received from a State, territory or court outside the Union, is transmitted to the registrar of a provincial or local division by the Secretary for Justice, together with a translation in English or Afrikaans if the original is in any other language, and an intimation that the Minister considers it desirable that effect should be given thereto, the registrar shall cause service of the said process or citation to be effected in accordance with the rules of court by the sheriff or a deputy-sheriff or any person specially appointed thereto by a judge of the division concerned.

(3) The registrar concerned shall, after effect has been given to any such commission rogatoire, letter of request, process or citation, return all relevant documents, duly verified in accordance with the rules of court, to the Secretary for Justice for transmission.

(4) Except where the Minister otherwise directs, no fees other than disbursements shall be recovered from any State, territory or court on whose behalf any service such as is referred to in this section has been performed.

Appointment of officers of the Supreme Court.

34. (1) (*a*) The Minister may, subject to the laws governing the public service, appoint for the Supreme Court registrars, assistant registrars, sheriffs, additional sheriffs, deputy-sheriffs and other officers whenever they may be required for the administration of justice or the execution of the powers and authorities of the said court: Provided that if the duties to be performed by any deputy-sheriff are in the opinion of the Public Service Commission insufficient to keep at least one person fully occupied throughout

Ondervraging op vraagpunte van persone van wie getuienis in siviele gedinge verlang word.

32. (1) Die hof van 'n provinsiale of plaaslike afdeling kan in verband met 'n siviele geding wat voor hom aanhangig is, beveel dat die getuienis van iemand wat buite die regsgebied van daardie hof woon of hom dan daarbuite bevind, by wyse van vraagpunte afgeneem word.

(2) Wanneer 'n bevel kragtens sub-artikel (1) uitgevaardig word, moet die griffier van die hof daardie feit sertifiseer en 'n afskrif van sy sertifikaat aan 'n kommissaris van die hof stuur, tesame met behoorlik en wettiglik opgestelde vraagpunte waaroor ondervraging van die betrokke persoon verlang word, asook die gelde en die bedrag van die onkoste aan daardie persoon betaalbaar ten opsigte van sy verskyning soos hieronder bepaal.

(3) By ontvangs van bedoelde sertifikaat, vraagpunte en gelde, dagvaar die kommissaris die betrokke persoon om voor hom te verskyn, en by sy verskyning neem die kommissaris sy getuienis af asof hy 'n getuie in 'n siviele geding voor die betrokke hof is en stel hy aan hom voormelde vraagpunte asook ander vrae wat bereken is om volledige en juiste antwoorde op bedoelde vraagpunte te verkry, en neem hy die aldus verkreë getuienis af of laat hy dit afneem, en hy moet dit as korrek sertifiseer en stuur aan die griffier van die hof waarin die betrokke siviele geding aanhangig is.

(4) Die kommissaris moet verder aan bedoelde griffier 'n sertifikaat stuur aantonende die bedrag aan die betrokke persoon ten opsigte van die onkoste verbonde aan sy verskyning betaal, en die koste van uitreiking en bestelling van die prosesstukke waarby daardie persoon gedagvaar is om voor hom te verskyn.

(5) Iemand wat gedagvaar word om volgens voorskrif van hierdie artikel te verskyn, en wat sonder redelike verskoning versuim om op die in die dagvaarding vermelde tyd en plek te verskyn, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf-en-twintig pond of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(6) Getuienis op vraagpunte ingevolge hierdie artikel afgeneem en gesertifiseer, word, onderworpe aan alle wetlike eksepsies, as getuienis in voormelde siviele geding aangeneem.

Wyse waarop met rogatore kommissies, versoekbriewe en stukke vir bestelling afkomstig uit vreemde lande gehandel moet word.

33. (1) Wanneer 'n rogatore kommissie of versoekbrief wat van 'n Staat of gebied of hof buite die Unie ontvang is, deur die Sekretaris van Justisie aan die griffier van 'n provinsiale of plaaslike afdeling gestuur word, tesame met 'n vertaling in Afrikaans of Engels, indien die oorsponklike in 'n ander taal is, en 'n mededeling dat die Minister dit wenslik ag dat daaraan gevolg gegee word sonder om te vereis dat 'n aansoek deur die agente (as daar is) van die partye by die geding of saak by daardie afdeling gedoen word, lê die griffier bedoelde rogatore kommissie of versoekbrief voor aan 'n regter in kamers om daaraan gevolg te gee.

(2) Wanneer 'n versoek om die bestelling aan iemand in die Unie van 'n siviele prosesstuk of sitasie wat van 'n Staat, gebied of hof buite die Unie ontvang is, deur die Sekretaris van Justisie aan die griffier van 'n provinsiale of plaaslike afdeling gestuur word, tesame met 'n vertaling in Afrikaans of Engels, indien die oorspronklike in 'n ander taal is, en 'n mededeling dat die Minister dit wenslik ag dat daaraan gevolg gegee word, laat die griffier bedoelde prosesstuk of sitasie ooreenkomstig die hofreëls bestel deur die balju of adjunk-balju of iemand wat 'n regter van die betrokke afdeling spesiaal daartoe aangestel het.

(3) Die betrokke griffier moet nadat aan so 'n rogatore kommissie, versoekbrief, prosesstuk of sitasie gevolg gegee is, alle ter sake dienende stukke, behoorlik ooreenkomstig die hofreëls gewaarmerk, aan die Sekretaris van Justisie vir versending deurstuur.

(4) Behalwe waar die Minister anders gelas, word geen ander gelde as uitgawes op 'n Staat, gebied of hof ten behoewe waarvan bestelling geskied het soos in hierdie artikel bedoel, verhaal nie.

Aanstelling van beamptes van Hooggeregshof.

34. (1) (*a*) Die Minister kan met inagneming van die wetsbepalings op die Staatsdiens, vir die Hooggeregshof griffiers, assistent-griffiers, balju's, addisionele balju's, adjunk-balju's en ander beamptes aanstel wanneer hulle vir die regspleging of die uitoefening van die bevoegdhede en gesag van daardie hof nodig is: Met dien verstande dat indien die pligte wat deur 'n adjunk-balju verrig moet word, volgens die oordeel van die Staatsdienskommissie nie voldoende is om minstens een persoon die hele jaar deur besig te

the year, and no officer in the public service is in the opinion of the said Commission able to perform the duties of such deputy-sheriff in addition to his other duties, or if in the opinion of the Minister the duties of such deputy-sheriff can be performed satisfactorily and at less cost to the State by a person who is not an officer in the public service, the Minister may appoint any person as such deputy-sheriff at such remuneration and on such conditions as the Minister may determine.

(*b*) Whenever by reason of absence or incapacity a registrar, assistant registrar or sheriff is unable to carry out the functions of his office, or his office becomes vacant, the Minister may authorize any other competent officer of the public service to act in the place of the absent or incapacitated officer during such absence or incapacity or to act in the vacant office until the vacancy is filled: Provided that when any such vacancy has remained unfilled for a continuous period exceeding six months the fact shall be reported to the Public Service Commission.

(*c*) An additional sheriff may, subject to the directions of the sheriff, exercise all the powers and perform all the functions and duties of the sheriff.

(2) Any officer in the public service appointed under subsection (1) may hold simultaneously more than one of the offices mentioned in that sub-section.

(3) A deputy-sheriff who is not an officer in the public service may with the approval of the Minister appoint one or more assistants for whom he shall be responsible and any such assistant may subject to the directions of the deputy-sheriff exercise any of the powers and perform any of the functions or duties of such deputy-sheriff.

(4) Any person appointed as an assistant to a deputy-sheriff who is an officer in the public service may, subject to the directions of such deputy-sheriff, exercise any of the powers and perform any of the functions or duties of that deputy-sheriff.

(5) A deputy-sheriff who is not an officer of the public service shall as soon as possible after his appointment furnish security to the satisfaction of the sheriff for the due and faithful performance of his functions, and if he fails or neglects to furnish such security within a period fixed by the sheriff, his appointment shall lapse at the expiration of the said period.

(6) Whenever in any matter objection is made to the service or execution of process by the sheriff or a deputy-sheriff by reason of the interest of such sheriff or deputy-sheriff in such matter or of the relationship of such sheriff or deputy-sheriff to a party to such matter or of any other good cause of challenge, or whenever by reason of illness or absence or for any other reason it is necessary to appoint any person to perform temporarily any of the duties of a deputy-sheriff, the Minister may appoint an acting deputy-sheriff.

(7) The Minister may delegate to the Secretary or Under Secretary or any Assistant Secretary for Justice any of the powers vested in him by this section and to the sheriff the power vested in him for the appointment of acting deputy-sheriffs.

Suspension of deputy-sheriffs.

35. (1) A deputy-sheriff who is alleged to have been negligent or dilatory in the service or execution of process or wilfully to have demanded payment of more than the prescribed fees or expenses or to have made a false return or in any other manner to have misconducted himself in connection with his duties, may pending investigation be suspended from office and profit by the sheriff who may appoint a person to act in his place during the period of suspension.

(2) The sheriff shall forthwith report to the Secretary for Justice for the information of the Minister any action which he has taken under this section, and the Minister may after investigation set aside the suspension or may confirm it and may if he deems fit dismiss from his office the deputy-sheriff who has been so suspended.

Execution of process.

36. (1) The sheriff or the deputy-sheriff concerned or his assistant shall execute all sentences, decrees, judgments, writs, summonses, rules, orders, warrants, commands and processes

hou nie, en geen beampte in die Staatsdiens volgens die oordeel van bedoelde Kommissie in staat is om die pligte van daardie adjunk-balju benewens sy ander pligte uit te voer nie, of indien volgens die Minister se oordeel die pligte van bedoelde adjunk-balju op bevredigende wyse en teen minder koste vir die Staat verrig kan word deur iemand wat nie 'n beampte in die Staatsdiens is nie, die Minister enigiemand as so 'n adjunk-balju kan aanstel teen die besoldiging en op die voorwaardes wat die Minister bepaal.

(*b*) Wanneer 'n griffier, assistent-griffier of balju weens afwesigheid of onbekwaamheid nie sy ampspligte kan uitvoer nie of sy amp vakant word, kan die Minister 'n ander bevoegde beampte in die Staatsdiens magtig om in die plek van die afwesige of onbekwame beampte op te tree solank hy aldus afwesig of onbekwaam is of om in die vakante betrekking waar te neem totdat die vakature gevul word: Met dien verstande dat wanneer so 'n vakature vir 'n ononderbroke tydperk van meer as ses maande nie gevul is nie, die geval aan die Staatsdienskommissie gerapporteer moet word.

(*c*) 'n Addisionele balju kan, onderworpe aan die opdrag van die balju, al die bevoegdhede van die balju uitoefen en al sy werksaamhede en pligte uitvoer.

(2) 'n Kragtens sub-artikel (1) aangestelde beampte in die Staatsdiens kan gelyktydig meer as een van die in daardie subartikel bedoelde ampte beklee.

(3) 'n Adjunk-balju wat nie 'n beampte in die Staatsdiens is nie, kan met goedkeuring van die Minister een of meer assistente aanstel vir wie hy verantwoordelik is, en so 'n assistent kan onderworpe aan die voorskrifte van die adjunk-balju enige van die bevoegdhede van daardie adjunk-balju uitoefen en enige van sy werksaamhede of pligte uitvoer.

(4) Iemand wat aangestel is as assistent van 'n adjunk-balju wat 'n beampte in die Staatsdiens is, kan, onderworpe aan die opdragte van daardie adjunk-balju, enige bevoegdheid van bedoelde adjunk-balju uitoefen en enige van sy werksaamhede of pligte uitvoer.

(5) 'n Adjunk-balju wat nie 'n beampte in die Staatsdiens is nie moet so gou doenlik na sy aanstelling tot bevrediging van die balju sekuriteit vir die behoorlike en pligsgetroue verrigting van sy werksaamhede verstrek, en indien hy versuim of nalaat om sodanige sekuriteit te verstrek binne 'n tydperk deur die balju bepaal, verval sy aanstelling by verstryking van daardie tydperk.

(6) Wanneer in enige saak teen die bestelling of tenuitvoerlegging van 'n proses deur die balju of 'n adjunk-balju beswaar gemaak word op grond dat bedoelde balju of adjunkbalju by daardie saak belang het of aan 'n party by daardie saak verwant is of op 'n ander goeie wrakingsgrond, of wanneer dit weens siekte of afwesigheid of om 'n ander rede nodig is om iemand aan te stel om tydelik enige pligte van 'n adjunkbalju te verrig, kan die Minister 'n waarnemende adjunk-balju aanstel.

(7) Die Minister kan aan die Sekretaris of die Ondersekretaris of 'n Assistent-sekretaris van Justisie enige bevoegdheid by hierdie artikel aan hom verleen, en aan die balju die bevoegdheid aan hom verleen om waarnemende adjunk-balju's aan te stel, delegeer.

Skorsing van adjunk-balju.

35. (1) 'n Adjunk-balju wat na bewering nalatig of traag by die bestelling of tenuitvoerlegging van prosesstukke was of opsetlik betaling van meer as die voorgeskrewe gelde of onkoste geëis het of 'n valse relaas gemaak of hom andersins in verband met sy pligte aan wangedrag skuldig gemaak het, kan in afwagting van 'n ondersoek in sy amp geskors en van die voordele daarvan onthef word deur die balju wat iemand kan aanstel om gedurende die tydperk van die skorsing in sy plek op te tree.

(2) Die balju moet onverwyld enige stappe wat hy ingevolge hierdie artikel gedoen het aan die Sekretaris van Justisie vir die inligting van die Minister rapporteer, en die Minister kan na ondersoek die skorsing ter syde stel of dit bekragtig en kan na goeddunke die adjunk-balju wat aldus geskors is uit sy amp ontslaan.

Tenuitvoerlegging van prosesstukke.

36. (1) Die balju of die betrokke adjunk-balju of sy assistent moet alle vonnisse, bevele, uitsprake, bevelskrifte, dagvaardings, orders, lasbriewe, lasgewings en prosesstukke van die hof wat

of the court directed to the sheriff and make return of the manner of execution thereof to the court and to the party at whose instance they were issued.

(2) The return of the sheriff or a deputy-sheriff or his assistant of what has been done upon any process of the court, shall be *prima facie* evidence of the matters therein stated.

(3) The sheriff shall receive and cause to be detained all persons arrested by order of the court or committed to his custody by competent authority.

(4) A refusal by the sheriff or any deputy-sheriff to do any act which he is by law empowered to do, shall be subject to review by the court on application *ex parte* or on notice as the circumstances may require.

Liability of State for acts of sheriff.

37. (1) The State shall be liable for any loss or damage resulting from any wrongful act performed by a sheriff or deputy-sheriff who is an officer of the public service or an assistant of such deputy-sheriff within the scope of his employment as such sheriff or deputy-sheriff or assistant or from any neglect of duty of such sheriff or deputy-sheriff or assistant.

(2) The sheriff or a deputy-sheriff or his assistant shall not be liable for damage arising out of the rescue or escape of any person arrested by him or committed to his custody unless such rescue or escape was effected through his negligence or connivance, but shall in the event of the rescue or escape of any such person use all lawful means for his pursuit, apprehension and safe custody.

(3) No proceedings shall be brought against the Minister or the sheriff or any deputy-sheriff or his assistant for anything done or omitted to be done in the execution of his office unless commenced within six months after the act was committed or the omission occurred.

Service of process on sheriffs or deputy-sheriffs.

38. (1) Whenever any process requires to be served on the sheriff, such process may be served by the other party by delivering a copy thereof to him at his office during ordinary office hours against his signature.

(2) Whenever any process requires to be served on a deputy-sheriff, the said process may, if the deputy-sheriff resides in the same district as the sheriff, be served by the sheriff, and in every other case by the messenger of the magistrate's court: Provided that if the messenger is himself the deputy-sheriff to be so served, the said process may be served by any person specially appointed by the sheriff for that purpose.

Property not liable to be seized in execution.

39. The sheriff or a deputy-sheriff shall not seize in execution of any process—

(*a*) the necessary beds and bedding and wearing apparel of the person against whom execution is levied or any member of his family;

(*b*) the necessary furniture, other than beds, and household utensils in so far as they do not exceed in value the sum of two hundred pounds;

(*c*) stock, tools and agricultural implements of a farmer in so far as they do not exceed in value the sum of two hundred pounds;

(*d*) any food or drink sufficient to meet the needs of such person and the members of his family for one month;

(*e*) tools and implements of trade in so far as they do not exceed in value the sum of two hundred pounds;

(*f*) professional books, documents or instruments necessarily used by the debtor in his profession in so far as they do not exceed in value the sum of two hundred pounds; or

(*g*) such arms and ammunition as the debtor is in terms of any law, regulation or disciplinary order required to have in his possession as part of his equipment:

Provided that the court may in exceptional circumstances and on such conditions as it may determine, increase the amount specified in paragraph (*b*), (*c*), (*e*) or (*f*) to not more than double the amount therein mentioned.

Offences relating to execution.

40. Any person who—

(*a*) obstructs a sheriff or deputy-sheriff or his assistant in the execution of his duty;

aan die balju gerig is, ten uitvoer lê, en 'n relaas van die wyse waarop dit ten uitvoer gelê is, verstrek aan die hof en aan die party wat dit uitgeneem het.

(2) Die relaas van die balju of 'n adjunk-balju of sy assistent van die stappe wat in verband met 'n prosesstuk van die hof gedoen is, is *prima facie* getuienis van die aangeleenthede daarin vermeld.

(3) Die balju moet alle persone wat op las van die hof in hegtenis geneem of deur bevoegde gesag in sy bewaring gestel is, ontvang en laat aanhou.

(4) 'n Weiering deur die balju of 'n adjunk-balju om 'n handeling te verrig wat hy regtens gemagtig is om te verrig, is onderworpe aan hersiening deur die hof by aansoek *ex parte* of na kennisgewing, al na die omstandighede vereis.

Staatsaanspreeklikheid vir handelinge van balju.

37. (1) Die Staat is aanspreeklik vir verlies of skade wat uit 'n wederregtelike handeling deur 'n balju of adjunk-balju wat 'n amptenaar in die Staatsdiens is, of 'n assistent van so 'n adjunk-balju, binne die bestek van sy diens as so 'n balju of adjunk-balju of assistent verrig, of uit pligsversuim deur so 'n balju of adjunk-balju of assistent ontstaan.

(2) Die balju of 'n adjunk-balju of sy assistent is nie vir skade ontstaande uit die bevryding of ontsnapping van iemand wat hy in hegtenis geneem het of wat in sy bewaring gestel is, aanspreeklik nie, tensy die bevryding of ontsnapping weens sy nalatigheid of oogluikende toelating geskied het, maar moet in geval van ontsnapping of bevryding van so iemand alle wettige middels vir die agtervolging, inhegtenisname en veilige bewaring van so iemand aanwend.

(3) Geen geding word weens 'n handeling of versuim by die vervulling van sy ampspligte teen die Minister of die balju of 'n adjunk-balju of sy assistent ingestel nie, tensy daarmee begin word binne ses maande nadat die handeling of versuim plaasgevind het.

Bestelling van prosesstukke aan balju's of adjunk-balju's.

38. (1) Wanneer 'n prosesstuk aan die balju bestel moet word, kan so 'n prosesstuk deur die ander party bestel word deur 'n afskrif daarvan gedurende gewone werkure by sy kantoor teen sy handtekening aan hom te lewer.

(2) Wanneer 'n prosesstuk aan 'n adjunk-balju bestel moet word, kan daardie prosesstuk, indien die adjunk-balju in dieselfde distrik as die balju woon, deur die balju en in enige ander geval deur die geregsbode van die landdroshof bestel word: Met dien verstande dat, indien die geregsbode self die adjunk-balju is aan wie bestelling aldus moet geskied, bedoelde prosesstuk bestel kan word deur iemand wat die balju spesiaal vir die doel aanstel.

Eiendom wat nie vir beslaglegging vatbaar is nie.

39. Die balju of 'n adjunk-balju lê nie by die tenuitvoerlegging van 'n prosesstuk beslag op—

(*a*) die nodige beddens, beddegoed en klere van die persoon teen wie beslaglegging geskied of 'n lid van sy gesin nie;

(*b*) die nodige meubels, behalwe beddens, en huisgereedskap vir sover die waarde daarvan die som van tweehonderd pond nie te bowe gaan nie;

(*c*) lewende hawe, gereedskap en landbou-uitrusting van 'n boer vir sover die waarde daarvan die som van tweehonderd pond nie te bowe gaan nie;

(*d*) voedsel en drank voldoende om in die behoeftes van bedoelde persoon en die lede van sy gesin vir een maand te voorsien nie;

(*e*) ambagsgereedskap en -uitrusting vir sover die waarde daarvan die som van tweehonderd pond nie te bowe gaan nie;

(*f*) professionele boeke, dokumente of instrumente wat vir die skuldenaar in sy beroep noodsaaklik is, vir sover die waarde daarvan tweehonderd pond nie te bowe gaan nie; of

(*g*) wapens en ammunisie wat die skuldenaar volgens een of ander wet, regulasie of tugreglement as deel van sy uitrusting in sy besit moet hê:

Met dien verstande dat die hof in buitengewone gevalle en op die voorwaardes wat hy bepaal, die bedrag in paragraaf (*b*), (*c*), (*e*) of (*f*) vermeld, tot hoogstens dubbel die daarin vermelde bedrag kan verhoog.

Oortredings in verband met eksekusie.

40. Iemand wat—

(*a*) 'n balju of adjunk-balju of sy assistent by die uitvoering van sy pligte dwarsboom;

(*b*) being aware that goods are under arrest, interdict or attachment by the court makes away with or disposes of those goods in a manner not authorized by law, or knowingly permits those goods if in his possession or under his control, to be made away with or disposed of in such a manner;

(*c*) being a judgment debtor and being required by a sheriff or deputy-sheriff or his assistant to point out property to satisfy a warrant issued in execution of judgment against such person—

(i) falsely declares to that sheriff or deputy-sheriff or his assistant that he possesses no property or insufficient property to satisfy the warrant; or

(ii) although knowing of such property neglects or refuses to point out such property or to deliver it to the sheriff or deputy-sheriff or his assistant when requested to do so; or

(*d*) being a judgment debtor refuses or neglects to comply with any requirement of a sheriff or deputy-sheriff or his assistant in regard to the delivery of documents in his possession or under his control relating to the title of the immovable property under execution,

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment for a period not exceeding three months or to such imprisonment without the option of a fine.

Transmission of summonses, writs and other process and of notice of issue thereof by telegraph.

41. In any civil proceeding—

(*a*) any summons, writ, warrant, rule, order, notice, document or other process of the court or communication which by any law, rule of court or agreement of parties is required or directed to be served or executed upon any person, or left at the house or place of abode or business of any person, in order that such person may be affected thereby, may be transmitted by telegraph, and a telegraphic copy served or executed upon such person, or left at his house or place of abode or business, shall be of the same force and effect as if the original had been shown to or a copy thereof served or executed upon such person, or left as aforesaid, as the case may be; and

(*b*) a telegram from any judicial or police officer, registrar, assistant registrar, sheriff, deputy-sheriff or clerk of the court stating that a warrant or writ has been issued for the apprehension or arrest of any person required to appear in or to answer any civil suit, action or proceeding, shall be a sufficient authority to any officer by law authorized to execute any such warrant or writ for the arrest and detention of such person until a sufficient time, not exceeding fourteen days, has elapsed to allow of the transmission of the warrant or writ to the place where such person has been arrested or detained, unless the discharge of such person be previously ordered by a judge of the Supreme Court: Provided that any such judge may upon cause shown order the further detention of any such person for a period to be stated in such order, but not exceeding twenty-eight days from the date of the arrest of such person.

Minister may prescribe tariff of witness fees.

42. (1) (*a*) The Minister may in consultation with the Minister of Finance from time to time frame a tariff of allowances which shall be paid to a witness in a civil case.

(*b*) Any such tariff may differentiate between persons according to the distances which they have to travel to attend the court to which they are summoned or subpoenaed or according to their professions, callings or occupations or between different classes of persons.

(2) Any tariff or amendment thereof framed under subsection (1) shall be notified in the *Gazette* and shall be operative from a date likewise notified.

(3) Any tariff which is operative at the commencement of this Act shall be deemed to have been framed under the provisions of this Act.

(*b*) met die wete dat 'n beslagleggingsbevel of interdik in verband met goed deur die hof verleen is, daardie goed wegmaak of daaroor beskik op 'n wyse wat nie volgens wet gemagtig is nie, of wetens toelaat dat daardie goed, indien in sy besit of onder sy beheer, op so 'n wyse weggemaak of daaroor beskik word;

(*c*) in die geval van 'n vonnisskuldenaar, op versoek van 'n balju of adjunk-balju of sy assistent om eiendom ter voldoening aan 'n lasbrief tot eksekusie van 'n vonnis teen so iemand uitgereik, aan te wys—

(i) valslik aan daardie balju of adjunk-balju of sy assistent verklaar dat hy geen eiendom of nie voldoende eiendom om aan die lasbrief te voldoen, besit nie; of

(ii) hoewel hy van sodanige eiendom weet, versuim of weier om daardie eiendom aan te wys of dit aan die balju of adjunk-balju of sy assistent te lewer wanneer hy daartoe versoek word; of

(*d*) in die geval van 'n vonnisskuldenaar, weier of versuim om te voldoen aan 'n vereiste van 'n balju of adjunk-balju of sy assistent in verband met die lewering van dokumente in sy besit of onder sy beheer met betrekking tot die eiendomsreg op die onroerende goed onder eksekusie,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of by wanbetaling tot gevangenisstraf vir 'n tydperk van hoogstens drie maande of met sodanige gevangenisstraf sonder die keuse van 'n boete.

Oorsending van dagvaardings, bevelskrifte en ander prosesstukke en van kennisgewing van uitreiking daarvan per telegram.

41. In 'n siviele geding—

(*a*) kan 'n dagvaarding, bevelskrif, lasbrief, bevel, order, kennisgewing, dokument of ander prosesstuk van die hof of mededeling wat volgens wet, hofreël of ooreenkoms van partye aan iemand bestel of teen hom ten uitvoer gelê of by die huis of woon- of besigheidsplek van iemand gelaat moet word, sodat so iemand daardeur geraak kan word, per telegraaf versend word, en 'n telegrafiese afskrif wat aan so iemand bestel of teen hom ten uitvoer gelê of by sy huis of woon- of besigheidsplek gelaat word, het dieselfde krag en uitwerking asof die oorspronklike soos voormeld aan so iemand getoon of 'n afskrif daarvan aan hom bestel of teen hom ten uitvoer gelê of by hom gelaat was, na gelang van die geval; en

(*b*) dien 'n telegram van 'n regterlike of polisiebeampte, griffier, assistent-griffier, balju, adjunk-balju of klerk van die hof waarin vermeld word dat 'n lasbrief of bevelskrif uitgereik is vir die inhegtenisneming van iemand wat in 'n siviele saak of geding of by siviele verrigtinge moet verskyn of hom moet verweer, as voldoende magtiging aan 'n beampte wat regtens bevoeg is om so 'n lasbrief of bevelskrif vir die inhegtenisneming en aanhouding ten uitvoer te lê, totdat 'n voldoende tydperk, maar hoogstens veertien dae, vir die versending van die lasbrief of bevelskrif na die plek waar bedoelde persoon in hegtenis geneem of aangehou is, verstryk het, tensy 'n regter van 'n Hooggeregshof eerder die vrylating van daardie persoon gelas het: Met dien verstande dat waar goeie redes daartoe aangevoer word, so 'n regter kan beveel dat bedoelde persoon vir 'n verder tydperk in die bevel vermeld, maar hoogstens agt-en-twintig dae vanaf die datum van inhegtenisneming van daardie persoon aangehou word.

Minister kan tarief van getuiegelde voorskryf.

42. (1) (*a*) Die Minister kan in oorleg met die Minister van Finansies van tyd tot tyd 'n tarief van toelaes wat aan 'n getuie in 'n siviele saak betaal moet word, opstel.

(*b*) So 'n tarief kan onderskeid maak tussen persone volgens die afstande wat hulle moet reis om aanwesig te wees by die hof waarheen hulle opgeroep of gedagvaar is of volgens hul professie, beroep of besigheid of tussen verskillende klasse persone.

(2) 'n Tarief of wysiging daarvan wat kragtens sub-artikel (1) opgestel is, word in die *Staatskoerant* bekend gemaak en is van krag vanaf 'n datum insgelyks bekend gemaak.

(3) Enige tarief wat by die inwerkingtreding van hierdie Wet bestaan, word geag kragtens die bepalings van hierdie Wet opgestel te wees.

Rules of court.

43. (1) The Chief Justice and the judges of appeal may, subject to the approval of the Governor-General, make rules for regulating the conduct of the proceedings of the appellate division.

(2) (*a*) The Chief Justice and the judges president of the several divisions may, subject to the approval of the Governor-General, make rules for regulating the conduct of the proceedings of the various provincial and local divisions.

(*b*) For the purposes of this sub-section the senior judge of the Griqualand West local division shall, so long as a judge president has not been appointed to that division, be deemed to be the judge president thereof.

(3) Any such rules may prescribe—

(*a*) the times for the holding of courts;
(*b*) the process of the courts;
(*c*) the time and manner of appeal to any such division;
(*d*) the practice and procedure in connection with the service of any summons, pleading, subpoena or other document or in connection with the issue of interrogatories or the execution of any writ or warrant;
(*e*) the appointment of commissioners to take evidence and examine witnesses;
(*f*) the manner in which documents executed outside the Union may be authenticated to enable them to be produced or used in any court or produced or lodged in any public office in the Union;
(*g*) the proceedings of the sheriff and other officers of the court;
(*h*) the fees to be paid in respect of the service or execution of any process of the court (except subpoenas or warrants issued in criminal matters at the request of the Crown) or in respect of the summoning of persons to answer interrogatories;
(*i*) the tariff of costs and expenses which may be allowed in respect of service or execution of any process referred to in paragraph (*h*) or to persons appearing to answer interrogatories;
(*j*) the manner of determining the amount of security to be given in any case where security is required to be given and the form and manner in which such security may be given;
(*k*) the hours during which the office of a registrar shall be open for the transaction of business;
(*l*) the manner of recording or noting of evidence and of the proceedings in any court;
(*m*) the tariff of fees chargeable by advocates, attorneys and notaries;
(*n*) the taxation of bills of costs and the recovery of costs; and
(*o*) generally any matter which in the opinion of the Governor-General is necessary to be prescribed in order to ensure the proper despatch and conduct of the business of the court.

(4) Different rules may be made in respect of different divisions.

(5) Any rules made under any law repealed by this Act and in force at the commencement thereof, shall, subject to the provisions of this Act, and notwithstanding the repeal of that law by section *forty-six* of this Act, remain in full force and effect until amended or repealed under this section.

Existing divisions and courts.

44. The appellate division and the several provincial and local divisions of the Supreme Court of South Africa, as existing immediately before the commencement of this Act, shall remain in existence as the corresponding divisions referred to in the First Schedule, the High Court of South-West Africa shall remain in existence under the name of the South-West Africa division of the Supreme Court of South Africa, and any circuit local division established under any law repealed by this Act and in existence immediately before such commencement shall be deemed to have been duly established under this Act.

Application of Act to South-West Africa.

45. (1) This Act and any amendment thereof shall apply also to the territory of South-West Africa.

Hofreëls.

43. (1) Die Hoofregter en die appèlregters kan, onderworpe aan die goedkeuring van die Goewerneur-generaal, reëls uitvaardig waarby die verrigtings van die appèlafdeling gereël word.

(2) (*a*) Die Hoofregter en die regters-president van die onderskeie afdelings kan, onderworpe aan die goedkeuring van die Goewerneur-generaal, reëls uitvaardig waarby die verrigtings van die verskillende provinsiale en plaaslike afdelings gereël word.

(*b*) By die toepassing van hierdie artikel word die senior regter van die plaaslike afdeling Griekwaland-Wes, solank as wat daar nie 'n regter-president vir daardie afdeling aangestel is nie, as die regter-president daarvan beskou.

(3) Bedoelde reëls kan voorskryf—

(*a*) die tye vir die hou van hofsittings;

(*b*) die prosesstukke van die howe;

(*c*) die tyd en wyse van appèl na so 'n afdeling;

(*d*) die praktyk en prosedure in verband met die bestelling van dagvaardings, pleitstukke, getuiedagvaardings of ander stukke of in verband met die uitreiking van vraagpunte of die tenuitvoerlegging van bevelskrifte of lasbriewe;

(*e*) die aanstelling van kommissarisse om getuienis te neem en getuies te ondervra;

(*f*) die wyse waarop stukke wat buite die Unie verly is, gewaarmerk kan word ten einde in 'n hof oorgelê of gebruik of in 'n openbare kantoor in die Unie oorgelê of ingedien te kan word;

(*g*) die verrigtings van die balju en ander beamptes van die hof;

(*h*) die gelde betaalbaar ten opsigte van die bestelling of tenuitvoerlegging van prosesstukke van die hof (behalwe getuiedagvaardings of lasbriewe op versoek van die Kroon in strafsake uitgereik) of ten opsigte van die dagvaarding van persone om op vraagpunte te antwoord;

(*i*) die tarief van koste en uitgawes wat ten opsigte van die bestelling of tenuitvoerlegging van prosesstukke in paragraaf (*h*) bedoel of aan persone wat verskyn om op vraagpunte te antwoord, toegelaat mag word;

(*j*) die wyse waarop die bedrag van sekuriteit bepaal word wat verstrek moet word in 'n geval waar sekuriteit verstrek moet word en die vorm waarin en wyse waarop sodanige sekuriteit verstrek kan word;

(*k*) die ure gedurende welke die griffier se kantoor vir afhandeling van werksaamhede oop moet wees;

(*l*) die wyse van aantekening of notering van getuienis en van die verrigtinge in 'n hof;

(*m*) die tarief van gelde wat deur advokate, prokureurs en notarisse gevorder kan word;

(*n*) die taksering van kosterekenings en die verhaal van koste; en

(*o*) oor die algemeen enige aangeleentheid wat volgens die Goewerneur-generaal se oordeel nodig is om voor te skryf ten einde die behoorlike afhandeling en reëling van die werksaamhede van die hof te verseker.

(4) Verskillende reëls kan ten opsigte van verskillende afdelings uitgevaardig word.

(5) Reëls wat kragtens 'n by hierdie Wet herroepe wetsbepaling uitgevaardig en by die inwerkingtreding daarvan van krag is, bly, behoudens die bepalings van hierdie Wet, en ondanks die herroeping van daardie wetsbepaling deur artikel *ses-en-veertig* van hierdie Wet, ten volle van krag en in werking totdat dit kragtens hierdie artikel gewysig of herroep word.

Bestaande afdelings en howe.

44. Die appèlafdeling en die onderskeie provinsiale en plaaslike afdelings van die Hooggeregshof van Suid-Afrika, soos hulle onmiddellik voor die inwerkingtreding van hierdie Wet bestaan, bly voortbestaan as die ooreenstemmende afdelings in die Eerste Bylae bedoel, die Hoëhof van Suidwes-Afrika bly voortbestaan onder die naam van die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika, en 'n rondgaande plaaslike afdeling kragtens 'n deur hierdie Wet herroepe wetsbepaling ingestel, wat onmiddellik voor bedoelde inwerkingtreding bestaan het, word geag behoorlik kragtens hierdie Wet ingestel te wees.

Toepassing van Wet op Suidwes-Afrika.

45. (1) Hierdie Wet en enige wysiging daarvan is ook in die gebied Suidwes-Afrika van toepassing.

(2) Any reference in any law to the High Court of South-West Africa shall be construed as a reference to the South-West Africa division of the Supreme Court of South Africa.

(3) All expenditure incurred in connection with the South-West Africa division of the Supreme Court shall be paid out of the territory revenue fund established under section *thirty-six* of the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925).

Repeal of laws.

46. (1) Subject to the provisions of section *forty-four* and sub-sections (2) and (3) of this section, the laws mentioned in the Second Schedule are hereby repealed to the extent set out in the fourth column of that Schedule.

(2) Any appointment made under or declared to remain in existence by any law repealed by sub-section (1) and any security given or anything done in connection with or by virtue of any such appointment shall remain of full force and effect, and any condition or provision which immediately before the commencement of this Act applied in relation to any person by virtue of any such law, shall continue to apply as if that law had not been repealed.

(3) Anything done under any provision of a law repealed by sub-section (1), shall be deemed to have been done under the corresponding provision of this Act.

Short title and date of commencement.

47. This Act shall be called the Supreme Court Act, 1959, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

First Schedule.

PROVINCIAL AND LOCAL DIVISIONS OF THE SUPREME COURT OF SOUTH AFRICA AND THEIR AREAS OF JURISDICTION.

Name of Division.	Seat of Court.	Area of Jurisdiction.
Appellate Division of the Supreme Court of South Africa.	Bloemfontein.	The Union.
Cape of Good Hope Provincial Division of the Supreme Court of South Africa.	Cape Town.	The province of the Cape of Good Hope excluding that portion over which the Eastern Cape Division exercises jurisdiction.
Eastern Cape Division of the Supreme Court of South Africa.	Grahamstown.	That portion of the province of the Cape of Good Hope eastward of and including the magisterial districts of Humansdorp, Steytlerville, Jansenville, Aberdeen, Murraysburg, Graaff-Reinet, Middelburg, Hanover and Colesberg.
Natal Provincial Division of the Supreme Court of South Africa.	Pietermaritzburg.	The province of Natal.
Orange Free State Provincial Division of the Supreme Court of South Africa.	Bloemfontein.	The province of the Orange Free State.
Transvaal Provincial Division of the Supreme Court of South Africa.	Pretoria.	The province of the Transvaal.
South-West Africa Division of the Supreme Court of South Africa.	Windhoek.	The territory of South-West Africa and the port and settlement of Walvis Bay, but excluding the area referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951).
Durban and Coast Local Division of the Supreme Court of South Africa.	Durban.	The magisterial districts of Alfred, Port Shepstone, Umzinto, Umlazi, Durban, Pinetown, Inanda, Ndwedwe, Mapumulo, Lower Tugela, Mtunzini, Eshowe, Nkandhla, Entonjaneni, Lower Umfolozi, Mahlabatini, Hlabisa, Nongoma, Ubombo and Ingwavuma.
Griqualand West Local Division of the Supreme Court of South Africa.	Kimberley.	The magisterial districts of Barkly West, Britstown, De Aar, Gordonia, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Mafeking, Philipstown, Postmasburg, Prieska, Taungs, Vryburg and Warrenton.

(2) 'n Verwysing in 'n wetsbepaling na die Hoëhof van Suidwes-Afrika word as 'n verwysing na die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika uitgelê.

(3) Alle uitgawes in verband met die Suidwes-Afrika-afdeling van die Hooggeregshof aangegaan, word betaal uit die inkomstefonds van die gebied ingestel kragtens artikel *ses-en-dertig* van die „Zuidwest-Afrika Konstitutie Wet, 1925" (Wet No. 42 van 1925).

Herroeping van wette.

46. (1) Behoudens die bepalings van artikel *vier-en-veertig* en sub-artikels (2) en (3) van hierdie artikel, word die wette in die Tweede Bylae genoem, hierby herroep vir sover in die vierde kolom van daardie Bylae uiteengesit.

(2) 'n Aanstelling wat kragtens 'n by sub-artikel (1) herroepe wetsbepaling gemaak is of wat volgens voorskrif van so 'n wetsbepaling voortduur, en enige sekuriteit gegee of enigiets gedoen in verband met of uit hoofde van so 'n aanstelling, bly ten volle van krag, en enige voorwaarde of bepaling wat onmiddellik voor die inwerkingtreding van hierdie Wet uit hoofde van so 'n wetsbepaling vir iemand gegeld het, bly van toepassing asof daardie wetsbepaling nie herroep was nie.

(3) Enigiets ingevolge 'n by sub-artikel (1) herroepe wetsbepaling gedoen, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet gedoen te wees.

Kort titel en inwerkingtreding.

47. Hierdie Wet heet die Wet op die Hooggeregshof, 1959, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

Eerste Bylae.

PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA EN HUL REGSGEBIEDE.

Naam van Afdeling.	Setel van hof.	Regsgebied.
Appèlafdeling van die Hooggeregshof van Suid-Afrika.	Bloemfontein.	Die Unie.
Provinsiale Afdeling Kaap die Goeie Hoop van die Hooggeregshof van Suid-Afrika.	Kaapstad.	Die provinsie Kaap die Goeie Hoop, uitgesonderd daardie gedeelte waarin die Oos-Kaapse Afdeling jurisdiksie het.
Oos-Kaapse Afdeling van die Hooggeregshof van Suid-Afrika.	Grahamstad.	Daardie gedeelte van die provinsie die Kaap die Goeie Hoop ooswaarts en met inbegrip van die landdrosdistrikte van Humansdorp, Steytlerville, Jansenville, Aberdeen, Murraysburg, Graaff-Reinet, Middelburg, Hanover en Colesberg.
Natalse Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika.	Pietermaritzburg.	Die provinsie Natal.
Oranje-Vrystaatse Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika.	Bloemfontein.	Die provinsie Oranje-Vrystaat.
Transvaalse Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika.	Pretoria.	Die provinsie Transvaal.
Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika.	Windhoek.	Die gebied Suidwes-Afrika en die hawe en nedersetting Walvisbaai, maar met uitsondering van die gebied bedoel in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951).
Plaaslike Afdeling Durban en Kus van die Hooggeregshof van Suid-Afrika.	Durban.	Die landdrosdistrikte van Alfred, Port Shepstone, Umzinto, Umlazi, Durban, Pinetown, Inanda, Ndwedwe, Mapumulo, Laer Tugela, Mtunzini, Eshowe, Nkandhla, Entonjaneni, Laer Umfolozi, Mahlabatini, Hlabisa, Nongoma, Ubombo en Ingwavuma.
Plaaslike Afdeling Griekwaland-Wes van die Hooggeregshof van Suid-Afrika.	Kimberley.	Die landdrosdistrikte Barkly-wes, Britstown, De Aar, Gordonia, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Mafeking, Philipstown, Postmasburg, Prieska, Taungs, Vryburg en Warrenton.

Name of Division.	Seat of Court.	Area of Jurisdiction.
Witwatersrand Local Division of the Supreme Court of South Africa.	Johannesburg.	*In civil matters:* The magisterial districts of Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Krugersdorp, Nigel, Randfontein, Roodepoort and Springs. *In criminal matters:* The magisterial districts of Boksburg, Germiston, Johannesburg, Kempton Park, Krugersdorp, Randfontein and Roodepoort.

Second Schedule.

LAWS REPEALED.

Province or Union.	No. and year of Law.	Title or subject matter.	Extent of Repeal.
Cape	Ordinance No. 37 of 1828.	Ordinance for declaring and regulating the duty of the Sheriff.	The whole.
	Ordinance No. 40 of 1828.	Ordinance for regulating the manner of proceeding in criminal cases.	The whole.
	1832..	Charter of Justice, 1832 ..	The whole, except so much as relates to admission to and the right to practise before the courts.
	Ordinance No. 3 of 1844.	Ordinance for amending the law relating to the rights of execution creditors.	The whole.
	Act No. 8 of 1879 ..	General Law Amendment Act, 1879.	Section *six*.
	Act No. 17 of 1886..	Appeal Court and Sheriff's Duties Act, 1886.	The whole.
	Act No. 13 of 1896..	Sheriff's Appointment Act, 1896.	The whole.
	Act No. 35 of 1896..	To consolidate and amend the law for the better administration of justice.	The whole.
	Act No. 22 of 1898..	Supreme Court Extended Appellate Jurisdiction Act, 1898.	The whole.
	Act No. 35 of 1904..	Better Administration of Justice Act, 1904.	The whole.
	Act No. 9 of 1905 ..	Better Administration of Justice Amendment Act, 1905.	The whole.
Natal	Ordinance No. 21 of 1846.	Ordinance for amending the law relating to the rights of execution creditors in the district of Natal.	The whole.
	Ordinance No. 11 of 1847.	Ordinance for amending the Ordinance No. 14 of 1845, entitled "ordinance for erecting a district court in and for the district of Natal."	The whole.
	Law 17 of 1888 ..	To extend the advantages of the electric telegraph.	The whole.
	Act No. 35 of 1895..	To increase the number of Judges of the Supreme Court.	The whole.
	Act No. 39 of 1896..	The Supreme Court Act, 1896 ..	The whole, except section *twenty-one* and so much as relates to admission to and the right to practise before the courts.
	Act No. 37 of 1897..	To provide for the annexation to the colony of Natal of the territory of Zululand.	The whole.
	Act No. 17 of 1898..	Consolidation Laws (Zululand) Act, 1898.	Section *seven*.
	Act No. 46 of 1898..	Supreme Court (Zululand) Act, 1898.	The whole.

Naam van Afdeling.	Setel van hof.	Regsgebied.
Witwatersrandse Plaaslike Afdeling van die Hooggeregshof van Suid-Afrika.	Johannesburg.	*In siviele aangeleenthede:* die Landdrosdistrikte Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Krugersdorp, Nigel, Randfontein, Roodepoort en Springs. *In strafregtelike aangeleenthede:* die landdrosdistrikte Boksburg, Germiston, Johannesburg, Kempton Park, Krugersdorp, Randfontein en Roodepoort.

Tweede Bylae.

WETTE HERROEP.

Provinsie of Unie.	No. en jaar van Wet.	Titel of onderwerp.	In hoeverre herroep.
Kaap	Ordonnansie No. 37 van 1828.	Ordonnansie om die pligte van die balju te verklaar en te reël.	Die geheel.
	Ordonnansie No. 40 van 1828.	Ordonnansie om die prosedure in strafsake te reël.	Die geheel.
	1832..	„Charter of Justice 1832". ..	Die geheel, behalwe soveel as wat op toelating tot en die reg om te praktiseer voor die howe betrekking het.
	Ordonnansie No. 3 van 1844.	Ordonnansie om die wetsbepalings met betrekking tot die regte van vonnisskuldeisers te reël.	Die geheel.
	Wet No. 8 van 1879	„General Law Amendment Act, 1879".	Artikel *ses*.
	Wet No. 17 van 1886	„Appeal Court and Sheriff's Duties Act, 1886".	Die geheel.
	Wet No. 13 van 1896	„Sheriff's Appointment Act, 1896".	Die geheel.
	Wet No. 35 van 1896	Tot samevatting en wysiging van die wetsbepalings om die regspleging te verbeter.	Die geheel.
	Wet No. 22 van 1898	„Supreme Court Extended Appellate Jurisdiction Act, 1898".	Die geheel.
	Wet No. 35 van 1904	„Better Administration of Justice Act, 1904".	Die geheel.
	Wet No. 9 van 1905	„Better Administration of Justice Amendment Act, 1905".	Die geheel.
Natal	Ordonnansie No. 21 van 1846.	Ordonnansie tot wysiging van die wetsbepalings met betrekking tot die regte van vonnisskuldeisers in die distrik Natal.	Die geheel.
	Ordonnansie No. 11 van 1847.	Ordonnansie tot wysiging van Ordonnansie No. 14 van 1845, genoem die ordonnansie op die stigting van 'n distrikshof in en vir die distrik Natal.	Die geheel.
	Wet No. 17 van 1888	Om die voordele van die elektriese telegraafstelsel uit te brei.	Die geheel.
	Wet No. 35 van 1895	Om die aantal regters van die Hooggeregshof te vermeerder.	Die geheel.
	Wet No. 39 van 1896	„The Supreme Court Act, 1896".	Die geheel, behalwe artikel *een-en-twintig* en soveel as wat op toelating tot en die reg om te praktiseer voor die howe betrekking het.
	Wet No. 37 van 1897	Om vir die anneksering van die gebied van Zoeloeland tot die kolonie Natal voorsiening te maak.	Die geheel.
	Wet No. 17 van 1898	„Consolidation Laws (Zululand) Act, 1898".	Artikel *sewe*.
	Wet No. 46 van 1898	„Supreme Court (Zululand) Act, 1898".	Die geheel.

Province or Union.	No. and year of Law.	Title or subject matter.	Extent of Repeal.
	Act No. 31 of 1899..	To amend the Supreme Court Act, 1896.	The whole.
	Act No. 14 of 1900..	To make provision for the better and more speedy trial of persons accused of treason, and for the appointment of acting judges of the Supreme Court.	The whole.
	Act No. 34 of 1901..	To amend the Supreme Court Act, 1896.	The whole.
	Act No. 25 of 1904..	To increase the salaries of the Chief Justice and other judges of the Supreme Court.	The whole.
	Act No. 38 of 1904..	To amend the Acts relating to the Supreme Court.	The whole.
	Act No. 21 of 1905..	To amend the Supreme Court Act, 1896, in relation to the Office of Sheriff.	The whole.
	Act No. 8 of 1908 ..	To make special provision for the trial of Natives accused of certain crimes.	The whole.
	Act No. 12 of 1910..	To amend Acts Nos. 25 and 38 of 1904, relating to the judges of the Supreme Court.	The whole.
Orange Free State	Ordinance No. 4 of 1902.	Administration of Justice Ordinance, 1902.	The whole, except so much as relates to admission to and the right to practise before the courts.
	Ordinance No. 5 of 1902.	General Law Amendment Ordinance, 1902.	The whole except sections *five* and *six*.
	Ordinance No. 9 of 1902.	Sheriff's Ordinance, 1902 ..	The whole.
	Ordinance No. 43 of 1903.	Judges' Pension Ordinance, 1903.	The whole.
	Ordinance No. 13 of 1904.	Administration of Justice Amending Ordinance, 1904.	The whole.
Transvaal	Proclamation No. 6 of 1901.	—	The whole.
	Ordinance No. 2 of 1902.	Establishment of the Supreme Court and High Court Ordinance, 1902.	The whole.
	Ordinance No. 9 of 1902.	To amend Law 12 of 1899 ..	The whole.
	Proclamation No. 14 of 1902.	Administration of Justice Proclamation, 1902.	The whole, except section *seventeen* and so much as relates to admission to and the right to practise before the courts.
	Proclamation No. 17 of 1902.	Sheriff's Proclamation, 1902 ..	The whole.
	Proclamation No. 19 of 1902.	To amend Proclamation No. 6 of 1901.	The whole.
	Ordinance No. 10 of 1903.	Superior Courts Criminal Jurisdiction Ordinance, 1903.	The whole.
	Ordinance No. 35 of 1903.	Judges' Pension Ordinance, 1903.	The whole.
	Ordinance No. 22 of 1904.	Supreme Court Appellate Jurisdiction Extension (Repealing) Ordinance, 1904.	The whole.
	Ordinance No. 31 of 1904.	Administration of Justice Amendment Ordinance, 1904.	The whole.
	Ordinance No. 1 of 1905.	Circuit Courts Procedure Ordinance, 1905.	The whole.
	1906..	Transvaal Constitution Letters Patent, 1906.	Paragraph XLVII.

Provinsie of Unie.	No. en jaar van Wet.	Titel of onderwerp.	In hoeverre herroep.
	Wet No. 31 van 1899	Tot wysiging van die „Supreme Court Act, 1896".	Die geheel.
	Wet No. 14 van 1900	Om voorsiening te maak vir die beter en spoediger verhoor van persone weens hoogverraad aangekla, en vir die aanstelling van waarnemende regters van die Hooggeregshof.	Die geheel.
	Wet No. 34 van 1901	Tot wysiging van die „Supreme Court Act, 1896".	Die geheel.
	Wet No. 25 van 1904	Om die salarisse van die Hoofregter en ander regters van die Hooggeregshof te verhoog.	Die geheel.
	Wet No. 38 van 1904	Om die wette op die Hooggeregshof te wysig.	Die geheel.
	Wet No. 21 van 1905	Tot wysiging van die „Supreme Court Act, 1896", met betrekking tot die amp van balju.	Die geheel.
	Wet No. 8 van 1908	Om spesiale voorsiening te maak vir die verhoor van Naturelle weens sekere misdade aangekla.	Die geheel.
	Wet No. 12 van 1910	Tot wysiging van Wette Nos. 25 en 38 van 1904, met betrekking tot die regters van die Hooggeregshof.	Die geheel.
Oranje-Vrystaat	Ordonnansie No. 4 van 1902.	„Administration of Justice Ordinance, 1902".	Die geheel, behalwe soveel as wat op toelating tot en die reg om te praktiseer voor die howe betrekking het.
	Ordonnansie No. 5 van 1902.	„General Law Amendment Ordinance, 1902".	Die geheel, behalwe artikels *vyf* en *ses*.
	Ordonnansie No. 9 van 1902.	„Sheriff's Ordinance, 1902".	Die geheel.
	Ordonnansie No. 43 van 1903.	„Judges' Pension Ordinance, 1903".	Die geheel.
	Ordonnansie No. 13 van 1904.	„Administration of Justice Amending Ordinance, 1904".	Die geheel.
Transvaal	Proklamasie No. 6 van 1901.	—	Die geheel.
	Ordonnansie No. 2 van 1902.	„Establishment of the Supreme Court and High Court Ordinance, 1902".	Die geheel.
	Ordonnansie No. 9 van 1902.	Tot wysiging van Wet 12 van 1899.	Die geheel.
	Proklamasie No. 14 van 1902.	„Administration of Justice Proclamation, 1902".	Die geheel, behalwe artikel *sewentien* en soveel as wat op toelating tot en die reg om te praktiseer voor die howe betrekking het.
	Proklamasie No. 17 van 1902.	„Sheriff's Proclamation, 1902".	Die geheel.
	Proklamasie No. 19 van 1902.	Tot wysiging van Proklamasie No. 6 van 1901.	Die geheel.
	Ordonnansie No. 10 van 1903.	„Superior Courts Criminal Jurisdiction Ordinance, 1903".	Die geheel.
	Ordonnansie No. 35 van 1903.	„Judges' Pension Ordinance, 1903".	Die geheel.
	Ordonnansie No. 22 van 1904.	„Supreme Court Appellate Jurisdiction Extension (Repealing) Ordinance, 1904".	Die geheel.
	Ordonnansie No. 31 van 1904.	„Administration of Justice Amendment Ordinance, 1904".	Die geheel.
	Ordonnansie No. 1 van 1905.	„Circuit Courts Procedure Ordinance, 1905".	Die geheel.
	1906..	„Transvaal Constitution Letters Patent, 1906".	Paragraaf XLVII.

Province or Union.	No. and year of Law.	Title or subject matter.	Extent of Repeal.
	Act No. 14 of 1909..	Superior Courts Criminal Jurisdiction Amendment Act, 1909	The whole.
South-West Africa	Proclamation No. 21 of 1919.	Administration of Justice Proclamation, 1919.	Section *three*, except sub-section (6), the last sentence of sub-section (9) and sub-section (10) thereof, and sections *four* to *six*, inclusive, except sub-section (1) of section *six*.
	Proclamation No. 1 of 1920.	Rules of Court Proclamation, 1920.	Section *one*.
	Proclamation No. 38 of 1920.	Further Administration of Justice Proclamation, 1920.	Sections *two* to *six*, inclusive, *eight*, *nine* and *twelve*.
	Proclamation No. 55 of 1920.	Appellate Division Jurisdiction Proclamation, 1920.	The whole.
	Proclamation No. 8 of 1938.	Procedure and Evidence Proclamation, 1938.	Section *four*.
	Proclamation No. 18 of 1949.	Administration of Justice Amendment Proclamation, 1949.	Paragraphs (*b*) and (*c*) of section *one* and section *two*.
	Ordinance No. 6 of 1955.	Administration of Justice Proclamation Amendment Ordinance, 1955.	Section *one*.
Union		South Africa Act, 1909.. ..	Part VI, except section *one hundred and fifteen*.
	Act No. 1 of 1911 ..	Appellate Division Further Jurisdiction Act, 1911.	The whole.
	Act No. 27 of 1912..	Administration of Justice Act, 1912.	The whole except section *twenty-eight*.
	Act No. 10 of 1917..	Cape Superior Courts Further Jurisdiction Act, 1917.	The whole.
	Act No. 12 of 1920..	Appellate Division Act, 1920 ..	The whole.
	Act No. 24 of 1922..	South-West Africa Affairs Act, 1922.	Sub-section (1) of section *five* and sections *eight* and *nine*.
	Act No. 2 of 1924 ..	Water Court Judge Act, 1924 ..	The whole.
	Act No. 11 of 1927..	Administration of Justice (Further Amendment) Act, 1927.	The whole.
	Act No. 18 of 1931..	Rhodesia Appeals Act, 1931 ..	The whole.
	Act No. 21 of 1934..	Orange Free State Administration of Justice Amendment Act, 1934.	The whole.
	Act No. 28 of 1934..	Eastern Districts Local Division Constitution Act, 1934.	The whole.
	Act No. 46 of 1935..	General Law Amendment Act, 1935.	Sections *one hundred and two* and *one hundred and four* to *one hundred and nine*, inclusive.
	Act No. 41 of 1941..	Judges Act, 1941	Sections *one* and *three*.
	Act No. 3 of 1947 ..	Cape Supreme Court Constitution Amendment Act, 1947.	The whole.
	Act No. 37 of 1948..	Criminal Procedure Amendment Act, 1948.	The whole.
	Act No. 54 of 1949..	General Law Amendment Act, 1949.	Sections *one*, *six*, *seven* and *eight*.
	Act No. 16 of 1950..	Privy Council Appeals Act, 1950.	The whole.
	Act No. 32 of 1952..	General Law Amendment Act, 1952.	Sections *three*, *four* and *twenty-three*.
	Act No. 62 of 1955..	General Law Amendment Act, 1955.	Sections *one* to *seven*, inclusive, and *twenty-seven*.

Provinsie of Unie.	No. en jaar van Wet.	Titel of onderwerp.	In hoeverre herroep.
	Wet No. 14 van 1909	„Superior Courts Criminal Jurisdiction Amendment Act, 1909".	Die geheel.
Suidwes-Afrika	Proklamasie No. 21 van 1919.	„Administration of Justice Proclamation, 1919".	Artikel *drie*, behalwe sub-artikel (6), die laaste sin van sub-artikel (9) en sub-artikel (10) daarvan, en artikels *vier* tot en met *ses*, behalwe sub-artikel (1) van artikel *ses*.
	Proklamasie No. 1 van 1920.	„Rules of Court Proclamation, 1920".	Artikel *een*.
	Proklamasie No. 38 van 1920.	„Further Administration of Justice Proclamation, 1920".	Artikels *twee* tot en met *ses*, *agt*, *nege* en *twaalf*.
	Proklamasie No. 55 van 1920.	„Appellate Division Jurisdiction Proclamation, 1920".	Die geheel.
	Proklamasie No. 8 van 1938.	Proklamasie op Prosedure en Bewyslewering, 1938.	Artikel *vier*.
	Proklamasie No. 18 van 1949.	Wysigingsproklamasie op Regspleging, 1949.	Paragrawe (*b*) en (*c*) van artikel *een* en artikel *twee*.
	Ordonnansie No. 6 van 1955.	Wysigingsordonnansie op die „Rechtsbedeling Proclamatie", 1955.	Artikel *een*.
Unie	—	„Zuid-Afrika Wet, 1909" ..	Deel VI, behalwe artikel *honderd-en-vyftien*.
	Wet No. 1 van 1911	„Afdeling van Appèl Verdere Jurisdiktie Wet, 1911".	Die geheel.
	Wet No. 27 van 1912	„Wet op de Rechtspleging, 1912".	Die geheel, behalwe artikel *agt-en-twintig*.
	Wet No. 10 van 1917	„Wet tot Nadere Regeling van de Kaapse Hogere Hoven, 1917".	Die geheel.
	Wet No. 12 van 1920	„Afdeling van Appèl Wet, 1920".	Die geheel.
	Wet No. 24 van 1922	„Wet betreffende Aangelegenheden van Zuidwest-Afrika, 1922".	Sub-artikel (1) van artikel *vyf* en artikels *agt* en *nege*.
	Wet No. 2 van 1924	„Waterhof Rechters Wet, 1924".	Die geheel.
	Wet No. 11 van 1927	Wet op Verdere Wysiging van Regsbedeling, 1927.	Die geheel.
	Wet No. 18 van 1931	Rhodesië-appèlwet, 1931 ..	Die geheel.
	Wet No. 21 van 1934	Wet tot Wysiging van die Oranje-Vrystaatse Regspleging, 1934.	Die geheel.
	Wet No. 28 van 1934	Wet op Samestelling van die Oostelike Distrikte Plaaslike Afdeling, 1934.	Die geheel.
	Wet No. 46 van 1935	Algemene Regswysigingswet, 1935.	Artikels *honderd-en-twee* en *honderd-en-vier* tot en met *honderd-en-nege*.
	Wet No. 41 van 1941	Wet op Regters, 1941	Artikels *een* en *drie*.
	Wet No. 3 van 1947	Wysigingswet op die Samestelling van die Kaapse Hooggeregshof, 1947.	Die geheel.
	Wet No. 37 van 1948	Wysigingswet op Kriminele Prosedure, 1948.	Die geheel.
	Wet No. 54 van 1949	Algemene Regswysigingswet, 1949.	Artikels *een*, *ses*, *sewe* en *agt*.
	Wet No. 16 van 1950	Wet op Appèlle na die Geheime Raad, 1950.	Die geheel.
	Wet No. 32 van 1952	Algemene Regswysigingswet, 1952.	Artikels *drie*, *vier* en *drie-en-twintig*.
	Wet No. 62 van 1955	Algemene Regswysigingswet, 1955.	Artikels *een* tot en met *sewe* en *sewe-en-twintig*.

Province or Union.	No. and year of Law.	Title or subject matter.	Extent of Repeal.
	Act No. 50 of 1956..	General Law Amendment Act, 1956.	Sections *seven* and *eight*.
	Act No. 68 of 1957..	General Law Amendment Act, 1957.	Sections *two* to *four*, inclusive, *nine* to *fourteen*, inclusive, and *forty-one*.
	Act No. 1 of 1959 ..	Appellate Division Quorum Act, 1959.	The whole.

No. 56, 1959.]

ACT

To amend the Native Building Workers Act, 1951.

(*Afrikaans text signed by the Governor-General.*)
(*Assented to 26th June*, 1959.)

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 1 of Act 27 of 1951.

1. (1) Section *one* of the Native Building Workers Act, 1951 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "urban area" of the following definition:

"'urban area' means an urban area as defined in the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), and any area where development has taken or is taking place which in the opinion of the Minister has resulted or is likely to result in considerable building activity, and which he has by notice in the *Gazette* declared to be an urban area for the purposes of this Act;".

(2) Any notice issued by the Minister prior to the commencement of this Act in terms of the provisions of the definition of "urban area" in section *one* of the principal Act, shall be deemed to have been duly issued in terms of the said provisions as amended by this section.

Short Title.

2. This Act shall be called the Native Building Workers Amendment Act, 1959.

Provinsie of Unie.	No. en jaar van Wet.	Titel of onderwerp.	In hoeverre herroep.
	Wet No. 50 van 1956	Algemene Regswysigingswet, 1956.	Artikels *sewe* en *agt*.
	Wet No. 68 van 1957	Algemene Regswysigingswet, 1957.	Artikels *twee* tot en met *vier*, *nege* tot en met *veertien* en *een-en-veertig*.
	Wet No. 1 van 1959	Wet op die Kworum van die Appèlhof, 1959.	Die geheel.

No. 56, 1959.]

WET

Tot wysiging van die Wet op Naturellebouwerkers, 1951.

(*Afrikaanse teks deur die Goewerneur-generaal geteken.*)
(*Goedgekeur op* 26 *Junie* 1959.)

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

Wysiging van artikel 1 van Wet 27 van 1951.

1. (1) Artikel *een* van die Wet op Naturellebouwerkers, 1951 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van "stadsgebied" deur die volgende omskrywing te vervang:

„ 'stadsgebied', 'n stadsgebied soos in die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), omskryf, en enige gebied waar ontwikkeling plaasgevind het of plaasvind wat na die Minister se oordeel aansienlike boubedrywigheid tot gevolg gehad het of waarskynlik tot gevolg sal hê, en wat hy by kennisgewing in die *Staatskoerant* vir die doeleindes van hierdie Wet tot 'n stadsgebied verklaar het;".

(2) Enige kennisgewing voor die inwerkingtreding van hierdie Wet deur die Minister uitgevaardig kragtens die bepalings van die omskrywing van „stadsgebied" in artikel *een* van die Hoofwet, word geag behoorlik kragtens bedoelde bepalings soos deur hierdie artikel gewysig, uitgevaardig te wees.

Kort titel.

2. Hierdie Wet heet die Wysigingswet op Naturellebouwerkers, 1959.

No. 60, 1959.]

ACT

To amend the Sea-shore Act, 1935.

(*Afrikaans text signed by the Governor-General.*)
(*Assented to 27th June*, 1959.)

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:—

Substitution of section 1 of Act 21 of 1935.

1. The following section is hereby substituted for section *one* of the Sea-shore Act, 1935 (hereinafter referred to as the principal Act):

"Definitions.

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

(i) 'Administration' means the authority for the control and management of the railways, ports and harbours of the Union as established under the South Africa Act, 1909; (i)

(ii) 'high-water mark' means the highest line reached by the water of the sea during ordinary storms occurring during the most stormy period of the year, excluding exceptional or abnormal floods; (iv)

(iii) 'local authority' means any city council, municipal council, borough or town or village council, town board, local board, village management board, divisional council, local administration and health board or health committee constituted in terms of any law, and includes the South African Native Trust referred to in section *four* of the Native Trust and Land Act, 1936 (Act No. 18 of 1936), the Local Health Commission constituted under the Local Health Commission (Public Health Areas Control) Ordinance, 1941 (Ordinance No. 20 of 1941) of Natal, and the Natal Parks, Game and Fish Preservation Board constituted under the Natal Parks, Game and Fish Preservation Ordinance, 1947 (Ordinance No. 35 of 1947) of Natal; (vii)

(iv) 'low-water mark' means the lowest line to which the water of the sea recedes during periods of ordinary spring tides; (v)

(v) 'Minister' means the Minister of Lands, save that in relation to the sea-shore and the sea within any port or harbour which in terms of any law falls under the control and management of the Administration, 'Minister' means the Minister of Transport; (vi)

(vi) 'sea' means the water and the bed of the sea below the low-water mark and within the territorial waters of the Union, including the water and the bed of any tidal river and of any tidal lagoon; (viii)

(vii) 'sea-shore' means the water and the land between the low-water mark and the high-water mark; (ix)

(viii) 'tidal lagoon' means any lagoon in which a rise and fall of the water-level takes place as a result of the action of the tides; (iii)

(ix) 'tidal river' means that part of any river in which a rise and fall of the water-level takes place as a result of the action of the tides. (ii)".

Substitution of section 2 of Act 21 of 1935.

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

"Governor-General is owner of the sea-shore and the sea.

2. (1) Subject to the provisions of this Act, the Governor-General shall be the owner of the sea-shore and the sea, except of any portion thereof which was lawfully alienated before the commencement of this Act or may be alienated hereafter under this Act or under any other law.

No. 60, 1959.]

WET

Tot wysiging van die Strandwet, 1935.

(*Afrikaanse teks deur die Goewerneur-generaal geteken.*)
(*Goedgekeur op 27 Junie* 1959.)

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

Vervanging van artikel 1 van Wet 21 van 1935.

1. Artikel *een* van die Strandwet, 1935, (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Woordomskrywing.

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

(i) ‚Administrasie', die gesag belas met die beheer en bestuur van die spoorweë en hawens van die Unie, soos ingestel kragtens die ‚Zuid-Afrika Wet, 1909'; (i)

(ii) ‚getyrivier', daardie gedeelte van 'n rivier waarin 'n styging en daling van die watervlak as gevolg van die werking van die getye plaasvind; (ix)

(iii) ‚getystrandmeer', 'n strandmeer waarin 'n styging en daling van die watervlak as gevolg van die werking van die getye plaasvind; (viii)

(iv) ‚hoogwatermerk', die hoogste lyn bereik deur die water van die see gedurende gewone storms wat in die stormagtigste tydperk van die jaar plaasvind, 'n buitengewone of abnormale vloed uitgesonder; (ii)

(v) ‚laagwatermerk', die laagste lyn tot waar die water van die see sak gedurende periodes van gewone springgetye; (iv)

(vi) ‚Minister', die Minister van Lande, behalwe dat in verband met die strand en die see binne 'n hawe wat ingevolge die een of ander wetsbepaling onder die beheer en bestuur van die Administrasie val, ‚Minister' die Minister van Vervoer beteken; (v)

(vii) ‚plaaslike bestuur', 'n stadsraad, munisipale raad, dorpsraad, plaaslike raad, dorpsbestuursraad, afdelingsraad, plaaslike bestuurs- en gesondheidsraad of gesondheidskomitee wat ingevolge die een of ander wetsbepaling ingestel is, en ook die Suid-Afrikaanse Naturelletrust bedoel in artikel *vier* van die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), die Kommissie vir Plaaslike Gesondheid ingestel kragtens die Ordonnansie op die Kommissie vir Plaaslike Gesondheid (Beheer oor Openbare Gesondheidsgebiede), 1941 (Ordonnansie No. 20 van 1941), van Natal, en die Raad vir die Bewaring van Natalse Parke, Wild en Vis ingestel kragtens die Ordonnansie op die Bewaring van Natalse Parke, Wild en Vis, 1947 (Ordonnansie No. 35 van 1947), van Natal; (iii)

(viii) ‚see', die water en die bedding van die see onderkant die laagwatermerk en binne die territoriale waters van die Unie, met inbegrip van die water en die bedding van 'n getyrivier en van 'n getystrandmeer; (vi)

(ix) ‚strand', die water en die land tussen die laagwatermerk en die hoogwatermerk. (vii)".

Vervanging van artikel 2 van Wet 21 van 1935.

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

„Goewerneur-generaal is eienaar van die strand en die see.

2. (1) Behoudens die bepalings van hierdie Wet, is die Goewerneur-generaal die eienaar van die strand en die see uitgesonderd enige gedeelte daarvan wat voor die inwerkingtreding van hierdie Wet regtens vervreem is of hierna kragtens hierdie Wet of kragtens enige ander wet vervreem mag word.

(2) Any portion of the sea-shore and the sea which was alienated before the commencement of this Act, shall be deemed to have been lawfully alienated.

(3) The sea-shore and the sea of which the Governor-General is declared by this section to be the owner, shall not be capable of being alienated or let except as provided by this Act or by any other law, and shall not be capable of being acquired by prescription.".

Substitution of section 3 of Act 21 of 1935.

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

"Letting of the sea-shore and the sea.

3. (1) The Minister may, on such conditions as he may deem expedient, let any portion of the sea-shore and the sea of which the Governor-General is by section *two* declared to be the owner, for any of the following purposes:

(*a*) The erection of bathing boxes or tents;
(*b*) the erection of beach shelters;
(*c*) the erection of tea rooms and refreshment places;
(*d*) the training of horses, the holding of races (including motor car and motor cycle races) and the provision of places for recreation, amusements or displays;
(*e*) the provision of landing sites for aircraft and the establishment of aerodromes;
(*f*) the construction or improvement of wharves, piers, jetties and landing stages;
(*g*) the construction of breakwaters, sea walls, promenades, embankments, esplanades, buildings or other structures;
(*h*) the construction of bathing pools and enclosures;
(*i*) the erection of whaling stations or fish-canning or other factories;
(*j*) to legalize any encroachments;
(*k*) the carrying out of any work of public utility;
(*l*) the laying of drainage or sewerage systems;
(*m*) the laying of water pipes or cables;
(*n*) the erection of boathouses;
(*o*) the carrying out of any work which in the opinion of the Minister serves a necessary or useful purpose:

Provided that in the opinion of the Minister such letting either is in the interests of the general public or will not seriously affect the general public's enjoyment of the sea-shore and the sea.

(2) The Minister may permit, on such conditions as he may deem expedient and at such a consideration as he may determine, the removal of any material from the sea-shore and the sea of which the Governor-General is by section *two* declared to be the owner.

(3) The Minister may, by notice in the *Gazette*, delegate to any local authority, subject to such conditions as he may deem expedient, any of the powers vested in him by this section, and he may by a like notice withdraw any such delegation.

(4) Whenever any portion of the sea-shore or the sea in respect of which it is proposed to enter into any lease under sub-section (1) or to grant any permit under sub-section (2) is situated within or adjoins the area of jurisdiction of a local authority, the Minister shall first consult that local authority.

(5) Not less than one month before any lease is entered into under sub-section (1) or any permit is granted under sub-section (2), the Minister shall at the expense of the person with or to whom it is proposed to enter into such lease or to issue such permit, cause a notice wherein the proposal is made known, to be published in the *Gazette* and in not less than one newspaper circulating in the neighbourhood wherein the portion of the sea-shore or the sea concerned is situated.".

(2) Enige gedeelte van die strand en die see wat voor die inwerkingtreding van hierdie Wet vervreem is, word geag wettiglik vervreem te gewees het.

(3) Die strand en die see waarvan die Goewerneur-generaal deur hierdie artikel verklaar word die eienaar te wees, kan nie vervreem of verhuur word nie, behalwe soos deur hierdie Wet of deur enige ander wet bepaal word, en kan nie deur verjaring verkry word nie.".

3. Artikel *drie* van die Hoofwet word hierby deur die volgende artikel vervang: **Vervanging van artikel 3 van Wet 21 van 1935.**

„Verhuring van die strand en die see.

3. (1) Die Minister kan, op voorwaardes wat hy wenslik ag, enige gedeelte van die strand en die see, waarvan die Goewerneur-generaal deur artikel *twee* verklaar word die eienaar te wees, vir een of ander van die volgende doeleindes verhuur:

(*a*) Die oprigting van baaihokkies of die opslaan van tente;
(*b*) die oprigting van strandhutte;
(*c*) die oprigting van koffie- en verversingskamers;
(*d*) die leer van perde, die hou van reisies (met inbegrip van motorkar- en motorfietsreisies) en die voorsiening van plekke vir ontspanning, vermaaklikhede of vertonings;
(*e*) die voorsiening van landingsplekke vir lugvaartuie en die oprigting van vliegvelde;
(*f*) die aanlê of verbetering van kaaie, piere, seehoofde en aanlegsteiers;
(*g*) die bou van breekwaters, seemure, promenades, walle, esplanades, geboue of ander bouwerke;
(*h*) die maak van swemdamme en die afkamp van swemplekke;
(*i*) die oprigting van fabrieke vir die bewerking van walvisse, die inlê van vis, of ander bedrywighede;
(*j*) om enige oorskrydings te wettig;
(*k*) die uitvoer van enige werk van algemene belang;
(*l*) die aanlê van dreineer- of rioolstelsels;
(*m*) die lê van waterpype of kabels;
(*n*) die oprigting van skuithuise;
(*o*) die uitvoer van enige werk wat volgens die oordeel van die Minister 'n nodige of nuttige doel dien:

Met dien verstande dat die verhuring volgens die Minister se oordeel òf in die belang van die algemene publiek is òf nie ernstige inbreuk op die algemene publiek se genot van die strand en die see sal maak nie.

(2) Die Minister kan, op voorwaardes wat hy wenslik ag en teen die vergoeding wat hy bepaal, toelaat dat enige materiaal van die strand en die see waarvan die Goewerneur-generaal in artikel *twee* verklaar word die eienaar te wees, verwyder word.

(3) Die Minister kan, by kennisgewing in die *Staatskoerant*, enige van die magte in hierdie artikel aan hom toevertrou, op voorwaardes wat hy wenslik ag, aan 'n plaaslike bestuur oordra, en hy kan so 'n oordrag by 'n soortgelyke kennisgewing intrek.

(4) Wanneer 'n gedeelte van die strand of die see ten opsigte waarvan voorgestel word om 'n verhuring kragtens sub-artikel (1) aan te gaan of 'n permit kragtens sub-artikel (2) toe te staan, binne die regsgebied van 'n plaaslike bestuur geleë is of daaraan grens, raadpleeg die Minister daardie plaaslike bestuur vooraf.

(5) Minstens een maand voor 'n verhuring kragtens sub-artikel (1) aangegaan word of 'n permit kragtens sub-artikel (2) uitgereik word, laat die Minister, op koste van die persoon met of aan wie dit voorgestel word om die verhuring aan te gaan of die permit uit te reik, 'n kennisgewing waarin die voorneme bekend gemaak word, in die *Staatskoerant* en in minstens een nuusblad in omloop in die omgewing waarin die betrokke gedeelte van die strand of die see geleë is, publiseer.".

Substitution of section 4 of Act 21 of 1935.

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

"Letting or transfer of sea-shore and sea to local authority.

4. (1) The Minister may, on the conditions set out in sub-section (2) and such further conditions as he may deem expedient, let, sell or donate any portion of the sea-shore and the sea of which the Governor-General is by section *two* declared to be the owner, to any local authority.

(2) Any letting or alienation under sub-section (1) shall take place subject to the conditions—

(*a*) that no right acquired under sub-section (1) with regard to the sea-shore or the sea may be transferred to any person other than a local authority or the Government of the Union, unless the prior approval thereto by resolution of both Houses of Parliament is obtained; and

(*b*) that the Minister may at any time resume for Government or public purposes any right granted under sub-section (1), subject to payment of such compensation for improvements as may be agreed upon or settled by arbitration.

(3) The provisions of sub-section (5) of section *three* shall apply *mutatis mutandis* to any letting or alienation under sub-section (1).".

Substitution of section 5 of Act 21 of 1935.

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

"Government may use the sea-shore and the sea.

5. (1) The Minister may authorize the use of any portion of the sea-shore and the sea of which the Governor-General is by section *two* declared to be the owner, for Government purposes.

(2) The Minister may cause any land in the sea or on the sea-shore to be reclaimed and such reclaimed land shall be State-owned land.".

Substitution of section 6 of Act 21 of 1935.

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

"Approval of Parliament.

6. (1) Any alienation, letting or permission with regard to the sea-shore or the sea which is not authorized elsewhere in this Act or in any other law, may only take place with the approval, by resolution, of both Houses of Parliament.

(2) If an alienation, letting or permission in terms of sub-section (1) is proposed with regard to any portion of the sea-shore or the sea situated within or adjoining the area of jurisdiction of a local authority, the Minister shall, before the proposal is submitted to Parliament, consult that local authority.

(3) Not less than one month before submitting to Parliament any proposal for an alienation, letting or permission in terms of sub-section (1), the Minister shall at the expense of the person in whose favour the alienation, letting or permission is proposed, cause a notice setting forth particulars of such proposal, to be published in the *Gazette* and in not less than one newspaper circulating in the neighbourhood in which the portion of the sea-shore or the sea concerned is situated.

(4) Except where it is provided otherwise in the relevant resolution referred to in sub-section (1), the provisions of paragraphs (*a*) and (*b*) of sub-section (2) of section *four* shall apply *mutatis mutandis* to any alienation, letting or permission under sub-section (1).

Amendment of section 7 of Act 21 of 1935.

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

(*a*) by the insertion in sub-section (1) after the word "sea-shore" of the words "and the sea"; and

(*b*) by the deletion in sub-section (2) of the words "or the bed of the sea within the three miles limit".

Amendment of section 8 of Act 21 of 1935.

8. Section *eight* of the principal Act is hereby amended by the substitution for the word "sea-shore" of the words "the land of the sea-shore and the bed of the sea"; and by the deletion of the words "and the bed of the sea within the three miles limit".

Vervanging van artikel 4 van Wet 21 van 1935.

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

„Verhuring of oordrag van strand en see aan plaaslike bestuur.

4. (1) Die Minister kan enige gedeelte van die strand en die see waarvan die Goewerneur-generaal deur artikel *twee* verklaar word die eienaar te wees, aan 'n plaaslike bestuur verhuur, verkoop of skenk, op die voorwaardes in sub-artikel (2) uiteengesit en die verdere voorwaardes wat hy wenslik ag.

(2) 'n Verhuring of vervreemding kragtens sub-artikel (1) geskied onderworpe aan die voorwaardes—

(*a*) dat geen reg kragtens sub-artikel (1) ten aansien van die strand of die see verkry aan enigiemand behalwe 'n plaaslike bestuur of die Regering van die Unie oorgedra mag word nie, tensy die goedkeuring by besluit van albei Huise van die Parlement vooraf daartoe verkry word; en

(*b*) dat die Minister enige reg kragtens sub-artikel (1) verleen, te eniger tyd vir Regerings- of openbare doeleindes kan herneem teen betaling van vergoeding vir verbeterings soos ooreengekom of by arbitrasie vasgestel.

(3) Die bepalings van sub-artikel (5) van artikel *drie* is *mutatis mutandis* op 'n verhuring of vervreemding kragtens sub-artikel (1) van toepassing.".

Vervanging van artikel 5 van Wet 21 van 1935.

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

„Regering kan die strand en die see gebruik.

5. (1) Die Minister kan die gebruik van enige gedeelte van die strand en die see, waarvan die Goewerneur-generaal deur artikel *twee* verklaar word die eienaar te wees, vir Regeringsdoeleindes magtig.

(2) Die Minister kan grond in die see of op die strand laat drooglê en sodanige drooggelegde grond is Staatsgrond.".

Vervanging van artikel 6 van Wet 21 van 1935.

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

„Goedkeuring van Parlement.

6. (1) Enige vervreemding, verhuring of vergunning ten aansien van die strand of die see wat nie elders in hierdie Wet of in enige ander wet gemagtig word nie, kan slegs met die goedkeuring, by besluit, van albei Huise van die Parlement geskied.

(2) Indien 'n vervreemding, verhuring of vergunning ingevolge sub-artikel (1) voorgestel word ten aansien van enige gedeelte van die strand of die see wat geleë is binne of grens aan die regsgebied van 'n plaaslike bestuur, moet die Minister daardie plaaslike bestuur raadpleeg voordat die voorstel aan die Parlement voorgelê word.

(3) Minstens een maand voor die voorlegging aan die Parlement van 'n voorstel vir 'n vervreemding, verhuring of vergunning ingevolge sub-artikel (1), laat die Minister op koste van die persoon ten gunste van wie die vervreemding, verhuring of vergunning voorgestel word, 'n kennisgewing wat besonderhede van daardie voorstel bevat, in die *Staatskoerant* en in minstens een nuusblad in omloop in die omgewing waarin die betrokke gedeelte van die strand of die see geleë is, publiseer.

(4) Behalwe waar anders bepaal in die toepaslike besluit bedoel in sub-artikel (1), is die bepalings van paragrawe (*a*) en (*b*) van sub-artikel (2) van artikel *vier mutatis mutandis* van toepassing op 'n vervreemding, verhuring of vergunning ingevolge sub-artikel (1).".

Wysiging van artikel 7 van Wet 21 van 1935.

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

(*a*) deur in sub-artikel (1) na die woord „strand" die woorde „en die see" in te voeg; en

(*b*) deur in sub-artikel (2) die woorde „of die seebedding binne die driemyl-strook" te skrap.

Wysiging van artikel 8 van Wet 21 van 1935.

8. Artikel *agt* van die Hoofwet word hierby gewysig deur die woord „strand" deur die woorde „land van die strand en die bedding van die see" te vervang; en deur die woorde „en die seebedding binne die driemyl-strook" te skrap.

Substitution of section 9 of Act 21 of 1935.

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

"Determination of position of high-water mark.

9. (1) (*a*) If privately-owned land has a boundary extending to or to a stated distance from the high-water mark and it is in the public interest or in the interests of the owner of or the holder of the mineral rights in such land that the said boundary be replaced by another kind of boundary, the Surveyor-General may permit the first-mentioned boundary to be replaced by the last-mentioned boundary, provided the Minister, the owner of the land and the holder of the mineral rights have signed an agreement, as far as possible in accordance with Form B of the Second Schedule of the Land Survey Act, 1927 (Act No. 9 of 1927), whereby they accept the new boundary.

(*b*) If the Minister, the owner of the land or the holder of the mineral rights fails to sign the agreement referred to in paragraph (*a*), the provisions of sub-sections (4) to (8), inclusive, of section *sixteen* of the Land Survey Act, 1927, shall *mutatis mutandis* apply.

(*c*) As soon as the agreement referred to in paragraph (*a*) has been approved by the Surveyor-General, the new boundary shall, for the purposes of the Land Survey Act, 1927, be deemed to have been lawfully established in accordance with section *thirty-one* of that Act, and the boundary-line so established shall, in any case where the boundary extends to the high-water mark, be deemed to be the high-water mark as defined in this Act.

(2) (*a*) The Minister may, in respect of any State-owned land, cause a diagram to be prepared on which the seaward boundary of that State-owned land is established as near to the high-water mark as is possible according to the natural indications, and as soon as the diagram has been approved by the Surveyor-General, the beacons indicating the seaward boundary of the State-owned land shall for the purposes of the Land Survey Act, 1927, be deemed to be lawfully established in accordance with section *thirty-one* of that Act, and the boundary-line so established shall be deemed to be the high-water mark as defined in this Act: Provided that if the boundary of any privately-owned land is affected by the establishment of the said boundary-line, the provisions of section *seventeen* of the said Act shall apply *mutatis mutandis* to such establishment.

(*b*) For the purposes of the application of section *seventeen* of the Land Survey Act, 1927, in terms of the proviso to paragraph (*a*), 'owner' includes the holder of the mineral rights.".

Amendment of section 10 of Act 21 of 1935.

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

(*a*) by the substitution in sub-section (1) for the word "Governor-General" of the word "Minister" and by the insertion after the word "regulations" of the words "or by notice in the *Gazette* authorize any local authority, in regard to any portion of the sea-shore and the sea situated within or adjoining the area of jurisdiction of such local authority, with his approval to make regulations,";

(*b*) by the substitution of the following paragraph for paragraph (*c*) of sub-section (1):

"(*c*) concerning the removal of any material from the sea-shore and the sea;";

(*c*) by the deletion in paragraph (*d*) of sub-section (1) of the words "within the three miles limit";

(*d*) by the deletion in paragraph (*e*) of sub-section (1) of the words "and the bed of the sea within the three miles limit";

(*e*) by the deletion in paragraph (*f*) of sub-section (1) of the words "or the bed of the sea" and the words "within the three miles limit";

9. Artikel *nege* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 9 van Wet 21 van 1935.

„Vasstelling van posisie van hoogwatermerk.

9. (1) (*a*) As privaatgrond 'n grens het wat tot by of tot 'n gegewe afstand van die hoogwatermerk strek en dit in die openbare belang of die belang van die eienaar van of die houer van die mineraalregte op bedoelde grond is dat bedoelde grens deur 'n ander soort grens vervang word, kan die Landmeter-generaal toelaat dat eersbedoelde grens deur laasbedoelde grens vervang word mits die Minister, die eienaar van die grond en die houer van die mineraalregte 'n ooreenkoms, sover moontlik in ooreenstemming met Vorm B van die Tweede Bylae van die Opmetingswet, 1927 (Wet No. 9 van 1927), onderteken het, waarby hulle die nuwe grens aanneem.

(*b*) Indien die Minister, die eienaar van die grond of die houer van die mineraalregte in gebreke bly om die in paragraaf (*a*) bedoelde ooreenkoms te onderteken, is die bepalings van subartikels (4) tot en met (8) van artikel *sestien* van die Opmetingswet, 1927, *mutatis mutandis* van toepassing.

(*c*) Sodra die in paragraaf (*a*) bedoelde ooreenkoms deur die Landmeter-generaal goedgekeur is, word die nuwe grens, vir die doeleindes van die Opmetingswet, 1927, beskou as wettiglik ooreenkomstig artikel *een-en-dertig* van daardie Wet gevestig te wees, en die grenslyn aldus vasgestel word, in 'n geval waar die grens tot by die hoogwatermerk strek, beskou die hoogwatermerk, soos in hierdie Wet omskryf, te wees.

(2) (*a*) Die Minister kan ten aansien van enige Staatsgrond 'n kaart laat vervaardig waarop die seewaartse grens van daardie Staatsgrond so na aan die hoogwatermerk as wat volgens die natuurlike aanduidinge moontlik is, vasgestel word, en sodra die kaart deur die Landmeter-generaal goedgekeur is, word die bakens wat die seewaartse grens van die Staatsgrond aandui, vir die doeleindes van die Opmetingswet, 1927, beskou as wettiglik ooreenkomstig artikel *een-en-dertig* van daardie Wet gevestig te wees, en die grenslyn aldus vasgestel word beskou die hoogwatermerk, soos in hierdie Wet omskryf, te wees: Met dien verstande dat indien die grens van privaatgrond deur die vasstelling van bedoelde grenslyn geraak word, die bepalings van artikel *sewentien* van genoemde Wet *mutatis mutandis* op die vasstelling van toepassing is.

(*b*) Vir die doeleindes van die toepassing van artikel *sewentien* van die Opmetingswet, 1927, ingevolge die voorbehoudsbepaling by paragraaf (*a*), beteken ‚eienaar' ook die houer van die mineraalregte.".

10. Artikel *tien* van die Hoofwet word hierby gewysig— Wysiging van artikel 10 van Wet 21 van 1935.

(*a*) deur in sub-artikel (1) die woord „Goewerneur-generaal" deur die woord „Minister" te vervang en deur na die woord „uitvaardig" die woorde „of by kennisgewing in die *Staatskoerant* aan 'n plaaslike bestuur magtiging verleen om met sy goedkeuring ten aansien van enige gedeelte van die strand en die see wat binne die regsgebied van so 'n plaaslike bestuur geleë is of daaraan grens, regulasies uit te vaardig," in te voeg;

(*b*) deur paragraaf (*c*) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(*c*) betreffende die verwydering van enige materiaal van die strand en die see;";

(*c*) deur in paragraaf (*d*) na sub-artikel (1) die woorde „binne die driemyl-strook" te skrap;

(*d*) deur in paragraaf (*e*) na sub-artikel (1) die woorde „en die seebedding binne die driemyl-strook" te skrap;

(*e*) deur in paragraaf (*f*) van sub-artikel (1) die woorde „of die seebedding" en die woorde „binne die driemyl-strook" te skrap;

(*f*) by the substitution for sub-section (3) of the following sub-section:

"(3) (*a*) Notwithstanding the provisions of any other law, any regulation may be declared to be applicable to the whole of the sea-shore or to any defined portion thereof or to the whole of the sea or to any defined portion thereof.

(*b*) The Minister may declare any regulation to be applicable to any State-owned land adjoining or situated near the sea-shore, and for the purposes of the application of any such regulation, any State-owned land to which such regulation has been so declared to be applicable, shall be deemed to be a portion of the sea-shore.

(*c*) When any regulation applies to any portion of the sea-shore situated within or adjoining the area of jurisdiction of a local authority or to any portion of the sea adjoining such portion of the sea-shore, the Minister may, by notice in the *Gazette* and in not less than one newspaper circulating in the neighbourhood in which such area of jurisdiction is situated, confer powers or impose duties in relation to the administration of such regulation upon such local authority or upon any of its officers.

(*d*) Not less than thirty days before any regulation is made under this section, the Minister, or where a local authority desires to make a regulation, that local authority, shall cause a copy of the proposed regulation to be published in the *Gazette* and in not less than one newspaper circulating in the neighbourhood where the regulation will apply.

(*e*) Before the Minister declares any regulation to be applicable to any portion of the sea-shore situated within or adjoining the area of jurisdiction of a local authority, the Minister shall consult the local authority concerned and submit to it a copy of the regulation.";

(*g*) by the substitution for sub-section (4) of the following sub-section:

"(4) When a local authority is responsible for the administration of any regulation made under this section, such regulation, or any other regulation made under this section, may provide that all fees and fines recovered under that regulation, shall accrue to that local authority."; and

(*h*) by the substitution for sub-section (6) of the following sub-section:

"(6) A local authority in whom the ownership of any portion of the sea-shore is vested, may, with the approval of the Minister, make regulations for the control of that portion of the sea-shore and the sea adjoining that portion, for any of the purposes mentioned in sub-section (1), and such regulations may with the approval of the Administrator of the province in which the land is situated, also be applied *mutatis mutandis* to any land owned by the local authority and situated next to the sea-shore.".

Repeal of section 11 of Act 21 of 1935.

11. Section *eleven* of the principal Act is hereby repealed.

Amendment of section 12 of Act 21 of 1935.

12. Section *twelve* of the principal Act is hereby amended by the substitution for the words "which is described in item 1 of the Schedule to this Act and which in terms of section *one* of the Defence Endowment Property and Account Act, 1922 (Act No. 33 of 1922)", of the words "described in item 20 of the Schedule to the Defence Endowment Property and Account Act, 1922 (Act No. 33 of 1922), and which in terms of section *one* of that Act".

Amendment of section 13 of Act 21 of 1935.

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

(*a*) by the deletion in paragraph (*a*) of all the words after the expression "1898-1912";

(*b*) by the substitution in paragraph (*b*) for the words "Railways and Harbours Administration of the Union" of the word "Administration" and by the deletion of the words "or the bed of the sea within the three miles limit"; and

(*c*) by the deletion in paragraph (*c*) of the words "or the bed of the sea within the three miles limit".

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

„(3) (*a*) Ondanks die bepalings van enige ander wet, kan 'n regulasie van toepassing verklaar word op die hele strand of op 'n bepaalde gedeelte daarvan of op die hele see of op 'n bepaalde gedeelte daarvan.

(*b*) Die Minister kan 'n regulasie van toepassing verklaar op enige Staatsgrond wat aan die strand grens of daar naby geleë is, en vir die doel van die toepassing van so 'n regulasie word enige Staatsgrond waarop daardie regulasie aldus van toepassing verklaar is, geag 'n gedeelte van die strand te wees.

(*c*) Wanneer 'n regulasie van toepassing is op enige gedeelte van die strand wat binne die regsgebied van 'n plaaslike bestuur geleë is of daaraan grens, of op enige gedeelte van die see wat aan so 'n gedeelte van die strand grens, kan die Minister, by kennisgewing in die *Staatskoerant* en in minstens een nuusblad in omloop in die omgewing waarin daardie regsgebied geleë is, aan daardie plaaslike bestuur of aan een of ander van sy beamptes magte verleen en pligte oplê met betrekking tot die uitvoering van bedoelde regulasie.

(*d*) Minstens dertig dae voordat 'n regulasie kragtens hierdie artikel uitgevaardig word, moet die Minister of, waar 'n plaaslike bestuur 'n regulasie wil uitvaardig, daardie plaaslike bestuur, 'n kopie van die voorgestelde regulasie in die *Staatskoerant* en in minstens een nuusblad in omloop in die omgewing waar die regulasie van toepassing sal wees, laat publiseer.

(*e*) Voordat die Minister 'n regulasie van toepassing verklaar op 'n gedeelte van die strand geleë binne of grensende aan die regsgebied van 'n plaaslike bestuur, moet die Minister daardie plaaslike bestuur raadpleeg en 'n kopie van die regulasie aan hom voorlê.";

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

„(4) Wanneer 'n plaaslike bestuur verantwoordelik is vir die uitvoering van 'n regulasie kragtens hierdie artikel uitgevaardig, kan daardie regulasie, of 'n ander kragtens hierdie artikel uitgevaardigde regulasie, bepaal dat alle gelde en boetes wat kragtens daardie regulasie ingevorder word, daardie plaaslike bestuur toekom."; en

(*h*) deur sub-artikel (6) deur die volgende sub-artikel te vervang:

„(6) 'n Plaaslike bestuur by wie die eiendomsreg op enige gedeelte van die strand berus, kan met die goedkeuring van die Minister, regulasies uitvaardig vir die beheer van daardie gedeelte van die strand en die see wat daaraan grens vir enigeen van die doeleindes in sub-artikel (1) genoem, en sodanige regulasies kan met die goedkeuring van die Administrateur van die provinsie waarin die grond geleë is, ook *mutatis mutandis* toegepas word op enige grond wat die eiendom van die plaaslike bestuur is en aan die strand geleë is.".

Herroeping van artikel 11 van Wet 21 van 1935.

11. Artikel *elf* van die Hoofwet word hierby herroep.

Wysiging van artikel 12 van Wet 21 van 1935.

12. Artikel *twaalf* van die Hoofwet word hierby gewysig deur die woorde „wat in item 1 van die Bylae tot hierdie Wet beskrywe word en wat ingevolge artikel *een* van die ‚Verdediging Begiftigings Eigendom en Rekening Wet', 1922 (Wet No. 33 van 1922)", deur die woorde „beskryf in item 20 van die Bylae tot die ‚Verdediging Begiftigings Eigendom en Rekening Wet', 1922 (Wet No. 33 van 1922), en wat ingevolge artikel *een* van daardie Wet" te vervang.

Wysiging van artikel 13 van Wet 21 van 1935.

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

(*a*) deur in paragraaf (*a*) al die woorde na die uitdrukking „1898-1912" te skrap;

(*b*) deur in paragraaf (*b*) die woorde „Spoorweë en Hawens Administrasie van die Unie" deur die woord „Administrasie" te vervang en deur die woorde „of seebedding binne die driemyl-strook" te skrap; en

(*c*) deur in paragraaf (*c*) die woorde „of die seebedding binne die driemyl-strook" te skrap.

Repeal of Schedule to Act 21 of 1935.

14. The Schedule to the principal Act is hereby repealed.

Amendment of long title of Act 21 of 1935.

15. The long title of the principal Act is hereby amended by the substitution for the words "to be entitled to exercise control over the sea-shore and of the sea and the bed of the sea within the three miles limit" of the words "the sea within the territorial waters of the Union"; by the substitution for the words "of the bed of the sea within the three miles limit" of the words "the sea"; and by the insertion after the words "portions of the sea-shore" of the words "and the sea".

Short title.

16. This Act shall be called the Sea-shore Amendment Act, 1959.

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14. Die Bylae by die Hoofwet word hierby herroep. Herroeping van Bylae by Wet 21 van 1935.

15. Die lang titel van die Hoofwet word hierby gewysig deur die woorde „geregtig is om beheer uit te oefen oor die strand en oor die see en die seebedding binne die driemyl-strook" deur die woorde „die see binne die territoriale waters van die Unie", te vervang; en deur die woorde „van die see-bedding binne die driemyl-strook" deur die woorde „die see" te vervang; en deur na die woorde „gedeeltes van die strand" die woorde „en die see" in te voeg. Wysiging van lang titel van Wet 21 van 1935.

16. Hierdie Wet heet die Strand-wysigingswet, 1959. Kort titel.

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